

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 129 OF THE CODE OF ORDINANCES ENTITLED "SHOPPING CARTS", CREATING NEW SECTIONS ENTITLED "RETRIEVAL PLAN" AND "PLAN SUBMISSION AND REVIEW".

WHEREAS, hundreds of shopping carts are abandoned throughout the City every month; and

WHEREAS, abandoned shopping carts cause blight throughout the City; and

WHEREAS, the recovery and return of shopping carts by Public Works on a daily basis has a serious impact on City resources; and

WHEREAS, the food and marketing institute reports that nearly 2 million shopping carts are removed from establishments annually, with an estimated per store potential loss of \$8,000- \$10,000 in the US and a total of \$800 million worldwide; and

WHEREAS, retailers in the City that have taken measures to ensure that shopping carts cannot be removed from their premises have virtually eliminated the removal and loss of their shopping carts; and

WHEREAS, on November 2, 2018, Code Compliance sent over 30 letters to all retailers that utilize shopping carts in the City proposing a pilot recovery program in which the City would recover and return abandoned shopping carts for a minimal fee, but received no feedback or response; and

WHEREAS, retailers that do not take measures necessary to retain shopping carts should have a recovery plan, alleviating the City from this responsibility; and

WHEREAS, retailers that fail to take measures to retain shopping carts and fail to develop a recovery plan should be held accountable; and

WHEREAS, staff recommends approval of the proposed Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Underlined words are additions to existing text; ~~struck through~~ words are deletions from existing text.

Section 1: That the foregoing “WHEREAS” clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 129 of the Code of Ordinances entitled “Shopping Carts” is hereby amended as follows:

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 129. SHOPPING CARTS

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§ 129.05 PENALTY RETRIEVAL PLAN.

(A) Each retail establishment furnishing shopping carts to patrons to transport items purchased from the establishment is required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the City. Two or more retail establishments may collaborate and submit to the City a single plan.

(B) Plans must be submitted to the City through its Director of Public Works within 60 days of the effective date of this Article, and must include the following:

(1) A method for retrieving all shopping carts belonging to the retail establishment within the City limits;

(2) Name, including the name of a contact person, address and phone number of the retail establishment; and

(3) Name, including the name of a contact person, address and phone number of the company implementing the retrieval plan, if other than the retail establishment.

(C) The retail establishment may request permission from the City’s Code Compliance Division to employ at least two of the following methods in lieu of the retrieval plan:

(1) A physical barrier or barriers may be installed, such as bollards, which restrict shopping carts to the main or primary entryway of the business;

(2) Shopping carts may be equipped with protruding devices, arms or similar devices, which operate to prohibit the cart from being removed from the interior of the business establishment;

(3) A system may be used, which may be mechanical by nature, requiring a monetary deposit that is of a reasonable amount such that it does not deter usage of the cart but encourages return of the cart and allows for a refund of the deposit; or

(4) A shopping cart wheel-locking system may be used in conjunction with an electronic barrier along the perimeter of the business establishment premises that causes the shopping cart wheels to lock when the cart approaches or crosses the barrier location by activating the electronic barrier.

~~(B) Any business premises which have experienced five or more removed shopping carts within any three month period of time shall be required to develop and implement a specific plan to deter additional occurrences of shopping cart removal. The plan shall be developed and implemented within six months, and must be approved by the City Director of Public Works. The following, or other reasonably suitable means may be necessary:~~

~~(1) Attaching alarm mechanisms to shopping carts to prevent their removal;~~

~~(2) Implementing a policy of not allowing customers to exit commercial establishments unescorted with shopping carts;~~

~~(3) Constructing barriers to discourage the removal of shopping carts from the parking lot areas accessory to the business premises; or,~~

~~(4) Retrieving and corralling shopping carts not being used about the premises to a location within the establishment or in the parking area, as may be approved on a site plan, during regular intervals of business operations, including upon the close of the business.~~

~~(C) A failure to prepare and implement a plan which achieves and experienced standard of less than five shopping carts being removed within any three month period shall constitute a violation of this code. A code violation may be prosecuted in accordance with Chapter 36 of the code.~~

§ 129.06 PLAN SUBMISSION AND REVIEW.

(A) The City shall determine whether a retail establishment's plan for retrieving its shopping carts is reasonably calculated to result in the prompt removal of the retail establishment's shopping carts found within the City limits.

(B) The City shall approve, reject or modify a plan within 15 days of when the plan is submitted.

(C) If the plan is approved or approved with modifications, the plan shall be implemented no later than 30 days after approval.

(D) If the plan is rejected, the retail establishment shall modify the plan to address the deficiencies and resubmit to the City no later than 30 days after the date of its rejection.

§ ~~129.05~~ 129.07 PENALTY.

(A) Any person or corporation that violates §§ 129.01(A) or 129.02 shall be subject to a fine of \$50.

(B) Each day that a violation continues after receipt of written notice of such violation shall constitute a separate violation and a separate offense for the purposes of penalties and remedies.

(C) In addition to the penalties and remedies set forth above, the City may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this Article, as provided by law.

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Section 3: That it is the intention of the City Commission and it is ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of this Code may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

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Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2022.

PASSED on first reading this _____ day of _____, 2022.

PASSED AND ADOPTED on second reading this _____ day of _____, 2022.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY for the use and reliance
of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES
CITY ATTORNEY