

Mayor and Council Communication

DATE: 02/28/23

M&C FILE NUMBER: M&C 23-0189

LOG NAME: 23ABANDONED SHOPPING CART ORDINANCE

SUBJECT

(ALL) Adopt an Ordinance Amending Appendix B, Article II, Division 3 "Nuisances" of the Code of the City of Fort Worth, Texas to Regulate Abandoned Shopping Cart and Establish an Abandoned Shopping Cart Recovery Fee in the Amount of \$50.00 Per Shopping Cart Recovered From Impoundment

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached ordinance to amend Appendix B, Article II, Division 3 "Nuisances", by adding section 11A-30 to Regulate Abandoned Shopping Carts
2. Establish an Abandoned Shopping Cart Recovery Fee of \$50.00 per shopping cart recovered from impoundment; and
3. Amend the fee schedule of the City of Fort Worth to establish an Abandoned Shopping Cart Fee to be effective within ninety (90) days of adoption.

DISCUSSION:

Abandoned shopping carts have frequently been discarded in public rights-of-way; in waterways and stormwater drainage systems; and in public spaces (e.g., bus stops or parks) which detract from community appearance while creating safety hazards along streets or trails. Retailers that provide shopping carts offer these carts as a convenience for customers, but do not want shopping carts removed from their property or stolen. While promoting a clean and safe community, this ordinance is developed to support building strong neighborhoods which include our retail business partners. Currently, the City has the authority to immediately remove items within its right-of-way that present a public health and safety concern and dispose of such items. This ordinance establishes abandoned shopping carts as a nuisance. Under this ordinance, City staff will remove the abandoned shopping carts within the City's right-of-way and dispose of the shopping carts immediately or provide the retailers an option to recover their carts from a designated location within 30 days for a fee. Furthermore, this ordinance allows for the City to issue citations to owners of retail establishments that fail to retrieve abandoned shopping carts or comply with a Shopping Cart Control Plan.

The ordinance encourages responsible shopping cart management, works to reduce the number of abandoned shopping carts within the community, and establishes a procedure for collected shopping carts to be reclaimed or discarded. It also establishes a related recovery fee for any abandoned shopping carts that are collected by City staff. Most importantly, this ordinance seeks to only regulate businesses that fail to retrieve their abandoned shopping carts and will have no impact on retail businesses that are maintaining their shopping carts on their property.

Overview of the Abandoned Shopping Cart Ordinance:

1. Provision for City staff to remove abandoned shopping carts from public rights-of-way and provide an option for business owners/operators to recover abandoned carts for a period of thirty (30) calendar days at a location determined by the City.
2. Provision for City staff to dispose of collected shopping carts after thirty (30) calendar days or immediately dispose of any abandoned shopping cart found in the public right-of-way if the cart cannot be identified, damaged, or is not functional.
3. Encourages carts to be identifiable to the store through a placard or recognizable color scheme and logo in case they are removed from their business premises and abandoned.
4. Allows business owners the opportunity to recover carts for a fee of \$50.00 per cart recovered within thirty (30) calendar days.
5. Requires businesses to install one or more, best management practices within a Shopping Cart Control Plan, such as sensor-based wheel locks, signage, or additional cart corrals to address frequent violations; if their carts are regularly removed from their property and abandoned.
6. Creates a Class C misdemeanor for having sixteen (16) or more abandoned shopping carts impounded by the City or not complying with a Shopping Cart Control Plan imposed by the City.
7. Creates a defense for retail operators that have installed and maintained functional sensor-based wheel lock systems to control carts.
8. Confirms that a recovery fee shall not be assessed to any abandoned shopping cart that is collected and impounded, if the abandoned shopping cart has a functioning wheel-lock installed.

Staff recommends the addition of an Abandoned Shopping Cart Recovery Fee to be added to the Code Compliance Department's approved Schedule of Fees, at a rate of \$50.00 per cart recovered from impoundment. The proposed changes to the fee schedule are necessary to reimburse the City for partial cost of retrieval and storage of abandoned shopping carts. This fee structure also creates an incentive to encourage the businesses to retrieve their shopping carts from public spaces within twenty-four (24) hours of notice prior to City staff retrieval of the carts.

Staff recommends the adoption of this ordinance to help minimize the amount of abandoned shopping carts found in the City. If adopted, City staff will ensure a communication plan is implemented to inform all retail operators of the purpose of the ordinance. It is anticipated that this ordinance will reduce the incidence of abandoned shopping carts being discarded, stolen and dumped.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that upon approval of the above recommendations and establishment of an abandoned shopping cart recovery fee, funds will be deposited into the Environmental Protection Fund. The Code Compliance Department (and Financial Management Services) is responsible for the collection and deposit of funds due to the City.

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Expedited