


CITY MANAGER'S OFFICE MEMORANDUM
#3-2024

DATE: Feb. 26, 2024

TO: Honorable Mayor Meredith Leighty and City Council Members

FROM: Heather Geyer, City Manager 

SUBJECT: CB-2018 – Abandoned and Removed Shopping Carts in the Public Right-of-Way

PURPOSE

To consider CB-2018, an ordinance on second reading to amend the Municipal Code by the addition of a new section regarding abandoned and removed shopping carts in the public right-of-way.

BACKGROUND

At the Sept. 18, 2023, City Council meeting, Council provided direction to City Attorney Corey Hoffmann to draft an ordinance concerning abandoned and removed shopping carts in the City's public right-of-way. In 2019, City Council directed staff to pick up abandoned shopping carts and return them to stores. The City continues to receive complaints about the negative impact of abandoned shopping carts on the aesthetics and cleanliness of the City. In 2023, the City received 53 requests via the Access Northglenn system to pick up abandoned shopping carts. This was an increase of 37 requests from 2022.

Based on City Council direction, CB-2018 was drafted to address abandoned shopping carts and shopping carts removed from businesses based on the findings that shopping carts in the public right-of-way create hazards to the health and safety of the public, interfere with pedestrian and vehicular traffic, promote blight and deterioration, and create a public nuisance.

Additionally, the ordinance is intended to ensure that measures are taken to prevent obstructions to the City's public rights-of-way and facilitate the retrieval of abandoned or removed shopping carts and storage of personal property found within abandoned or removed shopping carts in a manner consistent with Federal and State law.

As written, CB-2018 would make it unlawful for any person to:

- leave an abandoned shopping cart in the public right-of-way;
- remove a shopping cart from a business premises, either temporarily or permanently, without the written consent of the owner;
- be in possession of a shopping cart that has been removed from a business premises without the written consent of the owner; or
- detach the sign or deface the name or address marked on a sign, which is marked on a shopping cart.

The process for pickup and removal of abandoned shopping carts would remain the same. Currently, the City returns the abandoned carts when possible, otherwise, the carts are recycled. City response is handled by the Sanitation Division in the Public Works Department. If a shopping cart includes personal property, these items would be collected and held for 30 days by the Police Department. The owner of the personal property may retrieve such items

after contacting the City. Any illicit items such as drugs or items that appear to be evidence of a crime would be turned over to the appropriate law enforcement agency. Any items not regarded as having more than nominal value or any items that are soiled or constitute a potential biohazard may be immediately discarded. If items are not claimed after 30 days, and there is no means to identify an owner, the property would be discarded or recycled.

BUDGET/TIME IMPLICATIONS

There are no financial impacts to the City.

STAFF RECOMMENDATION

Staff recommends approval of CB-2018 on second reading.

STAFF REFERENCE

If Council Members have any questions, please contact:

- Heather Geyer, City Manager, at hgeyer@northglenn.org or 303.450.8706
- Corey Hoffmann, City Attorney

CB-2018 – Abandoned and Removed Shopping Carts in the Public Right-of-Way

SPONSORED BY: MAYOR LEIGHTY

COUNCILMEMBER'S BILL

ORDINANCE NO.

No. CB-2018
Series of 2024

Series of 2024

A BILL FOR AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 4 OF THE CITY OF NORTHGLENN MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 9-4-17 ENTITLED "ABANDONED AND REMOVED SHOPPING CARTS IN THE PUBLIC RIGHT-OF-WAY"

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Chapter 9, Article 4 of the City of Northglenn Municipal Code is amended by the addition of a new Section 9-4-17, entitled "Abandoned and Removed Shopping Carts in the Public Right-of-Way" to read as follows:

Section 9-4-17. Abandoned and Removed Shopping Carts in the Public Right-of-Way

(a) Legislative Findings. Abandoned shopping carts and shopping carts which have been removed from a business premises which are in the public right-of-way create hazards to the health and safety of the public, interfere with pedestrian and vehicular traffic, promote blight and deterioration and create a public nuisance. This Section is intended to ensure that measures are taken to prevent obstructions to the City's public rights-of-way and facilitate the retrieval of abandoned or removed shopping carts and storage of personal property found within abandoned or removed shopping carts in a manner consistent with Federal and State law.

(b) Definitions.

(1) "Abandoned shopping cart" means any shopping cart that has been abandoned or left unattended within the public right-of-way.

(2) "Business premises" means the entirety of a commercial site upon which an establishment conducts business, including without limitation, the entire parking area of a multi-store complex or shopping center, and any adjacent walkways, where carts are provided for customer use.

(3) "Personal property" means any item that is reasonably recognizable as belonging to a person and that has apparent utility, such as personal identification, eyeglasses, money, or jewelry.

(4) "Public right-of-way" means any public street, way, place, alley, sidewalk, trail, path, easement, park, square, median, parkway, boulevard or plaza that is dedicated to public use.

(5) "Removed shopping cart" means any shopping cart that has been removed from the owner's business premises to either public or private property other than the business premises of the commercial establishment from which the shopping cart was removed. For purposes of this Section, any shopping cart which is properly identified as required by this Section, located on any public or private property other than the business premises of the commercial establishment from which such shopping cart was removed, shall be presumed to be a removed shopping cart, even if in the possession of any person unless such person in possession is either (1) the owner, employee or agent of the owner, (2) the owner, employee or agent of a shopping cart retrieval service hired to retrieve shopping carts from the City, or (3) has written permission or consent to be in possession of the shopping cart from the owner.

(6) "Shopping cart" means a basket which is mounted on wheels or a similar device generally used in a retail, laundry, dry cleaning, or other business establishment by a customer or an attendant for the purpose of transporting goods of any kind, and which has a permanently affixed sign of ownership, or such an affixed sign of ownership has been removed.

(c) Abandoned Shopping Carts in Public Right-of-way Prohibited. It shall be unlawful for any person to leave an abandoned shopping cart in the public right-of-way.

(d) Possession of Removed Shopping Carts. It shall be unlawful for any person:

(1) To remove a shopping cart from a business premises, either temporarily or permanently without the written consent of the owner;

(2) To be in possession of a shopping cart that has been removed from a business premises without the written consent of the owner; or

(3) To detach the sign or deface the name or address marked on a sign, which is marked on a shopping cart.

(4) This Section shall not apply to shopping carts removed as authorized by the owner for the purposes of repair, maintenance, or disposal.

(e) Removal of Abandoned or Removed Shopping Carts.

(1) The City may remove any abandoned or removed shopping cart from a public right-of-way and shall make a reasonable effort to return the shopping cart to a business premises by notifying the owner or retailer within seven (7) days via telephone or via written correspondence, which may include electronic mail.

(2) Any personal property found within an abandoned or removed shopping cart shall be stored in a secure location with the City and in a manner reasonably likely to protect the property from harm or damage for a period of at least thirty (30) days from the date of discovery of the abandoned or removed shopping cart. The owner of the personal property may retrieve such items after contacting the City. Illicit items, such as illicit drugs and any items that reasonably appear to be


evidence of a crime will be turned over to the appropriate law enforcement agency. Any items otherwise not regarded as having more than nominal value or any items that are soiled or constitute a potential biohazard may be immediately discarded. The City may not return items reasonably believed to be marijuana or products containing marijuana and must follow its internal law enforcement procedures for the disposal of illicit substances. After the thirty (30) day storage period elapses, unclaimed personal property including the shopping cart if there are no reasonable means to identify its owner may be disposed of by either discarding or recycling such items.

(f) Penalty. Any violation of this Section is a civil infraction, punishable according to Section 1-1-10(a)(3) of the Municipal Code, as amended, or is a nuisance, punishable according to this Chapter, or both. In no case shall a violation of this Section be deemed punishable by jail time. The penalty set forth in Section 1-1-10(a)(2) of the Municipal Code does not apply.

INTRODUCED, READ AND ORDERED POSTED this 12th day of February, 2024.


SHANNON LUKEMAN-HIROMASA
Mayor Pro Tem

ATTEST:



JOHANNA SMALL, MMC
City Clerk


PASSED ON SECOND AND FINAL READING this ____ day of _____, 2024.

MEREDITH LEIGHTY
Mayor

ATTEST:

APPROVED AS TO FORM:

JOHANNA SMALL, MMC
City Clerk



COREY Y. HOFFMANN
City Attorney