

ORDINANCE NO. 2019-_____

AN ORDINANCE relating to shopping carts; amending Chapter 6.27 of the Yakima Municipal Code relating to shopping cart regulations

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. The following section, 6.27.050, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.27.050 Shopping cart identification signs and notice required

A. Every shopping cart made available for use by customers shall have a permanent identification sign affixed to it in accordance with the identification requirements set out in RCW 9A.56.270(2), as now enacted or hereafter amended.

B. Every retail establishment shall post in a conspicuous location on the retail establishment property a notification to the public that unauthorized removal of shopping carts from the premises of the business and the unauthorized possession of a shopping cart is unlawful. The posted notification shall also contain the procedure to be utilized for authorized removal of the cart from the business premises.

C. Every retail establishment shall keep on file with the city of Yakima department of refuse a current telephone number and physical address at which the retail establishment may be contacted for the purpose of reporting the location of abandoned, lost, or stolen shopping carts.

Section 2. The following section, 6.27.060, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.27.060 Retrieval and impoundment procedures.

A. Impoundment with Notice. Enforcement personnel may impound an abandoned shopping cart which has affixed to it identification information as required by YMC 6.27.050, if the following conditions have been satisfied:

1. Location Outside of Premises. The shopping cart is located outside the premises or parking area of a retail establishment and is located on public property owned by or under the control of the city, or left on any right-of-way within the city, or on private property where the owner has consented to removal; and

2. Notice of the cart's discovery and location is given to the shopping cart's owner, retailer, or agent unless such notice has been voluntarily waived by the shopping cart's owner, retailer, or agent; and

3. Failure to Retrieve Cart. The shopping cart is not retrieved within twenty-four hours from the date notice is given.

B. Impoundment without Notice. A shopping cart may be impounded without notice if one of the following conditions is satisfied:

1. Hazardous Location. If a shopping cart will impede emergency services, or the normal flow of vehicular or pedestrian traffic, city enforcement personnel are authorized to immediately retrieve the shopping cart from public or private property and impound it. If the cart has identification information affixed, the owner will be notified and given ninety-six hours to retrieve the cart before a collection fee is assessed using the time calculation listed in subsection (A)(3) of this section; or

2. Lack of Identification. If a shopping cart is abandoned and located outside the premises or parking area of a retail establishment and does not have the required identification information affixed thereto as required by YMC 6.27.050, city enforcement personnel are authorized to immediately retrieve the shopping cart from public property owned by or under control of the city, any right-of-way within the city, or private property with the consent of the owner; or

3. Evidence of a Crime. Any lost or stolen shopping cart as defined by YMC 6.27.040 may be impounded as evidence in a criminal investigation under YMC 6.68.020 or any other criminal investigation.

Section 3. The following section, 6.27.070, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.27.070 Fees and disposition of carts.

A. Impounded Carts. When a shopping cart bearing the identification of ownership as required by YMC 6.27.050, or bearing other such ownership information or identification that is in the city's determination sufficient to establish ownership is impounded in accordance with this chapter, the city may charge a cart collection fee to the owner of the shopping cart. The fee shall be in the amount of one hundred fifteen dollars per cart and each cart collected shall constitute a separate violation. Any owner having installed a locking device on its carts which has been disabled by one other than the owner or his agent shall be exempt from the fee.

1. Fee Deferrals. Within any calendar month, enforcement personnel shall defer fees for the first three impounded carts owned by any business that, prior to the impoundment, has waived the impound notice requirement. If four or more shopping carts under common ownership are impounded within a calendar month, no fees shall be deferred by enforcement personnel.

B. Disposition of Carts. The city may sell or otherwise dispose of any cart not reclaimed within fourteen days from the date of notification to the owner or the owner's agent of the cart's discovery and location.

Section 4. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 3rd day of December, 2019.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date: _____

Effective Date: _____