

ORDINANCE NO. 2025-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEWOOD ADDING SUBSECTION 4323 Q. TO THE LAKEWOOD MUNICIPAL CODE TO REQUIRE COMMERCIAL BUSINESSES TO HAVE A PROGRAM FOR SHOPPING CART IDENTIFICATION, RETENTION, AND RETRIEVAL AND TO FIND THAT ABANDONED CARTS ARE A PUBLIC NUISANCE

THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE. The Lakewood City Council hereby finds that ongoing shopping cart theft, vandalism and abandonment are ongoing problems that are public nuisances per se. Abandoned carts create potential hazards to the health and safety of Lakewood residents and often interfere with pedestrian and vehicular traffic safety within the City of Lakewood. The accumulation of abandoned and vandalized shopping carts on both public and private property creates conditions with visual blight that reduce property values, encourage property deterioration and otherwise impact the general welfare of Lakewood residents. This is an avoidable situation, and the purpose of this ordinance is to require commercial property owners and tenants to take responsibility for the monitoring, retention and retrieval of their shopping and laundry carts. They shall create programs and procedures to provide public notice, prevent theft and removal of carts and to facilitate the regular retrieval of abandoned carts in a timely manner.

SECTION 2. Subsection 4323 Q of the Lakewood Municipal Code establishing a commercial cart identification, retention, and retrieval program is hereby added to read as follows:

4323. PROPERTY NUISANCES.

...

Q. Cart Retention and Retrieval Program. Each commercial business owner or tenant ("Cart Owner") that provides five (5) or more shopping or laundry carts ("Carts") for use by their customers on their business premises shall develop and implement a Cart Retention and Retrieval Program ("CRRP") for their commercial business. The CRRP shall cover all Cart operations on the business premises, which includes the retail building/ tenant space and all related parking lot areas, including those that are shared with reciprocal access rights in a shopping center. The CRRP shall address procedures for Cart identification, property signage prohibiting Cart removal without written permission, Cart retention systems and Cart retrieval services/programs in conformance with California Business and Professions Code ("BPC") Section 22435 et. seq.

Each Cart Owner shall submit to and obtain approval from the Community Development Director or their designee of the CRRP. The Cart Owner shall then sign and submit an annual CRRP Certification Letter to City Finance Director prior to issuance and as a condition of the annual business license renewal or the initial business license issuance by the City Finance Director. The Cart Owner shall acknowledge in the certification letter that they have an approved CRRP and that they will properly implement the CRRP as detailed in the approved plan or as modified and updated in the CRRP Certification Letter.

The updated information to be listed in the CRRP Certification Letter includes: any changes in the number, color and/or sizes of Carts on the subject site, any changes to the required Cart or property signage and/or any changes to the approved retention and retrieval procedures.

Any Cart Owner that fails to submit a CRRP shall not be issued a business license until such time the CRRP is submitted, reviewed and approved by the Community Plan Director and the CRRP Certification Letter is submitted and accepted by the Finance Director. Any failure to properly implement and update the approved CRRP is a violation of the Lakewood Municipal Code, and the City may pursue any available enforcement remedy provided by the code, including administrative citations and fines.

1. Definitions for Cart Retention and Retrieval Programs. Definitions of words related to Cart requirements in this section shall be as currently listed and as amended from time to time in state law as BPC section 22435 et. seq. and in addition, as follows:

(a) "Abandoned Cart" means any shopping Cart that has been removed, without written consent of the Cart Owner, from the Cart Owner's business premises and/or parking areas of the retail establishment on which the Cart Owner's business premises is located. The Cart Owner's business premises may include a multi-store shopping center with shared areas of parking and public access.

(b) "Cart Retention and Retrieval Plan" or "CRRP" shall mean a document submitted by the Cart Owner and approved by the City that provides a plan for how the Cart Owner will prevent Carts from becoming abandoned and acts as an implied promise by the Cart Owner to comply with the plan.

(c) "Cart" means a basket which is mounted on wheels or a similar device generally used in a retail establishment by a customer for transporting goods of any kind, including, but not limited to, grocery store shopping Carts and laundromat laundry Carts.

(d) "Owner or Cart Owner" means any person, firm, partnership, corporation, association, tenant, or other entity who owns, possesses, or makes a Cart available for the use of the Owner's customers or the public in connection with the management and operation of the Owner's business. "Owner" for the purposes of this section shall also include the Owner's on-site business manager or designated agent that provides Carts for use by Owner's customers or the public.

(e) "Premises" means the entire area owned, utilized or under the control of the business establishment that provides Carts for use by customers, including any parking area or other off-street area provided by or for use by a customer of the business establishment.

(f) "Unidentified Cart" means any Cart that does not have the required Cart identification sign permanently attached in compliance with BPC 22435 et. seq.

2. Unauthorized Cart Removal or Cart Possession. In conformance and compliance with California Business and Professions Code Section 22435 et. seq., it is unlawful for any person to have the intent to temporarily or permanently deprive the Cart Owner of possession of a Cart and do any of the following

(a) Remove a Cart from the Cart Owner's business premises.

(b) To leave or abandon a Cart at a location other than the subject business premises.

(c) To be in possession of any Cart, while that Cart is not located on the Cart Owner's business premises.

(d) To alter, convert, or tamper with a Cart, or to remove any part or portion thereof or to remove, obliterate or alter serial numbers or the identification placard on a Cart.

(e) These provisions do not apply to the Cart Owner or to their agents or employees, or to a Cart Owner customer, who has written consent from the Cart Owner to be in possession of the Cart and/or to be allowed to remove the Cart from the Cart Owner's business premises or to do any of the acts specified, required and allowed in this section.

3. All Carts Secured Daily. All Cart Owners, regardless of the number of Carts owned, shall ensure that all Carts are secured from public access after the close of business every day.

4. Cart Identification. Each Cart at a business shall have a permanently installed and readily visible identification placard that states the business name, address, phone number and, if applicable, an email address for the Cart Owner. The placard shall state that the removal of the Cart from the business premises and or possession of a Cart removed from the premises is a punishable violation of BPC 22435 et. seq. Placard example:

DO NOT REMOVE THIS CART

Unauthorized Removal or Possession of this Cart
Away from the business location is a violation of
State Law BPC 22435 et. seq.

IF FOUND – PLEASE CALL OR RETURN TO:

(List business address, phone number, email and/or Cart retrieval service)

5. Property Warning Signs. Each Cart Owner shall permanently install readily visible warning signs at each point of normal ingress and egress both inside the retail store at doors and in parking lots that state that the removal of the Cart from the business premises and or possession of a Cart removed from the premises is a violation of BPC 22435 et. seq. Warning sign example:

WARNING

DO NOT REMOVE CARTS FROM PROPERTY

Unauthorized Removal or Possession of a Cart
Away from this Business Location is a Violation of
State Law BPC 22435 et. seq. and it will be Enforced.

IF FOUND, PLEASE RETURN CARTS

6. Cart Retention Program. The Cart Owner shall include in the CRRP a description of the specific measures that they propose to implement to prevent Cart removal and to retain Carts on the business premises. Approval of the Community Development Director or designee is required. These measures may include, but are not limited to:

- (a) Electronic/magnetic wheel locks or other physical disabling devices on the Carts so they cannot be easily removed from the store or from a parking lot,
- (b) Security staff to prevent removal from the store or from a parking lot,
- (c) Courtesy clerks to accompany customers out and return the Carts to the store,
- (d) Security deposit for temporary use of a Cart, or
- (e) Other acceptable Cart removal prevention procedures or methods.

7. Cart Retrieval Program. Cart Owners shall establish an internal program or contract with an external service to retrieve abandoned Carts in the City of Lakewood within seventy-two (72) hours of being notified of the location of the abandoned Cart. The Cart Owner shall include in the CRRP a description of the specific retrieval system they propose to implement. Approval of the Community Development Director or designee is required. These measures may include, but are not limited to:

- (a) Cart Owner staff picking up and returning any reported abandoned Carts daily.
- (b) Cart Owner staff canvassing the area within ½ mile of the business weekly.
- (c) Contracting with a Cart retrieval service to canvass and pickup Carts, daily.
- (d) Multiple businesses may collaborate and submit a single retrieval plan
- (e) Other acceptable Cart retrieval procedures or methods.

8. City Retrieval and Disposal of Carts. The City may retrieve an abandoned Cart from public property (or private property with the consent of the private property Owner) in the following circumstances:

- (a) The Cart is an unidentified Cart without the required identification placard.
- (b) The location of the Cart is on public right-of-way and impeding safe operations.
- (c) The location of the Cart has been determined to be unsafe by an emergency service agency staff member (*e.g., fire or sheriff, etc.*)
- (d) The City has confirmed notification of the Cart Owner, the Owner's agent, and/ or the contracted Cart retrieval service listed by the Cart Owner in the approved CRRP and the Cart has not been retrieved within five (5) city business days from the confirmed notification. Confirmed notification to the Cart Owner or their identified agent/staff by city staff includes the following: 1) a connected two-way phone conversation, not just a message; 2) a confirmed email message acknowledging the Cart will be picked up and 3) a certified return receipt letter notifying Cart Owner of the Cart location.

Following such retrievals and compliance with the above listed notification and allowed retrieval requirements, the City may then dispose of such unidentified or unclaimed Carts by destruction, recycling, donation, or surplus sales.

9. Enforcement. Abandoned, unidentified and unclaimed Carts are all hereby determined to be a public nuisance per se. The unauthorized removal or possession of a Cart away from the Cart Owner's business premises is an unlawful act prohibited by state law and city regulation. The failure of a Cart Owner to have an approved CRRP or to properly implement or update an approved CRRP is a violation of this Code. These are all subject to all enforcement remedies and actions allowed by the Lakewood Municipal Code or as otherwise required by state law, including but not limited to administrative citations, fines and criminal law penalties, when applicable.

SECTION 3. SEVERABILITY. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent authority, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 4. CONTINUITY. To the extent the provisions of the Lakewood Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 5. CERTIFICATION. The City Clerk shall certify the adoption of this Ordinance and shall post a certified copy of this Ordinance, including the vote for and against same, in the Office of the City Clerk, in accordance with Government Code Section 36933. The City Council hereby finds and determines there are no newspapers of general circulation both published and circulated within the City and, in compliance with Section 36933 of the Government Code, directs the City Clerk to cause the ordinance within 15 days after its passage to be posted in at least three (3) public places within the City as established by Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be posted and/or published as required by law and shall take effect thirty (30) days after its adoption.

ADOPTED AND APPROVED this 28th day of January, 2025, by the following roll call vote:

	AYES	NAYS	ABSENT
Council Member Wood	<u> X </u>	<u> </u>	<u> </u>
Council Member Croft	<u> X </u>	<u> </u>	<u> </u>
Council Member Arellano	<u> X </u>	<u> </u>	<u> </u>
Council Member Chase	<u> X </u>	<u> </u>	<u> </u>
Mayor Rogers	<u> X </u>	<u> </u>	<u> </u>


Mayor

ATTEST:


City Clerk