

CITY OF VINELAND

ORDINANCE NO. 2023- 17

ORDINANCE AMENDING ORDINANCE 2009-5, AS AMENDED, CHAPTER 597 OF THE CODE OF THE CITY OF VINELAND ENTITLED SHOPPING CARTS TO SET FORTH FURTHER RESTRICTIONS ON REMOVAL FROM STORES AND TO SET FORTH OBLIGATIONS RELATED THERETO.

WHEREAS, shopping carts are a necessary part of grocery or other shopping within the City by providing a convenience to customers of the retail facility; and

WHEREAS, shopping carts are habitually removed from the premises of the store for private use beyond the confines of the premises and become a nuisance for pedestrians and litter the streetscape, many times left abandoned; and

WHEREAS, removal of the shopping cart from the store property is a problem for the owner of the store as well as such carts are expensive to acquire and maintain; and

WHEREAS, City Council finds it to be in the best interest of the City to further outline the penalties for removal of shopping carts from the store premises and obligations of store owners to take steps to alleviate the problem abandoned carts cause within the City.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Ordinance 2009-5, as amended, Chapter 597 of the Code of the City of Vineland be amended as follows:

Chapter 597, sections 1 through 6 shall be deleted in their entirety and replaced as follows:

Section 597-1 Definitions:

Parking Area shall mean a parking lot or other property provided by a retailer for the use of a customer for parking an automobile or other vehicle. The parking area of a mercantile establishment located in a multi-store complex or shopping center shall include the entire parking area used by the complex or center.

Shopping Cart shall mean a push cart of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and their parking areas.

Section 597-2 **Removal of Shopping Carts from Parking Area**

No patron of a mercantile establishment shall remove a Shopping Cart from the Parking Area of a mercantile establishment without the express consent of the owner of the establishment for purposes of repair or disposal.

No owner of a retail mercantile establishment shall permit a patron to remove a Shopping Cart from the Parking Area of the establishment except for repair or disposal.

Section 597-3 **Impounding of Shopping Carts Located Outside the Mercantile Establishment Parking Area:**

- a. For all Shopping Carts with valid telephone numbers or addresses through which the owner or retailer can be contacted:

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1. Upon providing notice to the telephone number or address thereon, should the retailer or an authorized agent fail to retrieve the Shopping Cart within 3 business days from attempted notification and advising of how the cart may be retrieved including its location, the City may impound the Shopping Cart.
 2. Upon failure to retrieve the Shopping Cart after giving 3 business days notice at the telephone number and/or address listed on the cart, the City shall impound the Shopping Cart and notify the retailer or authorized agent at the telephone number and /or address listed on the cart of the impound held by the City and provide the retailer or an authorized agent 5 business days following notice to retrieve said cart.
 3. Upon the failure of the retailer or authorized agent to remove the cart within 5 business days from the date of notice, or should the cart have no information identifying the owner, the City shall consider the cart abandoned
 4. The City may, in its discretion impound a Shopping Cart that has a sign identifying the owner or the retailer without complying with subsections 1 through 3 herein above provided the owner is so notified within 24 hours of impounding the cart and advises the owner or authorized agent of its location. Should the owner remove the cart from impound within 5 business days of notice, the cart shall be released without any charge or fine.
 5. For purposes of this Section, calling the telephone number and leaving a message and/or mailing to the address listed, if any shall be deemed notice.
- b. Nothing contained in this section shall preclude or otherwise limit the City from impounding a Shopping Cart that does not have a sign or notice identifying the owner of the cart.
 - c. Any Shopping Cart impounded and not retrieved in accordance herewith shall be sold by the City to cover the costs incurred by the City for impoundment.

Section 597-4 **Penalties**

Any person or legal entity convicted of violating any section herein shall be subject to a fine of \$50.00 per Shopping Cart per event.

BE IT FURTHER ORDAINED that the balance of Ordinance 2009-5 not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

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This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk