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NEIGHBORHOOD SERVICES DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

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May 28, 2002

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Law and Legislation Committee
Sacramento, California

Honorable Members in Session:

SUBJECT: Shopping Carts
Senate Bill 1528 Support Letter

LOCATION AND COUNCIL DISTRICT: City-wide.

RECOMMENDATION:

It is recommended that the Law and Legislation Committee review and approve the attached letter of support (Exhibit A) for State Senate Bill 1528 relating to abandoned shopping carts.

CONTACT PERSONS:

Max B. Fernandez, Director Area 1, 264-7940
Robert L. Rose, Chief of Code Enforcement, 264-5947

FOR COMMITTEE MEETING OF: June 4, 2002

SUMMARY:

The passage of SB 1528 (Exhibit B) will decrease the required waiting time from three business days to two business days prior to counties and cities assessing any fees/fines associated with the removal of abandoned shopping carts. Pending the passage of this bill, the Code Enforcement Division will propose a comprehensive ordinance including definitions, abandonment and preventative measures.

BACKGROUND:

At the present time, the Code Enforcement Division refers calls on abandoned shopping carts to the shopping cart owners, i.e. grocers and retailers. The shopping cart owners have been responsible for the retrieval of their shopping carts unless there is a safety or public nuisance issue. Currently, after the removal of a shopping cart, municipalities must notify the owner within 24 hours of the location where the cart can be collected. The owner has three business days to collect the cart at no cost. If no

May 28, 2001

one claims the impounded cart after 30 days, the local agency may sell or dispose of the cart. If more than three carts from a single owner are impounded in a six-month period, a \$50 fine may also be charged for each additional impounded cart. Other municipalities and counties have enacted various methods of removal of these abandoned shopping carts, including hiring contractors and employing staff for this specific activity. As a result, private companies have relied on public employees to retrieve and store their carts until these companies pick up their carts within the allotted three business days following notification. Decreasing the time that grocers and retailers have to retrieve their carts will create an incentive for faster retrieval and also enable cities and counties to more quickly initiate their cost recovery efforts. The passage of Senate Bill 1528 will help the City of Sacramento in its efforts to provide for a comprehensive shopping cart ordinance.

FINANCIAL CONSIDERATIONS:

Cost recovery will be a goal for the implementation of a comprehensive shopping cart ordinance.

ENVIRONMENTAL CONSIDERATIONS:

Passage of Senate Bill 1528 is consistent with striving for a safe, healthy, and clean environment in the communities of the City of Sacramento.

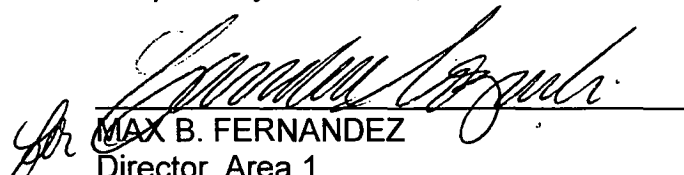
POLICY CONSIDERATIONS:

Support of this legislation is consistent with the City's efforts to implement programs that will help maintain healthy neighborhoods and enhance the quality of life in the City of Sacramento.

E/SBD:

Not applicable.

Respectfully submitted,


MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

RECOMMENDATION APPROVED:


Betty Masuoka
Assistant City Manager

May 28, 2002

The Honorable Edward Vincent
California State Senate
California Capitol Building
Sacramento, Ca. 95814

Subject: SB 1528 - **SUPPORT**

Dear Senator Vincent:

The City of Sacramento enthusiastically supports SB 1528 regarding abandoned shopping carts. Passage of this bill would enable the City to charge applicable fees and/or fines following two (2) business days after notification of the retailer and/or grocer by the City. This would change the current state law which requires entities to hold the cart for three (3) business days prior to these fees/fines being charged.

Any action you can take to promote the prospects of SB 1528 will be greatly appreciated. If you have any questions regarding the City of Sacramento's interest in this matter, please contact me. Thank you for your consideration.

Sincerely,

STEVE COHN, Chair
Law & Legislation Committee
Sacramento City Council

cc: Ken Emanuels

SENATE BILL**No. 1528****Introduced by Senator Vincent**

February 20, 2002

An act to amend Section 22435.7 of the Business and Professions Code, relating to shopping carts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1528, as introduced, Vincent. Shopping carts.

Existing law authorizes a city, county, or city and county to impound certain shopping carts, subject to the requirement that the cart not be retrieved within 3 business days from the date the owner receives actual notice from the city, county, or city and county, of the shopping cart's discovery and location. However, existing law authorizes the impoundment of a shopping cart without complying with the 3-day advance notice period if certain conditions are met, including the release of the cart at no charge if the cart is reclaimed within three business days following the date of actual notice.

This bill would instead require that a cart be reclaimed within two business days following the date of actual notice and would provide that the shopping cart be subject to applicable fees or fines commencing on the third business day following the date of actual notice.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 22435.7 of the Business and Professions
- 2 Code is amended to read:
- 3 22435.7. (a) The Legislature hereby finds that the retrieval
- 4 by local government agencies of shopping carts specified in this

1 section is in need of uniform statewide regulation and constitutes
2 a matter of statewide concern that shall be governed solely by this
3 section.

4 (b) A shopping cart that has a sign affixed to it in accordance
5 with Section 22435.1 may be impounded by a city, county, or city
6 and county, provided both of the following conditions have been
7 satisfied:

8 (1) The shopping cart is located outside the premises or parking
9 area of a retail establishment. The parking area of a retail
10 establishment located in a multistore complex or shopping center
11 shall include the entire parking area used by the complex or center.

12 (2) Except as provided in subdivision (i), the shopping cart is
13 not retrieved within three business days from the date the owner
14 of the shopping cart, or his or her agent, receives actual notice from
15 the city, county, or city and county of the shopping cart's discovery
16 and location.

17 (c) In instances where the location of a shopping cart will
18 impede emergency services, a city, county, or city and county is
19 authorized to immediately retrieve the shopping cart from public
20 or private property.

21 (d) Any city, county, or city and county that impounds a
22 shopping cart under the authority provided in subdivisions (b) and
23 (c) is authorized to recover its actual costs for providing this
24 service.

25 (e) Any shopping cart that is impounded by a city, county, or
26 city and county pursuant to subdivisions (b) and (c) shall be held
27 at a location that is both:

28 (1) Reasonably convenient to the owner of the shopping cart.

29 (2) Open for business at least six hours of each business day.

30 (f) A city, county, or city and county may fine the owner of a
31 shopping cart in an amount not to exceed fifty dollars (\$50) for
32 each occurrence in excess of three during a specified six-month
33 period for failure to retrieve shopping carts in accordance with this
34 section. An occurrence includes all shopping carts impounded in
35 accordance with this section in a one-day period.

36 (g) Any shopping cart not reclaimed from the city, county, or
37 city and county within 30 days of receipt of a notice of violation
38 by the owner of the shopping cart may be sold or otherwise
39 disposed of by the entity in possession of the shopping cart.

1 (h) This section shall not invalidate any contract entered into
2 prior to June 30, 1996, between a city, county, or city and county
3 and a person or business entity for the purpose of retrieving or
4 impounding shopping carts.

5 (i) Notwithstanding paragraph (2) of subdivision (b), a city,
6 county, or city and county may impound a shopping cart that
7 otherwise meets the criteria set forth in paragraph (1) of
8 subdivision (b) without complying with the three-day advance
9 notice requirement provided that:

10 (1) The owner of the shopping cart, or his or her agent, is
11 provided actual notice within 24 hours following the impound and
12 that notice informs the owner, or his or her agent, as to the location
13 where the shopping cart may be claimed.

14 (2) Any shopping cart so impounded shall be held at a location
15 in compliance with subdivision (e).

16 (3) Any shopping cart reclaimed by the owner or his or her
17 agent, within ~~three~~ *two* business days following the date of actual
18 notice as provided pursuant to paragraph (1), shall be released and
19 surrendered to the owner or agent at no charge whatsoever,
20 including the waiver of any impound and storage fees or fines that
21 would otherwise be applicable pursuant to subdivision (d) or (f).
22 Any cart reclaimed within the ~~three-business-day~~
23 *two-business-day* period shall not be deemed an occurrence for
24 purposes of subdivision (f).

25 (4) Any shopping cart not reclaimed by the owner or his or her
26 agent, within ~~three~~ *two* business days following the date of actual
27 notice as provided pursuant to paragraph (1), shall be subject to
28 any applicable fee or fine imposed pursuant to subdivision (d) or
29 (f) commencing on the ~~fourth~~ *third* business day following the
30 date of the notice.

31 (5) Any shopping cart not reclaimed by the owner or his or her
32 agent, within 30 days of receipt following the date of actual notice
33 as provided pursuant to paragraph (1), may be sold or disposed of
34 in accordance with subdivision (g).