

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS

ORDINANCE NO. 14-16

AN ORDINANCE OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES BY ADDING ARTICLE 7.10, "SHOPPING CARTS" TO PROVIDE FOR THE ABANDONMENT AND RECOVERY OF SHOPPING CARTS; PROVIDING FOR DEFINITIONS; PROVIDING REQUIREMENTS; PROVIDING FOR RETRIEVAL AND IMPOUNDMENT; PROVIDING FOR DISPOSAL OF ABANDONED SHOPPING CARTS; PROVIDING FOR ENFORCEMENT; PROVIDING FOR OFFENSES AND PENALTIES OF A FINE NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, damaged, dismantled, and/or abandoned shopping carts on public or private property create conditions that promote blight and deterioration within the City; and,

WHEREAS, the City Council believes that such shopping carts constitute a nuisance, create potential hazards to the health and safety of the public and interfere with pedestrian and vehicular traffic; and

WHEREAS, after discussion and consideration, the City Council finds that establishing regulations concerning the abandonment and recovery of shopping carts is in the best interest of the City and will promote the health and welfare of the citizens and the general public.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS:

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas be, and the same is, hereby amended by amending Chapter 7, "BUSINESS REGULATIONS" by adding Article 7.10, "SHOPPING CARTS" to provide for the abandonment and recovery of shopping carts, which shall read as follows:

"CHAPTER 7. BUSINESS REGULATIONS

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ARTICLE 7.10 SHOPPING CARTS

Sec. 7.10.001 Definitions.

For the purposes of this article, the following terms, words, phrases and derivations thereof shall have the meanings given herein.

Shopping cart. A basket, which is mounted on wheels or a similar device, generally used in a retail establishment by a customer to transport goods of any kind.

Abandoned shopping cart. Any unattended shopping cart removed from a business establishment's premises, which is located on public property for a period greater than twelve (12) hours.

Owner. Any person or entity within a business establishment who owns or provides shopping carts for customer use. Owner includes, but is not limited to, the store owner, manager, on-site manager, on-duty manager, or other designated agent of a business establishment.

Premises. The entire area owned or otherwise utilized by the business establishment that provides shopping carts for use by its customers, including any parking area and pedestrian access-way between a street right-of-way and the establishment. For a business establishment that is part of a shopping center or shopping complex, "premises" shall include all business establishments in the shopping area center or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping center or complex.

Sec. 7.10.002 Offenses; Defenses.

(a) A person commits an offense if he possesses a shopping cart at a location other than the premises of the retail establishment that owns the shopping cart.

(b) It shall be unlawful to leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment that owns the shopping cart.

(c) It is a defense to the prosecution under Subsection (a) above that the person was an owner, employee, or agent of the retail establishment that owns the shopping cart and was delivering, retrieving, or returning the shopping cart to the retail establishment.

Sec. 7.10.003 Requirements.

(a) Every owner of a business establishment providing shopping carts to customers shall affix to the shopping cart a durable, all-weather, and legible decal identifying the name, address, and telephone number of the retail establishment. The decal must also state the following in legible letters:

"IT IS AN OFFENSE PUNISHABLE BY A FINE OF UP TO \$500 TO POSSESS THIS SHOPPING CART AT A LOCATION OTHER THAN ON THE PREMISES OF THE RETAIL ESTABLISHMENT THAT OWNS THIS SHOPPING CART."

(b) Every owner of a business establishment providing shopping carts to customers must post signs at all entrances to the parking areas, in both English and Spanish, and in a conspicuous place near the business establishment's exit doors, informing customers that cart removal from the premises is prohibited and constitutes a violation of State and local law.

Sec. 7.10.004 Retrieval and impoundment by the City.

The City of Seagoville may retrieve and impound any abandoned shopping cart located on public property.

A shopping cart recovered by the City of Seagoville will be released to the owner, or designee, upon payment to the City of a recovery fee of fifteen (\$15.00) dollars per shopping cart.

Sec. 7.10.005 Disposal of abandoned shopping carts.

Shopping carts impounded shall be held for a period of not more than thirty (30) days to allow for retrieval by the owner or his designee. In the event the shopping carts are not reclaimed by the owner within such thirty (30) days period of impoundment, the City shall sell or dispose of the same.

Sec. 7.10.006 Enforcement authority.

The City Manager or designee(s) shall have the authority and powers necessary to determine whether a violation of this article exists and to take appropriate action to gain compliance with the provisions of this article and applicable state laws.

Sec. 7.10.007 Penalty.

Any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Seagoville, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense. Every day a violation continues shall constitute a separate offense.”

SECTION 2. If any section, article paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any persons or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 3. That all provisions of the Ordinances of the City of Seagoville, Texas, in conflict with the provisions of this ordinance be, and the same are hereby amended, repealed, and all other provisions of the Ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective from and after its date of passage in accordance with law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS THIS 7th day of MARCH, 2016.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY



APPROVED AS TO FORM:

Alexis G. Allen

CITY ATTORNEY

(:cdb 02/12/2016)