

Chapter 8.70

ABANDONED SHOPPING CARTS

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8.70.010 Findings and purpose.

The City Council finds that abandoned shopping carts on public and private property create conditions that reduce property values, promote blight and deterioration, and result in a public nuisance. This chapter is intended to ensure that measures are taken to prevent the removal of the shopping carts from the owner's premises and to facilitate the retrieval of abandoned shopping carts in a manner consistent with state law.

(Ord. 2017-06 § 2 (part), 2017: Ord. 2013-05, 2013)

8.70.020 Definitions.

The following definitions apply for the purposes of this chapter:

"Abandoned cart" shall mean any cart that has been removed, without the written consent of the owner, from the owner's business premises or parking area of the retail establishment on which the cart owner's business premises are located and is located on either public or private property.

"Business premises" means the interior of a cart owner's commercial establishment, adjacent walkways, any loading area, and the parking area, as defined herein. The owner's business premises may include a multi-store shopping center with shared areas of parking and public access.

"Cart identification sign" means a sign or engraved surface which is permanently affixed to a shopping cart containing all of the information specified in Section [8.70.040](#).

"Cart owner" means the owner or operator of a commercial establishment which provides carts for use by its customers for the purpose of transporting goods of any kind.

"Cart removal warning" means a placard, sign or painted text which meets the requirements specified in Section [8.70.040](#).

"Cart retrieval service" means a third party commercial service in the business of retrieving and returning shopping carts.

"Enforcement Officer" means any officer or employee of the city designated with the authority to enforce the applicable provisions of the City of Visalia Municipal Code.

"Individual cart identification number" means a number unique to each cart owned or provided by a cart owner.

"On-site cart containment program" means one or more of the following measures:

1. Disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the carts.

2. An on-site security guard to deter customers who attempt to remove carts from the business premises.

3. Bollards and chains around the business premises to prevent cart removal, if permitted by the applicable zoning and the site plan, and if approved by the fire marshal.

4. Obtaining a security deposit from customers for the on-site use of shopping carts.

5. The rental or sale of carts that can be temporarily or permanently used for the transport of goods.

6. Any other measure approved by Planning and Community Preservation as a means to contain carts on the premises.

"Parking area" means a parking lot or other property provided by a commercial establishment for use by a customer for parking an automobile or other vehicle. In a multi-store complex or shopping center, "parking area" includes the entire parking area used by or controlled by the complex or center.

"Physical containment system" means one of the following, as approved by the Director of Planning and Community Preservation:

1. Disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise preventing the movement of the carts.

2. Any other system of equipment approved by the Planning and Community Preservation Director or designee which physically contains shopping carts on the premises.

"Shopping cart" or "cart" means a basket which is mounted on wheels or a similar device provided by the operator of a commercial establishment for the use of customers for the purpose of transporting goods of any kind. A cart sold by a commercial establishment to a retail customer for that customer's personal use is not a shopping cart for the purposes of this chapter.

(Ord. 2024-07 § 2 (part), 2024: Ord. 2013-05, 2013)

8.70.030 Cart containment system required.

Every cart owner shall operate and maintain an on-site cart containment program as defined in Section [8.70.020](#). A cart owner may be exempted from this requirement if he or she provides proof of contracting with a qualified cart retrieval service and submits information Planning and Community Preservation Director or designee which demonstrates to the satisfaction of the Director that the qualified cart retrieval service will: (i) actively locate shopping carts within the city limits of Visalia seven (7) days per week, eight (8) hours per day; and (ii) respond to complaints from the public in a manner which results in the retrieval of shopping carts within twenty-four (24) hours after receiving complaint(s).

(Ord. 2024-07 § 2 (part), 2024: Ord. 2017-06 § 2 (part), 2017: Ord. 2013-05, 2013)

8.70.040 Cart identification signs.

A. Pursuant to Business and Professions Code Section 22435.1, each shopping cart owned or used within the City shall have permanently affixed to it and easily visible a cart identification sign or engraved surface which includes all of the following information: The name of the cart owner; the telephone number of the cart owner and/or commercial establishment to which the cart belongs; a valid toll-free phone number for cart retrieval; the procedure (if any) to be followed to obtain permission to remove the cart from the business premises; and a notice to the public that unauthorized removal of the cart from the business premises is a violation of state law and city ordinance.

B. In addition to the cart identification and cart removal notice required on each cart, the cart owner shall post a notice in substantially the following form prominently and conspicuously in the area where carts are stored for customer use:

REMOVAL OF SHOPPING CARTS FROM THESE PREMISES WITHOUT WRITTEN PERMISSION OF THE OWNER IS PROHIBITED BY LAW. (Visalia City Ordinance Code [8.70.050](#))

The notice required by this section shall be considered exempt from the Visalia Municipal Code [Chapter 17.48](#).

C. It shall be the responsibility of each cart owner to comply with subsections A. and B. of this section, and to continuously maintain, or cause to be maintained all signs so that all of the required information is accurate and clearly legible.

(Ord. 2017-06 § 2 (part), 2017: Ord. 2013-05, 2013)

8.70.050 Permission for cart removal from business premises required and unauthorized possession prohibited.

A. No person shall be deemed to be authorized to remove a cart with cart identification from the business premises unless he or she possesses written authorization from the cart owner. Removal authorization shall be valid for a period not to exceed twelve (12) hours. The authorization shall include: the date and time of removal, the name, address, and phone number of the store where the cart was removed, as well as the name, title and signature of the person authorizing the removal. This section shall not apply to the possession of a shopping cart removed from the business premises at the direction of the cart owner for the purposes of repair, maintenance, or when persons have taken possession of the cart in order to return it to the cart owner.

B. It shall be unlawful for a person to possess a shopping cart with a cart identification sign on sidewalks, streets, trails, other public property open to the public, or on private property open to public view, without written authorization from the cart owner, unless the person has the express permission of the cart owner to repair or maintain the cart, is in the process of returning an empty cart to the cart owner, or is moving the cart so it can be picked up by a cart retrieval service.

(Ord. 2017-06 § 2 (part), 2017: Ord. 2013-05, 2013)

8.70.060 Enforcement and remedies.

The city may exercise the following remedies:

A. Pursuant to Business and Professions Code Section 22435.7, any owner that fails to retrieve its abandoned cart(s) within three (3) business days after receiving notice from the city, shall pay the city's administrative costs for retrieving the cart(s) and providing the notification to the owner. Any owner who fails to retrieve abandoned carts in accordance with this chapter in excess of three (3) times during a specified six (6)-month period shall be subject to a fifty dollar (\$50) fine for each occurrence. An occurrence includes all carts owned by the owner that impounded by the city a one (1)-day period.

B. If a cart is not retrieved by its owner within thirty (30) days after the owner has received notice of the cart being impounded, including a failure to pay costs and fines, or if the cart's owner cannot be determined, the cart will be sold, destroyed or otherwise disposed of as the city sees fit.

C. Following the city having retrieved more than ten (10) carts in any thirty (30)-day period or the issuance of more than ten (10) administrative citations in any twelve (12)-month period, the Director of Planning and Community Preservation may require the owner to install a physical containment system.

D. Violations by any person of § [8.70.050](#) may be enforced through any of the penalties for municipal code violations specified in Visalia Municipal Code § [1.12.010](#).
(Ord. 2024-07 § 2 (part), 2024: Ord. 2017-06 § 2 (part), 2017: Ord. 2013-05, 2013)

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