



OFFICE OF THE CITY MANAGER

DECEMBER 17, 2007

TO: CITY COUNCIL

THROUGH: ECONOMIC DEVELOPMENT & TECHNOLOGY COMMITTEE
(DECEMBER 5, 2007)

FROM: CITY MANAGER

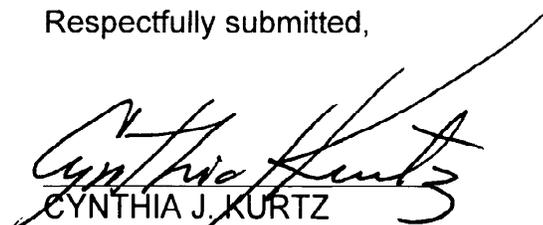
RE: PUBLIC OUTREACH PROCESS ASSOCIATED WITH
PROPOSED AMENDMENT TO ABANDONED SHOPPING CART
ORDINANCE

On October 17, 2007, the Economic Development & Technology Committee reviewed staff's recommendations related to a proposed amendment to the City's Abandoned Shopping Cart Ordinance. The Economic Development & Technology Committee recommended that staff provide public outreach to the community regarding the proposed changes.

As part of the outreach process, staff mailed approximately 600 postcards to various neighborhood groups and associations and 53 letters to the Pasadena retailers who utilize shopping carts seeking their participation in a public meeting.

On November 15th, 2007, at 7:00 p.m. the public outreach meeting was held in the lobby of the Permit Center. Ten members of the public were in attendance and six persons spoke on the matter. Those comments have been synopsized and are attached hereto.

Respectfully submitted,



CYNTHIA J. KURTZ
City Manager

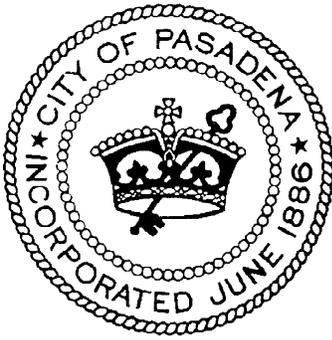
NEIGHBORHOOD OUTREACH MEETING
PROPOSED MUNICIPAL CODE AMENDMENT
ABANDONED SHOPPING CART

NOVEMBER 15, 2007

SPEAKERS

- Sprague Jones (Gelson's Supermarket):
He recommended that the City should take a more stringent approach towards individuals who remove the shopping carts from the business premises. He recommended that the City enforce the state's Business and Professions Code and have individuals cited and arrested by the police department.
- Ann Tait (Resident):
She is in support of the code amendment because she believes that abandoned shopping carts cause a visual blight, encourage an attitude of lack of respect, and block pedestrian passage. She believed that the containment system is a positive move forward.
- Susana Porras (Resident):
She supports the proposed amendment. She believes that any shopping cart restrictions will benefit the community.
- Dale Trader (Resident):
He is in favor of the amendment. He thinks that the proposed amendment is a good idea. He stated that the businesses which have installed the magnetically locking systems have been successful with the decrease in abandoned shopping carts. These businesses include Target, Smart and Final, Food 4 Less He also stated many businesses would benefit from this system including the CVS Pharmacy at North Lake and Farm Ranch Market at Orange Grove and Los Robles would benefit from this system.
- Herminia Ortiz (Resident)
She is opposed to the proposed amendment. She believes that women with children and individuals without vehicles benefit from the taking shopping carts off premises. She stated that the City was not thinking about the minorities by enforcing this ordinance. She believes that this amendment also reflects hatred towards disadvantaged people.

- Hee Sook Nelson (Gelson's Supermarket)
She stated that she is in support of the amendment, but also thinks that more stringent restrictions should be placed on the individuals who take the shopping carts off the premises.
- Joan Parks Hearst (Online Respondent)
She stated that the amendment assumes that it is the fault of the shopping cart owners for abandoned carts. She also believes that the containment system to be unattractive. She recommended that signs are installed on the carts with the phone number for people to call to report abandoned carts. In addition, she believes that people who take the shopping carts off the premises of a business should be cited by the police department.



Agenda Report

DATE: October 22, 2007

TO: CITY COUNCIL

THROUGH: ECONOMIC DEVELOPMENT TECHNOLOGY COMMITTEE
(OCTOBER 17, 2007)

FROM: CITY MANAGER

SUBJECT: AMENDMENT TO ABANDONED SHOPPING CART
ORDINANCE – PASADENA MUNICIPAL CODE CHAPTER 9.62

RECOMMENDATION:

It is recommended that the City Council direct the City Attorney to prepare an amendment to the Shopping Cart Ordinance (Pasadena Municipal Code Chapter 9.62) and return 60 days thereafter, in which the ordinance would:

- 1) Prohibit any person, company, partnership or corporation from allowing a shopping cart to be abandoned or remain unattended on any private property, city street, alley, sidewalk or other public right-of-way for any period of time;
- 2) Authorize the City's Code Compliance Officer's to issue administrative citations to any person, company, partnership or corporation that allows their shopping cart to be abandoned or remain unattended on any private property, city street, alley, sidewalk or other public right-of-way; and
- 3) Authorize the Director of Planning and Development or his/her designee to require retailers to install a physical cart containment system following the issuance of more than ten (10) administrative citations in a thirty (30) day period for shopping carts that have been abandoned off-premises.

BACKGROUND:

Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic on streets, sidewalks, parkways, alleys, and private property.

The imposition of the California State Shopping Cart Law (Business and Professions Code Section 22435) has limited cities efforts in expeditiously abating blighting conditions and potential safety hazards associated with abandoned shopping carts.

Enacted in 1997, Chapter 19 of the California Business and Professions Code known as the “California State Shopping Cart and Laundry Cart Law” requires that all abandoned carts be physically posted with a public notice for 72 hours before a municipality may impound the cart. Consequently, California cities are limited in the manner by which shopping cart abatement and impoundment is conducted and resulting in shopping carts remaining abandoned for extended periods of time.

Current Practice

In response to the proliferation of abandoned shopping carts in Pasadena neighborhoods, in April 2002, the City Council adopted the “Abandoned Shopping Carts” ordinance which was designed to eliminate or substantially reduce the accumulation of abandoned carts in neighborhoods. This ordinance requires retailers which utilize shopping carts to submit an annual “Abandoned Shopping Cart Prevention Plan” and a one time processing fee. With this plan, the retailers must provide the following:

- An inventory of their carts
- A community outreach process
- Permanent identification on the carts
- Loss prevention measures
- A description of an employee training program designed to prevent carts from being taken off premises, and
- Mandatory retrieval if the carts are removed from the business site.

In addition, this ordinance provides retailers with an option of obtaining an exemption from an “Abandoned Shopping Cart Prevention Plan.” In order to receive an exemption, the retailer must apply annually by doing the following:

- Obtain a valid/current contract with a Pasadena licensed retrieval company;
- Pay a \$52 annual processing fee; and
- Document that the owner’s carts have not been found abandoned on three or more occasions during the period of six continuous months preceding the date of exemption application.

The Code Compliance Section has utilized various methods in an effort to reduce the influx of shopping carts abandoned throughout the City’s neighborhoods, including engaging the services of private vendors to assist in the pick-up and return of abandoned shopping carts. In fiscal year 2006, a total of 9,070 shopping carts were retrieved Citywide. Despite the reduction measures required by the Shopping Cart Ordinance and the efforts of the City’s private cart return service, the abandonment of shopping carts remains a blighting condition throughout the City.

Reduction Options

In assessing alternative shopping cart abandonment reduction measures, staff contacted numerous cities throughout Southern California. Amongst those queried, three abandonment reduction options were noted: (1) Imposition of an “Abandoned Shopping Cart Prevention Plan¹” program (already in place), (2) imposition of a cart containment system at the time of new construction² and, (3) codification of standards allowing Code Compliance staff to issue administrative citations to retailers whose carts are found abandoned offsite, and in specific circumstances allow designated staff to require the placement/installation of a cart containment system consisting of either bollards or an electronic wheel locking system³.

In an effort to further reduce the issue of abandoned shopping carts in the City, it is recommended that the City amend the existing Shopping Cart Ordinance thereby prohibiting a shopping cart to be abandoned or remain unattended on any private property, city street, alley, sidewalk, or other public right-of-way for any period of time and; allow the City’s Code Compliance Officer’s to issue administrative citations to entities that allow their shopping cart to be abandoned or remain unattended on any private property, city street, alley, sidewalk or other public right-of-way and; allow the Director of Planning and Development or his/her designee to require retailers to install a physical cart containment system following the issuance of more than ten administrative citations in a 30 day period for shopping carts that have been abandoned off-premises.

Containment Options

There are several types of cart containment options that retailers may choose, including physical barrier systems or electronically operated wheel locking systems. The least costly containment system is the “barrier system” which utilizes bollards on a property which prevent shopping carts from leaving a building or leaving a closed location. Electronically operated wheel locking systems combine a digitally-encoded radio frequency locking signal, embedded perimeter antenna and locking wheel system.

Depending on the complexity, size and scope of installation, the cost of an electronically operated wheel locking system ranges between \$5,000 and \$30,000.

¹ These programs are similar in design and implementation to Pasadena’s. Cities using such process include the cities of Monterey Park, Ontario, Pomona, San Jose, San Mateo, Stockton, and Concord

² City of Glendale

³ City of Long Beach

FISCAL IMPACT

It is anticipated that with the proposed amendment there will be a reduction in the amount of abandoned shopping carts throughout the City. The City's costs associated with citywide sweeps, specialized target areas of enhanced removal, and maintaining a hotline to the vendor will be reduced and/or eliminated by requiring serial violators to be responsible for the installing a physical cart containment system.

Prepared by:



Jon A. Pollard
Code Compliance Manager

Respectfully submitted,



CYNTHIA J. KURTZ
City Manager

Approved by



Richard J. Bruckner, Director
Planning & Development Department

PNC Pasadena Neighborhood Coalition
P.O. BOX 51022 Pasadena, California 91115
Uniting Pasadena Neighborhood Associations on Issues of Livability City-wide

Pasadena City Council
City of Pasadena
ATTN: City Clerk
175 North Garfield Avenue
Pasadena, California 91109

RECEIVED
07 OCT 15 09:09
CITY CLERK
CITY OF PASADENA

Re: Abandoned Shopping Carts in Pasadena's Neighborhoods, and Requested Solution

Mayor Bogaard, Ladies and Gentlemen:

The Pasadena Neighborhood Coalition, in order to roll back the creeping blight and to protect and improve the quality of life of your citizens, requests that you modify the existing ordinance to require that stores that provide shopping carts to their patrons also install a system to keep the shopping carts from leaving the stores and their adjacent parking areas.

In April, 2002 the City of Pasadena enacted the Abandoned Shopping Carts Ordinance, which added Chapter 9.62 to the Municipal Code. As a part of that enactment, you found "that abandoned shopping carts are increasingly pervasive in the community, litter the parkways and curbs of the city, create potential safety hazards to the public, and interfere with pedestrian and vehicular traffic. The accumulation of wrecked and dismantled abandoned shopping carts on public and private property tends to diminish property values and promote blight in the overall community." Pasadena Municipal Code §9.62.020A. In other words, you found that abandoned shopping carts were having a direct negative impact on the quality of life of the residents of the city. You considered it to be a serious enough problem that you included the ordinance in Title 9 of the Municipal Code, pertaining to "Public Peace, Morals and Welfare".

In the next section, §9.62.020B, you declared that the purpose of the ordinance was to ensure that the people who actually owned the carts would make the effort and incur much of the expense involved in keeping their carts under their own control. The ordinance provides for recovery of carts that have left the premises of the stores.

The enactment of the ordinance did reduce the problem for awhile. But the abatement of the problem has been uneven, has never been total in any part of town, and is growing worse. This is particularly so north of the 210, between Lincoln and Allen to the north city limits.

This letter is a follow-up to the email sent to you all over the signature of my predecessor, Dale Trader, in July. In that communication we pointed out that the most effective method of keeping shopping carts off the street seems to be to keep them in the curtilage of the stores; one major retailer, Target, is doing exactly that. It has installed a lock system at its store on Colorado at Oak Knoll. This system keeps the carts either in

the building or in the adjacent parking lot. If Target can put this system in effect, there is no reason why the other major retailers in town cannot.

Accordingly, the Pasadena Neighborhood Coalition believes that a system of prevention, rather than recovery, is appropriate to our community at this time. We request that the city modify its ordinance to adopt such a system.

Very truly yours

R. Henry Sherrod, Chair
Pasadena Neighborhood Coalition

cc: Pasadena City Council
Bill Bogaard, Mayor
Cynthia Kurtz, City Manager
Richard Bruckner, Director of Planning and Development

Rodriguez, Jane

From: Rodriguez, Jane
Sent: Monday, October 15, 2007 8:52 PM
To: Kurtz, Cynthia; Bruckner, Richard; DeWolfe, Stephanie; Duyshart, Eric; Bogar, Beverly; Jomsky, Mark; Bogaard, Bill; Councilmember Haderlein; Councilmember Holden; Councilmember Madison; Councilmember McAustin; Gordo, Victor; Haderlein, Steve; Holden, Chris; Madison, Steve; Mayor Bogaard; McAustin, Margaret; Robinson, Jacque; S Haderlein; Tyler, Sid
Subject: FW: abandoned shopping carts
Attachments: pncshoppingcartletter.doc

The attached is forwarded at the request of Mr. Sherrod. The issue of abandoned shopping carts is on the Ed Tech's agenda for this Wednesday.

From: R. Henry Sherrod [mailto:rhsjd@hotmail.com]
Sent: Sunday, October 14, 2007 6:57 PM
To: Rodriguez, Jane
Subject: abandoned shopping carts

Please forward the attached letter to Mayor Bogaard and the members of the city council. Also please send a copy to the city manager and the director of planning. The attachment is a letter concerning abandoned shopping carts, which once again have become an issue.

R. Henry Sherrod

Pasadena City Council
City of Pasadena
ATTN: City Clerk
175 North Garfield Avenue
Pasadena, California 91109

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