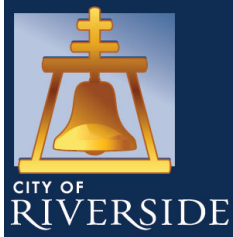


REVISED

Date: SWYC 9-18-24
Item No.: 4



Alternative Approach to Abandoned Shopping Cart Retrieval

Public Works Department

Safety, Wellness, and Youth Committee
September 18, 2024

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BACKGROUND

- July 17, 2024 – Public Works presented a review of the shopping cart program to SW&Y Committee in anticipation of entering in a new agreement for shopping cart retrieval services
 - Committee voted to continue discussion
 - Directed Public Works to delay advancing an agreement
 - Requested that the City Attorney's Office return in September with a presentation on sections of the Business and Professions Code that are relevant to shopping cart theft.
- The City Manager's Office is interested in establishing an ordinance related to shopping carts that is similar to what other cities have done to address catalytic converter theft. This topic will be researched and discussed separate from the Public Works Department shopping cart retrieval program.



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OUTSOURCED PROGRAM OVERVIEW

- Request for Proposal No. 2362
- Scope of Services Include:
 - Patrol Hours: 6am – 6pm, 7 days/week
 - Response Times: Carts reported before 3pm collected same day
 - Delivery: Return carts to retailers within 24 hours of collection
 - Resources: Two drivers and two trucks daily
 - Cost: City pays \$120,000/year



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OUTSOURCED PROGRAM OVERVIEW

Fiscal Year 2023/2024

- Total Service Requests: 1,180
- Monthly Service Requests Average: 98
- Total Carts Collected: 8,294
- Monthly Cart Collection Average: 691
- Total Cart Deliveries: 6,001




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ALTERNATIVE APPROACH

<h3>Staff Requirements</h3> <ul style="list-style-type: none"> 2.0 FTE New Positions Maintenance Worker I <ul style="list-style-type: none"> – \$64,178 – \$74,378 (Salary + Benefits) General Service Worker Full-Time <ul style="list-style-type: none"> – \$52,021 – \$69,097 (Salary + Benefits) 8 – 9 hours, 7 days/week <ul style="list-style-type: none"> Estimated Startup Cost: \$165,242 - \$209,956 	<h3>Equipment Needs</h3> <ul style="list-style-type: none"> Ford F-150 <ul style="list-style-type: none"> – \$55,000 – Plus, maintenance and fuel Straight Deck Utility Trailer <ul style="list-style-type: none"> – \$6,200 – 6.4'x12' with 6ft Mesh Sides <ul style="list-style-type: none"> Estimated Cost After Year 1*: \$104,042 - \$148,756
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* Not including fuel, maintenance, depreciation, or future vehicle/equipment replacement costs. 5

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ALTERNATIVE APPROACH

<h3>Advantages</h3> <ul style="list-style-type: none"> Direct Control Cost Management Community Engagement 	<h3>Challenges</h3> <ul style="list-style-type: none"> Upfront Costs Operational Burden Flexibility
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RIVERSIDE MUNICIPAL CODE: CHAPTER 9.58

REVISED

- CAO prosecutes RMC violations.
- 9.58.040: Carts must have signs/placards with information like owner, phone number, address, etc.
- 9.58.050(A): Unlawful to **remove** cart from premises w/o prior written permission.
- 9.58.050(B): Unlawful to **possess** cart that has been removed from premises.
- 9.58.050(D): Failure to comply = Subject to civil, criminal, or administrative remedies.
- 1.01.110(A) Failure to comply w/ RMC = misdemeanor.



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BUSINESS & PROFESSIONS CODE 22435 et seq.

REVISED

- DA's Office prosecutes B&P violations.
- 22435.1: Enforcement can only occur if carts have signs/placards with information like owner, phone number, address, etc.
- 22435.2(a): Unlawful to **remove** cart with intent to deprive owner or business.
- 22435.2(b): Unlawful to **possess** cart that has been removed, with intent to deprive owner or business.
- 22435.3: Failure to comply = Misdemeanor
- 22435.8: These provisions do **not** invalidate city or county ordinances that regulate or prohibit shopping cart removal.



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PENAL CODE 487

REVISED

- DA's Office prosecutes PC violations.
- (a): Grand theft occurs when property taken is of value exceeding \$950.
- (e): If value of the property exceeds \$950 "over the course of distinct but related acts," the value of property taken "may be properly aggregated to charge a count of grand theft, if the acts are motivated by one intention, one general impulse, one plan."



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RELEVANT CASE LAW

REVISED

- *People v. Stay*: LA had municipal code section that made it a misdemeanor for patrons to remove carts, but DA charged defendant with felony grand theft due to organized business involving car removal, "finder's fee," signage erasure, and sale to other markets.



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STRATEGIC PLAN ALIGNMENT



Strategic Priority 6 – Infrastructure, Mobility & Connectivity

Goal 2.3 – Maintain, protect, and improve assets and infrastructure within the City's built environment to ensure and enhance reliability, resiliency, sustainability, and facilitate connectivity.

Cross-Cutting Threads



Community Trust



Fiscal Responsibility



Sustainability & Resiliency



Equity



Innovation



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RECOMMENDATION

That the Safety, Wellness, and Youth Committee receive a report and provide input on an alternate approach to retrieving shopping carts.



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