

**AN ORDINANCE
TO BE ENTITLED**

AN ORDINANCE TO AMEND PART 9, OFFENSES, CHAPTER 2, NUISANCES, ARTICLE A, OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) TO DEFINE AND PROVIDE FOR REGULATION OF SHOPPING CARTS REMOVED FROM OWNERS' PREMISES; TO PROVIDE FOR EFFECTIVE DATES; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in regular meeting of Council assembled, and pursuant to lawful authority thereof:

SECTION 1: That Article G, In General, of Chapter 2, Nuisances, of Part 9, Offenses of the Code of the City of Savannah, Georgia (2003) be amended by inserting Sections 9-2017 through 9-2026, collectively referred to as the Abandoned Shopping Cart Ordinance, as follows:

Sec. 9-2017. – Purpose. The Mayor and Aldermen find that it is in the public interest to provide for the prompt retrieval of lost, stolen or abandoned shopping carts in order to eliminate blight and improve the image and appearance of the City. It is the purpose of this ordinance to have the owners and operators of businesses providing shopping carts to use the means available to them to deter, prevent or mitigate the removal of shopping carts from their business premises. It is further the purpose of this ordinance to prevent the illegal removal of shopping carts from business premises.

Sec. 9-2018. – Declaration of public nuisance. Shopping carts that have been illegally removed from the premises of businesses and left abandoned on public or private property throughout the City constitute a public nuisance and a potential hazard to the health, safety and welfare of the public. They create conditions of blight in the community, obstruct free access to sidewalks, streets and other public rights-of-way, interfere with pedestrian and vehicular traffic, impede emergency services, and create impediments to the flow of water in drainage systems and other waterways when abandoned within drainage culverts and easements. It is for these reasons such lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance which shall be subject to abatement in the manner set forth in this chapter, or as provided by law.

Sec.9-2019. – Definitions. For the purposes of this ordinance, the following terms shall apply:

(a) "Shopping cart" shall mean a basket mounted on wheels or a similar device which is generally used in a retail establishment by a customer for the purpose of transportation of goods of any kind.

(b) "Abandoned" means a shopping cart that is left unattended or discarded upon any public or private property other than the premises of the retail establishment from which

the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with the permission of the owner. For purposes of this ordinance, any shopping cart left unattended or discarded on any public property shall be presumed abandoned, and any shopping cart left unattended or discarded on any private property shall be presumed abandoned unless the owner or occupant of the private property is: (i) the owner, employee, or authorized agent of the owner, entitled to possession of said shopping cart, (ii) an officer, employee, or agent of a cart retrieval service hired by the owner to retrieve shopping carts, or (iii) is enforcement personnel retrieving, storing or disposing of a cart pursuant to the provisions of this ordinance.

- (c) "Preventative measures" means a description of the specific measures that the business owner will implement to prevent removal of any cart from the business premises. Such measures may include, but are not limited to:
- (1) electronic or other disabling devices on any cart so they cannot be removed from the business premises;
 - (2) use of courtesy clerks to accompany customers and return carts to the inside of the business premises;
 - (3) education provided to customers regarding criminal penalties associated with removal of a cart from the premises; and
 - (4) other demonstrably effective measures likely to prevent removal of carts from the business premises.

Sec. 9-2020. - Abandoned shopping cart prevention and retrieval plan. Each retail establishment with 10 or more shopping carts is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the city. All retail establishments must provide, upon request, a cart prevention and retrieval plan. Two or more retail establishments may collaborate on a single plan. Plans must be available upon request, within 60 days of the effective date of this ordinance, and must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout the City. The plan shall include:

- (a) Owner/Point of Contact information. The name of the owner/manager; the physical address where the retail establishment is conducted; and the name, address, and telephone number(s) of the owner/manager and any point of contact to call and report an abandoned cart, including any changes of such persons.
- (b) Shopping carts to be maintained on-site. The following are required measures to contain shopping carts on-site. The owner of the retail establishment may install specific physical measures on the carts or implement other measures to prevent cart removal from business premises. These measures may include, but are not limited to:

- (1) Installing disabling devices on all carts;
- (2) Installing bollards and chains around business entrances/exits to prevent cart removal;
- (3) Providing carts for rental or sale that can be temporarily or permanently used for the purpose of transporting purchases; or
- (4) Providing personnel for the purposes of the retrieval of lost, stolen or abandoned shopping carts. Such personnel may be either employees of the business or one or more independent contractors hired by the owner to provide shopping cart retrieval services, or combination of both.

Sec. 9-2021. - Identification affixed to carts. Every shopping cart made available for use by customers shall affix on each shopping cart, and maintain thereon, legible information identifying the name of the retail establishment with which it is owned or otherwise associated.

Sec. 9-2022. - Employee training. The owner/manager of the retail establishment shall communicate the cart retrieval plan to new and existing store managers designed to educate such employees concerning the requirements of the plan and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment.

Sec. 9-2023. - New development requirements. New developments and businesses of over 15,000 square feet in area and having more than ten carts shall be required to provide, upon request, a cart retrieval plan prior to the issuance of a certificate of occupancy for the facility.

Sec. 9-2024. – Effective date; compliance. The effective date of this ordinance shall be June 1, 2018. Within 60 days of the effective date of this ordinance, each retail establishment that utilizes shopping carts in the operation of its business shall affix on each shopping cart, and maintain thereon, information identifying the name of the retail establishment.

Sec. 9-2025. - Enforcement. The provisions of this ordinance shall be enforced by code enforcement personnel. In the enforcement of this ordinance, enforcement personnel may enter upon public property which the City owns or has a right to enter to examine a shopping cart or parts thereof, or to obtain information as to the identity of a shopping cart and remove, or cause removal of, a shopping cart, or parts thereof, declared to be a nuisance pursuant to this ordinance.

Sec. 9-2026. - Penalty for failure to submit, modify or implement plan. Any retail establishment that fails to provide a plan upon request, shall constitute a violation of this ordinance, and be subject to the procedure and penalties that follow:

- (a) Once a merchant or point of contact, as specified in the cart retrieval plan, has spoken with code enforcement, the merchant has 72 hours to remove carts.

(b) If the City has to remove the carts, they will be immediately disposed of and the business fined a recovery fee.

(c) The recovery fee will be established yearly in the City's Revenue Ordinance. For 2018 the fees shall be: one cart picked up \$375; more than one cart at the same location, \$375 plus \$125 for each additional cart collected during the same recovery effort.

(d) Failure of any business to provide a cart retrieval plan within 24 hours of request shall result in a fine not to exceed \$500.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED: _____

Eddie W. DeLoach, Mayor

Clerk of Council