

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 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           1. 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           2. 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           3. 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 retrieval  
19 service will search, find and return carts removed from the business premises. The cart retrieval  
20 operation must demonstrate that carts will be actively located within one mile of the business  
21 premises and respond to complaints from the public or notifications from city enforcement personnel  
22 in a manner which results in the retrieval of carts within twenty-four (24) hours of receiving the  
23 notification. An owner may contract with the City or another vendor for cart retrieval services. If an  
24 owner contracts with a cart retrieval service other than the City's contractor, the retrieval service  
25 must be a City approved service, and shall not place limits on daily loads or days per week to  
26 retrieve carts within the City. The owner shall provide written authorization to all retrieval  
27 personnel, which authorization shall be carried by each person while performing cart retrieval  
28 services on behalf of the owner and shall be provided to any enforcement personnel upon request.

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

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

13           Section 3:       Section 9.58.070 of the Riverside Municipal Code is amended as follows:  
14 **“Section 9.58.070 Prevention Plan Timelines And Approval Process.**

15           a. Existing Owners. The proposed prevention plan for preventing cart removal shall be  
16 submitted for approval to the Public Works Director or his/her designee within thirty (30) days of  
17 receiving notice from the City that such a plan is required pursuant to this Chapter.

18           b. New Businesses, New Construction, and Change in Ownership. All new construction  
19 projects that will accommodate businesses providing more than ten (10) carts shall install disabling  
20 device equipment. If a new business begins conducting business in the City and provides carts to its  
21 customers, the new owner shall notify the Public Works Director or his/her designee within thirty  
22 (30) days of opening the business to the public and submit a new prevention. If an existing business  
23 changes ownership, the new owner shall notify the Public Works Director or his/her designee within  
24 thirty (30) days of the change and submit a new prevention plan or agree to adopt the existing  
25 prevention plan on file with the City for that business. All businesses subject to this paragraph shall  
26 submit a proposed prevention plan and obtain City approval prior to providing any shopping carts to  
27 customers of the retail establishment. For prevention plans which include contracting for retrieval  
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1 services as a component of the plan, the contractor for service must be in place prior to approval of  
2 the plan.

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

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

18 e. Multiple Revocations. Upon the third prevention plan revocation within a four (4) year  
19 time period, the owner shall be required to place disabling devices on all carts owned/leased/used by  
20 the business to prevent removal of carts from the business premises and parking lots, if such  
21 disabling devices are not already in use. If disabling devices are already in use, owner shall be  
22 required to show proof of proper maintenance and repairs ensuring the disabling devices on all carts  
23 are in proper working order. Any subsequent prevention plans submitted shall include the  
24 implementation of a maintenance plan for all disabling devices."

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

26 "Any owner that fails to submit a prevention plan, implement the proposed plan measures, or  
27 implement any required modifications to the plan by the City within the time frames specified in this  
28 Chapter shall be required to place disabling devices on all carts owned/leased/used by the business to

1 prevent removal of carts from the business premises and parking lots. Any owner that fails to submit  
2 an evaluation report or prevention plan as required by this Chapter or fails to place a disabling  
3 device on all carts, if applicable, shall be subject to a \$1,000.00 civil penalty, plus an additional  
4 penalty of \$50.00 for each day of non-compliance.”

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

6 “Section 9.58.085 Maintenance Requirements for Cart Disabling Devices

7 \_\_\_\_\_ If an owner has equipped carts with disabling devices, either voluntarily or by order from the  
8 City, the owner shall conduct regular maintenance to ensure the disabling devices are working  
9 properly. If at any time, the owner determines the disabling device installed on a cart is not working  
10 properly, the cart shall be pulled from circulation until it is repaired. The owner shall inspect, test,  
11 and repair all abandoned carts returned to the owner prior to making the returned carts available for  
12 use.”

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

14 “Any owner may contract with the City for the retrieval of abandoned carts by entering into a  
15 written contract to pay the City’s fees for such service. Any owner that has a contract with the City  
16 to provide for retrieval of abandoned carts, shall be exempt from the Cart Retrieval Operations  
17 requirement in section 9.58.060(a)(4) of this Chapter. This exemption is valid only if the other  
18 provisions of this Chapter are complied with by owner.”

19 Section 7: The City Council has reviewed the matter and, based upon the facts and  
20 information contained in the staff reports, administrative record, and written and oral testimony,  
21 hereby finds that this ordinance is not subject to CEQA pursuant to Sections 15060(c)(2),  
22 15060(c)(3) and/or 15061(b)(3) of the State CEQA Guidelines, California Code of Regulations, Title  
23 14, Chapter 3, in that it will not result in a direct or reasonably foreseeable indirect physical change  
24 in the environment nor have a significant impact on the environment.

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

ADOPTED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

WILLIAM R. BAILEY, III  
Mayor of the City of Riverside

Attest:

COLLEEN J. NICOL  
City Clerk of the City of Riverside

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

Ayes:

Noes:

Absent:

Abstain:

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

City Clerk of the City of Riverside