

AN ORDINANCE AMENDING ALBANY MUNICIPAL CODE TITLE 7.84, PUBLIC NUISANCE, BY ADDING SECTION 7.84.200 RELATING TO SHOPPING CARTS

WHEREAS, local governments may enact ordinances to provide for the salvage or reclamation of an abandoned shopping cart; and

WHEREAS, shopping carts frequently litter public streets, sidewalks, and parks and are found abandoned in ditches and waterways.

NOW, THEREFORE, the Albany City Council does ordain as follows:

AMC 7.84.200 shall be known and may be cited as the "Shopping Cart Ordinance."

Section 1. AMC 7.84.200 is hereby added to read as follows:

**Section 7.84.200 SHOPPING CARTS**

**7.84.210 Requirements for Shopping Cart Providers**

- A. A person that supplies shopping carts for public use at the person's business shall:
1. Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015 and provide a toll-free or local telephone number that members of the public may use to report abandoned shopping carts.
  2. Identify the person's business on each shopping cart and post a sign on the shopping cart that:
    - a. notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under ORS 164.015;
    - b. provides a toll-free or local telephone number for use in reporting an abandoned shopping cart.
  3. Establish, maintain, and make available to the public, at the person's own expense, a toll-free or local telephone line for the purpose of reporting abandoned shopping carts. The person shall forward each report the person receives concerning an abandoned shopping cart to the owner of the shopping carts and to the Albany Police Department Community Resource Unit.
  4. Retrieve abandoned shopping carts.

**7.84.220 Retrieval and Disposal of Carts; Fees.**

- A. A person may agree with other persons to share and to pay expenses related to the toll-free or local telephone line described in AMC 7.84.210(A)(3). The agreement shall provide that any person designated to operate the toll-free or local telephone line and receive reports concerning abandoned shopping carts must forward the reports in accordance with AMC 7.84.210(A)(3).
- B. A person shall retrieve a shopping cart that the person owns within 72 hours after receiving notification that the shopping cart has been abandoned.
- C. If the City identifies, salvages, or reclaims an abandoned shopping cart, it shall use the toll-free or local telephone line described in AMC 7.84.210(A)(3) to report the existence and location of an abandoned shopping cart, if the owner is identifiable.

- D. The City may take custody of an abandoned shopping cart and impose a fine of \$50 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 72 hours after the City makes a report under subsection (C ) or after the owner receives a report under AMC 7.84.210(A)(3).
- E. The City may release a shopping cart in the City of Albany's custody to the owner upon payment of the \$50 fine.
- F. The City may take title to a shopping cart in the City of Albany's custody and dispose of the shopping cart as the City of Albany deems appropriate if the owner does not claim the cart within 30 days.

Section 2. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force.

Passed by the Council: May 28, 2008

Approved by the Mayor: May 28, 2008

Effective Date: June 27, 2008

  
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Mayor

ATTEST:

  
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City Clerk