



CITY OF NORMAN, OK CITY COUNCIL BUSINESS & COMMUNITY AFFAIRS COMMITTEE MEETING

Municipal Building, City Council Chambers, 201 West Gray, Norman, OK
73069

Thursday, May 04, 2023 at 4:00 PM

AGENDA

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

AGENDA ITEMS

1. PRESENTATION ON THE UNIVERSITY OF OKLAHOMA CAPSTONE WETLANDS PILOT PROJECT.
2. PRESENTATION FROM JOHNSON CONTROLS OF THEIR PERFORMANCE-BASED EFFICIENCY PROGRAM AND POSSIBLE APPLICATION IN CITY FACILITIES.
3. DISCUSSION REGARDING REGULATION FOR ABADONED SHOPPING CARTS.

ADJOURNMENT



Pilot-Scale Wetland Design

Treatment Wetlands for Polishing
Reclaimed Municipal Wastewater for
Indirect Potable Reuse



**Environmental Science
and Engineering Capstone
Class of 2023**

CEES 4913/4923

Project Overview

Item 1.

- Design pilot-scale wetland for indirect potable reuse of NWRF effluent
- Augment water supply into Lake Thunderbird
- Removal/reduction of contaminants of emerging concern (CECs)



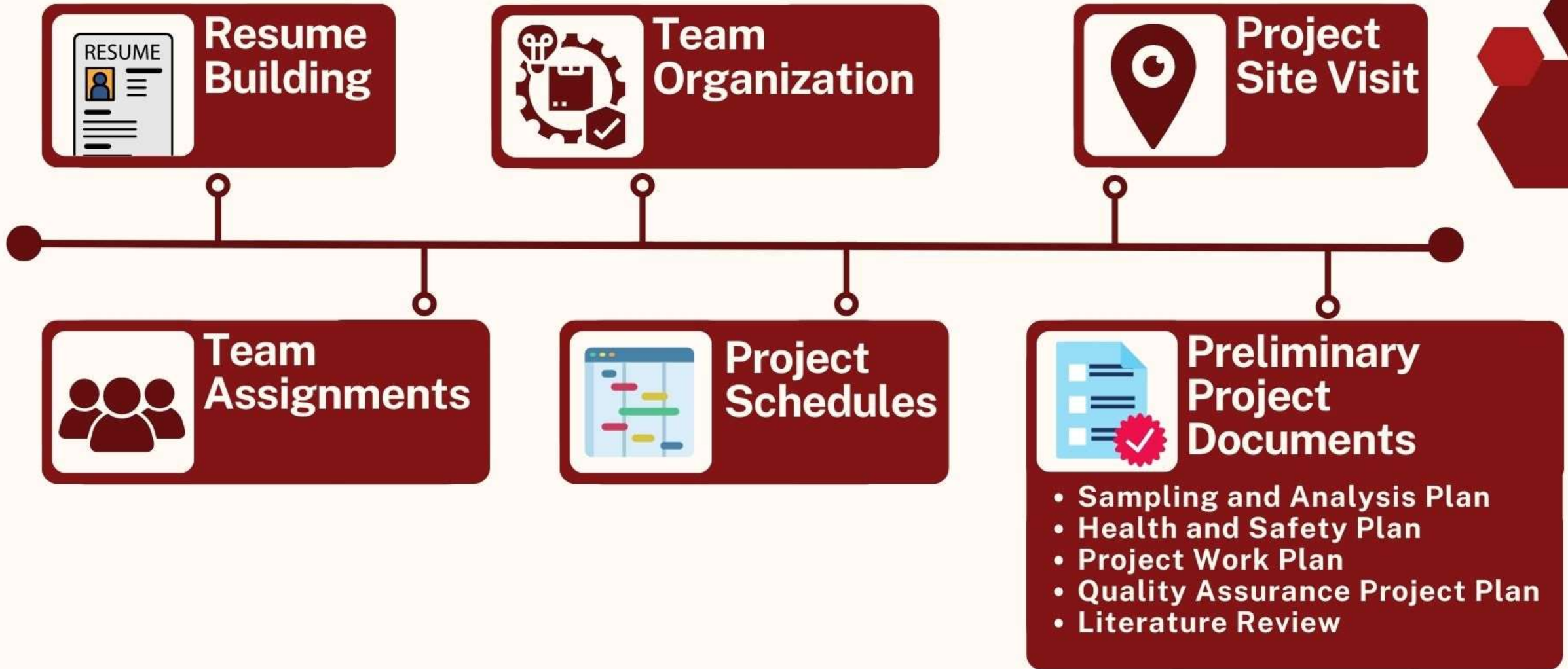
NWRF Aerial View



*City of Columbia, MO
Treatment Wetlands*

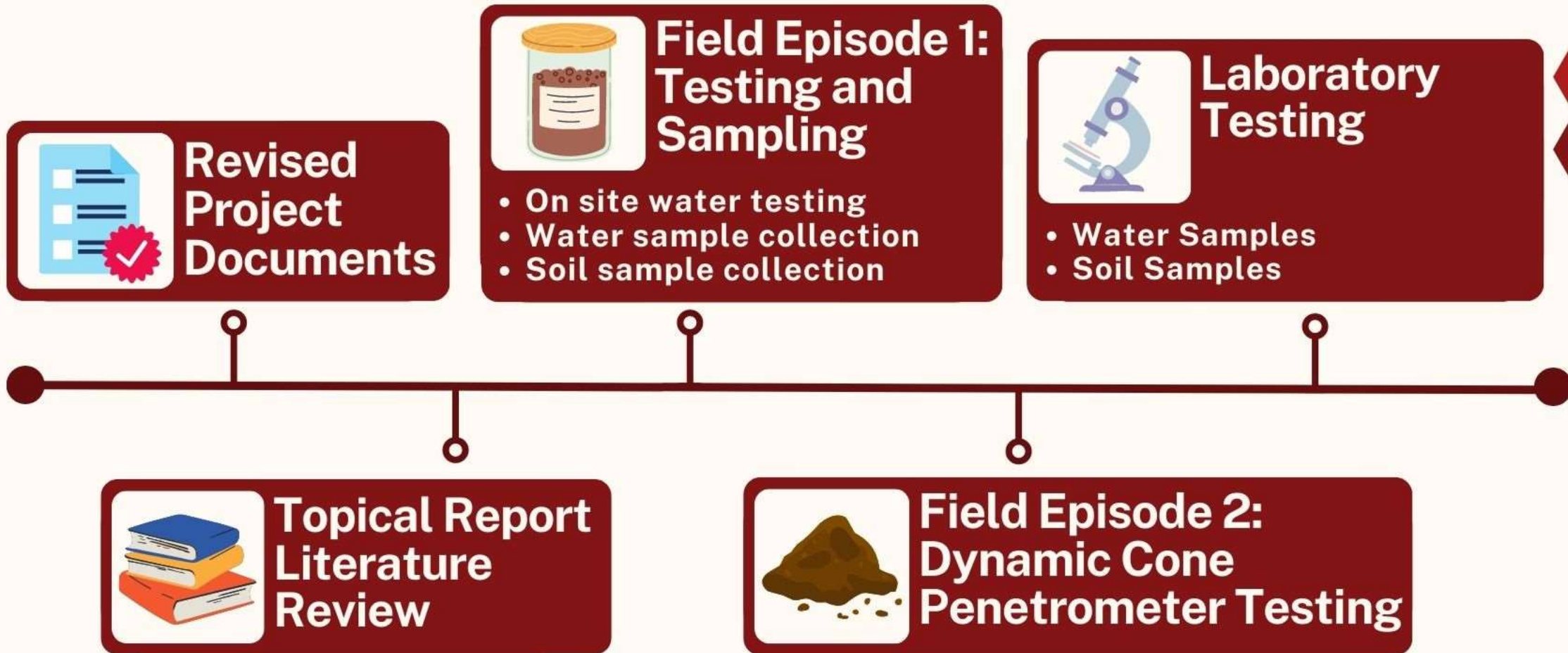
Fall Semester Project Timeline

Item 1.



Spring Semester Project Timeline

Item 1.



Spring Semester Project Timeline

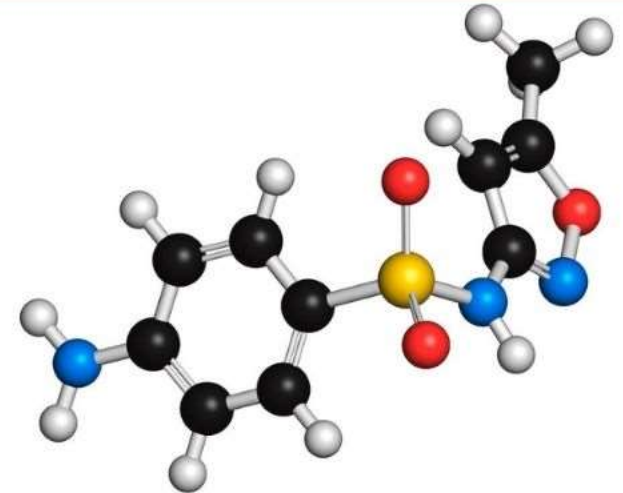
Item 1.



Why a Wetland Treatment System?

Item 1.

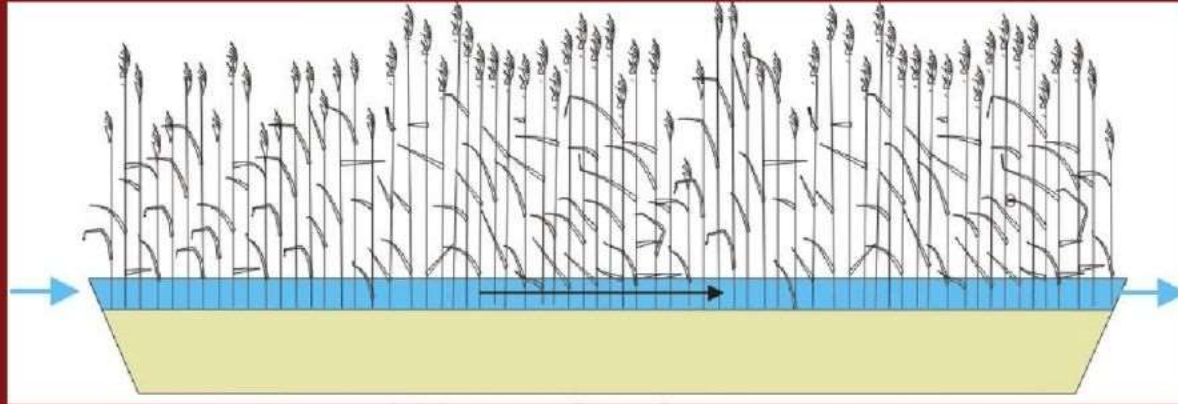
- CEC removal mechanisms
 - Phytoremediation
 - Biodegradation
 - Sorption
 - Photodegradation
 - Microbial degradation
- Reduction of excess nutrients
- Environmental buffer for Lake Thunderbird



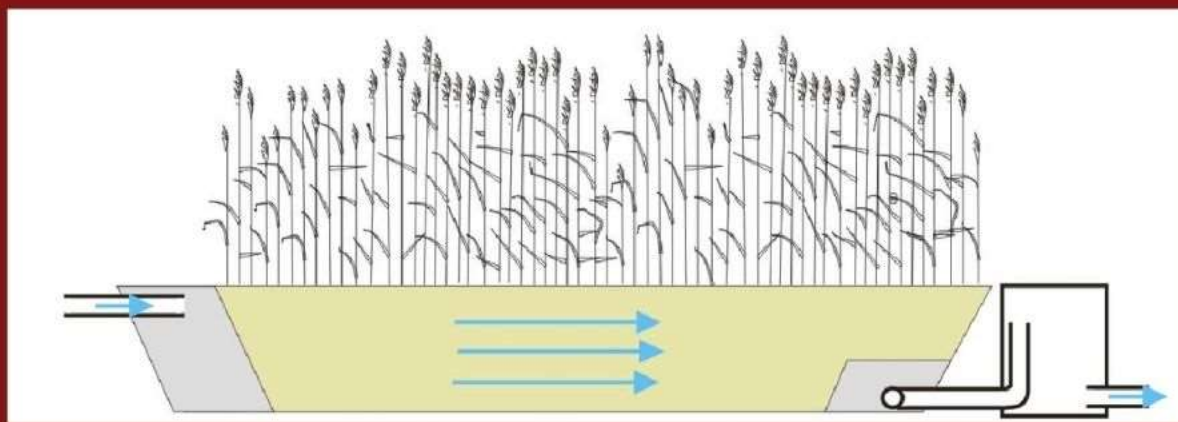
Sulfamethoxazole

Wetland Types

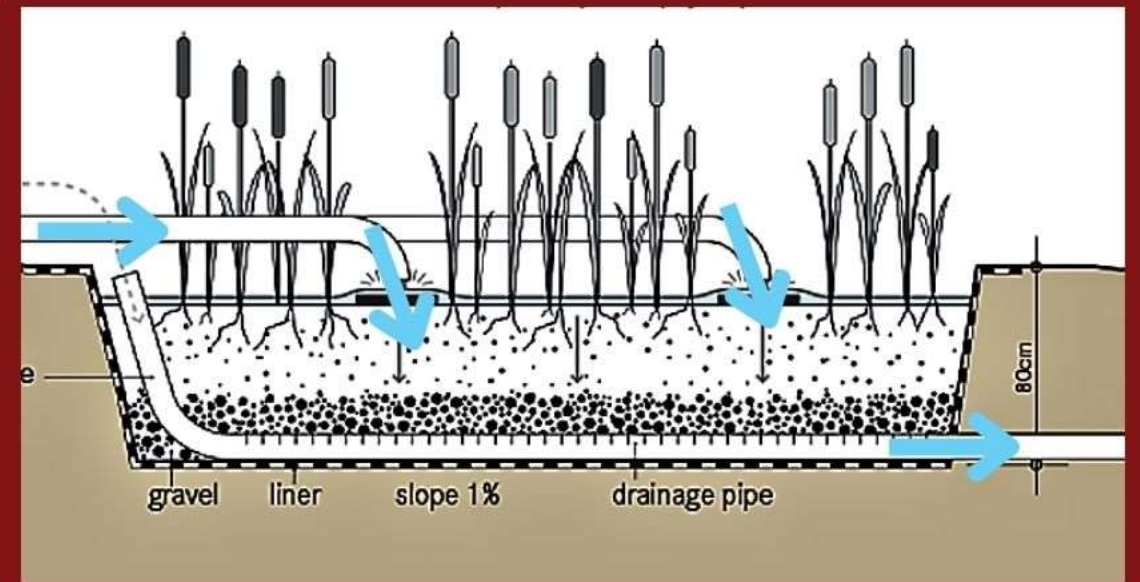
Item 1.



Free water surface wetland (FWSW)



Horizontal subsurface flow wetland (HSSFW)



Vertical flow wetland (VFW)

Contaminants of Emerging Concern

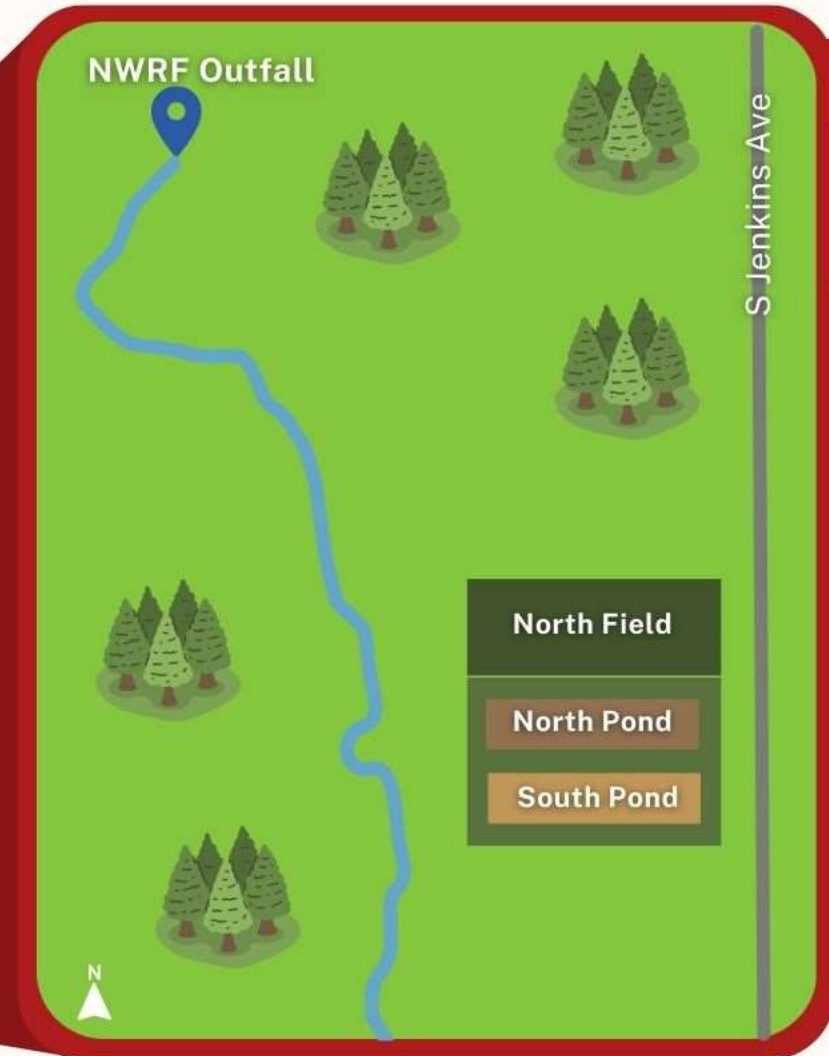
Item 1.

- Hazardous to environment, animals, and humans
- CEC Types
 - Pharmaceuticals and personal care products (PPCPs)
 - Endocrine-disrupting chemicals (EDCs)
 - Preservatives
 - Sweeteners
 - Fire retardants
 - Stimulants
 - Pesticides



Project Location

Item 1.



Field Visits

Item 1.

Water Sampling



Dynamic Penetrometer



Soil Sampling



Water Sampling and Testing

Item 1.

- 5 Locations
- 26 Samples
- YSI Multiparameter Datasonde
 - pH
 - Dissolved Oxygen
 - Specific Conductivity
 - Oxidation-Reduction Potential
- Hach 2100Q Turbidimeter
- Hach Digital Titrator
 - Total Alkalinity

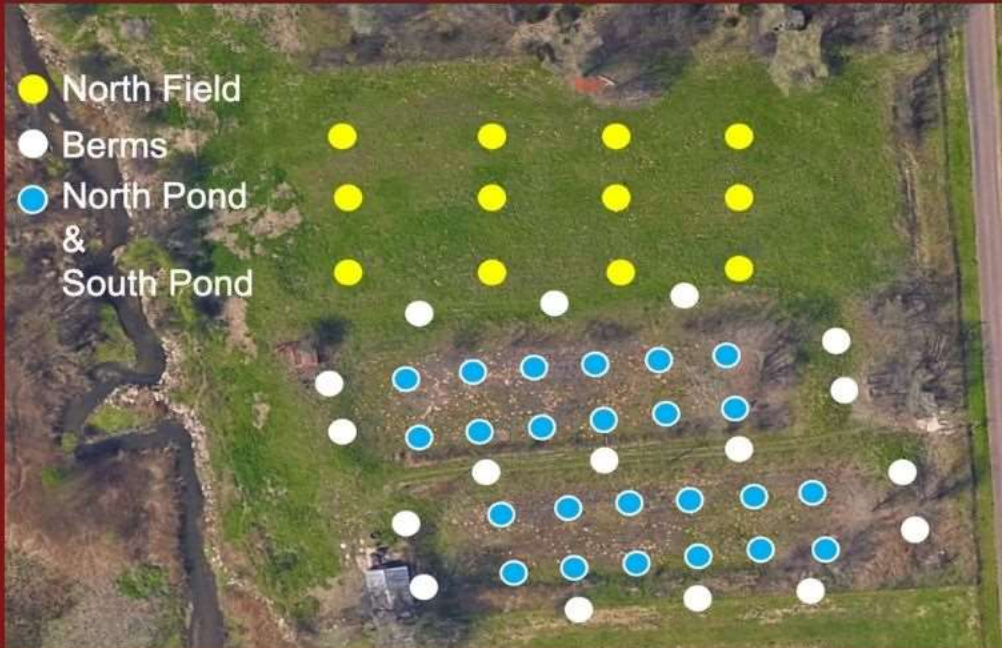


Soil Sampling and Testing

Item 1.

- 54 locations
- 172 samples
- Dynamic cone penetrometer tests

Soil Sampling Locations



Soil Sample Collection



DCP Testing



Laboratory Analyses

Item 1.

- **Water analyses**
 - Biochemical oxygen demand
 - Total suspended solids
 - Metals
 - Anions
 - Fecal indicator bacteria
- **Soil analyses**
 - Particle size distribution
 - Moisture content
 - Organic matter content
 - Cations
 - Hydraulic conductivity

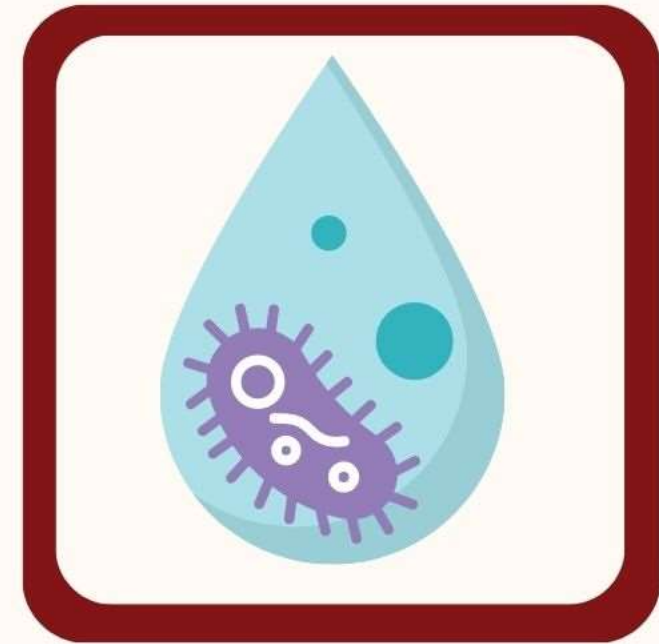


Particle Size Distribution

Secondary Data

Item 1.

- LIDAR Data
- Thornton (2017) studied CECs present in NWRf effluent
 - Up to 98 different CECs analyzed
- NWRf effluent water quality parameter data at outfall from 2017 - 2022



Water Analyses

Item 1.



Turbidity

**3.97 ± 0.56
NTU**



**Nitrate &
Nitrite**

**16.0
mg N/L**



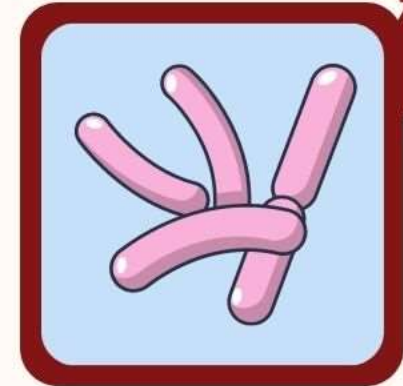
Phosphorus

**2.19
mg P/L**



BOD₅

**1.37 ± 0.11
mg/L**



**Fecal
Bacteria**

Present

Soil Constituent Averages

Item 1.



Analytes



**North
Field**



Berms



**North
Pond**



**South
Pond**

**Organic Matter
Content (%)**

1.86 ± 0.01

2.18 ± 0.01

0.48 ± 0.02

0.86 ± 0.01

**Moisture
Content (%)**

15.12 ± 0.05

13.52 ± 0.02

6.51 ± 0.02

8.23 ± 0.03

**Soil
Classification**

Silty Sand

Silty Sand

**Poorly Graded
Sand**

**Poorly Graded
Sand**

**Nitrogen
(mg/kg)**

3.00 ± 1.37

-

0.75 ± 0.29

1.20 ± 0.57

**Phosphorus
(mg/kg)**

19.38 ± 7.74

-

7.13 ± 1.25

6.50 ± 1.06

Puddle Bear Wetland Solutions

Item 1.



Team Members



Kylie Martin
*Soil and Water Data Analysis &
CAD/GIS Modeling*



Sam Taylor – Leader
*General Wetland Design &
Water Treatment*



Anthony Gallegos Garcia
*Water Treatment &
Hydraulic Design*



Elina Avila
*Wetland Vegetation &
Water Treatment*

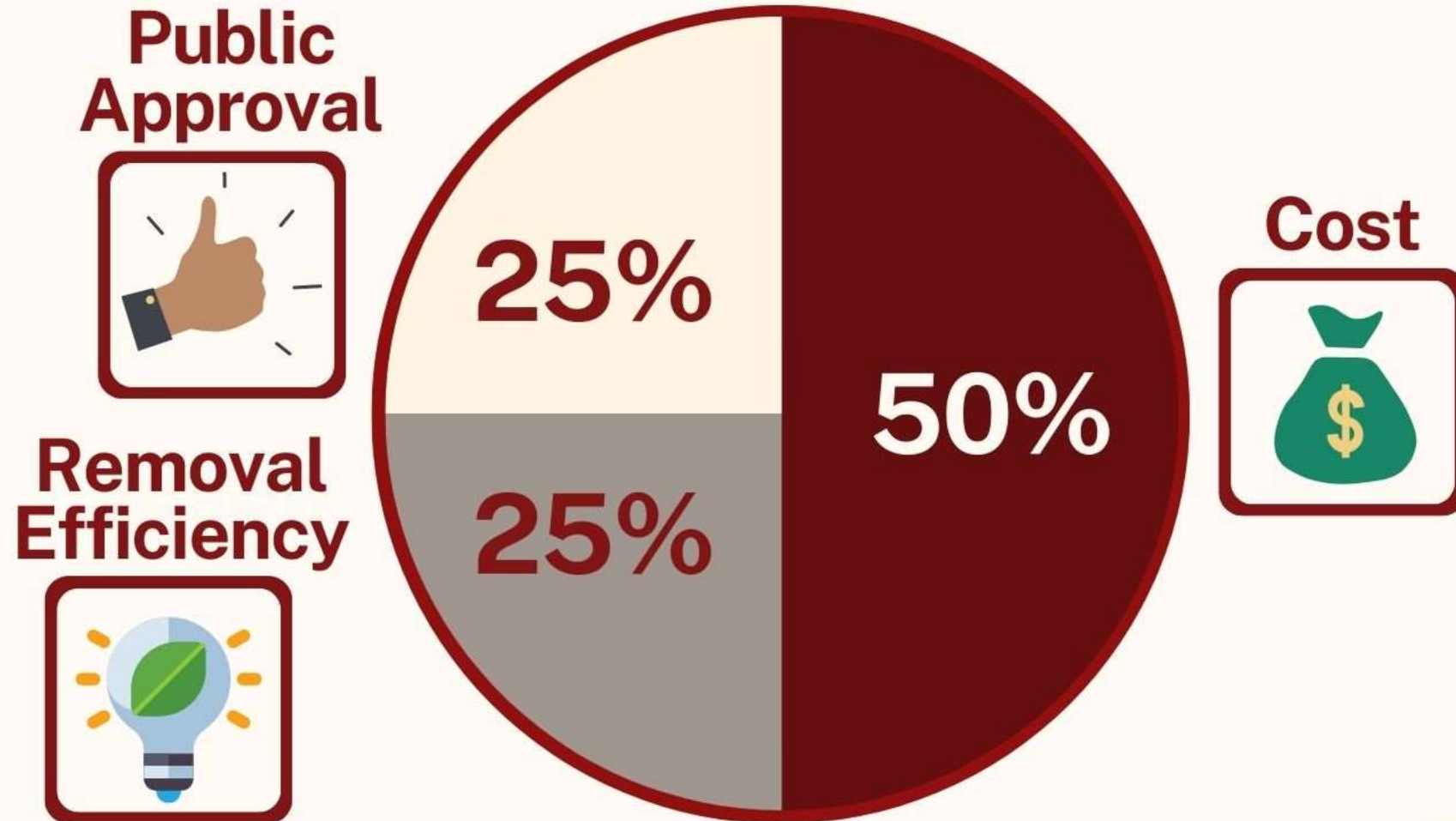


Matthew Varriale
*Public Acceptance &
Soil and Data Analysis*

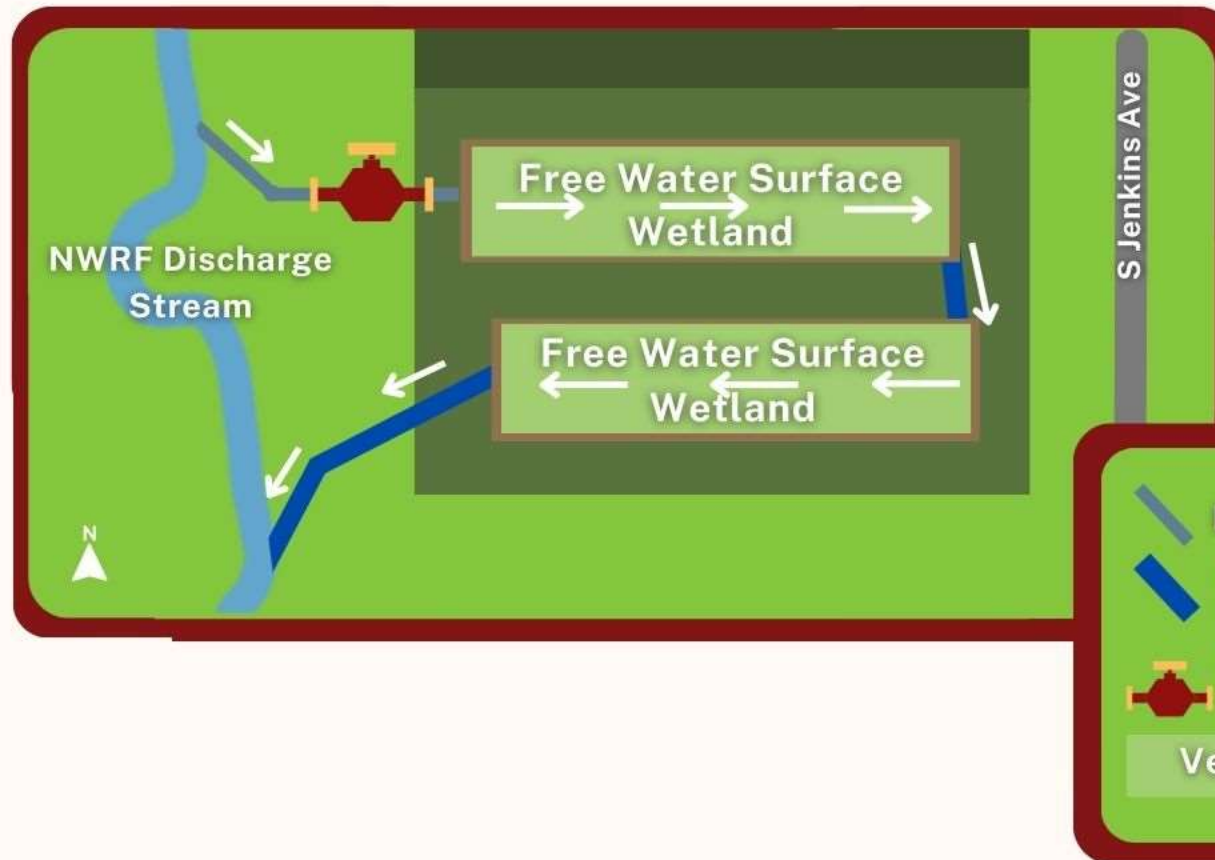


Yaseen Alwzzan
*Finances &
Soil and Water Data Analysis*

Technology Evaluation Criteria



Free Water Surface to Free Water Surface



Construction

\$300,000



Operation & Maintenance
(20 years)

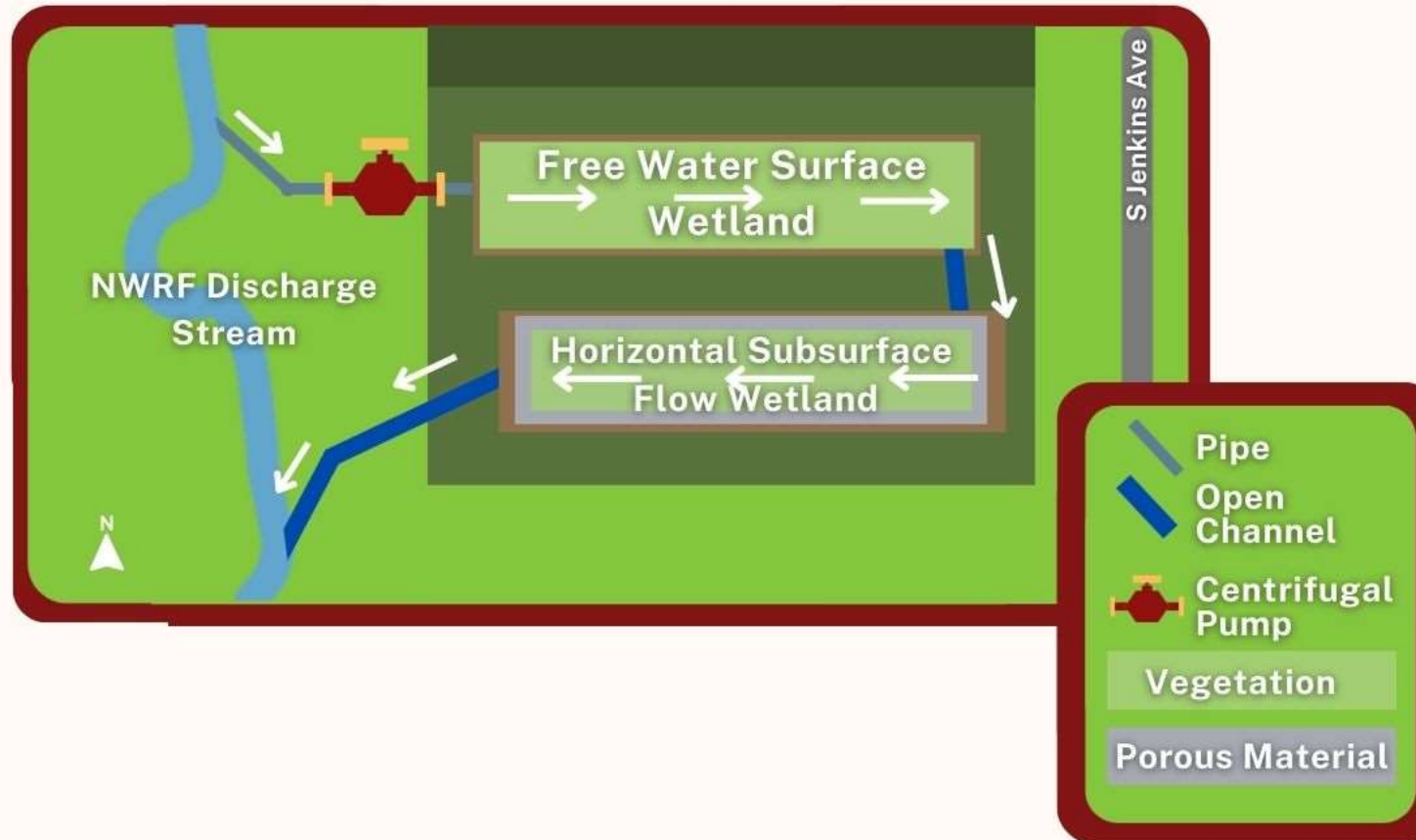
\$47,000



Grand Total

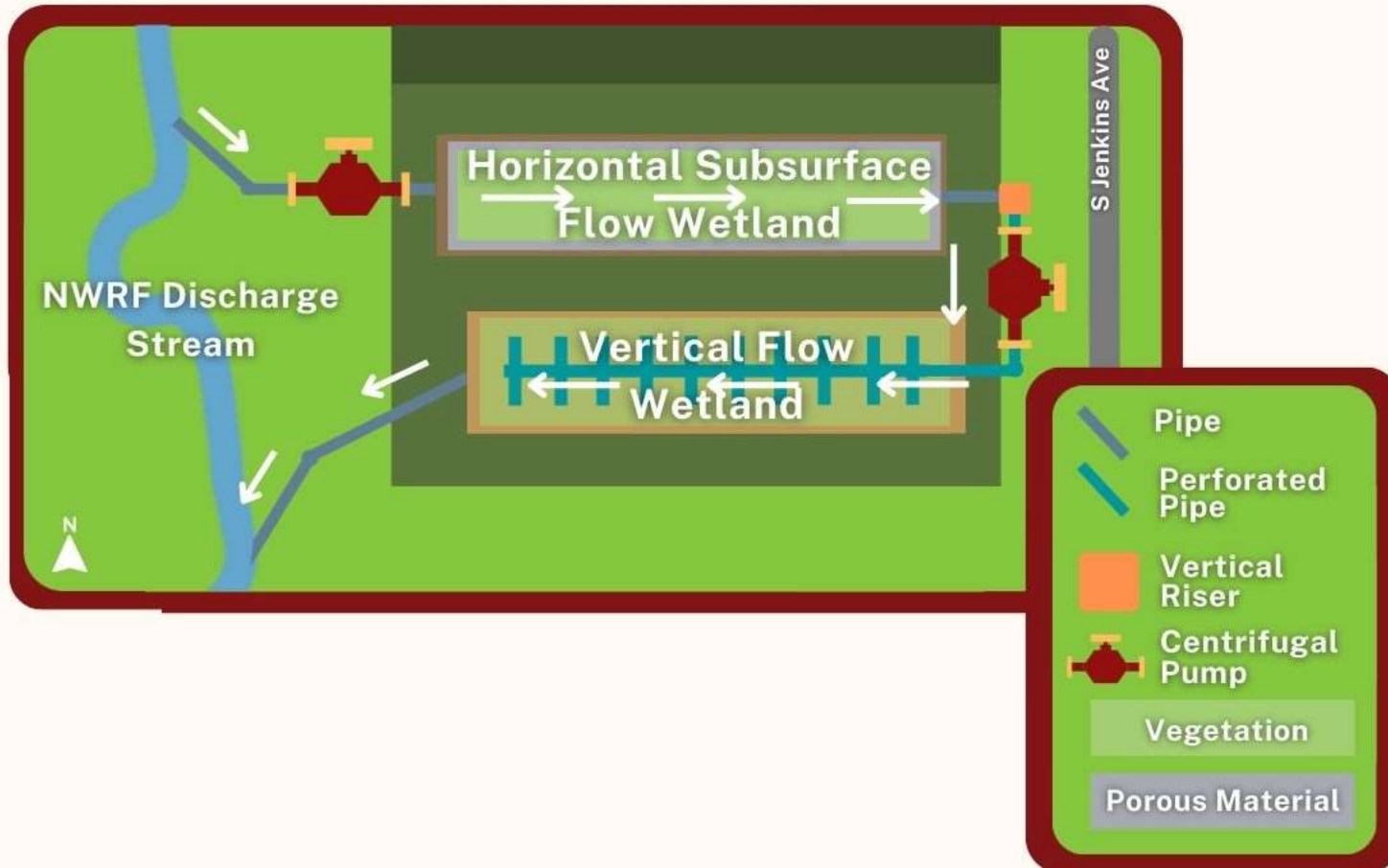
\$347,000

Free Water Surface to Horizontal Subsurface Flow



	Construction
	\$492,000
	Operation & Maintenance (20 years)
	\$132,000
	Grand Total
	\$624,000

Horizontal Subsurface to Vertical Flow



Construction

\$568,000



Operation & Maintenance
(20 years)

\$165,000



Grand Total

\$733,000

Proposed Design



1st Alternative



Public Approval

- Ecosystem services
- Educational opportunities



Removal Efficiency

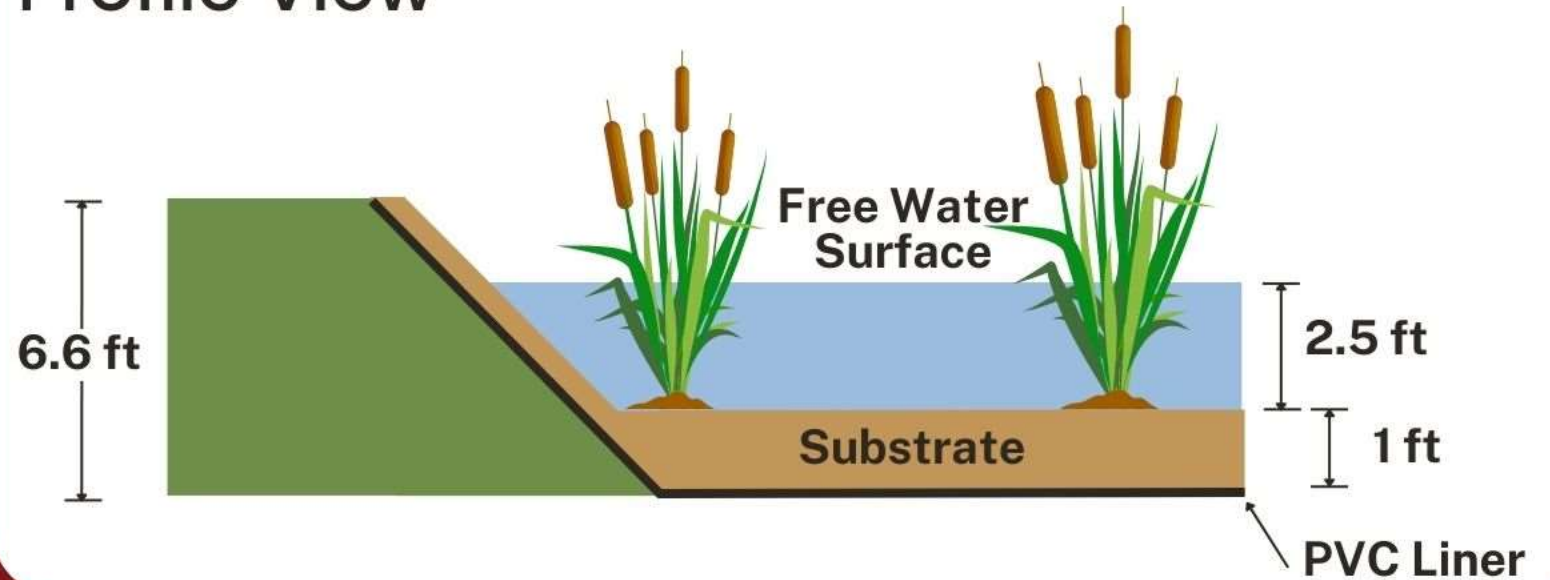
- 40% Phosphorus
- CEC removal



Cost

- Lowest cost
- \$347,000 Net Present Worth

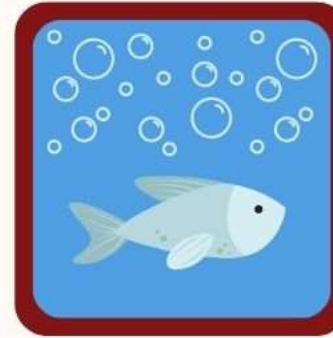
Profile View



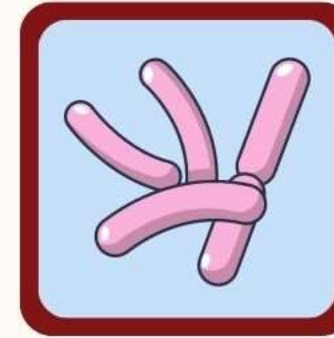
Water Quality Improvement



**Turbidity
(TAC)**



**BOD₅
(TAC)**



**Fecal
Bacteria
(TAC)**



Phosphorus

Criterion

3 NTU

5 mg/L

**20 CFU/
100mL**

**max
removal**

**Design Removal
Efficiency**

**Meets
Criterion**

**Meets
Criterion**







**Meets
Criterion**

40%

**Texas Administrative Code (TAC) -
Surface Water Augmentation for
Reclaimed Water**

CEC Removal Efficiencies



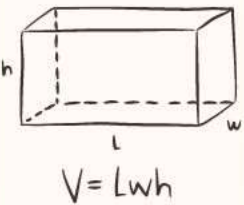
					
	4-nonylphenol	Amoxicillin	Theobromine	Sucralose	TCPP
CEC Type	EDC	PPCP	Stimulant	Artificial Sweetener	Flame Retardant
Removal	Varied Estimates Based on Literature				

Design Hydraulics



Flowrate

52 gal/min



Operating Volume

1.8 MGal



Hydraulic Retention Time

17 Days



Hydraulic Loading Rate

1.6 in/day



Wetland Area

1.59 Acres

Vegetation Characteristics



Aquatic



Aesthetics



Native



Functional



Perennial



Non-Invasive



Lanceleaf Frogfruit
Phyla lanceolata

Common Duckweed
Spirodela polyrrhiza

Soft Rush
Juncus effusus

American Bulrush
Schoenoplectus americanus



Courtesy of the New York
Natural Heritage Program

Geotechnical Considerations



Substrate

- Natural substrate
- Biochar



- Healthy vegetation
- High sorption



PVC Liner

- Prevents water infiltration
- Stability



Berm Rebuilding

- Water retention
- South pond, east berm



Final Design



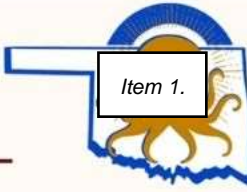
Puddle Bear Wetland Park

OKTO Engineering

Item 1.



OKTO Engineering



Annie Gilliam
Hydrologic Modeling



Jakob Cullifer – Leader
General Wetland Design



Holly Jones
Water Treatment



Abdallah Al Balushi
Cost Analyst

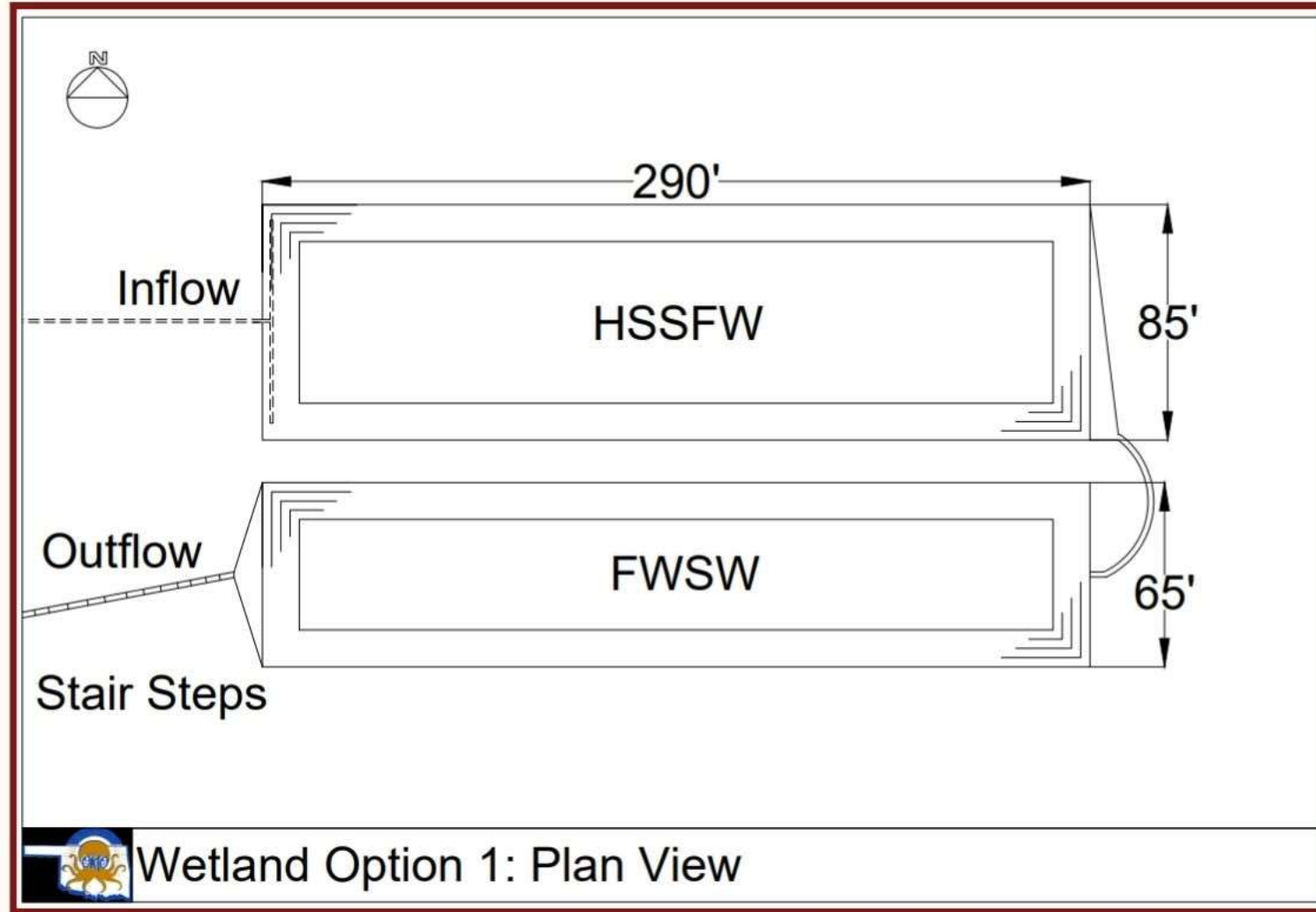
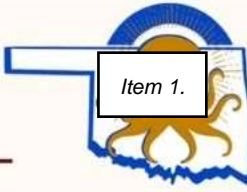


Nathaniel Wright
Vegetation Specialist &
Water Data Analyst

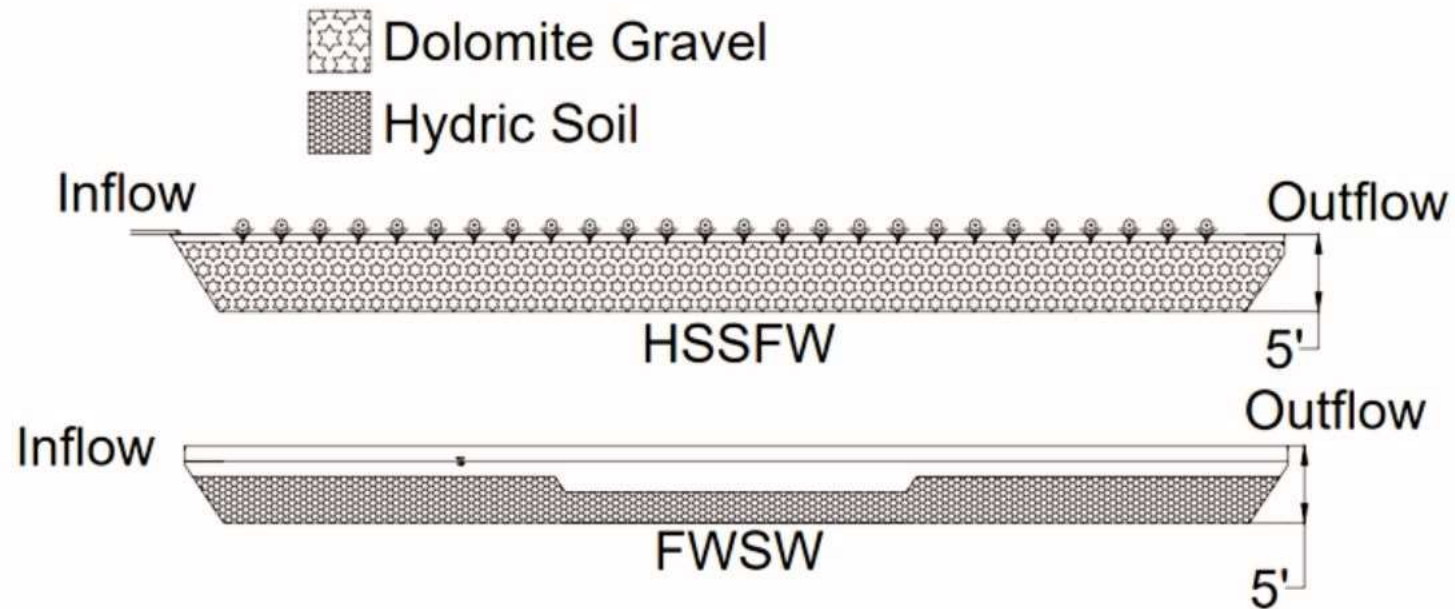
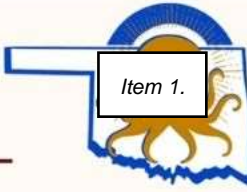


Elizabeth Watts
Soil & Water Data Analyst

Wetland Alternative #1

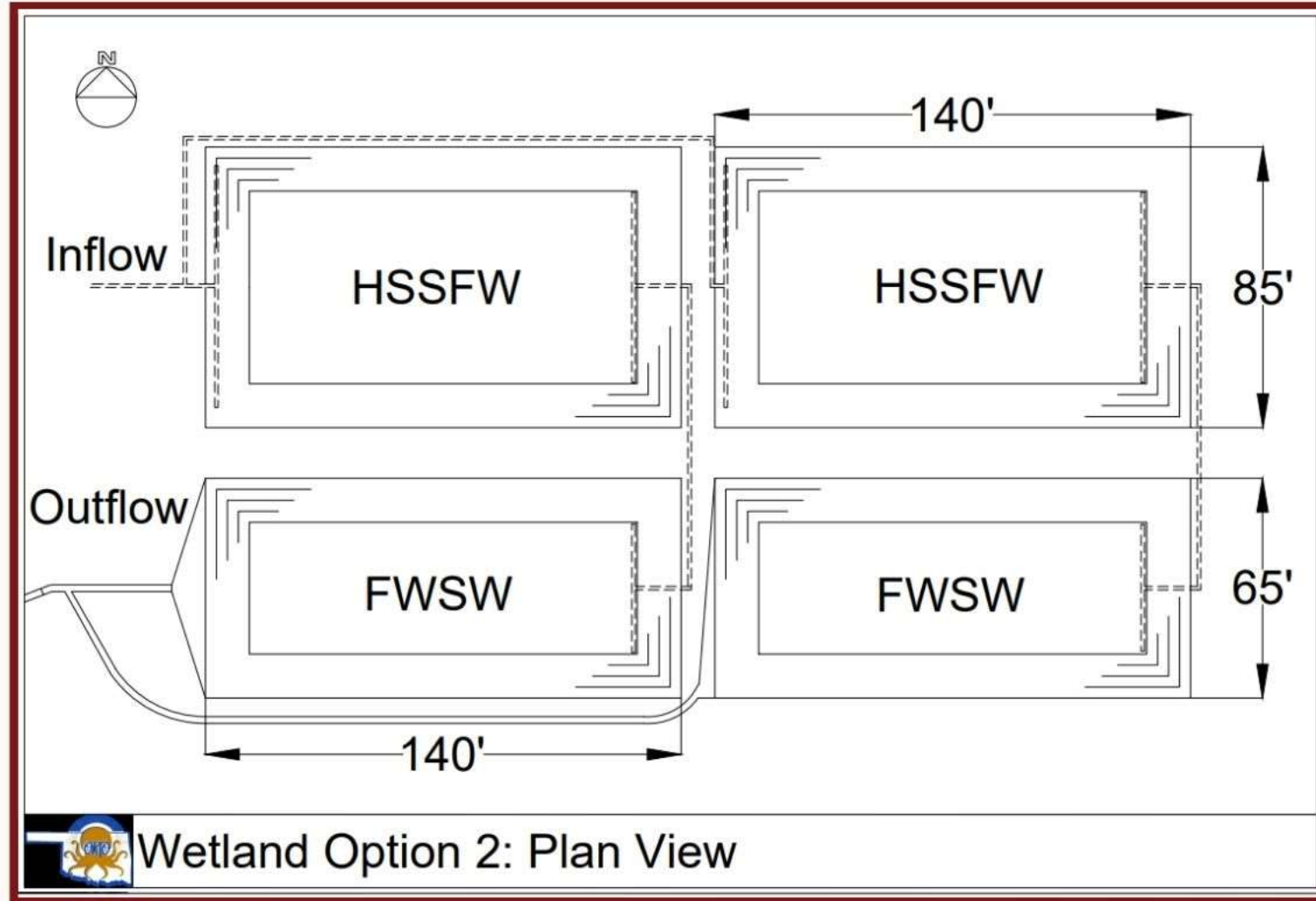
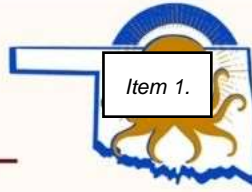


Wetland Alternative #1



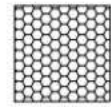
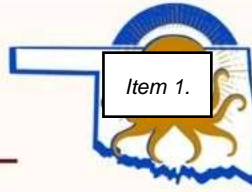
Wetland Option 1: Profile View

Wetland Alternative #2

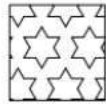


Wetland Option 2: Plan View

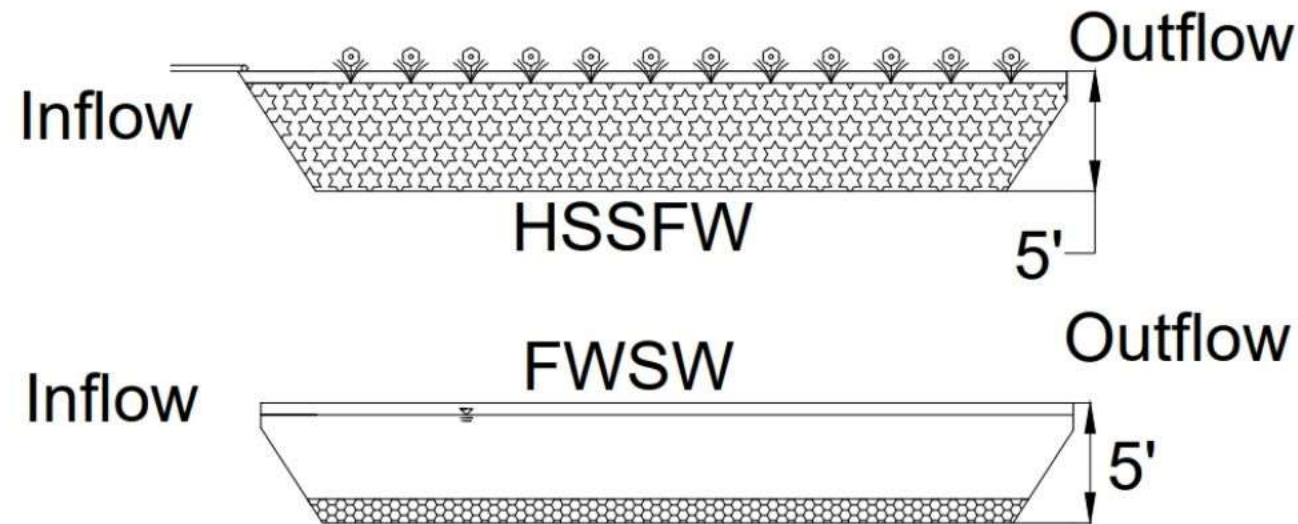
Wetland Alternative #2



Hydric Soil

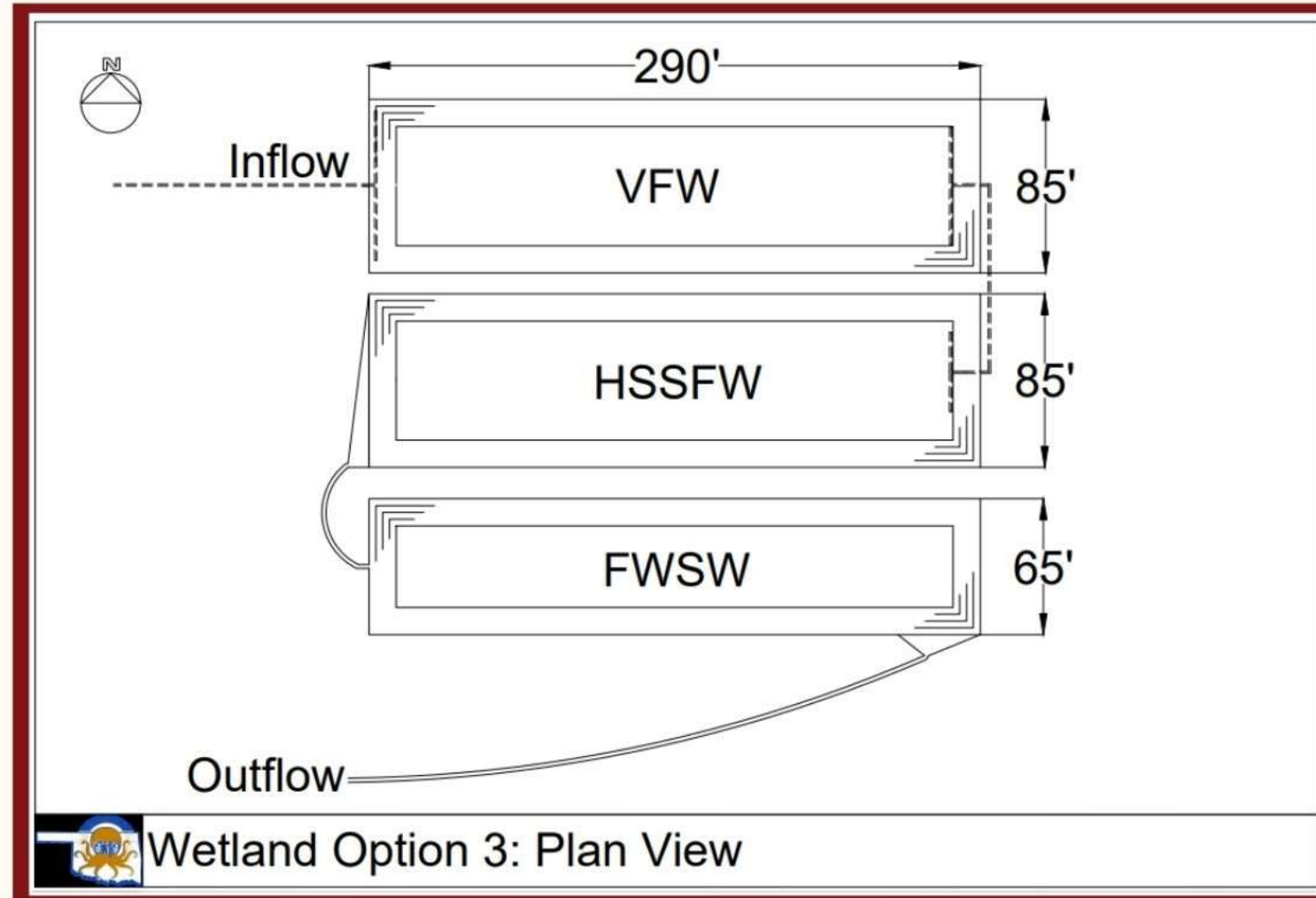
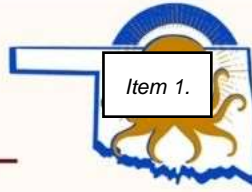


Dolomite Gravel

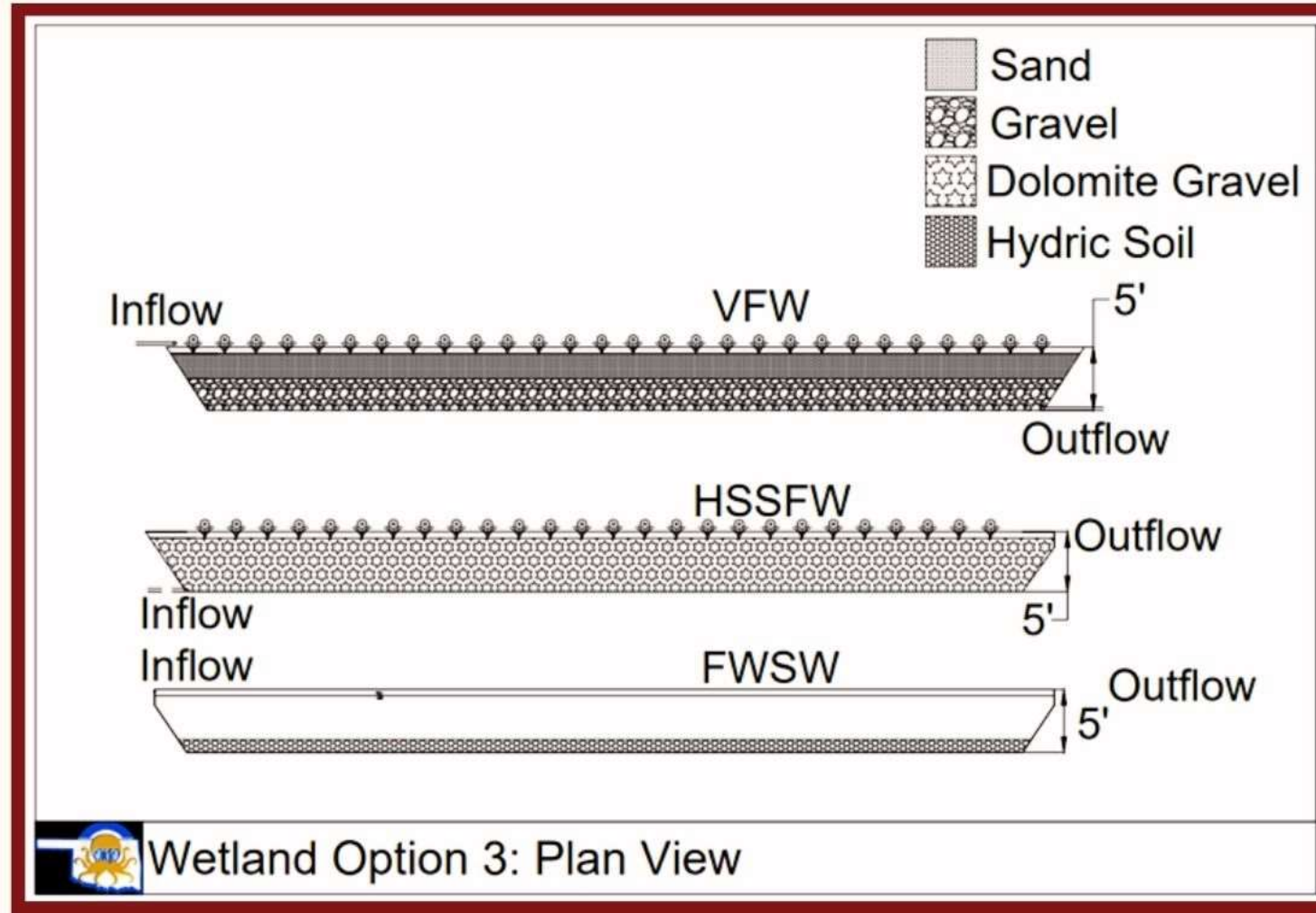
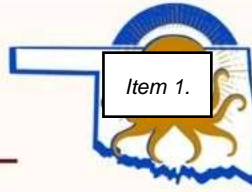


Wetland Option 2: Profile View

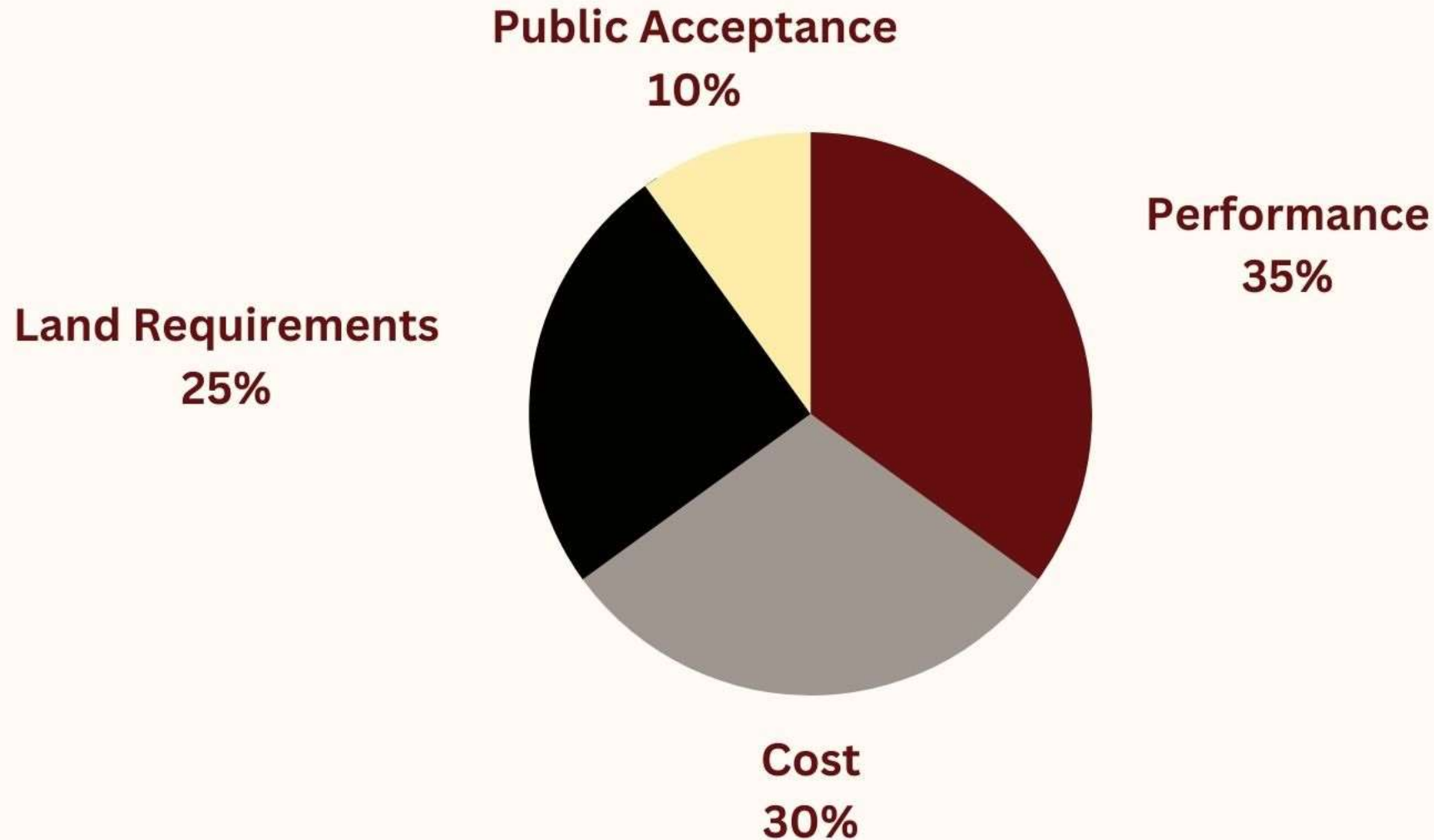
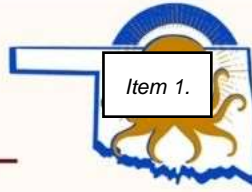
Wetland Alternative #3



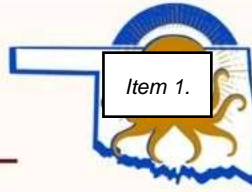
Wetland Alternative #3



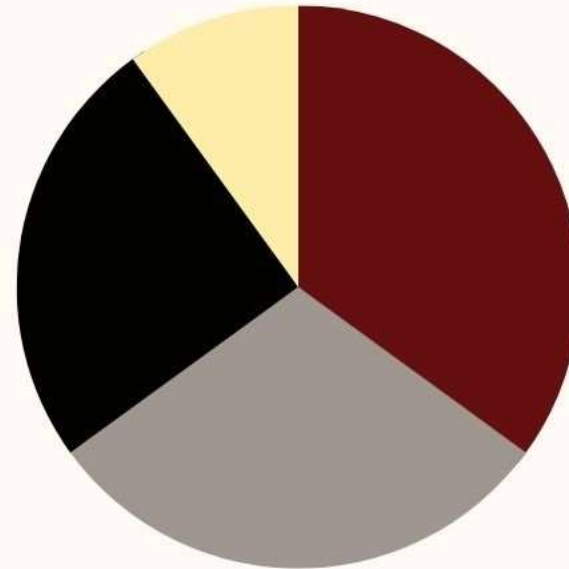
Evaluation System for Design Options



Evaluation System for Design Options

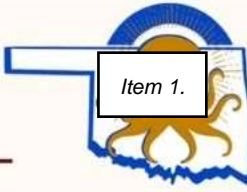


- **Public Acceptance**
 - Aesthetics
 - Activities
- **Land Requirements**
 - Space constraints



- **Performance**
 - Nitrate + Nitrite: 10 mg/L
 - Dissolved Reactive Phosphorus: 1 mg/L
 - CECs: Literature removal efficiencies
- **Cost**
 - Construction
 - O&M
 - Planned Replacements (5 years)

Preferred Wetland Alternative

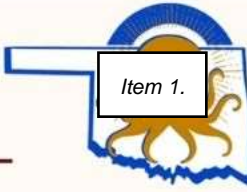


Option 1

- HSSFW for Nitrogen
- FWSW for Phosphorus
- Removes target CECs
 - Sulfamethoxazole, Triclosan, Trimethoprim, Estrone, Diclofenac
- Utilizes native vegetation
 - Bulrush, Cattails, Water Lilies



Wetland Vegetation



HSSFW

- *Typha latifolia* (Cattail)
- *Schoenoplectus americanus* (Bulrush)
- *Panicum hemitomon* (Maidencane)

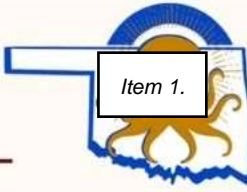


FWSW

- *Typha latifolia* (Cattail)
- *Schoenoplectus americanus* (Bulrush)
- *Nymphaea odorata* (Water Lily)



Physical Dimensions

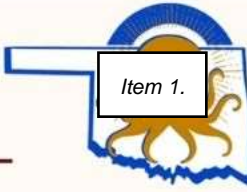


North Pond (HSSFWS)

- Surface Area: 23,300 ft²
- Operating Volume: 28,000 ft³
- Operating Depth: 4.5 ft
- Freeboard: 0.5 ft



Physical Dimensions

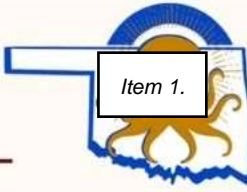


South Pond (FWSW)

- Water Surface Area: 17,100 ft²
- Operating Volume: 39,000 ft³
- Operating Depths: 1 ft - 2 ft
- Freeboard: 1 ft



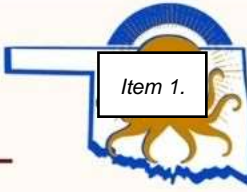
Hydraulics



- **HLR = 5.5 in/day**
- **HRT = 8 days**
- **Wetland flow rate = 40 GPM**
- **Flow rate varies $\pm 2\%$ due to ET and precipitation**



Contaminant Removal Efficiency



Nitrate+Nitrite



73% removal

**Dissolved Reactive
Phosphorus**



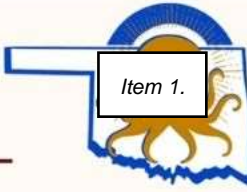
55% removal

Target CECs



Removal varies

Cost Estimate



Construction: \$380,000

Design Fee: \$76,000

Start-Up Cost: \$19,000

O&M: \$25,000 (20 years)

Planned Replacements: \$110,000

Total Cost: \$ 610,000

Nairnia Engineering

Item 1.



Nairnia Engineering Members



Katrina Mason
Team Leader, Hydraulic and
Hydrologic Design



Lauren Franze
Sample Data and
Cost Analytics



Ariel Gillen
QA/QC,
Geotechnical Design



Enrique Lambert
Vegetation, Public Acceptance



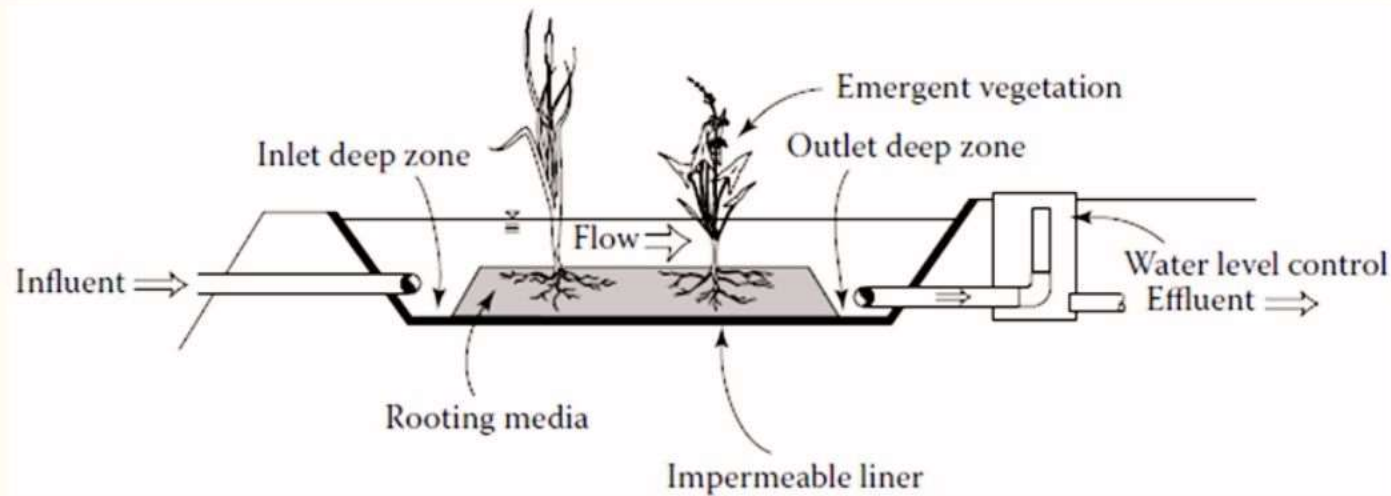
Daniel Guevara
Hydraulic and Hydrologic Design

Design Alternative #1

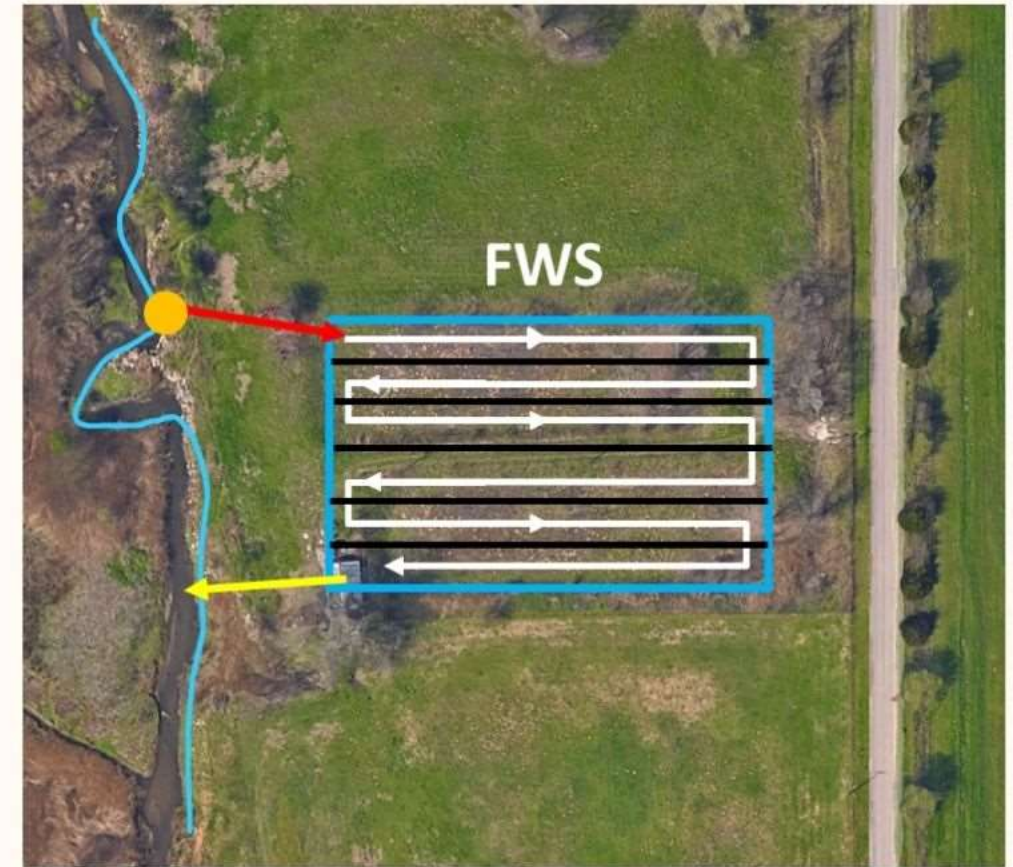
Construction: \$170,000

O&M: \$130,000 (30 years)

Net Present Worth: \$300,000



(Kadlec and Wallace, 2009)

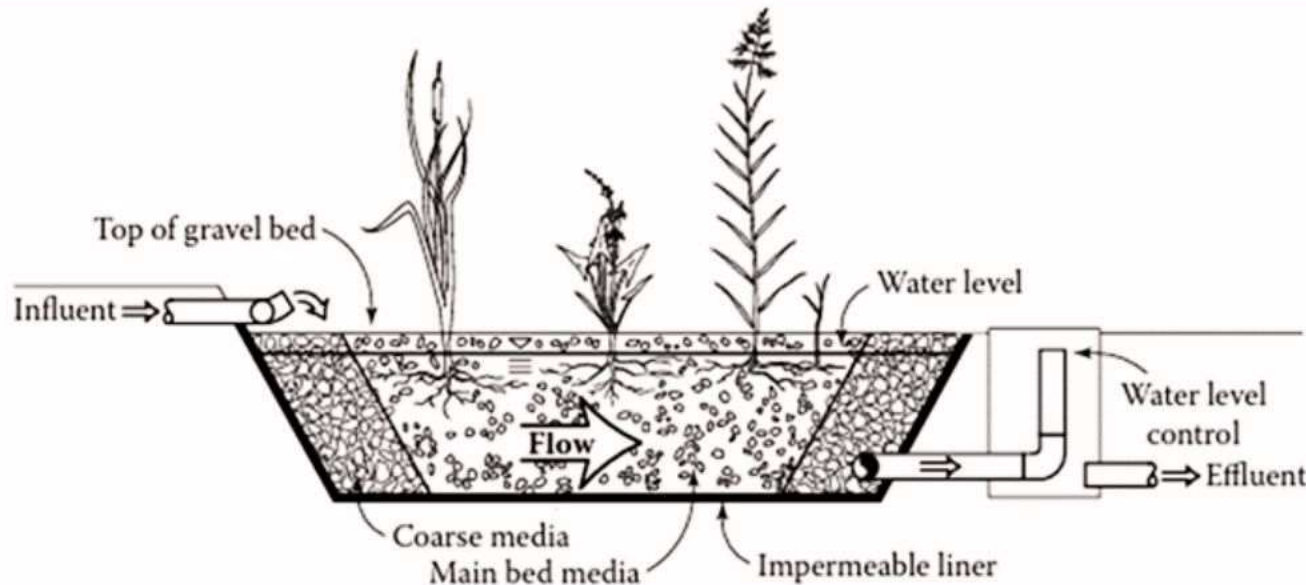


Design Alternative #2

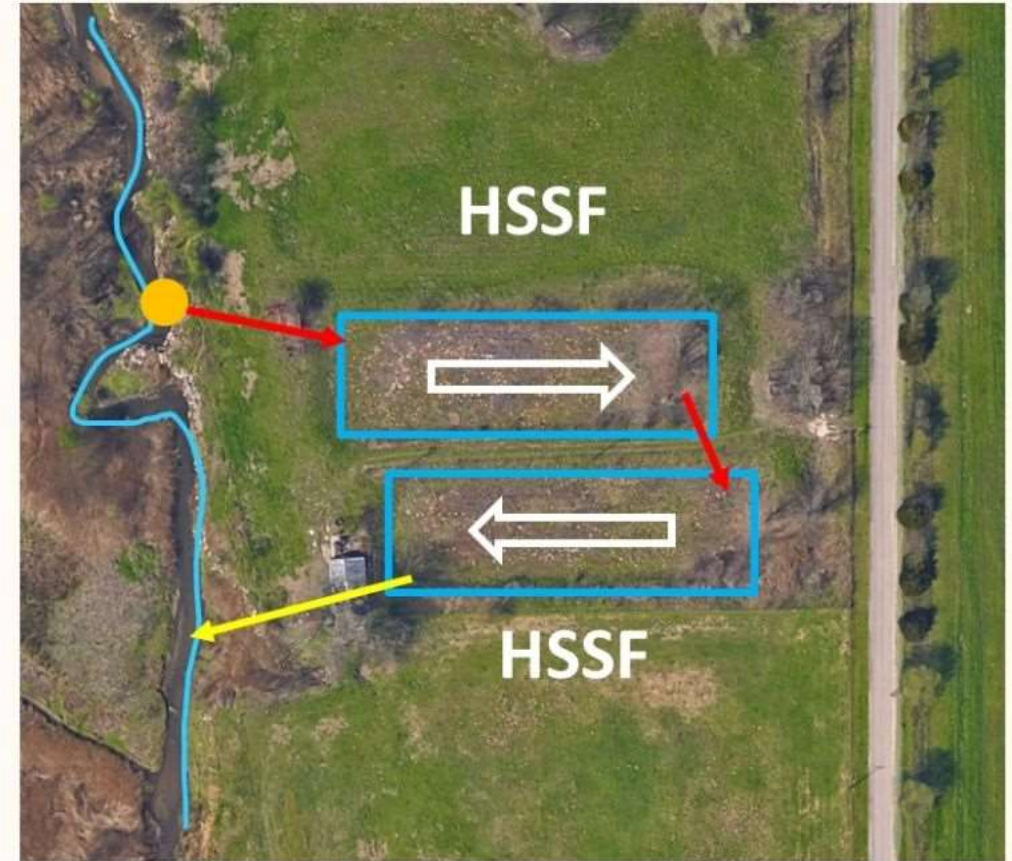
Construction: \$710,000

O&M: \$111,000 (30 years)

Net Present Worth: \$821,000



(Kadlec and Wallace, 2009)



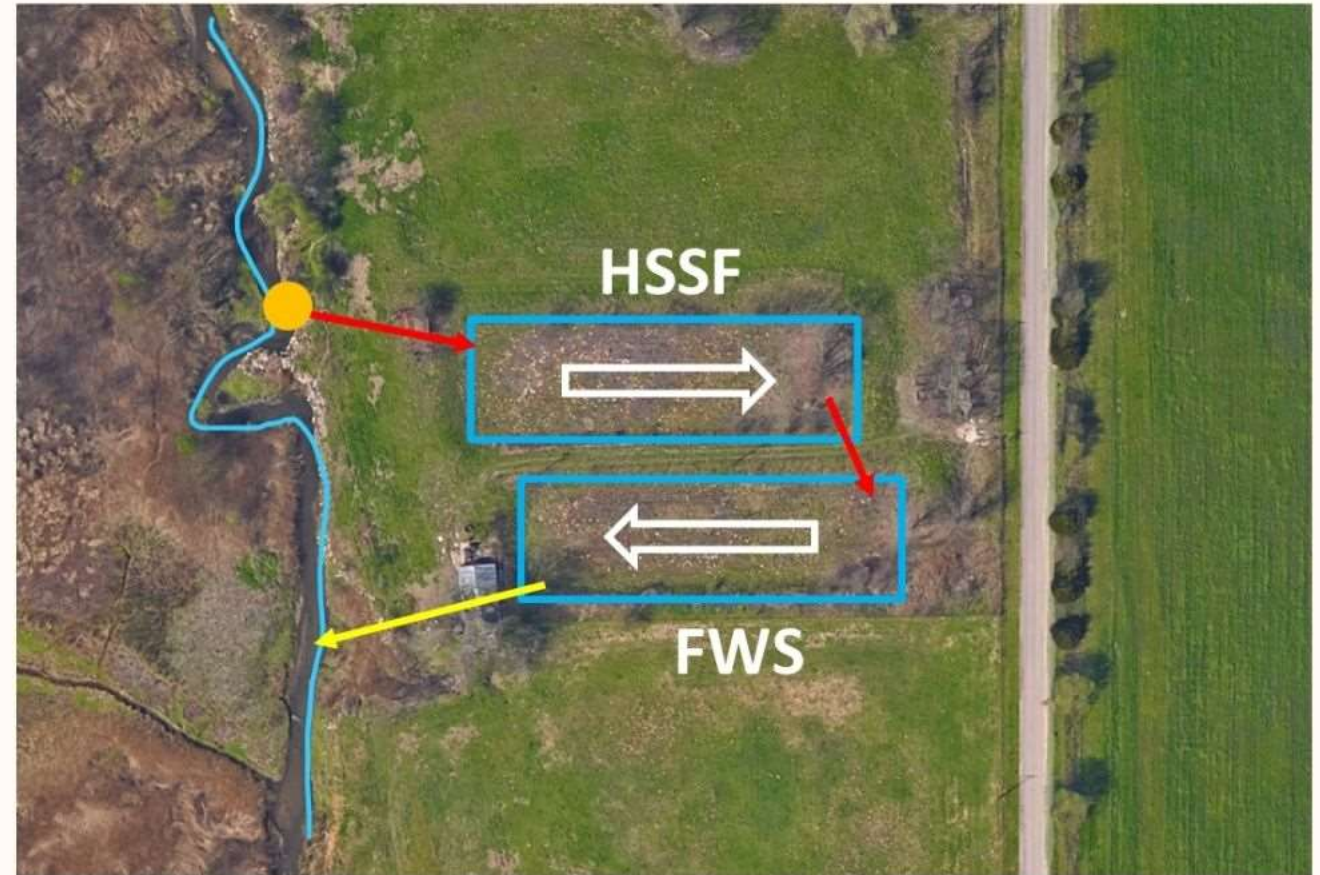
Design Alternative #3



Construction: \$580,000

O&M: \$100,000 (30 years)

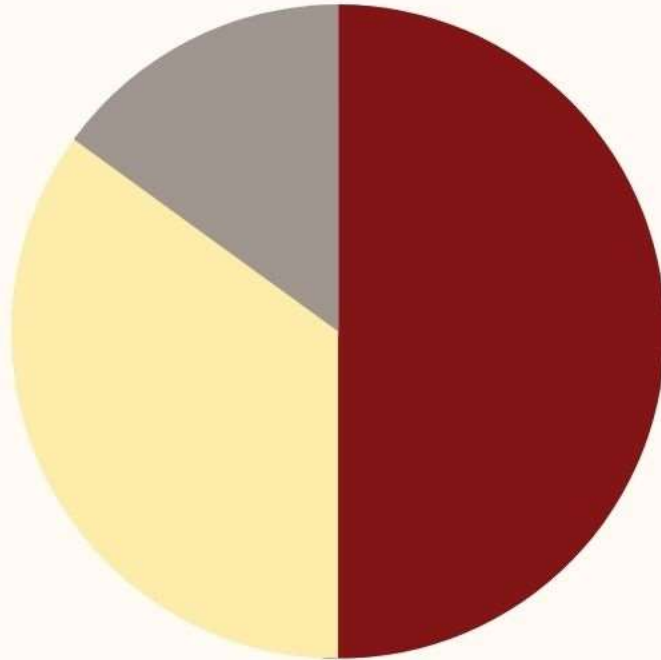
Net Present Worth: \$680,000



Evaluation System for Design Alternatives



Public Acceptance
15%



Cost
50%

Cost

- Construction and O&M

Efficiency

- Nitrate + Nitrite: 10 mg/L
- Dissolved Reactive Phosphorus : 0.09 mg/L
- CECs: Biodegradation rates

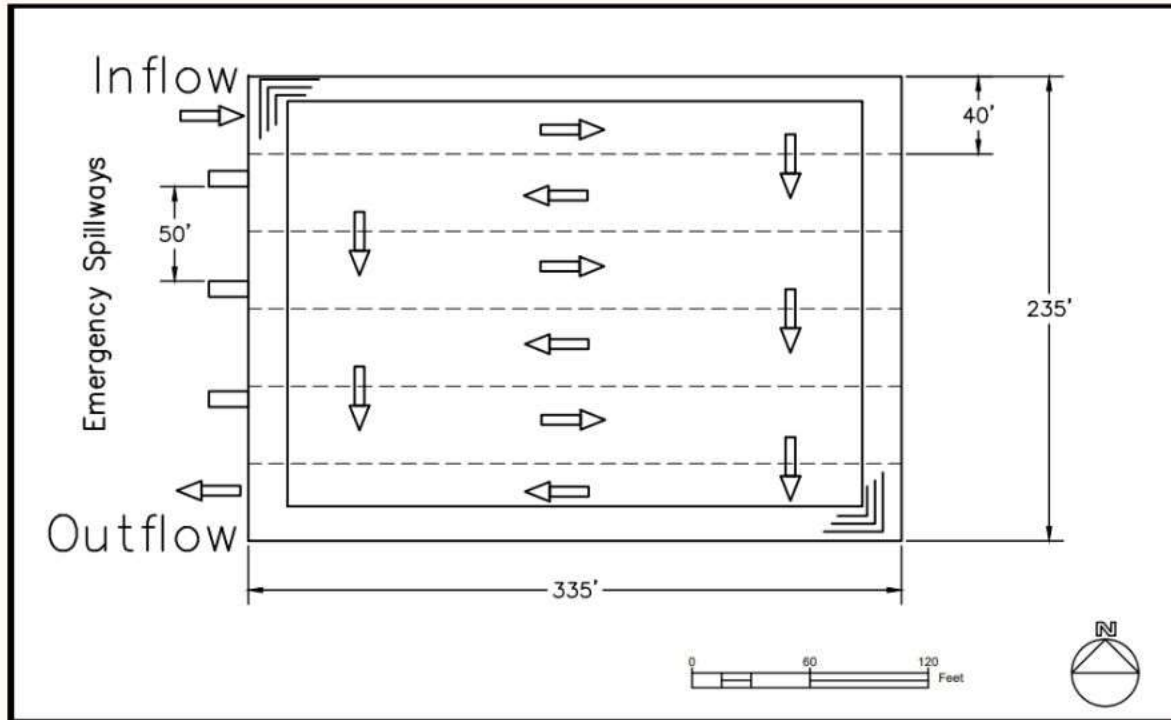
Public Acceptance

- Anticipated public perception and feedback

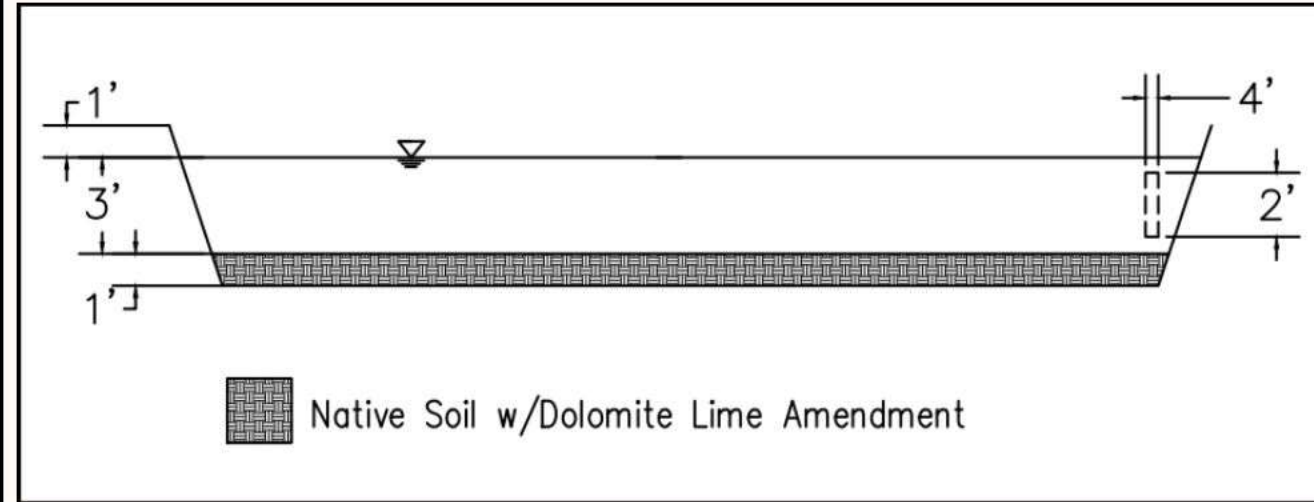
Selection of Preferred Alternative



Schematics of Preferred Alternative



Plan View



Profile View

Footprint: 1.8 acres
Volume: 5 acre-ft

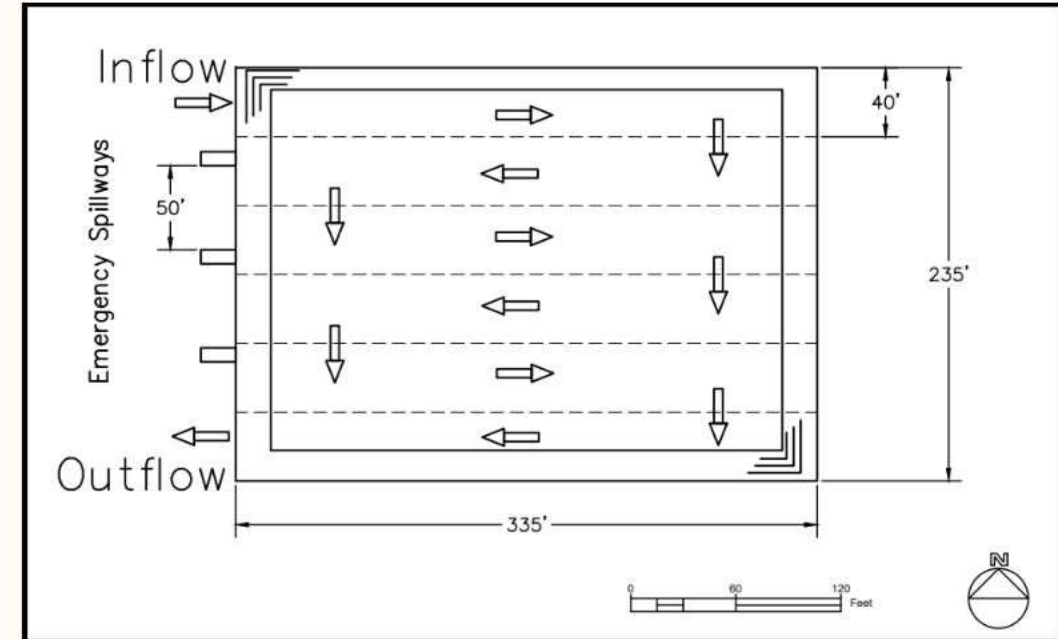
Flow: 82 gpm
HRT: 49-69 days

HLR: 0.67 in/d (49 days)
0.47 in/d (69 days)

Hydraulics



- Automated pump
- Emergency spillways
- 3" PVC pipe for inflow and outflow
 - Concrete channel for effluent



Geotechnical Design



- Removal of central berm
- Multiple emergency spillways and effluent channel
- High-density polyethylene (HDPE) liner
- 1' layer of soil with dolomite substrate



Vegetation



TP/TN Removal

- *Ceratophyllum demersum* (Coontail)
- *Vallisneria americana* (Eelgrass)
- *Canna indica* (Indian shot)



Eelgrass

CEC Removal

- *Scirpus validus* (River club-rush)
- *Panicum virgatum* (Switchgrass)



River club-rush

Mosquito Control

- *Syngonium podophyllum* (Arrowhead)
- *Alisma subcordatum* (American water plantain)



Arrowhead

Contaminant Removal Efficiency



Nitrate + Nitrite

0.62 - 1.17 mg/L
93-96% removal



Dissolved Reactive Phosphorus

0.40 - 0.60 mg/L
73-82% removal



Acesulfame, Caffeine, Acetaminophen, Sucralose, Sulfamethoxazole

Removal varies

Cost Estimate



- **Capital Costs**
 - **≈ \$170,000**
- **Operation and Maintenance Costs**
 - **≈ \$130,000 (30 years)**
- **Net Present Worth**
 - **≈ \$300,000**



Ending Remarks

Item 1.



Recommendations

Item 1.

- Compile database of measured CECs in NWRF effluent
- Develop design criteria for CEC removal based on mesocosm studies
- Assess viability of underlying groundwater as environmental buffer



Limitations

Item 1.

- Land area available is small
- CEC concentrations in effluent are highly variable
- Design criteria for CEC removal in wetlands do not exist
- Site could be flooded from Canadian River



Conclusions

Item 1.

- Nature-based solutions can be used for indirect potable reuse
- Viable technology applied in other states
- Wetlands have effective nutrient removal
- CEC removal not well characterized
- Land intensive, but economical



Acknowledgements

Item 1.

- **City of Norman**
 - **Steven Hardeman, NWRP Utilities Superintendent and Plant Manager**
 - **Chris Mattingly, PE, Norman Utilities Director**
 - **Michele Loudenback, Division of Environmental Resilience and Sustainability**
- **Center for Restoration of Ecosystems and Watersheds**
 - **James Queen, Graduate Teaching Assistant**
 - **Justine McCann, Graduate Research Assistant**
 - **M'Kenzie Dorman , Graduate Research Assistant**
 - **Steinar Dahle, Graduate Research Assistant**
- **Dr. Russell Dutnell, PE, Riverman Engineering LLC**
- **Dr. Gerald Miller, PE, University of Oklahoma CEES Professor**

Acknowledgements

Item 1.

- **Environmental Engineering and Science Advisory Board**
 - **Shellie Chard, Water Quality Division - Department of Environmental Quality**
 - **Jason Masoner, US Geological Survey**
 - **Nathan Kuhnert, US Bureau of Reclamation**
 - **Steve Hardeman, Utilities Superintendent and Plant Manager**
 - **Chris Mattingly, PE, Norman Utilities Director**
 - **Michele Loudenback, Division of Environmental Resilience and Sustainability**
 - **Kyle Arthur, Central Oklahoma Master Conservancy District**
 - **Amanda Nairn, Central Oklahoma Master Conservancy District**



Thank you

We are now open for questions



**Environmental Science
and Engineering Capstone
Class of 2023**

CEES 4913/4923

Johnson
Controls



City of
Norman
May 4, 2023



City of Norman

Agenda

Why We're Here

How We Can Help

Why It Matters

Why We're Here



GOALS & CHALLENGES

- Find Creative, Budget Neutral Solution for Ongoing Challenges:
 - “Long-Term Deferred Maintenance Caused By Budget Constraints Is Increasing Facility Infrastructure Failure Beyond Internal Capability And Resources.”



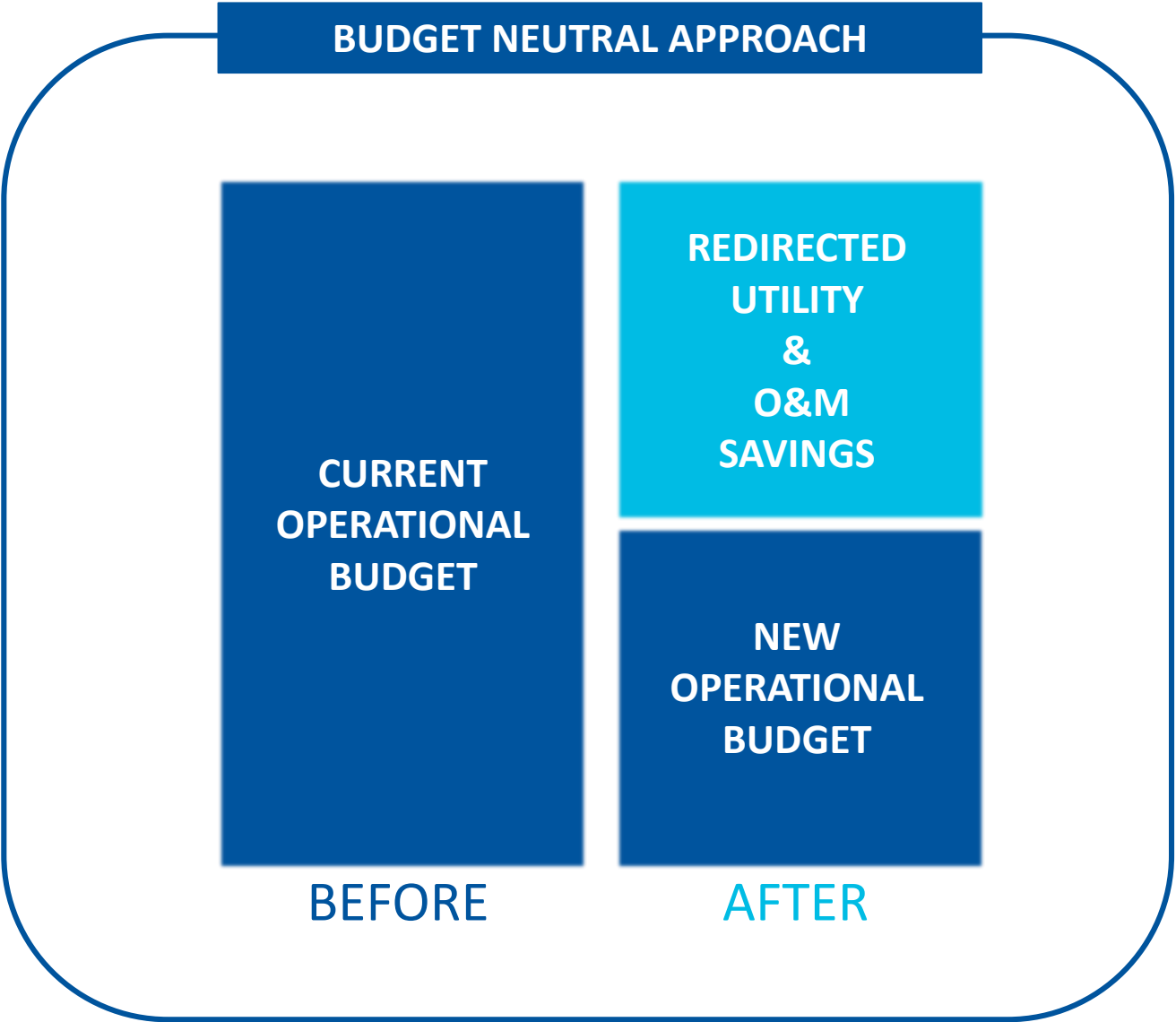
READY FOR 100

- ECAB And The Mayor's Climate Agreement
 - Improve Energy Efficiency Through Renovations Of Existing Facilities
 - Increase Use Of Alternative Energy Sources
 - Inventory Emissions Baseline, Reduction Target, And Plan

Why We're Here



How We Can Help



Typical Facility Improvement Measures



Upgrade existing interior/exterior lighting system to connected LED technology



Sustainability Projects
Solar PV, Biogas, Reutilization



Replace HVAC systems as identified for better comfort and control



Upgrade Environmental Management System to efficient enterprise technology

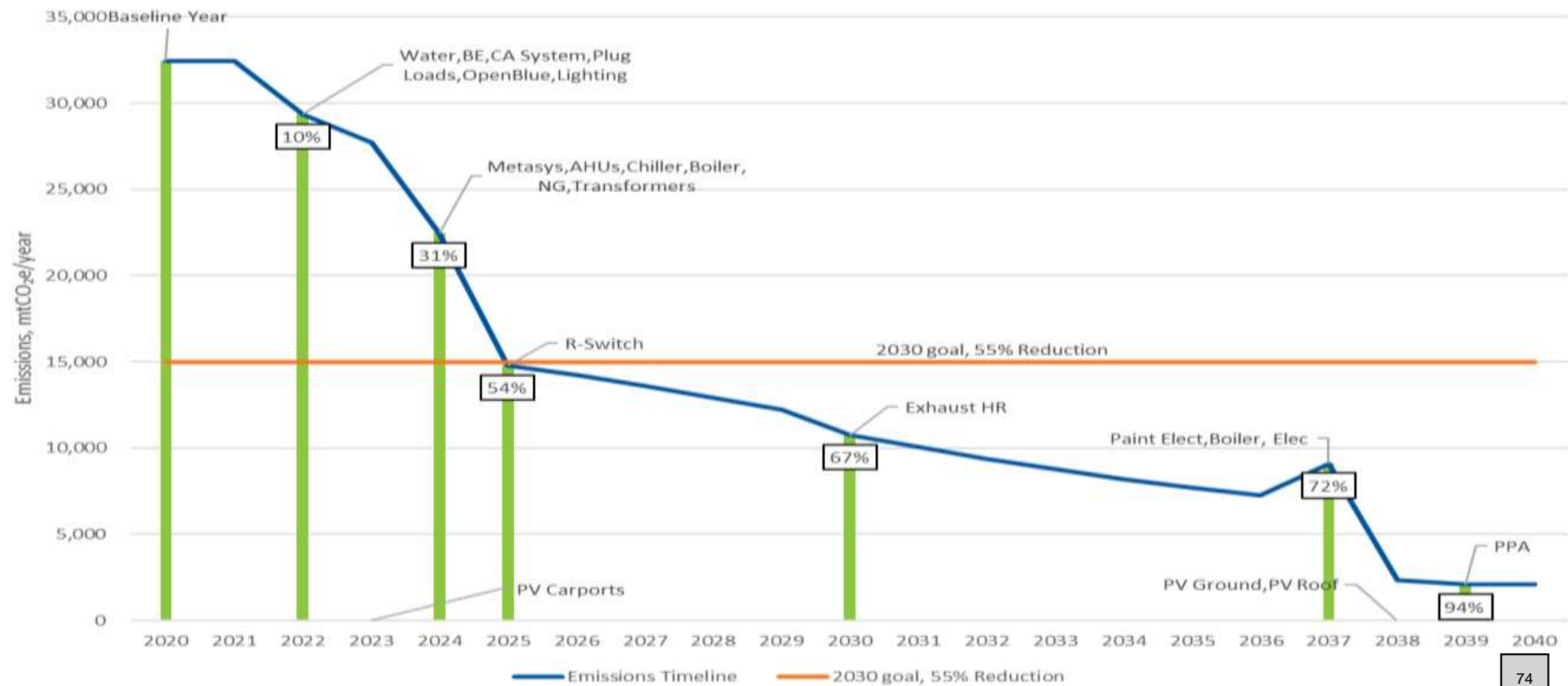


Replace inefficient plumbing fixtures with high-efficiency fixtures



Improve building envelopes to be more sustainable

York Plant Project



Why It Matters



GOALS &
CHALLENGES



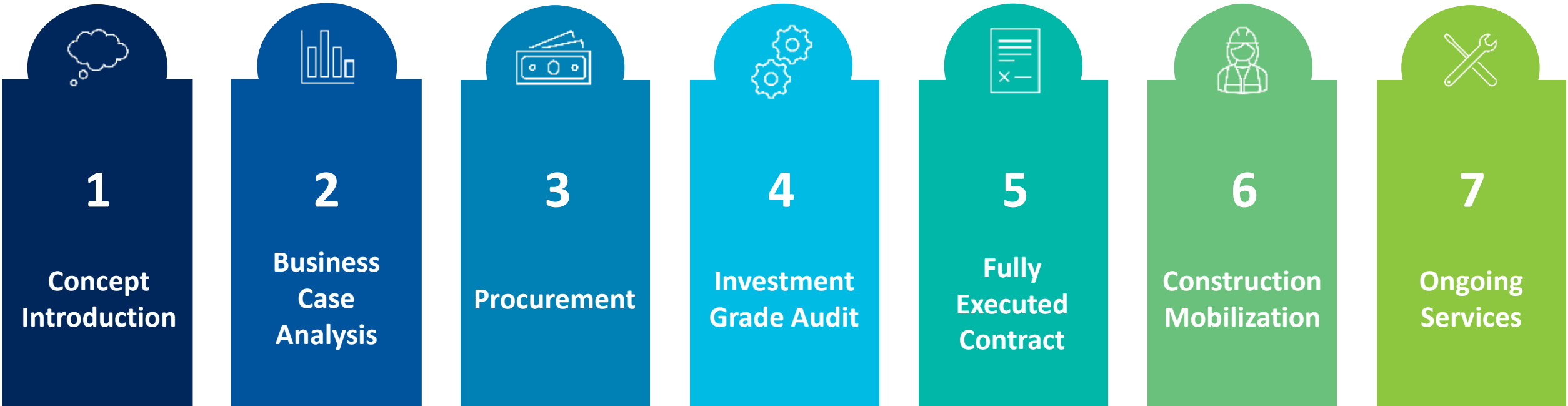
READY
FOR 100



SOLUTIONS & OUTCOMES

- Saves and Reinvests Into Needed Projects With No Other Funding Source
- Preserves Your Capital for Needs Without Payback
- Helps Stabilize Operating and Capital Budgets
- Avoid Future Increased Cost By Accomplishing Work Now
- Driving Innovation with Community Engagement
- Work Force Development
- Guaranteed Energy Savings
- Full Choice in Customized Project Scope

How We Move Forward



City of Norman

Anthony Purinton, Asst. City Attorney

May 4th, 2023 – BACA Meeting

Shopping Cart Ordinances





Item 3.



Shopping Cart Ordinance – Examples

- Individuals can't
 - Remove cart from business
 - Be in possession of a cart when it is not on the owner's premises
 - Leave or abandon the cart somewhere off premises
- Businesses must
 - Put signage/identification on their carts
 - "Abandoned Cart Prevention/Retrieval Plan"
 - Use physical disabling device
- City can
 - Contact cart owner to retrieve carts (typically only when on public property)
 - Impound carts (each Municipality has different procedures)
 - Require a fee for retrieval of carts impounded by City



City Impoundment – Example Procedures

- Identifying abandoned carts
 - Staff generated activity; or
 - Residents can call or email (some Cities do it through their app)
- Notice
 - City notice to retailer before impoundment, some just impound and then notice
 - Requires information about cart ownership (i.e., signage on all carts)
- Retrieval
 - Retailers generally given a set time to retrieve carts before impoundment
 - If impounded, retailers must claim carts within period of time, otherwise the carts are disposed of
 - If impounded, retailers must pay fee to retrieve carts (most of the time around \$50)



City Impoundment – Considerations

- Impoundment and retrieval
 - Some City department would be charged with compliance and abatement (would also need appropriate vehicle to transport)
 - City would need to designate area to store impounded carts and the responsible staff to facilitate retrieval
 - Carts not recovered would be disposed at City's cost (costs likely not able to be recouped)
- Cost to businesses
 - More aggressive measures (e.g., magnetic boundary system requirement) might be costly to businesses
- Criminal enforcement challenges
 - Generally, should avoid punishing victims of theft
 - Prohibition on possession of shopping cart poses enforcement difficulties
 - City ordinance would not extend to those located on private property (unless we obtain permission)



QUESTIONS?

NormanOK.gov



ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX B, ARTICLE II, DIVISION 3 “NUISANCES,” OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY PROVIDING REGULATIONS TO AND CONCERNING ABANDONED SHOPPING CARTS BY ADDING SECTION 11A-30 ABANDONED SHOPPING CARTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth (“City Council”) seeks to protect public safety, preserve the environment, and promote efficiency within the City; and

WHEREAS, the abandonment of shopping carts is an issue of concern to the City of Fort Worth and its citizens because the problem impacts every sector of the City; and

WHEREAS, the City Council believes that such abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public and interfere with pedestrian and vehicular traffic; and

WHEREAS, the abatement of these abandoned shopping carts places a financial burden on both the City and retail establishment therein; and

WHEREAS, the prevention of shopping cart abandonment and the retrieval of carts promotes environmental health and public safety; and

WHEREAS, to accomplish the aforementioned goals there is a need to collect shopping carts from public rights-of-way and provide a mechanism to allow retail owners to reclaim impounded shopping carts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS, THAT:

SECTION 1.

Appendix B, Article II, Division 3 “Nuisances,” of the Code of the City of Fort Worth (2015), as amended, is hereby revised to add a new section to read as follows:

§ 11A-30 ABANDONED SHOPPING CARTS

(a) Definitions. In this section.

ABANDONED SHOPPING CART – Any shopping cart which has been removed from a retail establishment’s premises and is unattended at the time of investigation. Abandoned shopping

carts will be assumed to be the property of the retail business geographically closest to the cart's collection point based on logos, branding and/or retailer's name.

OWNER - a person that operates, manages, or controls the retail establishment.

PREMISES – The entire property owned or leased by the retail establishment, which provides shopping carts for use by its customers. In the case of a retail business located within a shopping center or shopping complex, the premises extend to include all parking areas and other common areas shared by the tenants therein.

SHOPPING CART – means a basket that is mounted on wheels, or a similar device, generally used in a retail establishment by a customer to transport goods of any kind.

(b) Shopping Cart Identification. Owners of retail establishments providing shopping carts for customers may affix to the cart durable, weatherproof, and legible signs or markings identifying the name of the retail establishment. Retail establishments may employ unique color schemes and logos in lieu of the retail establishment's name.

(c) Shopping Cart Control Plan.

(1) Following the impoundment of sixteen (16) or more abandoned shopping carts owned by any one retail establishment within a time period of six (6) months, the Code Compliance Director or designee may place the retail establishment on a Shopping Cart Control Plan and require the retail establishment to do any of the following to mitigate the loss of its shopping carts:

(i) Install wheel locks on all retail establishment shopping carts; or

(ii) Affix to the carts a durable all-weather decal stating the following in legible letters:

IT IS AN OFFENSE PUNISHABLE BY A FINE UP TO \$500 TO POSSESS THIS SHOPPING CART AT A LOCATION OTHER THAN ON THE PREMISES OF THE RETAIL ESTABLISHMENT THAT OWNS THIS SHOPPING CART.; or

(iii) Any other reasonable measures that the retail establishment and the Director or Designee may agree to.

(2) A retail establishment may only be released from a Shopping Cart Control Plan if the retail establishment complies with the requirements provided in the Shopping Cart Control Plan and the retail establishment does not have more than two (2) shopping carts impounded by the City within a six (6) month period after the effective date of the Shopping Cart Control Plan.

(d) Offenses

(1) The owner commits an offense if the City has impounded sixteen (16) or more abandoned shopping carts owned by the retail establishment

(2) A person commits an offense if they have failed to comply with any requirements stated in a Shopping Cart Control Plan.

(3) It is a defense to prosecution if the retail establishment has installed a functioning wheel-lock system on its shopping carts.

(e) Retrieval and Impoundment

(1) The City may collect and impound any abandoned shopping cart located on public property. In the event an abandoned shopping cart is found on public property and is damaged, no longer functional, has no legible identifying markings, or presents a public health and safety concern, the City may dispose of the cart immediately and in a method the Code Compliance Director or designee deems appropriate.

(2) An abandoned shopping cart collected and impounded by the City may be made available to the retail establishment for reclamation for a period of thirty (30) days from the date provided in the notice to the owner of the impoundment at a designated location determined by the City.

(3) Each abandoned shopping cart collected and impounded by the City of Fort Worth will be released to an owner or employee of the retail establishment upon payment of a recovery fee to the City, which shall be established by City Council. Each shopping cart shall be charged a separate recovery fee. A recovery fee shall not be assessed to any abandoned shopping cart that is collected and impounded, if it has a functioning wheel-lock system installed.

(4) In the event an abandoned shopping cart is not reclaimed within thirty (30) days after the owner is notified of the impoundment, the City may dispose of the cart in a method the Code Compliance Director or designee deems appropriate.

(f) *Penalty.* Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.

SECTION 2.

That these ordinances shall be cumulative of all other ordinances of the City of Fort Worth, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

SECTION 3.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 4.

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of these ordinances are severable, and if any phrase, clause, sentence, paragraph or section of these ordinances shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of these ordinances, since the same would have been

enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 5.

That any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of these ordinances shall be fined not more than Five Hundred Dollars (\$500) for each offense. Each day that a violation exists shall constitute a separate offense.

SECTION 6.

That the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish these ordinances for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by the V.T.C.A. Local Government Code Subsection 52.013.

SECTION 7.

These ordinances shall take effect after adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

By: _____
Assistant City Attorney

City Secretary

Adopted: _____

Effective: _____

ADOPTED ORDINANCE 2051

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA, ADDING A NEW CHAPTER 9.66 TO THE GLENDORA MUNICIPAL CODE REGULATING STOLEN OR ABANDONED SHOPPING CARTS AND OTHER CARTS, ESTABLISHING AN ABATEMENT AND ENFORCEMENT PROGRAM RELATED THERETO

THE CITY COUNCIL City of Glendora, California

THE CITY COUNCIL OF THE CITY OF GLENDORA DOES HEREBY ORDAIN AS FOLLOWS:

WHEREAS, shopping carts are routinely abandoned on the City of Glendora's (City) streets and rights-of way; and

WHEREAS, the presence of abandoned shopping carts is found to be a public nuisance and contributes to a decline in the quality of life; and

WHEREAS, the abundance of abandoned shopping carts on the City's rights-of-way encourages crime, tends to reduce property values, and is a blight on the community; and

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

WHEREAS, the City Council finds the standards set forth in this ordinance are necessary to protect the public safety and welfare of the residents of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. A new Chapter 9.66 ("Abandoned Shopping Carts") is hereby added in its entirety to Title 9 ("Public Peace, Safety and Morals") of the Glendora Municipal Code to read as follows:

"CHAPTER 9.66 ABANDONED SHOPPING CARTS"

9.66.010 Findings and Purpose:

The City of Glendora finds that abandoned shopping carts in the city create potential hazard to the health and safety of the public, and interfere with pedestrian and vehicular traffic and create a public nuisance. The accumulation of abandoned carts on public and private property tends to create conditions that reduce property values, and promote blight and deterioration that result in a public nuisance. This chapter is intended to ensure that measures are taken by the owners of shopping carts to prevent the removal of the shopping carts from the owner's premises, to make

removal of the shopping cart without the owner's approval a violation of this Code, and to facilitate the retrieval of abandoned shopping carts in a manner consistent with State law.

Retail establishments owning any shopping carts are subject to the provisions of this chapter.

9.66.020 Definitions:

- A. "Abandoned shopping carts" means any cart that is located outside the premises or parking lot of a retail establishment which owns the cart, except a cart that is in the physical possession of a person who has the express written consent of the cart's owner.
- B. "Business license" means that license for operation of a retail establishment required under Title 5 of this code.
- C. "Cart owner" means every business or person who, in connection with the conduct of a retail establishment owns, rightfully possesses, or makes any cart available to patrons and/or the public. This shall include the owner's agent or authorized representative.
- D. "Code" means the Glendora Municipal Code unless otherwise specified.
- E. "Commencement date" shall mean the date that the implementation, enforcement and applicability of this chapter to cart owners and retail establishments starts. The "commencement date" shall be six (6) months following the day this chapter takes effect following adoption by the city council.
- F. "Contractor" means an authorized independent person approved by the city council for the purpose of effecting the removal of abandoned shopping carts.
- G. "Director" means the city's director of public works or other employee designated by the director of public works or the city manager to enforce or carry out the provisions of this chapter.
- H. "Effective shopping cart nuisance abatement" means the retail establishment's ongoing activities to prevent the theft and abandonment of shopping carts from their parking area, combined with the retail establishment's ongoing activity to retrieve any abandoned shopping cart owned by the retail establishment from public or private property within the city within forty eight (48) hours.
- I. "Effective containment program" means a system selected by the retail establishment that results in no more than five (5) shopping carts being removed without the owner's consent from the business premises or parking area within the twelve (12) month period commencing with the issuance of a business registration or the renewal of the business registration (minimum of 5 carts in a 12 month time period). An effective containment program may include one or more of the following measures:
 - a. Disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the carts.

- b. An on-site security guard to deter customers who attempt to remove carts from the business premises.
 - c. Bollards and chains around the business premises to prevent cart removal, if permitted by the fire marshal.
 - d. Any other measure approved by the director in writing as a means to contain carts on the premises.
- J. "Effective retrieval program" means no more than five (5) abandoned shopping carts are collected by the city or its contractor within the city limits and returned to the retail establishment within the twelve (12) month period commencing with the issuance of a business registration or the renewal of the business registration (minimum of 5 carts in a 12 month time period). There is a rebuttable presumption that a cart found abandoned somewhere off the premises of the cart's owner was removed from the premises without the owner's consent and that if the city or its contractor removes it and returns it to the retail establishment, the cart was abandoned for more than forty eight (48) hours.
- K. "Identified cart" means a shopping cart that has a permanently affixed sign that identifies, in accordance with California Business and Professions Code section 22435.1, the owner of the cart or the retailer, or both; notifies the public of the procedure to be utilized for authorized removal of the cart from the owner's premises; notifies the public that the unauthorized removal of the cart from the cart owner's premises or cart owner's parking area or the unauthorized possession of the cart, is a violation of State law; and lists a valid telephone number or address for returning the cart to the owner or retailer. If the cart owner operates more than one store, the sign shall identify the location of the store where the cart is used.
- L. "Parking area" means a parking lot or other property provided by a retail establishment for use by a customer for parking an automobile or other vehicle. In a multi-store complex or shopping center, "parking area" includes the entire parking area used by or controlled by the complex or center.
- M. "Person" means a natural person, firm, association, organization, partnership, business, trust, corporation, limited liability company, or other entity.
- N. "Private property" means any property not owned by the city, its successor agency, library, or other such sub-agencies or boards acting under the authority of the City of Glendora.
- O. "Public property" means property owned by the city, its successor agency, library, or other such sub-agencies or boards acting under the authority of the City of Glendora.
- P. "Retail establishment" means any trade establishment selling articles, commodities, services, or any line of merchandise where shopping carts are made available for and used by patrons and/or the public.
- Q. "Shopping cart" or "cart" means a basket that is mounted on wheels or a similar device generally used in retail establishments by a patron and/or the public for the purpose of

transporting goods of any kind. Shopping cart also includes a cart used in a coin-operated laundry or dry-cleaning retail establishment for purposes of transporting clothes and necessary cleaning materials.

- R. “City” means the City of Glendora or its designated representatives.
- S. “Unidentified cart” means a shopping cart that is not an identified cart, as defined above.
- T. For the purpose of this chapter, words and phrases not expressly defined in Section 9.66.020 shall be given their customary and usual meanings and shall be interpreted and construed accordingly.

9.66.030 Declaration of a Public Nuisance:

The city council finds and determines that any abandoned shopping cart is declared to constitute a public nuisance that could impede emergency services, interfere with pedestrian and vehicular traffic, reduce property values, promote blight and deterioration, comprise an attractive nuisance and create other hazards to the health, safety, and general welfare of the community by having a tendency to degrade the appearance of the community and thereby decrease property values.

9.66.040 Mandatory Cart Markings and Signage:

As of the commencement date, all carts shall be maintained as identified carts, including:

- A. The cart owner shall provide signage on their premises in a conspicuous location notifying cart users that removal of carts from the premises or parking area is prohibited without the written consent of the retail establishment.
- B. The owner of a retail establishment shall mark all carts used in its business by its customers as required by California Business and Professions Code section 22435.1. The owner shall permanently affix a sign to each cart that identifies the owner of the cart or the retailer, or both; notifies the public of the procedure to be utilized for authorized removal of the cart from the cart owner's premises; notifies the public that the unauthorized removal of the cart from the cart owner's premises or cart owner's parking area or the unauthorized possession of the cart is a violation of State law; lists a valid telephone number, or address for returning the cart to the cart owner.

9.66.050 Unlawful Possession of Carts Prohibited; Power to Contract:

- A. *Unlawful Possession.* It is unlawful for any person other than a cart owner or its authorized representative to do any of the following acts:
 - a. To remove or cause to be removed any cart from a retail establishment or a parking area without the prior written consent of the owner.
 - b. To possess any cart that has been removed from a parking area without the prior written consent of the cart owner or retail establishment, with the intent to temporarily or permanently deprive the owner of possession of the cart.

- c. To alter, convert, or tamper with any cart, or remove any part or portion thereof, or to remove, obliterate, or alter any identification, including but not limited to any serial numbers, or to possess any cart that has been altered, converted, or tampered with or whose identification has been removed, obliterated, or altered, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart without the prior written consent of the cart owner.
 - d. To abandon or leave any cart, which has been removed from a business establishment or a parking facility, upon any public property or upon any private property that is not the premises of the retail establishment or the parking facility.
 - e. For purposes of all provisions in this chapter, any person removing a cart from the retail business or parking area with consent of the cart owner shall carry a copy of such written consent on their person.
- B. *Engagement of Contractor.* The city may, in accordance with the applicable city policies and as approved by city Council, cause the city to engage a contractor to retrieve abandoned carts and such contractor shall comply with the provisions of this chapter and applicable state law including, but not limited to, Business & Professions Code Section 22435.10 *et seq.*

9.66.060 Effective Cart Nuisance Abatement Program:

As of the commencement date, it is unlawful for any person owning a retail establishment located in the city where carts are available for customer use not to implement and maintain an effective cart nuisance abatement program. Effectiveness is measured by the performance of the retail establishment's effective cart nuisance abatement program in compliance with this Section. Any cart owner shall implement and use any reasonable means in any combination to: (i) prevent the removal or theft of their carts from their premises and parking area and subsequent abandonment of their carts within the city limits; and (ii) if such prevention measures are not one hundred percent (100%) effective, cart owners shall retrieve any and all their abandoned shopping carts from within the city boundaries within forty-eight (48) hours.

- A. *Elements of an Effective Cart Nuisance Abatement Program.* Within the timeframes set forth in Section 9.66.060(B) below, all retail establishments/cart owners must (i) notify the director that they own carts for the use of their customers on their premises, and (ii) submit a written plan for the implementation of an effective cart nuisance abatement program. The program shall include, but is not limited to, the following:
- a. A customer outreach process under which the cart owner shall cause additional notice to be provided to customers in addition to the standard signage and marking of the shopping cart as per subsections (a) and (b) of this subsection that the removal of carts from the premises is prohibited and is a violation of State and local law. This customer outreach notification may include, but is not limited to: flyers distributed at the premises, warnings on shopping bags, direct mail, announcements using intercom systems at the premises, website communication, and other available information tools. It may also include marketing to customers their own personal cart for use in lieu of the retail establishment's shopping cart. The exact

means and frequency of this outreach is to be determined by the retail establishment.

- b. Either an “effective containment program” or an “effective retrieval program” as each is defined in Section 9.66.020, or both.
 - c. If a retail establishment has a valid and operational contract with a contractor recognized by the city to retrieve abandoned shopping carts and return them to the retail establishment on an ongoing and regular basis of at least three (3) times per week, then the owner is presumptively deemed to have an effective cart nuisance abatement program, which presumption may be rebutted if the cart retrieval contractor fails to meet the standards for "effectiveness" set forth in this Section 9.66.060. Nothing in this subparagraph waives or limits compliance with the signage and cart marking mandates in Section 9.66.040.
- B. *Submission of Plans for Implementing Effective Cart Nuisance Abatement Program; Annual Renewal.* As of the commencement date: (i) any new retail establishments shall submit their initial plans for implementing an effective cart nuisance abatement program at least thirty (30) days prior to the retail establishment's original business license application, or (ii) for retail establishments operating as of the commencement date, the initial plan for implementing an effective cart nuisance abatement program shall be submitted with their first business license renewal application due following the commencement date. Once an initial plan implementing an effective cart nuisance abatement program is approved, such plan shall be re-submitted for renewal every two years at least (30) days prior to the retail establishment's business license renewal application. for The proposed plan for an effective cart nuisance abatement program shall contain the following information:
- a. That the retail establishment owns carts for the use of their customers on their premises and parking areas;
 - b. The address of the retail establishment and identity of associated parking areas utilized directly for its carts;
 - c. A contact phone number at the retail establishment in Glendora for the person or persons, or job title of the person, who will be responsible for accepting all carts retrieved by the city and returned to the retail establishment during its normal hours of business;
 - d. The type, color and number of carts owned;
 - e. Whether the retail establishment is subject to a valid and operational contract with a contractor recognized by the city to retrieve abandoned shopping carts and return them to the retail establishment on an ongoing and regular basis of at least three (3) times per week, and if so a copy of such contract;
 - f. Photographic proof of compliance with the signage and cart marking mandates in Section 9.66.040; and

- g. A narrative description, and any plans, photographs or other evidence demonstrating the implementation of an effective cart nuisance abatement program as defined in Section 9.66.020 and in compliance with this Section 9.66.060.

Approved plans for an effective cart nuisance abatement program shall be updated annually and resubmitted to the director for renewal, based on the same findings for issuance, every two years at least thirty (30) days prior to the retail establishment's business license renewal in that year.

C. *Director Review and Approval; Timeframes for Compliance.* The director shall review the plan for the proposed effective cart nuisance abatement program and approve or deny the plan within thirty (30) days of its receipt. If the program plan is approved, the cart owner/retail establishment shall implement the approved effective cart nuisance abatement program within thirty (30) days from the date of approval. If the plan is incomplete, the director shall notify the cart owner in writing to revise the plan and resubmit it within fifteen (15) days of director's notice. The director may deny a plan for a proposed effective cart nuisance abatement program based upon one or more of the following grounds:

- a. Implementation of the plan would violate one or more provisions of this code or of any county, state, or federal law or regulation;
- b. The proposed program fails to include all of the information required by this chapter;
- c. The proposed plan is insufficient or inadequate to qualify as an effective cart nuisance abatement program as defined in Section 9.66.020 and in compliance with Section 9.66.060;
- d. The proposed program fails to address any special or unique conditions to the geographical location of the business establishment or parking facility as such conditions relate to cart removal prevention; or
- e. Implementation of the proposed program would violate a term or condition of any agreement between the city on the one hand, and the retail establishment, or owner of the parking area, or cart owner, on the other hand.

The director's denial of a plan for an effective cart nuisance abatement program shall be the final administrative decision unless such denial is appealed to the city manager in writing within five business days. The city manager shall review the director's decision and render a decision, which shall be the final administrative decision.

D. *Noncompliance.* A cart owner who fails to submit an effective cart nuisance abatement program, or whose program is denied, or whose program is approved but who then does not comply with the terms of the approved program, shall be subject to enforcement of these requirements as set forth in Section 9.66.120. Each day during which a retail establishment/cart owner has not complied with the provisions of this chapter shall constitute a separate violation.

9.66.070 Right of Entry:

For purpose of enforcing this chapter, the director may enter public or private property as allowed by law, or with the consent of the property owner, or by warrant, to examine a cart or to cause the removal of such cart if authorized pursuant to this chapter.

9.66.080 Abandoned carts - Abatement and Storage:

- A. *Removal.* The director shall have the authority to remove any abandoned cart on public or private property, other than from the property of the cart owner, under the following conditions:
 - a. *Identified Carts.* If the abandoned cart is an identified cart, removal may occur three (3) business days after the director gives the cart owner actual notice of the cart's discovery and location. A cart owner is deemed to have actual notice three (3) days after the deposit of written notice in the United States mail, posted first-class to the address indicated on the cart or the cart owner's last known address. If actual notice is provided by telephone, the director shall maintain a record of the time, date, and name of the person notified.
 - b. *Unidentified Carts.* If the abandoned cart is an unidentified cart, but other information on the cart provides sufficient information as to the identification of the cart owner, removal may occur either after the director notifies the owner by telephone of the cart's discovery and location and grants a reasonable period of time, not to exceed twenty-four (24) hours, for the cart owner to retrieve such cart, or immediately after reasonable efforts by the director to notify the owner by telephone have failed. The director shall maintain a record of the time, date, and name of the person notified or attempted to be notified. If the owner cannot be determined from information on the cart, the cart shall be deemed an "unidentified cart" subject to Section 9.66.090.
- B. *Storage.* Any abandoned cart removed from public or private property by the director shall be stored for thirty (30) days at the department of public works in the city, or at a location designated by the director, which is reasonably convenient to the cart owner and open for business at least six (6) hours of each business day.
- C. *Fees for Actual Costs Payable to City.* Any abandoned cart removed from public or private property and stored pursuant to this section shall be released to the lawful cart owner if claimed within thirty (30) days after such removal and upon payment of a redemption fee. The redemption fee for the removal and storage of any abandoned cart under this section shall be established by city council resolution and shall cover the actual costs of removal, storage, and related administrative procedures. The schedule for such fees shall remain on file and be available in the office of the director and the office of the city clerk.
- D. *Fines.* In addition to any redemption fee for which a cart owner is liable, owner shall also be liable for a fine in an amount established by resolution of the city council for each occurrence in excess of three during any six (6) month period for failure to retrieve a cart

in accordance with Section 9.66.090(A)(d). As used herein, an "occurrence" includes all of owner's carts impounded in accordance with this chapter in a one-day period.

9.66.090 Option for Immediate Impoundment:

- A. Notwithstanding Section 9.66.080(A), the city may impound an abandoned cart that otherwise meets the criteria set forth in Section 9.66.080(A) without complying with the three (3) business day advance-notice requirement provided that each of the following is met:
 - a. The cart owner of the abandoned cart is provided actual notice within twenty-four (24) hours following the impound and that notice informs the cart owner as to the location where the cart may be claimed.
 - b. Any cart so impounded shall be held at a location in compliance with 9.66.080(B).
 - c. Any cart reclaimed by the cart owner within three (3) business days following the date of actual notice as provided pursuant to this section, shall be released and surrendered to the owner at no charge whatsoever, including the waiver of any redemption fees that would otherwise be applicable pursuant to Section 9.66.080(C).
 - d. Any cart not reclaimed by the cart owner within three (3) business days following the date of actual notice as provided pursuant to this section, shall be subject to any applicable fee imposed pursuant to Section 9.66.080(C) commencing on the fourth (4th) business day following the date of notice but accruing from the date of retrieval and storage, and any applicable fine imposed pursuant to Section 9.66.080(D). Any cart reclaimed by the owner within three (3) business days following the date of actual notice as provided pursuant to this section, shall not be deemed an "occurrence" under Section 9.66.080(D).
- B. Any shopping cart involved in a violation of Section 9.66.050(A) is subject to immediate impoundment, and such impoundment shall follow the procedures provided in Section 9.66.090(A).
- C. *Sale; Final Disposition.* Any cart not reclaimed by the cart owner within thirty (30) days of receipt following the date of actual notice as provided pursuant to this section, may be sold or disposed of in accordance with Section 9.66.110.

9.66.100 Notice of Violation on Unidentified Carts:

Within ten (10) days of the removal of an abandoned cart pursuant to this chapter, the director shall provide notice to any known owner of the cart by first-class mail at the address indicated on the cart or the cart owner's last known address. The notice shall include the following information: (i) date and location of removal of the cart from public or private property; (ii) procedure for recovering such cart; and (iii) last possible date such cart may be recovered. If the cart owner is unknown and not clearly identified on the cart, the cart shall be designated "unidentified." The director, for each unidentified cart, shall maintain a record containing the information above and

a brief description of the cart.

9.66.110 Final Disposition of Unclaimed Carts:

Thirty (30) days after notice is given to the owner, or after the cart is designated "unidentified" pursuant to Section 9.66.100, any abandoned cart not claimed may be sold at public auction or otherwise disposed of. Any proceeds derived from such auction or disposal shall be used to pay the costs of removal, storage, and related administrative procedures. Surplus proceeds derived from such auction or disposal shall be deposited in the general fund of the city.

9.66.120 Enforcement:

- A. Every cart owner who violates any provision of such owner's effective cart nuisance abatement program, and every person who violates any provision of this chapter, shall be subject to enforcement procedures for each violation by any lawful means available to the city, including, but not limited to, those set forth in California Business and Professions Code Sections 22435.3 and 22435.5, Section 1.01.110 of this code, and chapters 1.18, and 9.36 of this code."

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or application, and to this end the provisions of this ordinance are declared to be severable. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 4. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be posted and codified in the manner required by law.

SECTION 5. The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the passage and adoption thereof and cause same to be published at least once in the San Gabriel Valley Examiner, a weekly newspaper of general circulation, published in the City of Glendora, which newspaper is hereby designated for that purpose (GC § 40806); and thereupon, and thirty (30) days after its passage, this ordinance shall take effect and be in force. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The people of the City of Glendora hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

PASSED, APPROVED and ADOPTED this 10th day of March, 2020.

City Council of Glendora, California
BY: JUDY M. NELSON, Mayor

APPROVED AS TO FORM:

Aleshire & Wynder, LLP

WILLIAM W. WYNDER, City Attorney

CERTIFICATION

I, Kathleen R. Sessman, City Clerk/Communications Director of the City of Glendora, do hereby certify that the foregoing Ordinance was introduced for first reading on the 25th day of February, 2020. Thereafter, said Ordinance was duly approved and adopted at a regular meeting of the City Council on the 10th day of March, 2020, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Boyer, Davis, Thompson, Allawos, and Nelson.
NOES:	COUNCIL MEMBERS:	None.
ABSENT:	COUNCIL MEMBERS:	None.
ABSTAIN:	COUNCIL MEMBERS:	None.

I further certify that said Ordinance was published as required by law in a newspaper of general circulation in the City of Glendora, California on the 19th day of March, 2020.

Dated: March 11, 2020

KATHLEEN R. SESSMAN,
City Clerk/Communications Director

SHOPPING CART REGULATIONS.

Sections:

- 3.76.010 Purpose.
- 3.76.020 Definitions.
- 3.76.030 Cart signage.
- 3.76.040 Removal, abandonment, alteration, possession prohibited.
- 3.76.050 Cart owner/retailer requirements.
- 3.76.060 Shopping cart retrieval.
- 3.76.070 Impoundment, retrieval, payment of costs.
- 3.76.080 Immediate cart retrieval.
- 3.76.090 Penalty.
- 3.76.100 Exceptions.
- 3.76.110 Enforcement.

3.76.010 Purpose.

Abandoned shopping carts in the city create a potential hazard to the health and safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance. The accumulation of abandoned carts, sometimes wrecked and/or dismantled on public and private property, tends to create conditions that reduce property values, and promote blight and deterioration, resulting in a public nuisance. Further, lost, stolen or abandoned carts result in the obstruction of free access to public and private sidewalks, streets, parking lots, and interfere with pedestrian and vehicular traffic on public and private streets, and impede emergency services. This chapter is intended to insure that measures are taken by the owners of shopping carts to prevent the removal of shopping carts from the owner's premises, to make removal of a cart a violation of this Code, and to facilitate the retrieval of abandoned shopping carts in a manner consistent with state law. (Ord. 938 § 2 (part), 2016)

3.76.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

- (a) "Abandoned cart" means any cart that has been removed, without the written consent of the owner, from the owner's business premises or parking area of the retail establishment of which the cart owner's business is located, and is located on either public or private property.
- (b) "Abandoned Cart Prevention Plan" means a document submitted by the owner/retailer that provides a plan for how owner/retailer will prevent carts from becoming abandoned and, if accepted by the Director, an implied promise by the owner/retailer to comply with the plan.
- (c) "Business premises" means the entirety of a commercial or industrial site upon which an establishment conducts business, including, but not limited to, the entire parking area of a multi-store complex or shopping center, and any adjacent walkways, where carts are provided for customer use.
- (d) "Cart" means a basket which is mounted on wheels or a similar device generally used in a retail, laundry, dry cleaning or other establishment by a customer or an attendant for the purpose of transporting goods of any kind.
- (e) "Director" means the Director or Manager of the city's Code Enforcement Department, or his/her designee.
- (f) "Owner/Retailer" means a person or business owning or using carts in connection with its business.
- (g) "Physical containment system" means a device on a cart that prevents it from being removed from the business premises by locking the wheels or otherwise preventing the movement of the cart off the business premises. (Ord. 938 § 2 (part), 2016)

3.76.030 Cart signage.

Every cart owned or provided by a business in the city shall have a sign permanently affixed to it, containing the following information:

- (a) The name of the owner of the cart or retailer, or both.
- (b) The procedure to be utilized for authorized removal of the cart from the business premises.

(c) Notification that unauthorized removal of the cart from the business premises, or unauthorized possession of the cart is a violation of state law. Item 3.

(d) A valid telephone number or address for returning the cart removed from the business premises to the owner or retailer. (Ord. 938 § 2 (part), 2016)

3.76.040 Removal, abandonment, alteration, possession prohibited.

It is unlawful to do any of the following if a cart has a permanently affixed sign as set forth in Section 3.76.030:

(a) Remove a cart from the business premises with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(b) To be in possession of any cart that has been removed from the business premises, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(c) To be in possession of any 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.

(d) To leave or abandon a cart at a location other than the business premises with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(e) To alter, convert, or tamper with a 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.

(f) To be in possession of any cart while that cart is not located on the business premises of a business establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart. (Ord. 938 § 2 (part), 2016)

3.76.050 Cart owner/retailer requirements.

All owners or retailers shall comply with the requirements of this section.

(a) Cart identification required. Every owner/retailer of carts shall mark or cause each cart to be marked and identified as set forth in Section 3.76.030.

(b) Daily cart retrieval. All owners/retailers shall ensure that all carts are secured from public access after close of business hours.

(c) Abandoned Cart Prevention Plan. Every owner/retailer providing carts to its customers shall develop and implement a specific plan to prevent customers from removing carts from the business premises, and if removed, to retrieve the cart within 48 hours of the removal or notice of removal. The plan shall be submitted to the Director on a renewable annual basis in conjunction with the business license application and shall contain the following elements:

(1) The name of the owner/retailer and the business name, the physical address where the business is conducted and the phone number and email address of the onsite owner/retailer.

(2) A complete list of all carts maintained on the premises by the owner/retailer.

(3) Evidence that written notification is provided to customers that removal of carts from the business premises is prohibited and is a violation of state and local law. This notification may be provided in the form of fliers, warnings on shopping bags, or any other signage that will effectively inform customers of the law.

(4) At least one physical containment system, including but not limited to, a disabling device on all carts, posting a security guard to prevent customers from removing carts from the business premises, or requiring a security deposit for use of all carts.

(5) A plan for retrieval of abandoned carts, and plans for recovery of all abandoned carts within 48 hours.

(d) At the time of submission of the Abandoned Cart Prevention Plan, the owner/retailer shall pay a fee for the review. The Director shall approve or deny the plan within 45 days of its submission. The plan may be denied on the grounds that it fails to include the elements required under this section or the plan is inadequate or insufficient to fulfill those required elements. Any decision of the Director may be appealed in accordance with Chapter 1.12 of the city's Code.

(e) The Abandoned Cart Prevention Plan shall be submitted to the city within 90 days of the effective date of this chapter, and annually with the business license application thereafter. In the event the owner/retailer's business license expires prior to 90 days from the effective date of this chapter, the owner/retailer shall submit the plan with its business license renewal application. Those affected business establishments opening after the effective date of this chapter shall submit the plan concurrently with the business license application. (Ord. 938 § 2 (part), 2016)

3.76.060 Shopping cart retrieval.

The city may retrieve an abandoned cart from public property (or private property with the consent of the property owner) in the following circumstances:

(a) When the location of the cart will impede emergency services.

(b) When the cart does not identify the owner/retailer as required by Section 3.76.050(a).

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(c) When the city has contacted via telephone, email, or other written correspondence, the owner or retailer and actually notified them about the abandoned cart and the cart has not been retrieved within three business days. (Ord. 938 § 2 (part), 2016)

3.76.070 Impoundment, retrieval, payment of costs.

(a) If the city retrieves a cart, the city shall hold the cart at a location that is reasonably convenient to the owner/retailer and is open for business at least six hours of each business day.

(b) If the cart is not retrieved by the owner/retailer within 30 days after the owner has received notice via telephone or email, or other written correspondence, of the cart being impounded, or if the cart's owner cannot be determined within 30 days after the cart has been impounded, the cart may be sold or destroyed by the city.

(c) The city may impose an administrative penalty in an amount not to exceed \$50.00 for each occurrence in excess of three during a specified six month period, in which a city retrieves a cart under the circumstances set forth in Section 3.76.060. An occurrence includes all shopping carts impounded in a one day period. No cart shall be released to the owner/retailer unless the owner/retailer pays a fee for the city's actual costs to retrieve and store the cart. (Ord. 938 § 2 (part), 2016)

3.76.080 Immediate cart retrieval.

Notwithstanding any other section, the city may immediately retrieve a cart that has the identification set forth in Section 3.76.050, provided the city actually notifies the owner/retailer within 24 hours via telephone or email, or other written correspondence, that the city has impounded the cart, and provides the owner with information on where and how the cart may be retrieved. The city may not collect a fee or impose a fine, nor count a retrieval for purposes of fine under Section 3.76.070, if the cart is retrieved within three business days of the actual notice to the owner/retailer by the city. If the cart is not retrieved within three business days, the city may collect its actual costs and impose a fine and dispose of the cart consistent with Section 3.76.070. (Ord. 938 § 2 (part), 2016)

3.76.090 Penalty.

Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor. The city may use administrative enforcement remedies, and any other remedy available at law or in equity, for violations of this chapter. (Ord. 938 § 2 (part), 2016)

3.76.100 Exceptions.

This chapter shall not apply to cart owners, and/or retailers, or to their agents or employees, or to a consumer who has written consent from the owner of a cart or retailer, to be in possession of the cart or to remove the cart from the business premises, or to do any of the acts set forth in Section 3.76.040. (Ord. 938 § 2 (part), 2016)

3.76.110 Enforcement.

The Director or his/her designee shall oversee the implementation, administration and enforcement of this chapter. (Ord. 938 § 2 (part), 2016)

Chapter 10.59 SHOPPING CART REGULATIONS

Sections:

Article I. General Provisions

- 10.59.010 Purpose.**
- 10.59.020 Definitions.**
- 10.59.030 Enforcement authority.**
- 10.59.040 Authority to inspect.**
- 10.59.050 Alternative remedies.**
- 10.59.060 Additional rules and regulations.**
- 10.59.070 Severability.**

Article II. Signs on Shopping Carts – Required

- 10.59.210 Requirements.**

Article III. Removal, Abandonment, Alteration, Possession – Prohibited

- 10.59.310 Prohibition.**
- 10.59.320 Penalty.**
- 10.59.330 Exceptions.**

Article IV. Mandatory Evaluation Report and Plan to Prevent Cart Removal

- 10.59.410 Plan elements.**
- 10.59.420 Evaluation report.**
- 10.59.430 Timeliness and approval process for prevention plan or evaluation report.**
- 10.59.440 Penalties for failing to submit a prevention plan or to implement prevention measures.**
- 10.59.450 Exceptions.**

Article V. Retrieval of Shopping Carts by City

- 10.59.510 Authority to impound.**

10.59.610 Requirements.

Article VII. Shopping Cart Retrieval Businesses

10.59.710 Records required.

10.59.720 Sign required.

10.59.730 Violations.

Article I. General Provisions

10.59.010 Purpose.

A. 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 Pittsburgh. 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.

B. 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. In addition, this chapter ensures that storeowners will take action to reduce the removal of shopping carts from a business establishment's premises. This chapter will require business establishment owners to facilitate in the retrieval of those shopping carts removed from the establishment's premises. [Ord. 1166 § 2, 2000.]

10.59.020 Definitions.

A. "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.

B. "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.

C. "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.

D. "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.

E. "Premises" means the entire area owned, rented, leased, or utilized by a business establishment that provides shopping carts for customer use, including parking areas.

F. "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

10.59.030 Enforcement authority.

The city manager, police chief and their designated agents (city official) 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. It also includes the power to impose civil penalties for any violation of this chapter. [Ord. 1166 § 2, 2000.]

10.59.040 Authority to inspect.

The city official is authorized to enter upon any property or premises 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. If an owner, tenant, occupant or agent or other responsible party refuses to grant the city permission to enter or inspect, the city may seek a warrant pursuant to applicable law. [Ord. 1166 § 2, 2000.]

10.59.050 Alternative 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. [Ord. 1166 § 2, 2000.]

10.59.060 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. [Ord. 1166 § 2, 2000.]

10.59.070 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted such section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional. [Ord. 1166 § 2, 2000.]

Article II. Signs on Shopping Carts – Required

10.59.210 Requirements.

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

- A. Identifies the owner of the shopping cart or the name of the business establishment, or both;
- B. Notifies the public of the procedure to be used for authorized removal of a shopping cart from the establishment's premises;
- C. 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

D. Displays a permanently affixed sticker notifying 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 local municipal code; and

E. Lists a valid telephone number or address for returning the shopping cart removed from the premises or parking area to the owner or retailer. [Ord. 1166 § 2, 2000.]

Article III. Removal, Abandonment, Alteration, Possession – Prohibited

10.59.310 Prohibition.

It is unlawful to do any of the following acts if a shopping cart has a permanently affixed sign as required by PMC 10.59.210:

A. 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;

B. 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;

C. 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;

D. 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;

E. 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. [Ord. 1166 § 2, 2000.]

10.59.320 Penalty.

Any person who violates any of the provisions of PMC 10.59.310 is guilty of a misdemeanor. The city may use the administrative enforcement remedies set forth in Chapter 1.16 PMC for violations of this article. [Ord. 1166 § 2, 2000.]

10.59.330 Exceptions.

This article 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 PMC 10.59.310. [Ord. 1166 § 2, 2000.]

Article IV. Mandatory Evaluation Report and Plan to Prevent Cart Removal

10.59.410 Plan elements.

Every owner of a business establishment providing shopping carts to its customers (owner) shall develop and implement a specific plan to prevent customers from removing carts from the business premises. The plan must include the following elements:

A. Notice to Customers. The owner shall provide written notification to customers that the removal of carts from the business establishment's premises is prohibited and a violation of state and local law. This notification may be provided in the form of fliers, warnings on shopping bags, or any other written materials that will effectively inform customers of the law.

B. Physical Measures. At least one specific physical measure shall be implemented to prevent cart removal from the business premises. Optional physical measures include, but are not limited to, the following:

1. Installing disabling devices on all carts;
2. Posting a security guard to prevent customers from removing carts from the business premises;
3. Requiring a security deposit for use of all carts.

C. Administrative Hearing. If a dispute arises between the business establishment and city as to the physical measure to be implemented at that establishment, the business establishment may request an administrative hearing in order to resolve this dispute.

1. The request for hearing shall be made in writing to the director of public services. As soon as practicable after receiving the request for hearing, the director shall request the city manager or his or her designee to appoint a hearing officer. The director shall schedule a date, time and place for the hearing. A continuance of the hearing may be granted upon written request to the director.
2. Written notice of the date, time and place of the hearing shall be served at least 10 calendar days prior to the hearing. Notice of the hearing shall be sent to the business establishment by first class mail at the address provided by the business. The hearing shall be set no sooner than 20 days following the request for hearing. [Ord. 1166 § 2, 2000.]

10.59.420 Evaluation report.

An evaluation report must be submitted each year to the public services department or other designated unit of the city. The report shall include, but is not limited to, the inventory of carts owned or used by the business establishment and the number of carts replaced by that establishment due to repair, loss, theft or abandonment. Any owner who fails to submit an evaluation report as outlined in this section by July 1st of each year is guilty of an infraction. If a prevention plan was in place the previous year, the evaluation report shall identify and assess the measures used and approved in the prior year. [Ord. 1166 § 2, 2000.]

10.59.430 Timeliness and approval process for prevention plan or evaluation report.

A. A proposed plan for preventing shopping cart removal or an evaluation report shall be submitted to the city for approval within 60 days after the adoption of the ordinance codified in this chapter and by July 1st of each year thereafter. Those affected business establishments open after the adoption of this chapter shall have 60 days from the filing date on their city business license application to submit a shopping cart removal prevention plan to the neighborhood preservation

unit for approval. The city may reject any proposed plan if it determines that the plan is not reasonably likely to prevent the removal of shopping carts from the premises.

B. A business establishment has 30 days from the date of city approval to implement its cart removal prevention plan. If the proposed plan is the same as the previous year's, the prevention measure shall continue until the city indicates the plan requires modification. Unless otherwise agreed, the owner shall implement modifications to a plan required by the city within 30 days of notification. [Ord. 1166 § 2, 2000.]

10.59.440 Penalties for failing to submit a prevention plan or to implement prevention measures.

Any owner who fails to submit a plan, implement the proposed plan or implement any required modifications to the plan as required by the city, within the time frames as specified in this article, shall be required to place disabling devices on all carts owned, leased or used by the business establishment to prevent removal of carts from the business premises and parking lots. Any owner who fails to place a disabling device on all carts, if applicable, is guilty of a misdemeanor. [Ord. 1166 § 2, 2000.]

10.59.450 Exceptions.

Any business establishment that has contracted for daily retrieval of abandoned shopping carts with a licensed shopping cart retrieval business, and provides quarterly reports to the city on the effectiveness of the retrieval program, shall be exempt from the prevention plan requirements as set forth in PMC 10.59.410(B), 10.59.430 and 10.59.440. [Ord. 1166 § 2, 2000.]

Article V. Retrieval of Shopping Carts by City

10.59.510 Authority to impound.

A. The city of Pittsburg 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 PMC 10.59.210;
2. The shopping cart is located outside the premises or parking area of a business establishment. The parking area of a business establishment located in a multi-store complex or shopping center shall include the entire parking area used by the complex or center; and
3. Except as provided in PMC 10.59.610, the shopping cart is not retrieved within three 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 hours of each business day.

D. Any shopping cart not reclaimed from the city within 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.

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E. The city may impose an administrative penalty on the owner of a shopping cart in an amount not to exceed \$50.00 for each occurrence in excess of three during a specified six-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. The owner's right of appeal shall be as set forth in Chapter 1.08 PMC.

F. The city is authorized to recover actual costs incurred for impounding a shopping cart under the authority provided in subsections (A) and (B) of this section. [Ord. 1166 § 2, 2000.]

Article VI. Authority to Impound Without Three-Day Notice to Owner

10.59.610 Requirements.

Notwithstanding PMC 10.59.510(A)(3), the city may impound a shopping cart that otherwise meets the criteria set forth in PMC 10.59.510(A)(1) and (A)(2) without complying with the three-day advance notice requirement; provided, that:

A. The owner of the shopping cart, or his or her agent, is provided actual notice within 24 hours following the impound and that the notice informs the owner, or his or her agent, as to the location where the shopping cart may be claimed.

B. Any shopping cart so impounded shall be held at a location in compliance with PMC 10.59.510.

C. Any shopping cart reclaimed by the owner, or his or her agent, within three 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 PMC 10.59.510(E) and (F). Any cart reclaimed within the three-business-day period shall not be deemed an occurrence for purposes of PMC 10.59.510(E).

D. Any shopping cart not reclaimed by the owner, or his or her agent, within three business days following the date of actual notice shall be subject to any applicable fee or penalty imposed pursuant to PMC 10.59.510(E) and (F) commencing on the fourth business day following the date of the notice.

E. 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 PMC 10.59.510(D). [Ord. 1166 § 2, 2000.]

Article VII. Shopping Cart Retrieval Businesses

10.59.710 Records required.

Any person who engages in the business of shopping cart retrieval shall have a city business license, and 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. [Ord. 1166 § 2, 2000.]

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10.59.720 Sign required.

Each vehicle employed for the retrieval of shopping carts shall display a sign that clearly identifies the retrieval service. [Ord. 1166 § 2, 2000.]

10.59.730 Violations.

Any person who violates the provisions of this article is guilty of a misdemeanor. In addition, the city may use the administrative enforcement remedies set forth in Chapter 1.16 PMC for violations of this article. [Ord. 1166 § 2, 2000.]