

ORDINANCE BILL NO. 3 FOR 2024

ORDINANCE NO. ____

SWEET HOME ORDINANCE FOR THE RECOVERY OF ABANDONED SHOPPING CARTS

WHEREAS, the City of Sweet Home is experiencing multiple problems with shopping carts from grocery and other retailers being stolen from those retailers and then abandoned throughout the City; and

WHEREAS, the City Council wishes to implement regulations for shopping carts within the City to reduce the nuisance impacts of stolen shopping carts; and

WHEREAS, the City spends time and resources to frequently retrieve shopping carts, return shopping carts to their proper businesses, and clean-up or provide other actions in areas when shopping carts have been abandoned; and

WHEREAS, the purpose of this ordinance is to promote responsible shopping cart use within the City, emphasizing individual responsibility and community engagement through the imposition of fees; and

WHEREAS, this ordinance complies with Oregon Revised Statutes 98.515 and 98.520, which provide requirements under which municipalities may provide for the recovery and disposition of abandoned shopping carts; and

WHEREAS, the cost of City staff time in dealing with abandoned shopping carts is in excess of \$50 per abandoned cart, and this fee is not subject to the limitations of Article XI, Section 11b of the Oregon Constitution.

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. SHMC §8.04.035 is created to read as follows:

8.04.035 ABANDONED SHOPPING CARTS.

- A. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED CART. Any cart that has been removed from the cart owner's premises without written consent of the owner and is located on either public or private property.

CART or SHOPPING CART. A basket that is mounted on wheels or a similar device that is provided by an owner to a customer for the purpose of transporting goods of any kind, including a basket used in a laundromat or similar business.

ENFORCEMENT OFFICER. Any Sweet Home Police officer, code enforcement officer, or other staff member designated by the City Manager with the authority to enforce the provisions of this section.

OWNER. Any person or entity that, in connection with the conduct of a business, provides carts available to the public for use at their business.

PREMISES. The entire area owned, occupied, or utilized by an owner, including any parking lot, loading area, and adjacent public rights-of-way, or any other property provided by or on behalf of an owner for customer parking or use.

B. Cart removal warnings, cart identification, and reporting abandoned carts. A person that supplies shopping carts for public use at the person's business shall:

1. Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under O.R.S. 164.015, and provide a toll-free or local telephone number that members of the public may use to report abandoned shopping carts. One sign clearly visible at the place where shopping carts are stored for use by store patrons will be deemed sufficient.
2. Identify the person's business on each shopping cart and post a sign on the shopping cart that:
 - a. Notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under O.R.S. 164.015; and
 - b. Provides a toll-free or local telephone number for use in reporting an abandoned shopping cart.

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C. Retrieval of abandoned shopping carts.

1. Owner may agree with other persons to share and to pay expenses related to the toll-free or local telephone line described above. The agreement shall provide that any person designated to operate the toll-free or local telephone line and receive reports concerning abandoned shopping carts must forward the reports to the City.
2. Owner shall retrieve a shopping cart within 72 hours after receiving notification that the shopping cart has been abandoned.
3. If the City identifies, salvages, or reclaims an abandoned shopping cart, it shall either use the toll-free or local telephone line described in subsection (B)(2)(b) above or use a store-provided email address to report the existence and location of an abandoned shopping cart to the owner of the shopping cart, if the owner is identifiable.

Deleted: <#>Establish, maintain and make available to the public, at the person's own expense, a toll-free telephone line for the purpose of reporting abandoned shopping carts. The person shall forward each report the person receives concerning an abandoned shopping cart to the owner of the shopping cart and to the appropriate local government within one business day after the person receives the report. The person may forward the report to the local government by means of electronic mail or in any other manner provided for in a local government regulation.†

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D. Custody, enforcement, and disposal of abandoned shopping carts.

1. The City may take custody of an abandoned shopping cart and impose a fee of \$50 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 30 days after the city makes a report under subsection (C)(3) above.
2. The City may release a shopping cart held in the city's custody to the owner upon payment of the \$50 fee.
3. The City may take title to a shopping cart in the city's custody and dispose of the shopping cart as the city deems appropriate, if the owner does not claim the shopping cart within 45 days of notice from the City.

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E. Rulemaking authority. The City Manager or designee is authorized to promulgate any rules necessary for the implementation of this section.

PASSED by the Council and approved by the Mayor this ___ day of _____, 2024.

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Mayor

ATTEST:

City Manager Pro Tem - Ex Officio City Recorder