

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF RIVERSIDE, CALIFORNIA,
AMENDING CHAPTER 9.58 OF THE RIVERSIDE MUNICIPAL CODE,
REVISING THE REQUIREMENTS AND PROCEDURES FOR SHOPPING
CART PREVENTION PLANS AND RETRIEVAL

The City Council of the City of Riverside does ordain as follows:

Section 1: Chapter 9.58 Lost, Stolen, or Abandoned Shopping Carts Table of Contents is
amended as follows:

“Chapter 9.58

LOST, STOLEN, OR ABANDONED SHOPPING CARTS

Sections:

9.58.010 Findings And Purpose.

9.58.020 Definitions.

9.58.030 Enforcement of Chapter.

9.58.040 Required Signs On Carts.

9.58.050 Prohibiting Removal Or Possession Of Abandoned Cart.

9.58.060 Mandatory Plan To Prevent Cart Removal/Evaluation Report.

9.58.070 Prevention Plan/~~Evaluation Report~~ Timelines And Approval Process.

**9.58.080 Penalties For Failing To Submit A Prevention Plan or Evaluation Report Or To
Implement Prevention Measures.**

9.58.090 Notification For Retrieval Of Abandoned Carts.

9.58.100 Administrative Costs And Fines.

9.58.110 Disposition Of Carts After Thirty Days.

9.58.120 Exemption.

9.58.130 Businesses Without Carts.

9.58.140 Severability And Validity.”

1 Section 2: Section 9.58.060 of the Riverside Municipal Code is amended as follows:

2 **“a.** Every owner shall develop and implement a specific plan to prevent customers from
3 removing carts from the business premises ("prevention plan"). The prevention plan must include the
4 following elements and a detailed description of how they will be implemented:

5 **1a.** Notice to Customers. Written notification shall be provided to customers that removal of
6 carts from the premises and parking lots are prohibited and a violation of state and local law. This
7 notice may be provided in the form of flyers, warnings on shopping bags, or any other form of
8 written notification that will effectively notify customers of the prohibition.

9 **2b.** Signs. Signs shall be placed in pertinent places near door exits and near parking lot exits
10 that warn customers that cart removal is prohibited and constitute a violation of state and local law.

11 **3e.** Physical Measures. Specific physical measures shall be implemented to prevent cart
12 removal from the business premises. These measures may include, but are not limited to, disabling
13 devices on all carts, posting of a security guard to deter and stop customers who attempt to remove
14 carts from the business premises, bollards and chains around business premises to prevent cart
15 removal, security deposits required for use of all carts, or the rental or sale of carts that can be
16 temporarily or permanently used for transport of purchases. **All carts shall be securely locked and**
17 **stored at all times while the business is closed.**

18 **4. Cart Retrieval Operations. The procedure by which the owner or qualified cart**
19 **retrieval service will search, find and return carts removed from the business premises. The**
20 **cart retrieval operation must demonstrate that carts will be actively located within one mile of**
21 **the business premises and respond to complaints from the public or notifications from city**
22 **enforcement personnel in a manner which results in the retrieval of carts within twenty-four**
23 **(24) hours of receiving the notification. An owner may contract with the City or another**
24 **vendor for cart retrieval services. If an owner contracts with a cart retrieval service other**
25 **than the City’s contractor, the retrieval service must be a City approved service, and shall not**
26 **place limits on daily loads or days per week to retrieve carts within the City. The owner shall**
27 **provide written authorization to all retrieval personnel, which authorization shall be carried**
28

1 by each person while performing cart retrieval services on behalf of the owner and shall be
2 provided to any enforcement personnel upon request.

3 5. Employee Training. The owner of the retail establishment shall implement and
4 maintain a periodic training program for its new and existing employees designed to educate
5 such employees concerning the requirements of the prevention plan and the provision of state
6 law prohibiting the unauthorized removal of shopping carts from the premises of the retail
7 establishment.

8 bd. Evaluation Report. If a prevention plan was in place the previous year and if the owner has
9 twenty (20) or more carts and twenty (20) percent or more of the owned carts are retrieved
10 within the previous year, a report shall be submitted to the City evaluating the measures that were
11 used and approved in the prior calendar year and providing information on the changes that will
12 be made to improve the prevention plan performance. The report shall include, but not be
13 limited to, the inventory of carts owned/used by the business establishment and the number of carts
14 that had to be replaced due to loss, theft or abandonment. An evaluation report shall be submitted
15 within (30) days of notification by the City.”

16 Section 3: Section 9.58.070 of the Riverside Municipal Code is amended as follows:

17 “Section 9.58.070 Prevention Plan/Evaluation Report Timelines And Approval Process.

18 a. Existing Owners. The proposed prevention plan for preventing cart removal shall be
19 submitted for approval to the Public Works Director or his/her designee within thirty (30) days of
20 receiving notice from the City that such a plan is required pursuant to this Chapter. ~~An evaluation~~
21 ~~report shall be submitted by January 1 of each year thereafter.~~

22 b. New Businesses, New Construction and Change in Ownership. All new construction
23 projects that will accommodate businesses providing more than ten (10) carts shall install
24 disabling device equipment. If a new businesses begins conducting business in the City and
25 provides carts to its customers, the new owner shall notify the Public Works Director or his/her
26 designee within thirty (30) days of opening the business to the public and submit a new prevention
27 ~~plan or contract with the City pursuant to Section 9.58.120 for cart retrieval services.~~ If an existing
28 business changes ownership, the new owner shall notify the Public Works Director or his/her

1 designee within thirty (30) days of the change and submit a new prevention plan or, agree to adopt
2 the existing prevention plan on file with the City for that business ~~or contract with the City pursuant~~
3 ~~to Section 9.58.120 for cart retrieval services. An evaluation report shall be submitted by January 1~~
4 ~~of each year thereafter.~~ **All businesses subject to this paragraph shall submit a proposed**
5 **prevention plan and obtain City approval prior to providing any shopping carts to customers**
6 **of the retail establishment. For prevention plans which include contracting for retrieval**
7 **services as a component of the plan, the contractor for service must be in place prior to**
8 **approval of the plan.**”

9 c. Approval. Within thirty (30) days of receipt of the prevention plan, the owner shall be
10 notified whether the prevention plan is approved. If the plan is not approved, the notice shall state its
11 reasons and provide recommendations to the owner to ensure plan approval. **The** owner shall submit
12 a new prevention plan within fifteen (15) days of receiving this notice. Once a prevention plan is
13 approved, the proposed measures shall be implemented by no later than thirty (30) days after City
14 approval is given. If an evaluation report is submitted, the prevention measures shall be continued
15 until and unless the City indicates that a measure(s) needs to be modified. Unless otherwise agreed,
16 any modifications to the plan imposed by the City shall be implemented within thirty (30) days after
17 the City notifies the owner of the needed modifications.

18 d. Revocation. **If an owner has more than twenty (20) carts and if** more than sixty (60)
19 **twenty-five (25) percent of an owner's** carts are retrieved by the City within a six (6) month period,
20 the owner's prevention plan ~~will~~**may** be revoked upon notification by the City and the owner will be
21 required to submit a new prevention plan to the Public Works Director **within fifteen (15) days of**
22 **receiving notice of the revocation.** Any owner failing to implement the new prevention plan within
23 thirty (30) days of approval, shall be subject to penalties under this Chapter.

24 e. **Multiple Revocations. Upon the third prevention plan revocation within a four (4) year**
25 **time period, the owner shall be required to place disabling devices on all carts**
26 **owned/leased/used by the business to prevent removal of carts from the business premises and**
27 **parking lots, if such disabling devices are not already in use. If disabling devices are already in**
28 **use, owner shall be required to show proof of proper maintenance and repairs ensuring the**

1 **disabling devices on all carts are in proper working order. Any subsequent prevention plans**
2 **submitted shall include the implementation of a maintenance plan for all disabling devices.”**

3 Section 4: Section 9.58.080 of the Riverside Municipal Code is amended as follows:

4 “Any owner that fails to submit a prevention plan, implement the proposed plan measures, or
5 implement any required modifications to the plan by the City within the time frames specified in this
6 Chapter shall be required to place disabling devices on all carts owned/leased/used by the business to
7 prevent removal of carts from the business premises and parking lots. Any owner that fails to submit
8 an evaluation report or prevention plan as ~~outlined in Section 9.58.060(d) and Section 9.58.070 by~~
9 ~~January 1 of each year~~ **required by this Chapter** or fails to place a disabling device on all carts, if
10 applicable, shall be subject to a \$1,000.00 civil penalty, plus an additional penalty of \$50.00 for each
11 day of non-compliance.”

12 Section 5: Section 9.58.085 is added to the Riverside Municipal Code as follows:

13 **“Section 9.58.085 Maintenance Requirements for Cart Disabling Devices**

14 **If an owner has equipped carts with disabling devices, either voluntarily or by order**
15 **from the City, the owner shall conduct regular maintenance to ensure the disabling devices are**
16 **working properly. If at any time, the owner determines the disabling device installed on a cart**
17 **is not working properly, the cart shall be pulled from circulation until it is repaired. The**
18 **owner shall inspect, test, and repair all abandoned carts returned to the owner prior to making**
19 **the returned carts available for use.”**

20 Section 6: Section 9.58.120 of the Riverside Municipal Code is amended as follows:

21 “Any owner may contract with the City for the retrieval of abandoned carts by entering into a
22 written contract to pay the City’s fees for such service. Any owner that has a contract with the City
23 to provide for retrieval of abandoned carts, shall be exempt from the ~~Sections 9.58.060 through~~
24 ~~9.58.080 of this Chapter~~ **Cart Retrieval Operations requirement in section 9.58.060(a)(4) of this**
25 **Chapter**. This exemption is valid only if the other provisions of this Chapter are complied with by
26 owner.”

27 Section 7: The City Council has reviewed the matter and, based upon the facts and
28 information contained in the staff reports, administrative record, and written and oral testimony,

1 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),
2 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title
3 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change
4 in the environment nor have a significant impact on the environment.

5 Section 8: The City Clerk shall certify to the adoption of this ordinance and cause
6 publication once in a newspaper of general circulation in accordance with Section 414 of the Charter
7 of the City of Riverside. This ordinance shall become effective on the 30th day after the date of its
8 adoption.

9 ADOPTED by the City Council this _____ day of _____, 2017.

10
11 _____
12 WILLIAM R. BAILEY, III
13 Mayor of the City of Riverside

14 Attest:

15 _____
16 COLLEEN J. NICOL
17 City Clerk of the City of Riverside

18 I, Colleen J. Nicol, City Clerk of the City of Riverside, California, hereby certify that the
19 foregoing ordinance was duly and regularly introduced at a meeting of the City Council on the
20 _____ day of _____, 2017, and that thereafter the said ordinance was duly and
21 regularly adopted at a meeting of the City Council on the _____ day of _____, 2017,
22 by the following vote, to wit:

23 Ayes:

24 Noes:

25 Absent:

26 Abstain:

27 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the
28 City of Riverside, California, this _____ day of _____, 2017.

City Clerk of the City of Riverside