

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2011, Legislative Day No. 13

Bill No. 47-11

Councilmembers Olszewski & Oliver

By the County Council, August 1, 2011

A BILL
ENTITLED

AN ACT concerning

Shopping Carts

FOR the purpose of providing for the impoundment of abandoned shopping carts; defining terms; providing for the scope and purpose of the Act; requiring certain identification and notice; providing for fees for impounding carts; providing for the disposition of unclaimed carts; providing for the time for compliance with certain provisions of the Act; and generally relating to the process for the regulation and removal of abandoned shopping carts from certain public and private property.

BY adding

Sections 21-22-101 to 21-22-106
Article 21 - Permits, Licenses and Business Regulation
Title 22 - Shopping Cart Regulation
Baltimore County Code, 2003

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Sections 21-22-101 to 21-22-106 be and they are hereby added to
3 Article 21 - Permits, Licenses and Business Regulation, Title 22 - Shopping Cart Regulation, of the
4 Baltimore County Code 2003, to read as follows:

5 TITLE 22. SHOPPING CART REGULATION

6 §21-22-101. DEFINITIONS.

7 (A) IN THIS TITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

8 (B) "ABANDONED SHOPPING CART" MEANS ANY SHOPPING CART LEFT
9 UNATTENDED OR DISCARDED ON ANY PUBLIC PROPERTY OR RIGHT-OF-WAY IN THE
10 COUNTY, OR ON PRIVATE PROPERTY OTHER THAN THE PREMISES OF THE RETAIL
11 ESTABLISHMENT FROM WHICH THE SHOPPING CART WAS REMOVED.

12 (C) "RETAIL ESTABLISHMENT" MEANS ANY BUSINESS LOCATED IN THE
13 COUNTY THAT OFFERS OR PROVIDES SHOPPING CARTS FOR THE USE OF THE
14 CUSTOMERS OF THE BUSINESS, REGARDLESS OF WHETHER THE BUSINESS IS
15 ADVERTISED OR OPERATED AS A RETAIL OR WHOLESALE BUSINESS, AND
16 REGARDLESS OF WHETHER THE BUSINESS IS OPEN TO THE GENERAL PUBLIC, IS A
17 PRIVATE CLUB OR BUSINESS, OR IS A MEMBERSHIP STORE.

18 (D) "SHOPPING CART" MEANS A BASKET THAT IS MOUNTED ON WHEELS OR
19 A SIMILAR DEVICE GENERALLY USED IN A RETAIL ESTABLISHMENT BY A
20 CUSTOMER FOR THE PURPOSE OF TRANSPORTING GOODS OF ANY KIND.

21 §21-22-102. NUISANCE.

22 RETAIL ESTABLISHMENTS PROVIDE SHOPPING CARTS FOR THE CONVENIENCE

1 OF CUSTOMERS SHOPPING ON THE PREMISES OF THE BUSINESSES. SHOPPING CARTS
2 THAT HAVE BEEN REMOVED FROM THE PREMISES OF THE BUSINESS AND LEFT
3 ABANDONED ON PUBLIC OR PRIVATE PROPERTY IN THE COUNTY CONSTITUTE A
4 PUBLIC NUISANCE AND A POTENTIAL HAZARD TO THE HEALTH, SAFETY AND
5 WELFARE OF THE PUBLIC. SHOPPING CARTS ABANDONED ON PUBLIC OR PRIVATE
6 PROPERTY CAN CREATE CONDITIONS OF BLIGHT, OBSTRUCT FREE ACCESS TO
7 SIDEWALKS, STREETS AND OTHER RIGHTS-OF-WAY, INTERFERE WITH PEDESTRIAN
8 AND VEHICULAR TRAFFIC, AND IMPEDE EMERGENCY SERVICES. IT IS FOR THESE
9 REASONS THAT ABANDONED SHOPPING CARTS ARE DECLARED TO BE A PUBLIC
10 NUISANCE.

11 §21-22-103. SCOPE.

12 THIS TITLE DOES NOT APPLY TO A RETAIL ESTABLISHMENT THAT PROVIDES
13 FEWER THAN 20 SHOPPING CARTS FOR THE USE OF ITS CUSTOMERS.

14 §21-22-104. IDENTIFICATION; NOTICE.

15 (A) A SHOPPING CART MADE AVAILABLE FOR USE BY CUSTOMERS SHALL
16 HAVE A SIGN PERMANENTLY AFFIXED TO IT THAT INCLUDES THE IDENTIFICATION
17 OF THE RETAIL ESTABLISHMENT OR OWNER OF THE SHOPPING CART AND A
18 CURRENT TELEPHONE NUMBER TO REPORT THE LOCATION OF AN ABANDONED
19 CART.

20 (B) A RETAIL ESTABLISHMENT SHALL POST IN A CONSPICUOUS LOCATION ON
21 THE PROPERTY A NOTIFICATION TO THE PUBLIC THAT UNAUTHORIZED REMOVAL
22 OF SHOPPING CARTS FROM THE PREMISES AND THE UNAUTHORIZED POSSESSION

1 OF A SHOPPING CART IS UNLAWFUL.

2 §21-22-105. IMPOUNDMENT.

3 (A) THE DEPARTMENT MAY IMPOUND AN ABANDONED SHOPPING CART IF:

4 (1) THE CART IS LOCATED OFF THE PREMISES OF A RETAIL
5 ESTABLISHMENT AND IS LOCATED ON PUBLIC PROPERTY OR ON ANY RIGHT-OF-
6 WAY IN THE COUNTY, OR ON PRIVATE PROPERTY IF THE OWNER HAS CONSENTED
7 TO REMOVAL;

8 (2) NOTICE OF THE CART'S LOCATION IS GIVEN TO THE SHOPPING
9 CART'S OWNER; AND

10 (3) THE SHOPPING CART IS NOT RETRIEVED BY THE OWNER WITHIN
11 NINETY-SIX HOURS FROM THE DATE NOTICE IS GIVEN.

12 (B) AN ABANDONED SHOPPING CART MAY BE IMPOUNDED WITHOUT NOTICE
13 IF:

14 (1) THE LOCATION OF THE CART WILL IMPEDE EMERGENCY SERVICES
15 OR THE NORMAL FLOW OF VEHICULAR OR PEDESTRIAN TRAFFIC; OR WILL
16 CONSTITUTE AN ENVIRONMENTAL OR HEALTH HAZARD; OR

17 (2) THE CART DOES NOT CONTAIN THE IDENTIFICATION INFORMATION
18 REQUIRED BY SECTION 21-22-104(A).

19 §21-22-106. FEES; DISPOSITION.

20 (A) IF AN ABANDONED SHOPPING CART IS IMPOUNDED, THE DEPARTMENT
21 MAY CHARGE A CART COLLECTION FEE TO THE OWNER OF THE CART. THE FEE IS
22 \$125 PER CART.

23 (B) THE COUNTY MAY SELL OR OTHERWISE DISPOSE OF ANY ABANDONED

1 SHOPPING CART NOT RECLAIMED WITHIN SEVEN DAYS FROM THE DATE OF
2 NOTIFICATION TO THE OWNER OR THE OWNER'S AGENT OF THE CART'S DISCOVERY
3 AND LOCATION.

4 SECTION 2. AND BE IT FURTHER ENACTED, that a retail establishment subject to the
5 requirements of Title 22 shall comply with the provisions of Section 21-22-104 on or before January
6 1, 2012.

7 SECTION 3. AND BE IT FURTHER ENACTED, that the Department of Permits,
8 Approvals and Inspections shall publish a notice of the requirement of Section 2 of this Act in one
9 newspaper of general circulation one time per week for three weeks prior to January 1, 2012.

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11 SECTION 4. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
after its enactment.