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ORDINANCE NO.: 2023-080

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14, Offenses and Miscellaneous Provisions, to add Article XIII, Abandoned Shopping Carts

WHEREAS, City Council finds that shopping carts are routinely abandoned on the city's rights of way and streets; and

WHEREAS, abandoned shopping carts constitute a nuisance, encourage crime, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the city; and

WHEREAS, wrecked, dismantled and abandoned shopping carts on public or private property create conditions that reduce property values and promote blight and deterioration within the city's neighborhoods; and

WHEREAS, City Council finds this ordinance necessary to protect the public safety and welfare of the residents of the city.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Columbia, South Carolina this 1st day of August, 2023, that the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 14 is hereby amended by adding Article XIII to read as follows:

ARTICLE XIII.-ABANDONED SHOPPING CARTS

Section 14-401. Definitions.

As used in this Article, the following terms shall have the meaning indicated in this section:

1. *Abandoned shopping cart* shall mean any shopping cart that has been removed without written consent of the owner or manager, from the retail establishment's premises or parking lot and is located on either public or private property.
2. *Premises* shall mean the entire area owned, occupied, and/or utilized by an owner which provides shopping carts for use by customers or other persons.
3. *Retail establishment* means any trade establishment selling articles, commodities, services, or any line of merchandise where shopping carts are made available for and used by patrons and/or the public.
4. *Shopping cart* shall mean a basket which is mounted on wheels or a similar device generally used in a retail or commercial establishment by a customer for the purpose of transporting goods of any kind.

Section 14-402. Abandoned Shopping Carts.

It shall be unlawful for any person, other than a shopping cart owner or its authorized representative to do any of the following:

1. To permanently remove a lawfully marked shopping cart from a premises or parking lot or be without written consent of the owner or manager;
2. To be in possession of a lawfully marked shopping cart that has been removed from a premises or parking lot without written consent of the owner or manager, with the intent to permanently deprive the owner of possession of the shopping cart; or
3. To cause or permit any shopping cart to be abandoned on or upon any sidewalk, street, or other public area, other than the premises of the owner of such shopping cart.

Section 14-403. Exception.

This code section shall not be construed to include any of the following:

1. Shopping carts removed from the premises or parking lot for the purposes of repair, maintenance, or disposal; or
2. Shopping carts abandoned on private property by no fault of the owner of said property.

Section 14-404. Penalty.

Any person who commits a violation pursuant to Section 14-402 shall be subject to a civil penalty of not more than five hundred dollars (\$500.00).

Section 14-405. Shopping Cart Identification Required.

Every shopping cart owned or provided by any owner shall have the sign that includes the owner's name, address, and phone number permanently affixed on the shopping cart for identification and retrieval purposes.

Section 14-406. Shopping Cart Removal Warning Sign.

Owners shall display conspicuous signs notifying the public that removal of shopping carts from the premises or parking lot is prohibited pursuant to this code section without the written consent of the retail establishment.

Section 14-407. Written consent required for off-premises use of shopping cart.

An owner or its representative may permit a customer off-premises use of a shopping cart for transportation of purchased items. The authorization must be in writing with the provided date and time. This shopping cart must be returned to the owner's premises within 72-hours.

Section 14-408. Mandatory securing of shopping carts after hours.

Shopping carts stored outdoors shall be locked after business hours in a manner that prevents unauthorized removals.

Section 14-409. Retrieval of Shopping Carts.

Law enforcement shall notify the owner of an abandoned shopping cart that such is located in a place that can be accessed safely by an owner. Such notice shall be made to persons identified in the retail establishment's Abandoned Shopping Cart Prevention and Retrieval Plan. Within twenty-four (24) hours of notification, the owner or its agent shall retrieve the identified shopping cart.

Section 14-410. Administrative Costs and Enforcement.

Any owner who fails to retrieve its abandoned shopping cart(s) within twenty-four (24) hours after receiving notice from law enforcement in accordance with Section 14-409 shall pay the City's actual costs for retrieving the shopping cart(s) and providing the notification to the owner.

Any owner who fails to retrieve abandoned shopping carts in accordance with this code section in excess of three (3) times during a six month calendar period shall be subject to an additional fifty (\$50.00) dollar civil penalty for each occurrence, and be required to submit a revised Abandoned Shopping Cart Prevention and Retrieval Plan to be approved by the Chief of Police or his/her designee. Any subsequent violations may result in the City requiring an owner to obtain a shopping cart retrieval business to ensure compliance with this code section. An occurrence includes all shopping carts owned by the retail establishment that are retrieved by the City in a one-day period.

Section 14-411. Abandoned Shopping Cart Prevention and Retrieval Plan.

Every retail establishment who provides shopping carts to customers or intends to provide shopping carts to customers shall develop, implement and comply with the terms and conditions of an approved Abandoned Shopping Cart Prevention and Retrieval Plan to prevent unauthorized removal of shopping carts from a premise or parking lot. A proposed plan shall be submitted to

