

CHAPTER 129: SHOPPING CARTS

Section

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§ 129.01 REMOVAL AND POSSESSION OF SHOPPING CARTS.

(A) It shall be unlawful for any person to be in possession of a shopping cart(s) with a registered name or mark with the intent to deprive the owner or retailer either temporarily or permanently of the shopping cart unless the person has removed the shopping cart(s) from the premises or parking area of a retail establishment with the written authorization of the owner or retailer.

(B) This section is not intended to apply to those persons in possession of a shopping cart(s) who have the permission of the owner or retailer to use the shopping cart on the premises or the parking area of the retail establishment.

(Ord. O-98-31, passed 11-18-98)

§ 129.02 RESPONSIBILITY OF OWNER OR RETAILER.

(A) The owner or retailer shall be responsible for posting notices of this chapter on the shopping carts, on the premises, or in the parking area of the retail establishment.

(B) Owners and/or retailers that have establishments that provide shopping carts to patrons shall place the name, address and telephone number of the retail establishment owning the shopping cart upon each shopping cart within 90 days of the effective date of this section.

(C) The owner and/or retailers are required to execute an agency statement form which shall read substantially as follows:

In accordance with F.S. § 506.513(2), it is a violation of F.S. § 506.501 through 506.519, to remove a shopping cart without written authorization from the registered owner, from the premises or parking area of any retail establishment. In accordance with F.S. § 506.519, this prohibition does not apply to the owner of a shopping cart, to a retailer, or to the agents or employees of such owner or retailer. The city is designated as an agent for the registered owner of a shopping cart, or as an agent for the commercial establishment using shopping carts, for the purposes of retrieving any shopping cart which may be located on any property within the city other than the property constituting the business premises of the shopping cart registered owner or the parking lot accessory thereto, or from the business premises of the commercial establishment using the shopping cart, or the parking lot adjacent thereto, or all of the foregoing. The person signing this statement warrants and represents he/she has the authority to sign this document on behalf of the registered agent or commercial establishment, whichever is appropriate.

(Ord. O-98-31, passed 11-18-98; Am. Ord. O-2003-17, passed 7-16-03)

§ 129.03 ABANDONED SHOPPING CARTS.

(A) The Environmental Services Division of the Public Works Department shall be responsible for removing any abandoned shopping carts located on city public property.

(B) Each department within the city shall designate a person who will notify the Environmental Services Division of the location of any abandoned shopping cart(s) and the name of the owner or retailer responsible for those shopping carts.

(C) Upon receiving information regarding an abandoned shopping cart(s), the Environmental Services Division will contact the owner or retailer and advise that they have 48 hours notice to remove the shopping cart(s) from the public Property.

(D) In the event that the owner or retailer fails to remove the shopping cart(s) the Environmental Services Division shall remove the cart and the city shall notify the rightful owner or retailer of its recovery, if available.

(Ord. O-98-31, passed 11-18-98; Am. Ord. O-2003-17, passed 7-16-03)

§ 129.04 SHOPPING CARTS ON PROPERTY OTHER THAN PUBLIC PROPERTY.

Upon a determination being made that a shopping cart is located on property which is not public property, the city shall be able to remove and store such shopping cart. Within two business days of the city coming into possession of the shopping cart, it shall notify in writing the registered owner for the purpose of the registered owner making a claim to the cart(s). The

city shall return the shopping cart to the registered owner upon the payment of all expenses incurred by the city in the retrieval and storage of the removed shopping cart. The minimum amount assessed by the city for this purpose shall be established by resolution of the City Commission. A failure by the registered owner to claim the shopping cart within a 90-day custodial time period shall permit the city to dispose of the shopping cart as it deems fit, which will entitle the city to additionally recover its disposition expenses, and additionally shall constitute a violation of this code punishable as provided in this chapter or Chapter 36 of the code of ordinances.

(Ord. O-2003-17, passed 7-16-03)

§ 129.05 PENALTY.

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

(Ord. O-98-31, passed 11-18-98)