

ORDINANCE NO. 901

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA ADDING CHAPTER 9.80, SHOPPING CARTS, TO TITLE 9, PUBLIC PEACE, MORALS AND WELFARE, OF THE SONORA MUNICIPAL CODE

WHEREAS, shopping carts are routinely removed from business premises and left abandoned on public property in the City of Sonora ("City"); and

WHEREAS, the presence of abandoned shopping carts on public property is a public nuisance that contributes to a decline in the quality of life for residents of and visitors to the City; and

WHEREAS, abandoned shopping carts obstruct pedestrian and disabled access, interfere with vehicular traffic, and impede emergency services; and

WHEREAS, the presence of abandoned shopping carts in City waterways and open spaces disrupts natural flow and drainage patterns and contributes to environmental degradation; and

WHEREAS, the City Council desires to implement regulations to require adequate containment measures by shopping cart owners and to make it unlawful to remove a shopping cart from business premises.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF SONORA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.80, Shopping Carts, shall be added to Title 9, Public Peace, Morals and Welfare, of the Sonora Municipal Code as follows:

Chapter 9.80 SHOPPING CARTS

Sections:

- 9.80.010 Declaration of Purpose**
- 9.80.020 Definitions**
- 9.80.030 Enforcement Authority**
- 9.80.040 Authority to Inspect**
- 9.80.050 Alternate Remedies**
- 9.80.060 Additional Rules and Regulations**
- 9.80.070 Signs on Shopping Carts Required**
- 9.80.080 Removal, Abandonment, Alteration, Possession Prohibited**
- 9.80.090 Penalty**
- 9.80.100 Exceptions**
- 9.80.110 Retrieval of Shopping Carts by City, Authority to Impound**
- 9.80.120 Authority to Impound Without Three-Day Notice to Owner**
- 9.80.130 Posted Notice Required**
- 9.80.140 Abandoned Cart Prevention Plan**
- 9.80.150 Abandoned Cart Prevention Plan Approval**
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9.80.170 Sign Required**9.80.180 Violations****9.80.190 Exemption for Businesses with 25 or Fewer Carts****9.80.010 Declaration of Purpose**

Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the City of Sonora. Wrecked, dismantled and/or abandoned shopping carts on public or private property create conditions that reduce property values, and promote blight and deterioration within the City's neighborhoods. In addition, replacing stolen or damaged shopping carts is costly for businesses, and those costs are passed to consumers through higher prices. The purpose of this chapter is to make the removal of shopping carts from the premises of a business establishment a violation of this Code and provide regulations and procedures for the retrieval of shopping carts consistent with the provisions of section 22435 of the Business and Professions Code of the State of California.

9.80.020 Definitions

For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned cart prevention plan" means a plan that meets the requirements of section 9.80.140 and has been approved by the City in accordance with section 9.80.150.
2. "Abandoned shopping cart" means any cart removed from a business establishment's premises without written permission of the owner and located on either public or private property.
3. "Business of shopping cart retrieval" means a business that searches for, gathers, and restores possession to the owner, or an agent thereof, for compensation or in expectation of compensation, of shopping carts located outside the premises or parking area of a business establishment.
4. "Owner" means any person or entity within a business establishment who owns, possesses, or has the power to make a shopping cart available to customers. For the purpose of this chapter, "owner" includes, but is not limited to, the store owner, manager, on-site manager, on-duty manager or other designated agent of a business establishment providing shopping carts for customer use.
5. "Parking area" means a parking lot or other property provided by a business establishment for use by a customer for parking an automobile or other vehicle. The parking area of a business establishment located in a multistore complex or shopping center shall include the entire parking area used by the complex or center.
6. "Premises" means the entire area owned, rented, leased, or utilized by a business establishment that provides shopping carts for customer use, including parking areas.
7. "Shopping cart" means a basket which is mounted on wheels, or a similar device generally used in a business establishment by a customer for the purpose of transporting goods of any kind. This includes but is not limited to, laundry, grocery, construction and home improvement, or shopping carts.

9.80.030 Enforcement Authority

The Chief of Police and/or his or her designated agents and designated code enforcement officers shall have the authority and powers necessary to determine whether a violation of this chapter exists and to take appropriate action to gain compliance with the provisions of this chapter and applicable State codes. These powers include the power to issue administrative citations and to inspect public and private property as allowed by State and federal law. It also includes the power to impose civil penalties for any violation of this chapter as provided in Chapters 1.08 and 1.20 of this Code.

9.80.040 Authority to Inspect

The Chief of Police and/or his or her designated agents and designated Code Enforcement Officers are authorized to enter upon any property or premises as allowed by State and federal law to ascertain whether the provisions of this chapter or applicable State codes are being obeyed, and to make any examinations as may be necessary in the performance of their enforcement duties. All inspections, entries, and examinations shall be done in a reasonable manner as allowed by State and federal law. If an owner, tenant, occupant, agent, or other responsible party refuses to grant the City permission to enter or inspect, the City may seek an inspection warrant pursuant to the procedures provided for in the California Code of Civil Procedure.

9.80.050 Alternate Remedies

Nothing in this chapter shall prevent the City from pursuing criminal, civil, administrative, or any other legal remedy to address violations of this chapter.

9.80.060 Additional Rules and Regulations

In addition to the provisions and requirements of this chapter, the City Council may, from time to time, by resolution, establish additional rules and regulations concerning programs, practices, and regulations pertaining to shopping cart retrieval.

9.80.070 Signs on Shopping Carts Required

Every shopping cart owned or provided by a business establishment in the City of Sonora must have a sign permanently affixed to it that contains the following information:

1. Identifies the owner of the shopping cart or the name of the business establishment, or both; and
2. Notifies the public of the procedure to be used for authorized removal of a shopping cart from the establishment's premises; and
3. Notifies the public that the unauthorized removal of a shopping cart from the premises or parking area of a business establishment, or the unauthorized possession of a shopping cart, is a violation of State law; and
4. Notifies the public that the unauthorized removal of the shopping cart from the premises of a business establishment, or the unauthorized possession of a shopping cart is a violation of the local municipal code; and
5. Lists a valid telephone number or address for returning the shopping cart removed from the premises or parking area to the owner or retailer.

9.80.080 Removal, Abandonment, Alteration, Possession Prohibited

It is unlawful to do any of the following acts if a shopping cart has a permanently affixed sign as required by section 9.80.070:

1. To remove a shopping cart from the premises or parking area of a business establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
2. To be in possession of any shopping cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
3. To leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
4. To alter, convert, or tamper with a shopping cart, or to remove any part or portion thereof, or to remove, obliterate, or alter serial numbers on a cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
5. To be in possession of any shopping cart while that cart is not located on the premises or parking lot of a business establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

9.80.090 Penalty

Any person who violates any of the provisions of section 9.80.080 is guilty of a misdemeanor, or in the alternative, the City may use the administrative enforcement remedies set forth in Chapters 1.08 and 1.20 of this Code for violations of this section.

9.80.100 Exceptions

Section 9.80.080 shall not apply to any person who has written consent from the owner of the shopping cart authorizing possession or removal of the cart from the business establishment's premises or authorizing any of the acts specified in section 9.80.080.

For all persons authorized by an owner to remove a cart from the premises or parking area of a business establishment, the owner shall issue to such persons an "Authorization Card" in a form approved by the Chief of Police.

9.80.110 Retrieval of Shopping Carts by City, Authority to Impound

- A. The City of Sonora may impound a shopping cart when all of the following conditions are satisfied:
 1. The shopping cart has a sign affixed to it as required by section 9.80.070 of this chapter.
 2. The shopping cart is located outside the premises or parking area of a business establishment as defined in section 9.80.020.

3. Except as provided in section 9.80.120, the shopping cart is not retrieved within three business days from the date the owner of the shopping cart, or his or her agent, receives actual notice from the City of the shopping cart's discovery and location.
- B. In instances where the location of a shopping cart will impede emergency services, the City is authorized to immediately retrieve the shopping cart from public or private property.
- C. Any shopping cart that is impounded by the City pursuant to this section shall be held at a location that is both:
 1. Reasonably convenient to the owner of the shopping cart; and
 2. Open for business at least six (6) hours of each business day.
- D. Any shopping cart not reclaimed from the City within thirty (30) days of receipt of a notice of violation by the owner of the shopping cart may be sold or otherwise disposed of by the City.
- E. The City may impose an administrative penalty on the owner of a shopping cart in an amount not to exceed fifty dollars (\$50.00) for each occurrence in excess of three (3) during a specified six (6) month period for failure to retrieve shopping carts in accordance with this section. An occurrence includes all shopping carts impounded in accordance with this section in a one-day period.
- F. The City is authorized to recover actual costs incurred for impounding a shopping cart under the authority of this section.

9.80.120 Authority to Impound Without Three-Day Notice to Owner

- A. Notwithstanding paragraph 3 of subsection A of section 9.80.110 above, the City may impound a shopping cart that otherwise meets the criteria set forth in paragraphs 1 and 2 of subsection A of section 9.80.110 without complying with the three-day advance notice requirement provided that:
 1. The owner of the shopping cart, or his or her agent, is provided actual notice within twenty-four (24) hours following the impound and the notice informs the owner, or his or her agent, of the location where the shopping cart may be claimed. For the purposes of this section "actual notice" shall include any of the following noticing methods:
 - a. Personal delivery of written notice to the "owner" as defined in section 9.80.020;
 - b. Delivery of written notice by facsimile or e-mail transmission to the "owner" as defined in section 9.80.020;
 - c. Oral notice by telephone to the "owner" as defined in section 9.80.020, provided the City employee giving the oral notice confirms the giving of such notice by sending a written confirmation by facsimile or e-mail transmission to the person to whom oral notice was given within twenty-four (24) hours of giving such oral notice.
 2. Any shopping cart so impounded shall be held at a location in compliance with subsection C of section 9.80.110 above.
 3. Any shopping cart reclaimed by the owner, or his or her agent, within three (3) business days following the date of actual notice shall be released and surrendered to the owner or agent at no charge whatsoever, including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to subsections E and F of section 9.80.110. Any cart

reclaimed within the three-business day period shall not be deemed an occurrence for purposes of subsection E of section 9.80.110.

4. Any shopping cart not reclaimed by the owner, or his or her agent, within three (3) business days following the date of actual notice shall be subject to any applicable fee or penalty imposed pursuant to subsections E and F of section 9.80.110 commencing on the fourth business day following the date of the notice.
5. Any shopping cart not reclaimed by the owner, or his or her agent, within 30 days of receipt following the date of actual notice may be sold or disposed of as provided for in subsection D of section 9.80.110.

9.80.130 Posted Notice Required

There shall be posted by the owner, prominently and conspicuously, at all public entrances and exits to the business, a notice in substantially the following form:

REMOVAL OF SHOPPING CARTS (or Laundry Carts, or other types of carts, if applicable) IS PROHIBITED BY LAW AND SHALL SUBJECT THE VIOLATOR TO A MINIMUM FINE OF \$100.00.

9.80.140 Abandoned Cart Prevention Plan

Every owner who allows or intends to allow the use of carts outside a building or enclosed area of a business shall develop, implement, and comply with an abandoned cart prevention plan.

- A. The plan must include, at a minimum, the following information:
 1. The name of the business, address and phone number of the premises where the business is conducted, and the address and phone number of the cart owner, if different;
 2. A procedure for providing notification to customers that removal of carts from the premises is prohibited and a violation of State and local law in addition to the notice required under sections 9.80.070 and 9.80.130. This notice may be provided in the form of flyers, warnings on shopping bags, or any form of written notification that will effectively notify customers of the prohibition; and
 3. A procedure for the retrieval of abandoned carts by its employees, or proof that the owner has entered into a contract for cart retrieval services that has been approved by the Sonora Code Enforcement Unit.
- B. If the City impounds more than five (5) carts from the same owner after the owner implements an abandoned cart prevention plan, the owner must amend the abandoned cart prevention plan within thirty (30) days to add a description of the physical measures that the owner will implement to prevent the removal of carts from the premises. Physical measures may include but are not limited to: devices on carts that prevent their removal from the premises; posting of a designated employee or security guard to deter and stop customers from removing carts from the premises; or prohibiting carts outside the building of the business unless accompanied by an employee. If an owner installs and maintains a security system that causes the wheel of a shopping cart to lock when the shopping cart is moved across a designated perimeter line of the premises parking area, the owner may avail itself to the exemption in section 9.80.200.

- C. Two or more businesses may collaborate and submit a single plan.

9.80.150 Abandoned Cart Prevention Plan Approval

- A. Each owner shall submit a proposed abandoned cart prevention plan to the Sonora Code Enforcement Unit within sixty (60) days of the effective date of this chapter, and by July 1 of each year thereafter. Proposed businesses shall have an approved abandoned cart prevention plan prior to commencing business. After initial submission and approval of an abandoned cart prevention plan, an owner submitting the same plan to comply with the requirement of submitting a plan by July 1 of each subsequent year, may do so by submitting a letter of intent stating that the owner is submitting the plan currently in operation.
- B. The Sonora Code Enforcement Unit shall approve or reject the proposed abandoned cart prevention plan within thirty (30) days of the plan's submission. The Sonora Code Enforcement Unit may deny a plan based upon any of the following grounds:
 - 1. The implementation of the plan violates any provision of the building, zoning, health, safety, fire, police, or other provision of this Code or any County, State, or federal law which substantially affects public health, welfare, or safety;
 - 2. The plan fails to include all of the information required by this chapter;
 - 3. The plan is insufficient or inadequate to prevent the removal of carts from the premises;
 - 4. The plan fails to address any special or unique conditions due to the geographical location of the premises as they relate to cart retention and prevention efforts;
 - 5. Implementation of the plan violates a term or condition of a plan or other requirement of this chapter; and/or
 - 6. The owner knowingly makes a false statement of fact or omits a fact required to be revealed in an application for the plan, or in any amendment or report or other information required to be made.
- C. The Sonora Code Enforcement Unit will provide owners with an approved form for an abandoned cart prevention plan for use by owners. A plan which is in substantial compliance with the approved form will be approved by the Sonora Code Enforcement Unit, unless special or unique conditions exist due to the geographical location of the premises as they relate to cart retention and prevention efforts. The approved form may be amended administratively from time to time should the Sonora Code Enforcement Unit determine that the provisions of the approved form fail to adequately address cart removal problems. For those business establishments using an approved form, the amendments shall be effective within thirty (30) days after written notice of the amendment(s) is given to the owner.
- D. If the plan is rejected as incomplete or inadequate, the Sonora Code Enforcement Unit shall indicate areas that are incomplete or inadequate, and the owner shall have an additional 30 days within which to resubmit a complete and adequate plan. The Sonora Code Enforcement Unit shall approve or reject the resubmitted plan within thirty (30) days of the date of resubmission of the plan.

- E. Once approved, the measures included in the plan shall be implemented no later than thirty (30) days after the plan's approval. If an owner is proposing new measures, the measures from the approved plan in the previous year shall be continued until the new measures are implemented.
- F. Any owner that fails to submit a plan, implement the plan measures, or implement any required modifications to the plan within the time frames specified in this chapter shall be required to keep all carts inside the building or enclosed areas of the business.
- G. Any owner who is required to but fails to keep all carts inside the building or enclosed area of the premises in violation of subsection F above, shall be subject to an administrative civil penalty in accordance with the administrative enforcement remedies set forth in Chapters 1.08 and 1.20 of this Code.
- H. The decision of the Code Enforcement Unit to deny a plan may be appealed pursuant to Chapter 1.24 of the Sonora Municipal Code.
- I. Even though approved, a plan may be reevaluated at any time by the Sonora Code Enforcement Unit if operation of the plan demonstrates the plan's insufficiency or inadequacy in preventing the removal of carts from the premises.

9.80.160 Shopping Cart Retrieval Businesses, Records Required

Any person who engages in the business of shopping cart retrieval shall retain records showing written authorization from the shopping cart owner, or any agent thereof, to retrieve the cart or carts and to be in possession of the cart or carts retrieved. A copy of the record showing written authorization shall be maintained in each vehicle used for shopping cart retrieval.

9.80.170 Sign Required

Each vehicle employed for the retrieval of shopping carts shall display a sign that clearly identifies the retrieval service.

9.80.180 Violations

Any person who violates the provisions of this chapter is guilty of a misdemeanor. In addition, the City may use the administrative enforcement remedies set forth in Chapters 1.08 and 1.20 of this Code for violations of this chapter.

9.80.190 Exemption for Businesses with 15 or Fewer Carts

The provisions of section 9.80.140 and 9.80.150 of this chapter relating to abandoned cart prevention plans and their approval shall not be applicable to owners or businesses who maintain 15 or fewer shopping carts, unless the Chief of Police determines that shopping carts from such owner or business are being routinely abandoned at locations off the site of the business. In such case, the owner or business shall be given written notice that it is necessary to comply with the provisions of this chapter, and compliance must be accomplished within sixty (60) days from the date of such notice.

9.80.200 Exemption for Businesses with Cart Removal Prevention Devices

The provisions of section 9.80.140 and 9.80.150 of this chapter relating to abandoned cart prevention plans and their approval shall not be applicable to owners or businesses who install and maintain a security system that causes the wheel of a shopping cart to lock when the shopping cart is moved across a designated perimeter line of the premises parking area, preventing carts from being taken off-site.

SECTION 2. SEVERABILITY. If any section, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof. The City Council of the City of Sonora hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 3. PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least within fifteen (15) days after its passage or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least within fifteen (15) days after its passage.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sonora, held on the 6th day of January 2025, and given its first reading at said meeting. Said Ordinance was given a second reading at a regular meeting of the City Council held on ____ day of ____, 2025, and after such reading, Councilmember ____, who moved its adoption, seconded by Councilmember ____, said Ordinance was thereupon adopted by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

APPROVED:

Tracy Skelly
City Clerk, City of Sonora

Ann Segerstrom
Mayor