

CITY OF RENTON, WASHINGTON

ORDINANCE NO. 5145

**AN ORDINANCE OF THE CITY OF RENTON, WASHINGTON, ADDING A NEW SUBSECTION TO SECTION 5-1-2.F OF CHAPTER 1, FEE SCHEDULE, OF TITLE V (FINANCE AND BUSINESS REGULATIONS) AND A NEW CHAPTER, 6-27, SHOPPING CART REGULATION, TO TITLE VI (POLICE REGULATIONS) OF ORDINANCE NO. 4260 ENTITLED “CODE OF GENERAL ORDINANCES OF THE CITY OF RENTON, WASHINGTON” RELATING TO ABANDONED SHOPPING CARTS.**

THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

**SECTION I.** Section 5-1-2.F of Chapter 1, Fee Schedule, of Title V (Finance and Business Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington” is hereby amended by adding the following fee:

Review of Shopping Cart Containment and Retrieval Plans: \$100

**SECTION II.** A new Chapter, 6-27, Shopping Cart Regulation, of Title VI (Police Regulations) of Ordinance No. 4260 entitled “Code of General Ordinances of the City of Renton, Washington” is hereby added, to read as follows:

**6-27 SHOPPING CART REGULATION**

**SECTION:**

- 6-27-1: PURPOSE
- 6-27-2: DECLARATION OF NUISANCE
- 6-27-3: SHOPPING CART CONTAINMENT AND RETRIEVAL PLANS;  
APPLICABILITY
- 6-27-4: EXEMPTIONS
- 6-27-5: DEFINITIONS
- 6-27-6: SHOPPING CART CONTAINMENT AND RETRIEVAL PLANS
- 6-27-7: RETRIEVAL AND IMPOUND PROCEDURES
- 6-27-8: FEES AND DISPOSITION OF CARTS
- 6-27-9: ILLEGAL POSSESSION OR ACCUMULATION OF CARTS

6-27-1. PURPOSE.

It is the primary purpose of this ordinance to provide for the prompt retrieval of lost, stolen or abandoned shopping carts in order to promote public safety and improve the image and appearance of the City. It is a purpose of this ordinance to have the owners and operators of businesses providing shopping carts use the means available to them to deter, prevent or mitigate the removal of shopping carts from their business premises. It is a further purpose of this ordinance to prevent the illegal removal of shopping carts from the business premises, to prevent the continued possession of illegally removed carts, and to prevent the accumulation of illegally removed carts on public or private properties.

6-27-2. DECLARATION OF NUISANCE.

Retail establishments provide shopping carts for the convenience of customers shopping on the premises of the businesses. Shopping carts that have been removed from the premises of the business and left abandoned on public or private property throughout the City constitute a public nuisance and a potential hazard to the health and safety of the public. Shopping carts abandoned on public and private property can create conditions of blight in the community, obstruct free access to sidewalks, streets and other right of ways, interfere with pedestrian and vehicular traffic on pathways, driveways, public and private streets, and impede emergency services. It is for these reasons such lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance which shall be subject to abatement in the manner set forth in this chapter, or in any other manner provided by law.

For purposes of this chapter, any shopping cart located on any public or private property other than the premises of the retail establishment from which such shopping cart was removed

shall be presumed lost, stolen, or abandoned, even if in the possession of any person, unless such person in possession thereof is:

- A. An Authorized Agent; or
- B. Retrieval Personnel; or
- C. Enforcement Personnel; or
- D. An Authorized Customer.

6-27-3. SHOPPING CART CONTAINMENT AND RETRIEVAL PLANS;  
APPLICABILITY.

Except as otherwise provided in this chapter, every owner who provides shopping carts to customers for use on the premises of any retail establishment shall develop, implement and comply with the provisions of a written Shopping Cart Containment and Retrieval Plan approved by the City to provide for the containment of shopping carts on the premises of the retail establishment (Shopping Cart Containment Plan), and for the retrieval of lost, stolen, or abandoned shopping carts which have been removed from the premises of the retail establishment (Shopping Cart Retrieval Plan).

6-27-4. EXEMPTIONS.

The requirements of this Chapter shall not apply to any retail establishment which provides a total of 10 or fewer shopping carts for use by customers of such business, or which retail establishment complies with the requirements of RMC 6-27-3. This Chapter shall not apply to carts that are removed for repair or maintenance.

6-27-5. DEFINITIONS.

Except as otherwise expressly set forth herein, the following words and terms as used in this chapter shall have the following meaning:

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A. Authorized Agent: The owner, or an employee or authorized agent of the owner, entitled to possession of the shopping cart.

B. Authorized Customer: A customer of the owner of the shopping cart, having the written permission of the owner or owner's agent to remove the shopping cart from the owner's premises. Such permission, however, shall contain a requirement that the cart be returned immediately after its use.

C. Enforcement Personnel: Any police officer, code enforcement inspector, or designated staff employed by the City of Renton.

D. Lost, Stolen, or Abandoned Shopping Cart: A shopping cart that is either:

1. Removed from the premises of a retail establishment by any person without the written permission or consent of the owner of the shopping cart or the retailer otherwise entitled to possession of such cart, or

2. Left unattended, discarded or abandoned upon any public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with permission of the owner.

3. For purposes of this chapter, any shopping cart located on any public or private property other than the premises of the retail establishment from which such shopping cart was removed shall be presumed lost, stolen, or abandoned, even if in the possession of any person, unless such person in possession thereof is either:

a. The owner, or an employee or authorized agent of the owner, entitled to possession of said shopping cart; or,

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b. An officer, employee or agent of a cart retrieval service hired by the owner to retrieve such carts; or,

c. City enforcement personnel retrieving, storing or disposing of said cart pursuant to the provisions of this code.

d. A customer with written permission from the owner or agent of the owner to take the cart off premises.

E. Owner: Any person or entity, in connection with the conduct of a business who owns, leases, possesses, or makes a shopping cart available to customers or the public.

F. Parking Area: A parking lot or other property provided by a retail establishment for the use of customers of said retail establishment for the parking of customer vehicles. The parking area of a retail establishment located in a multi-store complex or a shopping center shall include the entire parking area used by the multi-store complex or shopping center.

G. Premises: Any building, property, or other area upon which any retail establishment business is conducted or operated in the City of Renton, including the parking area provided for customers in such retail establishment.

H. Retail Establishment: Any business located in the City of Renton which offers or provides shopping carts for the use of the customers of such business regardless of whether such business is advertised or operated as a retail or wholesale business, and regardless of whether such business is open to the general public, is a private club or business, or is a membership store.

I. Retrieval Personnel: Those persons identified in the Shopping Cart Retrieval Plan as providing cart retrieval services, whether employees of the business or independent contract services.

J. 'Shopping Cart' or 'Cart': A basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

6-27-6 SHOPPING CART CONTAINMENT AND RETRIEVAL PLANS

A. Plans Required. Shopping Cart Containment and Retrieval Plans shall be required to be filed with the Development Services Director either: within six (6) months of the opening of the business; or, within six (6) months of the effective date of this ordinance. The plan shall include sections detailing the store's strategy for preventing shopping carts from leaving the business site and parking lot (Shopping Cart Containment), and defining the methods that will be implemented to retrieve shopping carts abandoned off-site (Shopping Cart Retrieval).

B. Shopping Cart Containment Plans. Shopping Cart Containment Plans shall detail the business' approach to retain carts on the property occupied by the business. At a minimum, each Shopping Cart Containment Plan must demonstrate how the following requirements B.1 through B.4 will be met.

1. Signs on carts required: Every shopping cart made available for use by customers shall have a sign permanently affixed to it that includes the following information in accordance with RCW 9A.56.270, as now enacted or hereafter amended:

a. Identification of the owner of the shopping cart or the name of the business establishment, or both.

b. Notification to the public of the procedure to be utilized for authorized removal of the cart from the business premises.

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c. Notification to the public that unauthorized removal of the cart from the premises of the business, or the unauthorized possession of the cart, is a violation of City and state law.

d. A current telephone to report the location of the abandoned cart.

2. Notice to customers: Written notice shall be provided to customers, that the removal of shopping carts from the premises is prohibited. Such notice may be provided in the form of flyers distributed on the premises, notice printed on shopping bags, direct mail, notices on business websites, or any other means demonstrated to be effective. Conspicuous signs shall be placed and maintained on the premises near all customer entrances and exits and throughout the premises, including the parking area, warning customers that removal of shopping carts from the premises is prohibited by state and City law.

3. Employee training: The owner of the retail establishment shall implement and maintain a periodic training program for new and existing employees designed to educate such employees of the requirements of the Abandoned Cart Prevention Plan and the provisions of state and City law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment.

4. Measures to contain shopping carts on site: The owner of the retail establishment may install specific physical measures on the carts or implement other measures to prevent cart removal from business premises. These measures may include, but are not limited to:

a. Installing disabling devices on all carts,

b. Posting store personnel to deter and stop customers who attempt to remove carts from business premises,

- c. Installing bollards and chains around business entrances/exits to prevent cart removal,
- d. Requiring security deposits for use of all carts, or
- e. Providing carts for rental or sale that can be temporarily or permanently used for the purpose of transporting purchases.

5. Collaboration with other businesses: Two or more retail establishments located within the same shopping or retail center or sharing a common parking area may collaborate and submit a single Shopping Cart Containment Plan.

C. Shopping Cart Retrieval Plan. Shopping Cart Retrieval Plans shall detail the business' approach for retrieving shopping carts removed from the property occupied by the business. At a minimum, each Shopping Cart Retrieval Plan must demonstrate how the following requirements of subsection C will be met.

1. Retrieval personnel. The owner shall provide personnel for the purposes of the retrieval of lost, stolen or abandoned shopping carts. Such personnel may be either employees of the business or one or more independent contractors hired by the owner to provide shopping cart retrieval services, or a combination of both. The Shopping Cart Retrieval Plan shall either:

(a) Identify the number of employees who will be assigned such cart retrieval duties, the number of total hours per week that each assigned employee will perform such services, and the training each of such personnel has received or will receive concerning the retrieval of lost, stolen or abandoned shopping carts, or

(b) Include a copy of each contract with a cart retrieval service (other than confidential financial information that may be retracted from the contract).

2. Prompt retrieval of carts. The owner shall:

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(a) Provide retrieval personnel in sufficient number to assure that all public streets within a minimum one-half mile radius of the premises of the retail establishment are patrolled not less often than every 72 hours.

(b) Immediately retrieve and remove each lost, stolen or abandoned shopping cart owned or provided by the retail establishment which is found as a result of such patrols from any public or private property upon which the cart is found.

3. Patrol area and resources. The Shopping Cart Retrieval Plan shall:

(a) Identify the streets and bus stops which will be patrolled as required by this subsection as well as the manner, frequency, and times of such patrols.

(b) Include information such as the number of trucks, hours of operation and retrieval personnel, as reasonably required by the City to assure that the owner is devoting sufficient resources to cart retrieval operation to comply with the approved Shopping Cart Containment Plan.

D. Plan Submittal and City Review

1. Plan review and decision. Upon the filing of any proposed plan pursuant to this chapter, and receipt of the required \$100 processing fee, the Development Services Director shall review said proposed plan and either: 1) approve, 2) approve with conditions, or 3) deny the Abandoned Shopping Cart Prevention Plan. If the proposed plan is denied, the notice of decision given to the owner shall state the grounds upon which the proposed plan was denied. The owner may appeal a decision of the Development Services Director to the Hearing Examiner in the time and manner provided in RMC 4-8-110.

2. Amendments by owner. The owner of any retail establishment which has an approved Abandoned Shopping Cart Prevention Plan conforming to the requirements of this

chapter may, at any time, submit a proposed amendment to the approved plan, which shall be processed and a decision issued within fourteen (14) calendar days following the receipt thereof by the Development Services Director.

3. Implementation of plan. The proposed measures shall be implemented no later than ninety (90) days after City approval is given, unless otherwise stated in the decision approving the plan. Unless otherwise agreed, any modifications to the plan imposed by the City shall be implemented within ninety (90) days after the City notifies the owner of the needed modifications.

E. Appeals.

1. Filing of appeal. Any owner aggrieved by any adverse decision of the Development Services Director pursuant to this chapter may appeal such decision within fourteen (14) calendar days following the date of such decision by filing with the Hearing Examiner or City Clerk a written notice of appeal briefly stating the grounds for such appeal. The notice of decision shall be deemed filed on the date the \$75.00 appeal processing fee has been paid. No appeal shall be accepted for filing and processing by the Development Services Director unless accompanied by the appeal processing fee.

2. Notice of hearing. If the appeal is timely filed, the Examiner shall cause the matter to be set for hearing. The appellant shall be provided not less than 10 calendar days written notice of the date, time and place of the hearing. The Hearing Examiner shall conduct the hearing pursuant to the provisions of RMC 4-8-110.

F. Failure to File Shopping Cart Containment and Retrieval Plan:

Failure to timely file a Shopping Cart Containment Plan or a Shopping Cart Retrieval Plan shall be illegal and an infraction punishable under RMC 1-3-2.

6-27-7. RETRIEVAL AND IMPOUND PROCEDURES.

A. Retrieval of Shopping Carts. The City may immediately retrieve any lost, stolen or abandoned shopping cart within the City where the location thereof will impede emergency services. The City may immediately retrieve any lost, stolen or abandoned cart within the City which does not have the required sign affixed to it. The City may retrieve any lost, stolen or abandoned shopping cart within the City which has the sign affixed thereto after providing the requisite notice to the owner, retailer, or agent, unless such notice has been voluntarily waived by the owner, retailer, or agent.

B. Impoundment with Notice. Enforcement personnel may impound a shopping cart which has a sign affixed to it as described above, if both of the following conditions have been satisfied.

1. Location outside of premises. The shopping cart is located outside the premises or parking area of a retail establishment, and,

2. Failure to retrieve cart. The shopping cart is not retrieved within one (1) day from the date the owner of the shopping cart, or its agent, receives actual notice from the City of the shopping cart's discovery.

C. Impoundment without Notice. A shopping cart may be impounded without notice if one of the following conditions is satisfied.

1. Hazardous location. If a shopping cart will impede emergency services, or the normal flow of vehicular or pedestrian traffic, or is on private property, City enforcement personnel are authorized to immediately retrieve the shopping cart from public or private property and impound it; or,

2. Lack of identification. If a shopping cart does not have the required identification sign affixed thereto, City enforcement personnel are authorized to immediately retrieve the shopping cart from the public or private property and impound it.

6-27-8. FEES & DISPOSITION OF CARTS

A. Failure to retrieve carts. The City may impound any shopping cart not retrieved by its owner after the owner has received the City's one-day verbal notice.

B. Impounded carts. The City shall charge a fee to the owner of a shopping cart if the owner fails to retrieve its impounded shopping cart(s) after receiving notice from the City in the amount of a \$50 fine for each cart. Each cart the City collects shall constitute a separate violation. However, any owner having installed a locking device on its carts, and that locking device has been disabled by other than the owner, then that cart shall be exempt from the \$50 fine.

C. Disposition of carts. The City may sell or otherwise dispose of any cart not reclaimed from the City within 30 days from the date of the City's notification to the owner.

6-27-9. ILLEGAL POSSESSION OR ACCUMULATION OF CARTS

A. Any person removing a shopping cart from the premises of an owner, without the written permission of the owner or the owner's authorized agent, shall be guilty of theft in the 3<sup>rd</sup> degree, which is a misdemeanor.

B. Any owner or lessee of residential property that knowingly allows one or more shopping carts to remain on the leased property without written permission of the owner of the shopping cart or the owner's authorized agent, is guilty of possession of stolen property in the 3<sup>rd</sup> degree, which is a gross misdemeanor. The owner or lessee shall be exempt from the provisions of this ordinance if the owner or lessee contacts the owner of the cart(s) weekly until the carts are removed and asks that the carts be retrieved, keeping a record of such contact.

C. Any owner of multi-family housing which allows an accumulation of three or more shopping carts upon the multi-family premises shall be guilty of a nuisance. Such accumulation shall be illegal, and an infraction under RMC 1-3-2, and punishable thereunder. There shall be an exemption for the owner of any multi-family housing who has sent a letter to all tenants, on a quarterly basis, advising the tenants to not leave shopping carts on the premises of the multi-family property and who has kept a record of such letters. The owner of the multi-family housing, to claim this exemption, must also contact the owner of the carts weekly until the carts are removed, and ask that the carts be retrieved, keeping a record of the date and time of such contact.

D. Any owner of commercial or industrial property which allows the accumulation of one or more shopping carts, not maintained as part of the business, shall be guilty of a nuisance. Such accumulation shall be illegal, and an infraction under RMC 1-3-2, and punishable thereunder. The owner of the commercial or industrial property may claim an exemption from this infraction. To claim this exemption, the owner must contact the owner of the carts weekly until the carts are removed and ask that the carts be retrieved, keeping a record of the date and time of such contact.

**SECTION III.** This ordinance shall be effective upon its passage, approval, and 30 days after publication.

PASSED BY THE CITY COUNCIL this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Bonnie I. Walton, City Clerk

ORDINANCE NO. \_\_\_\_\_

APPROVED BY THE MAYOR this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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Kathy Keolker-Wheeler, Mayor

Approved as to form:

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Lawrence J. Warren, City Attorney

Date of Publication: \_\_\_\_\_

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