



# CITY COUNCIL STAFF REPORT

DATE: ~~September 7, 2016~~ *Continued to Sept. 21, 2016*

Legislative

SUBJECT: PROPOSED ORDINANCE AMENDING PALM SPRINGS MUNICIPAL CODE CHAPTER 11.100, ABATEMENT OF ABANDONED SHOPPING CARTS, TO FURTHER REDUCE THE NUMBER OF SUCH CARTS LITTERING PRIVATE PROPERTIES AND THE PUBLIC RIGHTS-OF-WAY

FROM: David H. Ready, City Manager

BY: Community & Economic Development

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## SUMMARY

The City Council will consider modification of the current regulations concerning abandoned shopping carts. The goal would be to prevent shopping carts from being abandoned in locations where they are visually blighting or pose a threat to the safety of motorists and pedestrians.

## RECOMMENDATION:

1. Waive the reading of the ordinance text in its entirety and read by title only; and
2. Introduce on first reading Ordinance No. \_\_\_\_\_ "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 11.100 OF THE PALM SPRINGS MUNICIPAL CODE RELATING TO ABATEMENT OF ABANDONED SHOPPING CARTS."

## STAFF ANALYSIS:

Abandoned shopping carts become a public nuisance when they are left in the public right-of-way, posing safety threats to motorists and pedestrians. They are also a visually blighting influence on the community when left at bus stops and in parkways, washes, landscaped medians and storm water retention basins.

Since 1995, Palm Springs has had an ordinance aimed at protecting the city from the public nuisance posed by abandoned shopping carts. The existing ordinance makes it a crime to remove a shopping cart from business premises, to possess it after it has

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been removed, and for a business to allow a cart to be removed from its premises. Recently, an increasing number of business owners have been calling for tighter regulation on abandoned shopping carts, prompt removal of the carts, and stiffer penalties for those who possess the carts illegally.

The attached ordinance would enhance regulations on shopping carts in several ways.

Existing Retailers are required to implement either a physical barrier system (a "containment" system) to keep carts on site, or a retrieval system to assure that shopping carts are returned to the premises within 24 hours.

New Business or businesses that spend greater than \$100,000 remodeling their store are required to install a cart containment system and implement a cart retrieval system; and eliminating the need for issuing courtesy notices before citations for violation of the ordinance.

A draft ordinance was distributed to owners and managers of businesses with more than five shopping carts, to ONE-PS, and to the Council Subcommittees on Homelessness and on Business Retention (Councilmembers Foat and Kors serve on both subcommittees).

The business owners had several suggestions for modifications; some of which were incorporated into the ordinance presented here, but were generally opposed to the additional regulation. (Copies of their written responses are attached to this staff report).

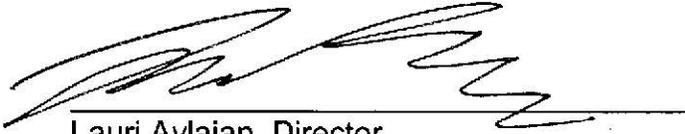
The ONE-PS Code Enforcement & Public Works Committee voted 6-3 in support of the ordinance as originally drafted, but members were concerned about verifying that it was necessary, and that problems being experienced wouldn't be resolved simply by stricter enforcement of the existing ordinance.

Staff suggests that the City Council consider the level of nuisance currently created by shopping carts abandoned on private properties and in public rights-of-way and review the existing regulations concerning retrieval of the carts and abatement of the nuisances they create. Then, if appropriate, waive further reading and pass on to second reading the proposed ordinance.

#### FISCAL IMPACT:

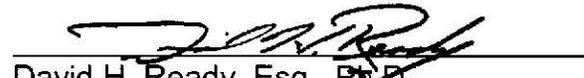
Costs to the City of Palm Springs for administering the program, including review/approval of Shopping Cart Retrieval Plans and Containment Plans, would be partially offset by the fees charged for processing the plans. City staff will prepare a resolution setting fees for the following administrative actions: review and approval of a Cart Containment Plan; review and approval of a Cart Retrieval Plan; modification of a Cart Retrieval or Cart Containment Plan; and abatement and storage of an abandoned shopping cart.

Business owners will incur costs of up to \$50,000 if they choose to implement Cart Containment Plans that use buried wire disabling systems to prevent removal of shopping carts from their premises. Other physical barriers would be less expensive, but would change the operation of their businesses in less quantifiable ways (preventing shoppers from leaving the store with their carts, for example). Annual charges for shopping cart retrieval by an independent contractor typically cost another \$2,500 to \$5,000 per year.



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Lauri Aylaian, Director  
Community & Economic Development



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David H. Ready, Esq., Ph.D.  
City Manager

Attachments: Draft Ordinance  
Business Owner Correspondence

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PALM SPRINGS,  
CALIFORNIA, AMENDING CHAPTER 11.100 OF THE PALM  
SPRINGS MUNICIPAL CODE RELATING TO ABATEMENT OF  
ABANDONED SHOPPING CARTS.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS ORDAINS:

**SECTION 1.** Chapter 11.100 of the Palm Springs Municipal Code is amended to read:

Chapter 11.100  
ABATEMENT OF ABANDONED SHOPPING CARTS

- 11.100.010 Purpose
- 11.100.020 Declaration of a Public Nuisance
- 11.100.030 Definitions
- 11.100.040 Administration and Enforcement
- 11.100.050 Shopping Cart Abatement
- 11.100.060 Hearings on Shopping Cart Abatement
- 11.100.070 Disposition of Shopping Carts
- 11.100.080 Removal and Disposition
- 11.100.090 Removal from Premises
- 11.100.100 Abandonment Prohibited
- 11.100.120 Owner's Responsibility
- 11.100.130 Unlawful Possession
- 11.100.140 Abandoned Shopping Carts
- 11.100.150 Cart Retrieval Plan
- 11.100.160 Cart Containment Plan
- 11.100.170 Plan Submission and Approval
- 11.100.180 Violations and Enforcement
- 11.100.185 Penalties and Fines

11.100.010 Purpose

The purpose of this Chapter is to establish regulations to ensure that reasonable measures are taken by the owner and operators of businesses, which provide shopping carts for the convenience of customers, to prevent the removal of shopping carts from business premises and parking lots and to provide for the prompt retrieval of lost, stolen, or abandoned shopping carts. This Chapter complements and supplements provisions of state law and adopts local regulations to the extent not otherwise preempted by state statute regarding the unauthorized removal of shopping carts from the premises and parking areas of Retail Establishments.

## 11.100.020 Declaration of a Public Nuisance

Many Retail Establishments provide shopping carts for the convenience of customers while shopping on the premises of such businesses. Nevertheless, shopping carts removed from the premises of such businesses and left abandoned on public or private property throughout the city constitute a public nuisance and a potential hazard to the health and safety of the public. The proliferation of lost, stolen, or abandoned shopping carts on public and private property (a) causes blighting conditions in the community, (b) results in the obstruction of free access to public and private sidewalks, streets, parking lots, and other ways, (c) interferes with pedestrian and vehicular traffic on public and private streets, and (d) impedes emergency services. For these reasons, lost, stolen or abandoned shopping carts are declared to be a public nuisance which shall be subject to abatement in the manner set forth in this Chapter or in any other manner provided by law.

## 11.100.030 Definitions

Except as otherwise expressly set forth herein, the following words and terms as used in this Chapter shall have the following meanings:

“Cart or shopping cart” means a basket that is mounted on wheels or a similar device generally used in a Retail Establishment by a customer for the purpose of transporting goods of any kind. The term “shopping cart” or “cart” includes a laundry cart.

“Director” means the Department Head or Department Heads, or their designees, designated by the City Manager to administer this Chapter.

“Enforcement personnel” means any police officer or code enforcement officer employed by the City of Palm Springs.

“Laundry cart” means a basket which is mounted on wheels and used in a coin-operated laundry or dry-cleaning Retail Establishment by a customer or an attendant for the purpose of transporting fabrics and the supplies necessary to process them.

“Lost, stolen, or abandoned shopping cart” means a shopping cart which is either (1) removed from the premises of a Retail Establishment by any person without the written permission or consent of the owner of the shopping cart or the retailer otherwise entitled to possession of such cart, or (2) left unattended, discarded, or abandoned upon any public or private property other than the premises of the Retail Establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with the permission of the owner. For purposes of this Chapter, any shopping cart located on any public or private property other than the premises of the Retail Establishment

from which such shopping cart was removed shall be presumed lost, stolen or abandoned, even if in the possession of any person, unless such person in possession thereof either (a) is the owner, or an employee or authorized agent of the owner, entitled to possession of the shopping cart, (b) is an officer, employee or agent of a cart retrieval service hired by the owner to retrieve such carts, (c) is an enforcement officer retrieving, storing or disposing of said cart pursuant to the provisions of this Chapter, or (d) has written permission or consent to be in possession of the shopping cart from the owner entitled to possession of the shopping cart.

“Owner” means any owner, manager, or operator of any Retail Establishment that provides shopping carts.

“Parking area” means a parking lot or other property provided by a Retail Establishment for the use of customers for parking of customer vehicles. The parking area of a Retail Establishment located in a multi-store complex or shopping center shall include the entire parking area used by the multi-store complex or shopping center.

“Parkway” means that area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. “Parkway” shall also include any area within a roadway which is not open to vehicular travel.

“Public property” means and includes, but is not limited to, all areas dedicated to public use for public street purposes, roadways, parkways, alleys, sidewalks, flood control channels, and any public right-of-way.

“Premises” means any building, property, or other area upon which any Retail Establishment or business is conducted or operated in the City of Palm Springs, including the parking area provided for customers.

“Retail Establishment” means any business that provides shopping carts located in the City of Palm Springs, regardless of whether the business is advertised or operated as a retail or wholesale business, and regardless of whether the business is open to the general public, or is a private club or business, or is a membership store.

“Unidentified shopping cart” means a shopping cart that does not have any readily identifiable markings or signage that indicates the owner of such shopping cart. For the purposes of this Chapter, the term “unidentified shopping cart” includes any shopping cart of a Retail Establishment located outside the City.

#### 11.100.040 Administration and Enforcement.

Except as otherwise provided in this Chapter, the provisions of this Chapter shall be administered and enforced by the Director. In the enforcement of this Chapter, the Director may enter onto public or private property to examine a shopping cart or parts thereof, or to obtain information to identify the owner of the shopping cart and to order, pursuant to this Chapter, the abatement and removal of the shopping cart, or parts thereof, declared to be a nuisance. Notwithstanding the foregoing, the Director shall perform the day-to-day administration of this Chapter.

#### 11.100.050 Shopping Cart Abatement.

(a) Upon discovering the existence of a wrecked, dismantled, or abandoned shopping cart, or parts thereof, on public or private property within the city, the Director shall have the authority to order the abatement and removal thereof in accordance with the procedure described in this Chapter.

(b) Upon the abatement and removal of any shopping cart located on public or private property within the city, the Director shall notify the owner thereof (if the name can be ascertained) by mailing an abatement notice to the owner's last known address. Such notice shall state the date the shopping cart was removed, the procedure for retrieving the shopping cart, and a statement that the owner may request a hearing to appeal the abatement order by submitting a written request within ten days of the date appearing on the notice.

#### 11.100.060 Hearings on Shopping Cart Abatement.

(a) Any shopping cart removed and stored pursuant to these provisions shall be released to the owner thereof if claimed within thirty days of the date appearing on the abatement notice and upon the payment of reasonable administrative fees. Such administrative fees shall be waived if, after a hearing to appeal has been requested, a determination is made at such hearing that the fees shall be waived. The administrative fees for the removal and storage of the shopping cart shall be established or modified by resolution of the city council and shall include the actual cost of removal and storage of any shopping cart, or parts thereof, plus the proportional share of administrative costs in connection therewith.

(b) Any hearing to appeal an abatement order that is requested shall be conducted within five business days of the receipt of the request, excluding weekends and holidays, by the City Manager. The failure of either the owner or the owner's agent to request a hearing shall waive the right to a hearing. At the hearing, the hearing officer shall determine whether good cause was shown for the abatement and removal of the shopping cart. The decision of the hearing officer shall be deemed the final administrative determination. If good cause is

shown for the abatement and removal of the shopping cart, the owner or the owner's agent shall have thirty days from the hearing date to retrieve the owner's shopping cart upon payment of the administrative fee. If good cause is not shown for the abatement and removal of the shopping cart, the administrative fee shall be waived and the owner or the owner's agent shall have thirty days from the hearing date to retrieve the owner's shopping cart.

#### 11.100.070 Disposition of Shopping Carts.

Any shopping cart not retrieved by its owner within thirty days of the date appearing on the abatement notice when such owner has not requested a hearing to appeal, or within thirty days of the hearing date when such owner has requested a hearing to appeal, or, upon removal and storage in the case of a shopping cart without any identification as to ownership, shall be deemed to be permanently abandoned and may be disposed of as surplus property pursuant to Chapter 7.07 of this Code.

#### 11.100.080 Removal and Disposal of Wrecked Shopping Carts.

The Director may determine that a wrecked shopping cart is in such poor condition that it may be immediately disposed of. This action will be a discretionary decision of the Director and shall be based upon the Director's determination that the shopping cart is inoperable, unsafe, or that the cost to repair exceeds the value of the shopping cart. In such case, the shopping cart or parts thereof may be destroyed without providing the appeal hearing provided in Section 11.100.060, but the Director shall give notice of his action to the owner, if the same can be determined. The owner shall not be liable for any cost for destruction or disposal.

#### 11.100.090 Identification of Shopping Carts.

Every owner of a shopping cart, as defined in this Chapter, shall permanently affix a sign to such shopping cart conspicuously identifying the owner thereof including name, address, and a telephone number for purposes of providing any necessary notice hereunder to the owner.

#### 11.100.100 Removal from Premises Prohibited—Exceptions.

No person shall remove any shopping cart from the premises or parking area of any business establishment if such shopping cart has permanently affixed to it a sign identifying it as belonging to the owner or operator of such business establishment, and a notification to the effect that the shopping cart is not to be removed from the owner's premises. This section shall not apply to the removal by the owner or his agent or an employee of the business, nor to removal by a customer with the consent of its owner, owner's manager, or owner's authorized agent.

#### 11.100.110 Abandonment Prohibited.

No person shall abandon or leave any shopping cart which has been removed from the owner's premises upon any public street, alley, sidewalk, parkway or other public place, nor upon any private property except that of the owner of the shopping cart.

#### 11.100.120 Owner's Responsibility to Prevent Littering.

The action of an owner or owner's agent or employee to permit any shopping cart to be removed from the owner's premises shall be considered littering by the owner.

#### 11.100.130 Unlawful Possession.

No person shall have in his or her possession any shopping cart which has been removed from the owner's premises without authorization or which has been abandoned or left on public or private property unless such person has notified the police department of the presence and location of such shopping cart.

#### 11.100.140 Abandoned Shopping Cart.

(a) Any shopping cart left on any public or private property shall be deemed to be abandoned and therefore a public nuisance pursuant to this Chapter. The provisions of this section shall not apply to shopping carts left on the owner's private property (including the common areas of shopping centers adjacent thereto).

(b) In the event that a shopping cart is left on any public or private property, the owner of the shopping cart shall be responsible and liable for the removal and disposition of the abandoned shopping cart as provided in this Chapter.

#### 11.100.150 Cart Retrieval Plan

(a) Except as otherwise provided in this Chapter, every owner who provides shopping carts to customers to use on the premises of any Retail Establishment in operation and open for business on the date of adoption of this ordinance or within 180 calendar days thereafter and shall either develop, implement and comply with the provisions of a written plan approved by the City to provide for the retrieval of lost, stolen or abandoned shopping carts that have been removed from the premises of the Retail Establishment (the "cart retrieval plan") or shall comply with the requirements of 11.100.160 Cart Containment Plan. Any Retail Establishment opening for business more than 180 days after adoption of this ordinance shall develop, implement, and comply with the

provisions of a written Cart Retrieval Plan approved by the City and with the requirements of 11.100.160 Cart Containment Plan. The cart retrieval plan, at a minimum shall include the following elements:

1. *Signs affixed to carts.* Every shopping cart made available for use by customers shall have a sign permanently affixed to it as provided in Section 11.100.090 above.
2. *Notice to customers.* Written notice shall be provided to customers that removal of shopping carts from the premises is prohibited by state law. Such notice may be provided in the form of notice printed on shopping bags, direct mail, website notices, or any other means demonstrated to be effective. The cart retrieval plan shall identify the specific measures to be implemented to comply with this notice requirement. In addition, conspicuous signs shall be placed and maintained on the premises near all customer entrances and exits and throughout the premises, including the parking area, warning customers that removal of shopping carts from the premises is prohibited by state law.
3. *Retrieval personnel.* The owner shall provide personnel for purposes of the retrieval of lost, stolen or abandoned shopping carts. Such personnel may be either employees of the business or one or more independent contractors hired by the owner to provide shopping cart retrieval services, or a combination of both. The cart retrieval plan shall either (i) identify the number of employees who will be assigned such cart retrieval duties, the number of total hours per week that each assigned employee will perform such services (in addition to any on-premises retrieval duties to which such employee may be assigned), and the training each of such personnel has received or will receive concerning the retrieval of lost, stolen or abandoned shopping carts, or (ii) include a copy of each contract with a cart retrieval service (other than confidential financial information which may be redacted from the contract). For purposes of this section, those persons identified in the cart retrieval plan as providing cart retrieval services, whether employees of the business or independent contract services, shall be referred to in this section as "retrieval personnel."

The owner shall provide written authorization to all retrieval personnel which authorization shall be carried by each such person while performing cart retrieval services on behalf of the owner and shall be provided to any enforcement personnel upon request. Each vehicle used by retrieval personnel shall bear conspicuous signs on the vehicle identifying either the name of the Retail Establishment for which such retrieval service is being performed

or, if applicable, the name of the cart retrieval service with which the Retail Establishment has contracted for such services.

4. *Prompt retrieval of carts.* The owner shall provide retrieval personnel in sufficient number to assure that all public streets within a minimum two mile radius of the premises of the Retail Establishment are patrolled no less often than every 24 hours, and all bus stops within a minimum one mile radius of the Retail Establishment are patrolled no less often than every 24 hours or twice every 24 hours where required by the Director, and each lost, stolen or abandoned shopping cart owned or provided by the Retail Establishment that is found as a result of such patrols is immediately retrieved and removed from any public or private property upon which the cart is found. The cart retrieval plan shall identify: (i) the streets and bus stops which will be patrolled as required by this subsection; (ii) the manner, frequency, and times of such patrols; and (iii) the procedures to be employed by the Retail Establishment to identify and retrieve any lost, stolen or abandoned shopping carts. The cart retrieval plan shall identify the number of trucks, hours of operation of the retrieval personnel, and such other information as reasonably required by the Director to assure that the owner is devoting sufficient resources to cart retrieval operations to comply with the provisions of this Chapter and the approved cart retrieval plan.
5. *Monthly reports.* The owner shall provide, or cause to be provided by each cart retrieval service under contract with the owner, a written report to the Director specifying the number of lost, stolen, or abandoned shopping carts retrieved during such period of time as may be requested by the Director from time to time.
6. *Daily cart confinement.* All shopping carts located on the premises of the Retail Establishment (other than an establishment open for business 24 hours per day) shall be collected at the end of each business day by employees of the Retail Establishment and shall be collectively confined in a secure manner at the cart confinement area on the premises as designated in the cart retrieval plan until the commencement of the next business day. All shopping carts located on the premises of any Retail Establishment open for business 24 hours per day, other than carts then currently in use by a customer or patron, shall be collected by employees of the Retail Establishment and returned to the cart confinement area on the premises as designated in the cart retrieval plan at least once per calendar day between the hours of 9:00 p.m. and 12:00 midnight on each day the Retail Establishment is open for business. The

provisions of this subsection shall not apply to any shopping carts located within an enclosed building.

(a) Exemptions. The requirements of this section shall not apply to any Retail Establishment which provides a total of five or fewer shopping carts for use by customers of such business.

#### 11.100.160 Cart Containment Plan

(a) Except as otherwise provided in this Chapter, every owner who provides greater than five shopping carts to customers for use on the premises of any Retail Establishment shall develop, implement, and comply with the provisions of a written plan approved by the City to prevent customers from removing shopping carts from the premises of such business without authorization of the owner (the "cart containment plan"). The cart containment plan, at a minimum, shall include the following elements:

1. *Signs affixed to carts.* Every shopping cart made available for use by customers shall have a sign permanently affixed to it that complies with Section 11.100.090 (above).
2. *Notice to customers.* Written notice complying with 11.100.160 shall be provided to customers.
3. *Physical measures.* Specific physical measures shall be implemented and maintained by the owner to prevent, deter or impede the removal of shopping carts from the premises. Such physical measures shall be as follows:
  - a. *Physical measures for Retail Establishments open for business as of the date of adoption of this ordinance or within 180 calendar days thereafter and who choose to comply with the requirements of 11.100.160 Cart Containment Plan in lieu of 11.100.150 Cart Retrieval Plan..* Physical measures shall be specifically identified in the cart containment plan and may include, but are not limited to, the following: disabling devices installed and maintained on carts, maintaining one or more designated employees assigned the responsibility to deter or stop customers from removing shopping carts from the premises, preventing any shopping carts from being taken outside the confines of building exits unless accompanied by an employee of the business, physical barriers, including devices placed on the carts themselves, which effectively prevent transporting shopping carts into the parking area or off the premises while maintaining accessible paths of travel compliant with

state Title 24, Part 2, California Building Code and federal Americans with Disabilities Act. Written approval of the property owner shall be provided to the City for any physical measures required by the plan to be installed on the property of the retail shopping center or multi-store complex in which the Retail Establishment is located.

- b. *Physical measures for retail businesses that are 1) opened more than 180 calendar days after the adoption of this ordinance, or 2) for which a building permit with a project valuation greater than \$100,000 to remodel the premises of the Retail Establishment is final inspected and approved more than 180 calendar days after the adoption of this ordinance.* Physical measures shall be specifically identified in the cart containment plan and shall include the following: disabling devices installed and maintained on carts. Written approval of the property owner shall be provided to the City for these physical measures if installed on the property of a retail shopping center or multi-store complex in which the Retail Establishment is located.

4. *Employee training.* The owner of the Retail Establishment shall implement and maintain a periodic training program for its new and existing employees designed to educate such employees concerning the requirements of the cart containment plan and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the Retail Establishment. The cart containment program shall expressly describe the employee training program.

(b) *Collaboration with other businesses.* Two or more Retail Establishments located within the same shopping or retail center or sharing a common parking area may collaborate and submit a single cart containment plan.

(c) *Exemptions.* The requirements of this Section shall not apply to any Retail Establishment that provides a total of five or fewer shopping carts for use by customers of such business.

#### 11.100.170 Plan Submission and Approval.

(a) *New or relocated Retail Establishments.* Unless otherwise expressly exempt hereunder, each new Retail Establishment open for business within 180 calendar days of the adoption of this ordinance, and any existing Retail Establishment relocating to a different location within the City or

performing remodel work for which the building permit valuation is greater than \$100,000, shall submit a proposed plan complying with the requirements of Sections 11.100.150 and 11.100.160 of this Chapter to the Director, and obtain approval thereof prior to providing any shopping carts to customers of the Retail Establishment. Each proposed plan shall be accompanied by a processing fee in an amount as set by resolution of the City Council. No proposed plan shall be accepted for filing and processing by the Director unless accompanied by the processing fee established by the City Council.

(b) *Existing Retail Establishments open for business as of the date of adoption of this ordinance or within 180 calendar days thereafter.* Unless otherwise expressly exempt hereunder, each existing Retail Establishment shall submit a proposed plan complying with the requirements of either Section 11.100.150 or 11.100.160 of this Chapter to the Director within 180 calendar days following the date of adoption of this Chapter. No such Retail Establishment existing on the date this Chapter is adopted or within 180 calendar days thereafter shall provide or continue to provide shopping carts for the use of its customers after the 360th calendar day following the date of adoption of this Chapter without a plan approved by the City and determined to conform to the requirements of Section 11.100.150 or 11.100.160 of this Chapter; provided, however, such date shall be extended for the period, if any, during which an appeal of the denial of such plan is pending pursuant to the provisions of this Chapter. Each proposed plan shall be accompanied by a processing fee in an amount as set by resolution of the City Council. No proposed plan shall be accepted for filing and processing by the Director unless accompanied by the processing fee as established by the City Council.

(c) *Plan review and approval.* Upon the filing of any proposed plan pursuant to Section 11.100.150 or 11.100.160 of this Chapter (collectively referred to herein as the "plan"), and receipt of the required processing fee, the Director shall review said proposed plan and either approve or deny said proposed plan within 30 calendar days following the receipt thereof by the Director. If the proposed plan complies with each of the applicable requirements of this Chapter, the Director shall approve the plan, otherwise the proposed plan shall be denied. The decision of the Director shall be made in writing and notice thereof shall be transmitted to the owner of the Retail Establishment by the United States Postal Service, first-class mail, postage prepaid, or by personal delivery or fax transmission. The notice of decision of the Director shall be deemed given to the owner on the date of personal delivery or on the date of the fax transmission to the owner; notices given by the United States Postal Service, first-class mail, postage prepaid, shall be deemed given to the owner on the third day following the date of deposit in the course of transmission with the United States Postal Service, first-class mail, postage prepaid. If the proposed plan is denied, the notice of decision given to the owner shall state the grounds upon which the proposed plan was denied. A decision of the Director may be appealed by the owner in the time and manner provided in 11.72.220 of this Code.

(d) *Amendments by owner.* The owner of any Retail Establishment that has an approved plan conforming to the requirements of this Chapter may, at any time, submit a proposed amendment to the approved plan which amendment shall be processed in accordance with the procedure provided for a proposed plan as set forth in subsection (c) of this section. Each proposed amendment shall be accompanied by a processing fee in an amount as set by resolution of the City Council. No proposed amendment shall be accepted for filing and processing by the Director unless accompanied by the processing fee as established by the City Council.

(e) *Revocation or amendment by City.*

1. *Grounds.* An approved plan may be revoked by the City upon any of the following grounds:
  - a. The owner of any Retail Establishment is operating, or is permitting operation of, the Retail Establishment in Violation of one or more of the provisions of said approved plan and has failed to correct said violation(s) for a period of at least 15 calendar days following the date or receipt of written notice of such violation(s) from the City; or
  - b. The owner of any Retail Establishment with an approved plan is operating, or is permitting the operation of, the retail establishment in violation of one or more of the requirements of this Chapter and has failed to correct said violation(s) for a period of at least 15 calendar days following the date of receipt of written notice of such violation(s) from the City; or
  - c. The cart containment plan, as approved, is inadequate to reasonably prevent the removal of shopping carts from the premises of the Retail Establishment; or
  - d. The cart retrieval plan, as approved, is inadequate to ensure the prompt retrieval of lost, stolen or abandoned shopping carts removed from the Retail Establishment.
2. *Order to show cause.* If at any time following the approval of a plan, the Director obtains information or evidence that any of the grounds set forth in paragraph E.1 above may exist, the Director shall issue a written order to show cause as to why the approved plan should not be revoked and schedule a hearing thereon which hearing shall not be less than 15 calendar days, nor more than 30 calendar days following the date such order to show cause is given to the owner of the Retail Establishment. The order shall state the grounds upon which it is proposed to revoke the approved plan and shall include

the information and evidence, or a summary thereof, upon which such order was issued.

3. **Notice of hearing.** Notice of the hearing on any order to show cause issued pursuant to this section shall be given in the same time and manner provided in subsection C of this section for notice of decisions.
4. **Conduct of hearing.** The hearing shall be conducted informally and the legal rules of evidence shall not be applicable. The owner and the City shall each have the opportunity to present evidence and witnesses. The parties may each be represented by legal counsel or other representatives of their choice. The City shall bear the burden of proof, established by a preponderance of the evidence that grounds exist to revoke the plan. The Director, at the Director's discretion, and as an alternative to revocation, may consider amendment of the plan if the grounds for the order to show cause are solely the inadequacy of the approved plan.
5. **Decision of Director.** Within 15 calendar days following conclusion of the hearing, the Director shall render a decision in writing either dismissing the proceedings or revoking or amending the plan. If the plan is revoked or amended, the decision shall specify the findings of fact and the reasons for such action. If the plan is amended, the decision shall also specify the amendment(s) to the plan.
6. **Notice of decision.** Notice of the decision of the Director shall be given in the time and manner specified in subsection C above.
7. **Appeal of decision.** The decision of the Director shall be subject to appeal by the owner within the time and manner specified in Section 11.72.220 of the Palm Springs Municipal Code.

#### 11.100.180 Violations and Enforcement

(a) Except as otherwise expressly provided in this Chapter, it shall be unlawful for the owner of any Retail Establishment to provide or offer, or permit to be provided or offered, any shopping carts to customers of said Retail Establishment without an approved cart retrieval plan or cart containment plan as required by either Section 11.100.150 or 11.100.160, respectively, of this Chapter; provided, however, this prohibition shall not apply to any Retail Establishment, or the owner thereof, that provides a total of five or fewer shopping carts for the use of customers of said Retail Establishment.

(b) It shall be unlawful for the owner of any Retail Establishment to provide or offer, or permit to be provided or offered, to customers of said Retail Establishment any shopping cart that does not have a sign permanently affixed thereto containing all of the information specified in Section 22435.1 of the Business and Professions Code of the State of California.

(c) It shall be unlawful to either temporarily or permanently remove a cart from the premises or parking area of a business establishment without the express prior written approval of the owner or on-duty manager of the business establishment. Written permission shall be valid for a period not to exceed 72 hours.

(d) In enforcing the provisions of this Section, the Director and the City's officers charged with the enforcement of the law, may enter onto private property as allowed by law, or with the consent of the property owner, or by warrant, to survey or examine a shopping cart or parts thereof, or to obtain information as to the identity of a shopping cart owner, and to remove, or cause the removal of, a shopping cart, or parts thereof consistent with state law.

(e) Any owner, operator, manager, employee and/or independent contractor of a shopping cart owner violating or permitting, counseling, or assisting the violation of any of these provisions regulating shopping carts, or any person in unlawful possession of a shopping cart, shall be guilty of a misdemeanor in accordance with Section 11.72.275 of this Code.

#### 11.100.185 Penalties and Fines

(a) Any violation of this Code shall be subject to enforcement pursuant to the provisions of Chapter 1.06 of this Code, except that the provisions of Section 1.06.040(a) and the issuance of a courtesy notice shall not be required and a first violation will be subject to enforcement under section 1.06.040(b) and any second or subsequent violations shall be subject to enforcement under Section 1.06.040(c).

(b) Failure to comply with any order to comply within the specified time period is subject to additional daily citations. Second citations shall be at a rate established by the City Council by resolution.

(c) The imposition of penalties or fines under the provisions of this Section shall not be deemed the exclusive remedy for the enforcement of this Chapter. The Director, enforcement personnel, and the City Attorney may utilize any remedy available under law or equity for the enforcement of the provisions of this Chapter.

**SECTION 2.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

# Jensen's

MAKE EVERY DAY AN OCCASION.™

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June 8, 2016

City of Palm Springs  
Community and Economic Development Dept.  
Attn: Lauri Aylaian  
3200 E. Tahquitz Cyn Way  
Palm Springs, CA. 92262

Hi Lauri:

I am writing in response to your letter dated May 26, 2016 regarding the new shopping cart ordinance proposal. We are strongly opposed to this ordinance as it creates an undue hardship and burden upon the retailers operating in Palm Springs. Under this ordinance, burden and penalties are enforced uniformly while the problem may be more attributable to specific retailers and specific geographic areas of Palm Springs. Perhaps the City should address the biggest offenders rather than penalize those of us who do have cart retrieval plans and procedures.

It appears that this ordinance places the onus on retailers rather than the City addressing its homeless and poverty challenges, which are at the root of this problem. It also suggests that retailers are littering because someone removes a cart from the premises. Also, the requirement that retailers appeal an abatement order to avoid so called "reasonable administrative fees" is unbelievable.

It is clear that this ordinance was not written by a business owner nor by a retailer that understands how difficult it is to run a retail business, let alone maintain and account for the very expensive shopping carts retailers provide for their customers.

Additionally, it is unreasonable and expensive to require that each shopping cart have a permanent I.D. fixed to the cart. Perhaps any new purchases could satisfy that requirement without making changes to existing carts.

These are just a few examples of the many troubling components that make up this ordinance.

Retail business is constantly plagued by the ever increasing burden that the government places upon it. I strongly encourage the City to reconsider this ordinance as it is these straws that will one day break the back of the tax paying retailers operating within its limits.

Respectfully,



Matthew S. Zack  
Vice President

## Lauri Aylaian

---

**From:** Karen Benson <Karen.Benson@walmart.com>  
**Sent:** Friday, June 10, 2016 2:00 PM  
**To:** Lauri Aylaian  
**Cc:** Anna Gutierrez - AVGUTIE.s01832; Lorraine Johnson; Kevin Johnson; Philip Serghini; Sarah Faith Ivey  
**Subject:** Palm Springs Proposed Shopping Cart Ordinance  
**Attachments:** image.jpeg

Wal-Mart Stores, Inc. ("Walmart") operates a store at 5601 E. Ramon Rd. in Palm Springs, California (the "Premises"). Below are Walmart's comments to the proposed Palm Springs Proposed Shopping Cart Ordinance:

### 11.100.050 *Shopping Cart Abatement*

Does the exception in 11.100.140 apply with regard to broken carts stored on the Owner's Premises? Walmart stores broken carts on site until picked up for repair.

### 11.100.060? *Hearings on Shopping Cart Abatement*

What is the proposed fee schedule?

### 11.000.090 *Identification of Shopping Carts*

Walmart shopping carts contain signage with our Call Center phone number (1-800-WALMART) and the store number (see attached photograph). This store number is used to identify the store location. Will this suffice to meet the signage requirement?

### 11.100.150 *Cart Retrieval Plan/Subsection 2 Notice to Customers*

The requirement to notify customers solely in Palm Springs of the shopping cart ordinance is burdensome as Walmart's shopping bags or ordered in bulk for multiple stores, the website is not designed to address laws governing specific locations, etc. Therefore, Walmart requests that this requirement be limited to the placement of signage by the store building exits and at the parking lot exits.

### 11.100.150 *Cart Retrieval Plan/Subsection 3 Retrieval personnel*

Walmart contracts with the California Shopping Cart Retrieval Company ("Contractor") for the retrieval of shopping carts found offsite. The second paragraph requires vehicle signage which is not controlled by Walmart but by the Contractor. Therefore, Walmart requires that there be an exception for contracted services.

### 11.100.150 *Cart Retrieval Plan/Subsection 4 Prompt retrieval of carts*

The Contractor controls their routes, number of employees, frequency and times of patrols, etc. This is not within Walmart's control and therefore Walmart requests that there be an exception for contracted services.

### 11.100.150 *Cart Retrieval Plan/Subsection 5 Monthly reports*

This requirement is burdensome. Monthly reports is not included in the Contractor's scope of work and would therefore fall to Walmart associates to maintain additional records.

### 11.100.160 *Cart Containment Plan*

Again, Walmart requests that "Notification to Customers" be limited to signage as addressed above in comments under 11.100.150.

With regard to *Physical Measures*, please note that Walmart leases the Premises which is located in a shopping center. Any installation of a shopping cart containment system with disabling devices would be subject to our landlord's approval.

I will be away on vacation next week. If you wish to discuss these comments or if you have questions, please contact Philip Serghini at 619.688.3083.

Thank you,

**Karen J. Benson, Sr. Manager I**  
Realty Management

Phone 479.273.4065 Fax 479.204.9634  
[Karen.Benson@walmart.com](mailto:Karen.Benson@walmart.com)

Wal-Mart Stores, Inc.  
2001 S.E. 10th St.  
Bentonville, AR 72716-5525  
**Save Money. Live Better.**

This email and any files transmitted with it are confidential and intended solely for the individual or entity to whom they are addressed. If you have received this email in error destroy it immediately. \*\*\* Walmart Confidential \*\*\*

WALMART

**WARNING** Your child can fall out of cart and suffer serious head injury



**ALWAYS** buckle up child in cart seat and fasten securely.



**STAY** with your child at all times.



**Do NOT** allow child to ride in basket.



**Do NOT** use your own personal infant carrier or car seat.

**For children ages 6 months to 48 months AND 15 lbs. UP TO 35 lbs. MAXIMUM**

Meets ASTM F2372-04 and Section 101 CPSIA Lead Content Act

www.unarco.com

**WALMART #1832**

**SAM'S CLUB**

**CALIFORNIA SHOPPING CART THEFT LAW**

Removing our shopping carts from our property is against the law. So is possessing them off our property without authorization. It's a violation of state law (B&P code#22435) and of Walmart /Sam's Club policy.

If you find a cart off our property, please call 1-800-WALMART for pick-up. By reporting our costs of loss, we can save you money. Thanks for your help.



# City of Palm Springs

Community and Economic Development Department

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262

TEL: (760) 323-8259 • FAX (760) 322-8325 • TDD (760) 864-9527

Community Redevelopment Agency • Community Development Block Grant  
Downtown Development • Economic Development • Housing • Public Art • Recycling

May 26, 2016

Dear General Manager:

In recent years Palm Springs has experienced a marked increase in the number of shopping carts removed from the premises of our merchants and abandoned on neighboring properties or in the public right of way. This poses a problem both for the merchants from whom the shopping carts are stolen and for the motorists and residents who object to the visual blight and the potential traffic hazards that the shopping carts can cause.

In response to this problem, the City is considering adopting new regulations governing merchants who provide more than five (5) shopping carts for the use of their customers.

This letter provides you with a draft of a proposed new ordinance so that you will have the opportunity to review the proposed regulations and give comments back to City staff before the ordinance is considered by the City Council for possible adoption.

In particular, you will see that there are requirements for a cart retrieval plan and a cart containment plan, neither of which is currently required by the City.

I would appreciate it if you would take the time to review the proposed regulations and to provide me with any comments or concerns that you would like considered before the ordinance is brought forward to the City Council. You may contact me at 760.323.8228 or by email at [lauri.aylaian@palmspringsca.gov](mailto:lauri.aylaian@palmspringsca.gov) with any input you would like to provide before June 10. Any information provided will be included for consideration by the City Council when they review this topic.

Thank you for your time and consideration.

Sincerely,

City of Palm Springs

Lauri Aylaian  
Director, Community & Economic Development

Enc: Draft ordinance – Abatement of Abandoned Shopping Carts



# City of Palm Springs

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Community Redevelopment Agency • Community Development Block Grant  
Downtown Development • Economic Development • Housing • Public Art • Recycling

May 26, 2016

Dear Business Owner:

In recent years Palm Springs has experienced a marked increase in the number of shopping carts removed from the premises of our merchants and abandoned on neighboring properties or in the public right of way. This poses a problem both for the merchants from whom the shopping carts are stolen and for the motorists and residents who object to the visual blight and the potential traffic hazards that the shopping carts can cause.

In response to this problem, the City is considering adopting new regulations governing merchants who provide more than five (5) shopping carts for the use of their customers.

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In particular, you will see that there are requirements for a cart retrieval plan and a cart containment plan, neither of which is currently required by the City.

I would appreciate it if you would take the time to review the proposed regulations and to provide me with any comments or concerns that you would like considered before the ordinance is brought forward to the City Council. You may contact me at 760.323.8228 or by email at [lauri.aylaian@palmspringsca.gov](mailto:lauri.aylaian@palmspringsca.gov) with any input you would like to provide before June 10. Any information provided will be included for consideration by the City Council when they review this topic.

Thank you for your time and consideration.

Sincerely,

City of Palm Springs

Lauri Aylaian  
Director, Community & Economic Development

Enc: Draft ordinance – Abatement of Abandoned Shopping Carts

Smart & Final #429  
5001 E. Ramon Road #4  
Palm Springs, CA 92264

Smart & Final Extra #429  
Property Accounting  
PO Box 512377  
Los Angeles, CA 90051-0377

VONS STORE #2384  
4733 E. Palm Canyon Drive  
Palm Springs, CA 92264

VONS STORE #2384  
PO Box 29096  
Phoenix, AZ 85038

Jensen's Finest Food  
2465 E. Palm Canyon Dr., Bldg. 7  
Palm Springs, CA 92264

PETCO #1158  
2465 E. Palm Canyon Dr.  
Palm Springs, CA 92264

PETCO #1158  
645 Richland Hill Dr.  
San Antonio, TX 78245

PetSmart Inc. #1380  
5601 E. Ramon Rd.  
Palm Springs, CA 92264

PetSmart Inc. #1380  
P.O. Box 43009  
Phoenix, AZ 85080

TJ MAXX #1134  
2465 E. Palm Canyon Dr., Bldg. #2  
Palm Springs, CA 92262

TJ MAXX #1134  
PO Box 9358  
Framingham, MA 01701

Ralphs Grocery Co. #611  
425 S. Sunrise Way, Ste. A  
Palm Springs, CA 92262

Ralphs Grocery Co. #611  
PO Box 54143  
Los Angeles, CA 90054

Ralphs Grocery Co. #181  
PO Box 54143  
Los Angeles, CA 90054

Ralphs Grocery Co. #181  
PO Box 54143  
Los Angeles, CA 90054

Stater Bros. Markets #126  
1717 Vista Chino  
Palm Springs, CA 92262

Stater Bros. Markets #126  
PO Box 150  
San Bernardino, CA 92402

Albertsons #6569  
1751 N. Sunrise Way, Suite 1  
Palm Springs, CA 92262

Albertsons #6569  
PO Box 20  
Boise, ID 83276

Michael's #8733  
2465 E. Palm Canyon Dr., Bldg. 3  
Palm Springs, CA 92264

Michael's #8733  
PO Box 619566  
Dallas TX 75261

ALDI, INC. #70  
5200 E. Ramon Rd., Ste. B5  
Palm Springs, CA 92264

ALDI, INC. #70  
12661 Aldi Place  
Moreno Valley, CA 92555

Ross Dress for Less #1449  
5200 E. Ramon Road  
Palm Springs, CA 92262

Ross Dress for Less #1449  
5130 Hacienda Dr., 3<sup>rd</sup> Flr.  
Dublin, CA 94568

Bed, Bath & Beyond of CA LLC #1305  
5200 E. Ramon Road, Bldg. B2  
Palm Springs, CA 92264

Bed, Bath & Beyond of CA LLC #1305  
Risk Management  
650 Liberty Avenue  
Union, NJ 07083

Marshalls #1068  
5200 E. Ramon Rd., #B-5  
Palm Springs, CA 92264

Marshalls #1069  
PO Box 9358  
Framingham, MA 01701

The Home Depot #8526  
5200 E. Ramon Rd., Bldg. A  
Palm Springs, CA 92264

The Home Depot #8526  
PO Box 105465  
Atlanta, GA 30348

Lowe's #1026  
5201 E Ramon Rd  
Palm Springs, CA 92264

WalMart Super Center #1832  
508 SW 8<sup>th</sup> St., Dept. 8916  
Bentonville, AR 72716

Dollar Tree #3598  
1717 E. Vista Chino #J  
Palm Springs, CA 92262

Cost Plus World Market  
200 4<sup>th</sup> Street  
Oakland, CA 94601

Stein Mart, Inc. #229  
1200 Riverplace Blvd.  
Jacksonville, FL 32207

Walgreens #07577  
1695 N. Sunrise Way  
Palm Springs, CA 92262

Walgreens #09885  
PO Box 901  
Deerfield, IL 60015

Rite Aid #5684  
111 S. Sunrise Way  
Palm Springs, CA 92262

CVS Pharmacy #9804  
One CVS Dr. MC1160  
Woonsocket, RI 02895

Office Depot #2327  
5601 E. Ramon Rd., Bldg. B  
Palm Springs, CA 92264

Lowe's #1026  
1000 Lowes Blvd.  
Morresville, NC 28117

Staples  
The Office Superstore  
5001 E. Ramon Rd., Bldg. 3  
Palm Springs, CA 92264

Dollar Tree #3598  
500 Volvo Parkway  
Chesapeake, VA 23320

True Value Hardware  
1785 E. Palm Canyon Dr.  
Palm Springs, CA 92264

Walgreens #01079  
1700 E. Vista Chino Rd.  
Palm Springs, CA 92262

Walgreens #07577  
PO Box 901  
Deerfield, IL 60015

Rite Aid #5683  
366 S. Palm Canyon Dr.  
Palm Springs, CA 92262

Rite Aid #5684  
PO Box 3165  
Harrisburg, PA 17105

Big 5 Sporting Goods  
2465 E Palm Canyon Dr., #444  
Palm Springs, CA 92264

Office Depot #2327  
PO Box 5029  
Boca Raton, FL 33431

WalMart Super Center #1832  
5601 E. Ramon Road  
Palm Springs, CA 92264

Staples  
The Office Superstore  
500 Staples Drive  
Framingham, MA 01702

Cost Plus World Market #295  
2465 E. Palm Canyon  
Palm Springs, CA 92262

Stein Mart, Inc. #229  
1555 S. Palm Canyon Dr., Ste. F  
Palm Springs, CA 92264

Walgreens #01079  
PO Box 901  
Deerfield, IL 60015

Walgreens #09885  
2465 E. Palm Canyon Dr., Bldg. 14  
Palm Springs, 92263

Rite Aid #5683  
PO Box 3165  
Harrisburg, PA 17105

CVS Pharmacy #9804  
425 S. Sunrise Way  
Palm Springs, CA 92264

Big 5 Sporting Goods  
PO Box 92088  
Los Angeles, CA 90009

Builders Supply  
290 E. Sunny Dunes  
Palm Springs, CA 92264

Party City #906  
5200 E. Ramon Rd., Suite B4  
Palm Springs, CA 92264

Party City #906  
25 Green Pons Road, Suite 1  
Rockaway, NJ 07866

## Lauri Aylaian

---

**From:** Christine Hammond <christinehammond15@icloud.com>  
**Sent:** Tuesday, July 26, 2016 4:22 PM  
**To:** Lauri Aylaian  
**Cc:** lisamiddletonps@icloud.com Middleton  
**Subject:** Re: Abandoned Shopping Carts Ordinance  
**Attachments:** Abandoned Shopping Carts commetns.docx

Hi Lauri

Attached are questions and comments received since your presentation at the Code Enforcement and Public Works meeting July 6. I have provided a list of questions AND comments for your consideration. I hope this helps in further refining the Ordinance. We do have several committee members who are very interested in hearing your responses!

For background, I am also interested in getting information about the questions I posed to you last week—in red below.

Unless I hear otherwise, the role of the CE/PW committee is to provide questions and comments! We offer practical (?) suggestions from the street level...Lucky you!

Christine Hammond  
CE/PW Committee

On Jul 21, 2016, at 4:43 PM, Christine Hammond <[christinehammond15@icloud.com](mailto:christinehammond15@icloud.com)> wrote:

Lauri

I just reread the comments in preparation of putting them in order to send to you.

One question I will ask that may save you and me a lot of time is this, the Abandoned Shopping Cart Ordinance predates me on the committee. Why was this ordinance written or rewritten in the first place? who's direction? what was the problem? What sort of research went into looking at, evaluating the problem? Who was involved in developing the "solutions"? I am thinking the sort of background that might be found in a staff report to City Council.

Is there such a staff report or is it yet to be written?

Thank you!

Christine Hammond

On Jul 21, 2016, at 9:10 AM, Christine Hammond <[christinehammond15@icloud.com](mailto:christinehammond15@icloud.com)> wrote:

Lauri

Thank you for your return calls. My week has been packed full and I am going in all different directions! I will take time over the weekend to put questions from my email about the ordinance on paper for your review. Perhaps we will connect next week? Or do I now think you are headed out on vacation? I am here until August 11-21 when I am out of town so perhaps we can connect before Aug 11?

Hope you are enjoying your new job with the City! Glad you are here!

Christine Hammond  
Sonora Sunrise Neighborhood  
760-898-4466

## Comments/Questions about Draft Abandoned Shopping Cart Ordinance

### Comments/Questions

1. What documented evidence is there to support a new ordinance.
2. How did the rewrite come about? What was broken in the first ordinance?
3. How do we know the current Ordinance ISN'T working?
4. What is or How is the current ordinance enforced? By whom? What kind of data is there on that? number of contacts? Citations?
5. What do those staff who enforce the current Ordinance say about its effectiveness and
6. What will the enforcement of the NEW Ordinance look like?
7. Thinking about the costs--Does the Police dept currently have jurisdiction over any of the enforcement now? With this new ordinance?
8. No mention in presentation at meeting from the police (presumes Police are the enforcers) on its feelings of this ordinance or its possible additional load of work hours or the possible costs to the city in its enforcement.

### Comments:

Lauri, the committee can do a better job of understanding our role here. We are not City Council but a group of involved residents providing comments/feedback. I am including this as I thought you might be interested in seeing the level of interest some residents take. Christine

There are many "small" business units in the city, that may provide a "token" number of shopping carts for their customers. The ordinance as written would "require" any business unit in the city with more than five carts to have installed a very expensive security system to control the movement of shopping carts. They may, in view of the draconian ordinance remove these carts from use. Thus making these small business units LESS serviceable to their customers. Often these smaller business units are in areas where lower income or seniors may use as it relates to the housing unit.

The issue appears, at this time, to be one of "perception" rather than "actual." At the committee meeting there was no documented evidence presented that a

problem exists. If there is a major problem, where in the City are the carts being left; are their multiple locations or only a few; who found them; which businesses do the carts belong to; how many were found; who is reporting the problem; what is the frequency of complaints; what is the City actively doing on a consistent basis to enforce the current regulation; etc.?

**I am concerned that this ordinance is more of a "knee jerk reaction" to a perceived problem rather than based upon documented evidence of a existing problem. I do not support imposing undue financial burdens on businesses for a problem that may be, at worst, minor, and can continue to get better if the current ordinance is diligently enforced by the City. Also, I want to hear more from the businesses owners of what they have done, are doing, and will continue to do to prevent future challenges.**

West on Ramon Road from the bridge over the wash that separates Palm Springs and Cathedral City. The route that got me to the bridge at Ramon Rd is the CV LINK route along the levee that runs from my neighborhood (I entered at Dinah Shore Dr and the levee) at least to Vista Chino, I exited at the Ramon Bridge.

The point of this communication is the shopping carts I noticed at the bus stop on Ramon Road at the Walmart Center. There were 10 to 15 Walmart shopping carts in the parking lot and at the bus stop. Walmart shoppers who use public transportation use the carts to get their purchases from the store to the bus stop. The distance is substantial.

While walking on the levee I did notice some shopping carts in the bushes located on the vacant desert land between Dinah Shore Drive and Ramon Road that cannot be seen unless one is walking on the levee. It appears that there may be or have been homeless individuals living in the bushes.