



*City of Arts & Innovation*

# Public Safety Committee Memorandum

TO: PUBLIC SAFETY COMMITTEE MEMBERS DATE: JANUARY 18, 2017  
FROM: PUBLIC WORKS DEPARTMENT WARDS: ALL  
SUBJECT: SHOPPING CART RETRIEVAL PROGRAM - AMENDMENT TO CHAPTER 9.58  
OF THE RIVERSIDE MUNICIPAL CODE TO IMPROVE THE PROGRAM

## **ISSUE:**

Consideration of proposed changes to Chapter 9.58 of the Riverside Municipal Code (RMC) relating to abandoned shopping carts.

## **RECOMMENDATION:**

That the Public Safety Committee recommend that the City Council adopt an ordinance to amend Chapter 9.58 of the RMC relating to the retrieval, impound, and disposal of lost, stolen, or abandoned shopping carts.

## **LEGISLATIVE HISTORY:**

On October 23, 2012, the City Council approved Ordinance No. 7192 amending Chapter 9.58 of the RMC relating to the retrieval, impound, and disposal of lost, stolen, or abandoned shopping carts and adopted Resolution No 22467 amending Chapter 3.30.030A to add "shopping cart impound release" as a City service with an abandoned Shopping Cart Impound fee of \$13 per cart to the Master Schedule of Fees and Charges.

Chapter 9.58 of the RMC requires that all retailers possessing shopping carts for customer use must either submit a detailed prevention plan to the City explaining how they will prevent shopping carts from leaving their business premises, or agree in writing to reimburse the City for shopping cart retrieval services. Other provisions of Chapter 9.58 include the following:

1. Retailers are required to post signage regarding shopping cart regulations;
2. Customers are prohibited from removing shopping carts from business premises;
3. Retailers who do not contract with the City must submit a prevention plan within 30 days of notification by the City;
4. Prevention plans shall include details of measures being implemented and how;

5. Annual reports on the effectiveness of a prevention plan are required;
6. The City may reject or revoke inadequate prevention plans;
7. Public Works may issue administrative citations for noncompliance with the chapter; and
8. The City may impound and dispose of abandoned shopping carts.

## **BACKGROUND:**

On June 28, 2016, the City Council approved a Professional Consultant Services Agreement with California Shopping Cart Retrieval Corporation (CSCRC) for shopping cart retrieval services in the amount of \$200,000 over a 3-year term ending June 30, 2019. During discussion of the item, it was requested that a report regarding the program and service delivery be provided to the Public Safety Committee in 90 days. Additionally, Councilmember Soubirous requested research regarding the potential of requiring existing retailers to install disabling devices on their shopping carts.

On September 21, 2016, the Public Works Department presented a program update regarding the shopping cart retrieval program and discussed potential changes to Chapter 9.58 of the RMC relating to abandoned shopping carts. Following discussion of the program, a motion was made by Committee Member Burnard and seconded by Committee Vice-Chair Melendrez requesting staff to return to the Public Safety Committee in 60 to 90 days with proposed changes after soliciting feedback from local businesses. The motion was carried unanimously.

## **DISCUSSION:**

Since the Public Safety Committee meeting on September 21, 2016, Public Works staff met with the Greater Riverside Chambers of Commerce (Chamber) and several of the City's larger retailers, including but not limited to, Stater Brothers, Ralphs, and Albertsons to discuss abandoned shopping carts. The retailers contacted were amongst the top ten retailers with the highest number of abandoned carts retrieved during fiscal year 2015-16.

Retailers were eager to work with the City to make improvements in order to keep shopping carts from leaving their business premises. They were appreciative of the cart retrieval data and being included in the process of updating the RMC. Additionally, retailers were supportive of the suggestive changes to the RMC. The meetings gave them the opportunity to comment on the new requirements and bring forward their own ideas on how to keep carts on their business premises.

Stater Brothers, prompted by the cart retrieval data, checked their wheel locking systems at a few of their locations in Riverside and completed repairs that they were unaware were needed. They also implemented a policy that any cart returned by the City's contractor with a wheel locking system would be tested prior to making it available to their customers. Furthermore, they are going to use the cart retrieval data to request a wheel locking system at their La Sierra location which is currently the only Stater Brothers location in Riverside without such a system in place.

Ralphs shared some innovative ideas about working with the University of California, Riverside and the Chamber to educate students living in the apartments surrounding their Canyon Crest location. The outreach would be geared toward college students and would focus on alternative

ways to transport items purchased in the Canyon Crest Shopping Center to their homes. They will also begin locking up their carts at night with a cable lock and taking an inventory of their carts in the morning and in the evenings at both of their Riverside locations. Furthermore, Ralphs will also use the cart retrieval data to request a wheel locking system at their Magnolia location.

Safeway, owner and operator of Albertsons in Riverside, committed to reinforcing their best practices, which include but are not limited to, increasing parking lot sweeps, inspecting all signage and replacing it if necessary, and chaining and locking their carts at night.

In order to assist the retailers with their efforts, the City will increase cart retrieval services in the vicinity of the retailers with the higher volumes of abandoned carts being retrieved, continue to communicate with retailers and provide meaningful cart retrieval data, and educate the residents and businesses without carts about Chapter 9.58 of the RMC. Additionally, the City is working with their shopping cart retrieval contractor to improve communication through the 311 phone application to allow drivers who retrieve carts to have quicker access to abandoned shopping cart requests.

After meeting with the retailers, staff revised the potential RMC changes to address retailer comments and incorporate ideas that resulted from the meetings. The revised potential changes to RMC 9.58 presented for consideration include:

1. All retailers utilizing shopping carts, whether they utilize City services or not, must submit a prevention plan stating how they will prevent carts from leaving the business premises;
2. Require the prevention plan to provide details on how the retailer will actively locate carts within one mile of the business premises and respond to complaints from the public or notifications from the City regarding abandoned carts;
3. Require the prevention plan to include an employee training program regarding the prevention plan and state law as they relate to shopping carts;
4. Require retailers who have a minimum of 20 carts and have more than 20% of their carts retrieved in a year to submit an annual evaluation report for that year;
5. Require retailers to install disabling devices if their prevention plan has been revoked more than three times in a four year period. If the retailer already uses disabling devices, then they will be required to show proof of quarterly maintenance and repairs ensuring the devices are working properly;
6. Require retailers with carts already equipped with disabling devices to test and repair the devices on abandoned carts returned to the retailer by the City's retrieval contractor prior to making them available to customers;
7. Require retailers to pull carts from circulation if disabling devices are not working properly;
8. Allow the City to revoke a retailers prevention plan and require more stringent prevention measures if they have more than 20 carts and more than 25% of their carts are retrieved in a 6 month period;
9. Require retailers to lock up their carts at night; and
10. Require new construction projects that will accommodate stores with carts to install disabling devices.

The Public Works Department anticipates that, if adopted, the recommended changes to Chapter 9.58 of the RMC will encourage continuous discussions with retailers within the City resulting in ongoing program improvements.

**FISCAL IMPACT:**

There is no fiscal impact associated with the proposed changes to the RMC with regard to abandoned shopping carts.

Prepared by: Kris Martinez, Public Works Director  
Certified as to  
availability of funds: Scott G. Miller, PhD, Chief Financial Officer/City Treasurer  
Approved by: Al Zelinka, FAICP, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

**Attachment:**

1. Riverside Municipal Code Chapter 9.58 – Proposed changes in Redline
2. California Business and Professions Code Section 22435-22435.8
3. Presentation