



Legislation Text

File #: 190222., **Version:** 5

Ordinance Regulating Businesses That Provide Shopping Carts (B)

Ordinance No. 190222

An ordinance of the City of Gainesville, Florida, amending Chapter 14.5 of the City Code of Ordinances to create Article VIII titled Shopping Carts, to regulate businesses within the City of Gainesville, Florida that provide shopping carts to customers; establishing shopping cart retention system requirements; establishing enforcement procedures; amending Section 2-339 to establish a civil citation penalty; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

On August 1, 2019, the City Commission referred this item to the General Policy Committee for further discussion. On December 12, 2019, the General Policy Committee directed that the City Manager's office work with the City Attorney to draft an ordinance including immobilization, deposits, and that stores could require customers to leave their shopping carts inside the store. The Department of Sustainable Development, in conjunction with the City Attorney, drafted an ordinance for the City Commission's consideration.

The draft ordinance regulates businesses which offer more than 10 shopping carts to customers. The ordinance requires businesses to implement and maintain a city approved shopping cart retention system. The ordinance lists 5 types of shopping cart retention systems that businesses may implement. The 5 enumerated shopping cart retention systems include: 1) vehicle dispatch to retrieve shopping carts with an associated telephone number on the shopping cart, 2) shopping cart with a protruding arm to prevent removal from the building, 3) a refundable deposit to use the shopping cart, 4) wheel locking mechanism on the shopping cart which activates when the shopping cart crosses an electronic barrier, and 5) GPS technology on the shopping cart that is used in conjunction with a locking mechanism and/or a retrieval operation protocol. The ordinance also requires businesses to affix business identification information and a warning on the carts. Failure to implement and maintain a city approved shopping cart retention system will subject a business to a civil citation and fine in the amount of \$250. If approved, the Department of Sustainable Development will identify and notify affected businesses; coordinate the review and approval of shopping cart retention system plans; and enforce the ordinance.

There will be additional administrative costs associated with reviewing, approving, and enforcing shopping cart retention plans.

The City Commission adopt the proposed ordinance.