City of Gainesville

City Manager Memorandum No. 19002

To: The Honorable Mayor and City Commissioners

From: Lee R. Feldman, ICMA-CM, City Manager

Date: December 6, 2019

Re: Abandoned Shopping Carts

Section 506.5131, Florida Statutes, restricts a municipality's ability to apply fines, fees, or other costs to a retailer for shopping carts abandoned on public property including right of ways. However, many municipalities have enacted ordinances that seek to reduce the number of abandoned shopping carts.

Physical Restraints

Ordinances that require retailers to have a system to physically prevent the removal of shopping carts from the property of the business have been implemented in many communities. Generally, the type of barrier that may be used is prescribed in the ordinance.

Common options include:

- Systems that cause the cart wheels to lock near property boundary
- Bars on carts that prevent them from leaving the store
- Refundable deposits on the carts
- Physical barriers that prevent cart from leaving front sidewalk

These ordinances do not always apply to all retail establishments. Some communities have only applied regulation to larger retail locations which are often described as big box stores. Other communities have exempted retail locations based on the number of carts the retailer owns.

Retrieval Plans

As part of physical restraint ordinances or separately, Florida communities have enacted ordinances requiring retail establishments to submit plans for retrieving the store's carts. The plan must be approved by the municipality.

There are ordinances that have fines for not following or submitting the plans. They also address when the City will pick up carts and a disposition policy.

Common requirements of these plans include:

- Establishing a notification system that allows the municipality to alert the retailer of abandoned carts
- The frequency in which the retail establishment must go out in the community to get carts
- Areas that will be monitored

Some larger retail and grocery locations in the City of Gainesville have already implemented physical restraints for shopping carts. There are no discernible retrieval operations occurring in the City.

The predominant owners of abandoned carts collected by Public Works are Wal-Mart, dollar stores, and grocery stores.

attachment: 1) Section 506.5131, Florida Statutes

c: Dan Hoffman, Assistant City Manager
Fred Murry, Assistant City Manager
Deborah Bowie, Executive Chief of Staff
Philip Mann, P.E, Public Works Director
Michael Heimbach, Sustainability Manager

Section 506.5131, Florida Statutes

§506.5131 Return of shopping carts; assessment of fees, fines, and costs.—

(1) The rightful owner of any shopping cart with a registered name or mark found on public property shall be immediately notified of its recovery.

(2) Notwithstanding any other provision of law or local ordinance, no fee, fine, or costs may be assessed against the owner of a shopping cart unless the shopping cart was found on public property and was removed from the premises or parking area of a retail establishment by the owner of the shopping cart, or an employee acting on the owner's behalf, and the fee, fine, or cost has been approved by the Department of Agriculture and Consumer Services. This subsection shall not apply to any ordinance adopted after January 31, 2002, and prior to June 30, 2002, that requires a business establishment to install a retention system to retain shopping carts within the real property boundaries of a business location.

History.—s. 12, ch. 98-396; s. 6, ch. 2006-165.