



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Mayor Matt Mahan
Councilmember David Cohen
Councilmember Michael Mulcahy
Councilmember Bien Doan
Councilmember George Casey

SUBJECT: ABANDONED SHOPPING CART
POLICY OPTIONS

DATE: February 4, 2025

Approved:

Date: 1/31/2025

RECOMMENDATION

1. Accept the staff recommendation.
2. Direct the City Manager to report back to Council before May 2025 with:
 - a. An executed agreement to provide an abandoned shopping cart retrieval service that includes SJ311 integration for reporting abandoned carts, sets clear expectations for cart removal from creeks and trails, and outlines the process for disposing of carts filled with personal items, similar to the City of Milpitas.
 - b. Progress on establishing a voluntary cost-recovery cart retrieval program similar to the City of Milpitas.
 - c. Recommendations to amend Municipal Code 9.60 to:
 - i. Prescribe stronger loss prevention strategies in the mandatory abandoned cart prevention plan, such as by mandating wheel locking mechanisms,
 - ii. Add a provision to 9.60.320 to assign penalties for unlawfully removing a cart from the premises of a business establishment without permission.

BACKGROUND

Shopping carts are among the most visible sources of blight on our streets, both as discarded items and as vehicles for transporting materials to encampments. Despite direction in the 2023-2024 March and June Budget Messages to hold cart owners accountable for securing their property and develop recommendations to collect carts at a faster rate, we still haven't identified a comprehensive strategy for reducing the nearly 1,500 shopping carts that city staff remove from our streets, creeks, and trails every year.

Beyond being a source of blight, abandoned shopping carts hinder our progress towards complying with the Water Board's mandate of reducing trash in our waterways by June 2025. Significantly reducing the prevalence of abandoned shopping carts is one of the most impactful

actions we can take to curb the transport of trash accumulating in encampments and ultimately reaching our waterways.

Through a public procurement process, the City of Milpitas established an agreement with RMS to offer a cart retrieval service that San Jose can adopt. RMS integrates into the MyMilpitas app, the city's 311 equivalent, to facilitate real-time reporting, retrieval, and return of abandoned carts. Implementing a similar system through SJ311 would provide a mechanism for improved response times and streamlined removal of carts. Staff should explore whether we can piggyback off of Milpitas' contract – or other cities who have executed a similar agreement – and return with an executed agreement that includes clear protocols for disposing of carts found near creeks, trails, and private property, and establishes a process for removing carts even when they're filled with personal items.

While staff has explored models to recover costs incurred by the City for retrieving and returning or disposing of abandoned carts, state law imposes significant barriers, including a three-day retrieval window and impound lot requirement before fees can be collected. Given these challenges, staff should continue to engage with our legislative delegation to pursue legislation that would expand our ability to fully recover costs.

Finally, we need to reset public perception to make it clear that stealing a shopping cart is, in fact, a crime, and hold store owners accountable for keeping carts on their premises. We recommend strengthening Municipal Code 9.60, which requires retailers to submit an abandoned cart prevention plan, but lacks unified, effective loss prevention standards like wheel locking mechanisms or coin deposit for use. By engaging with retailers to identify proven loss prevention strategies for securing their property and adopting penalties for unauthorized cart removal, we can deter people from removing carts from store premises. Strengthening these prevention, retrieval, and enforcement measures will significantly reduce cart-related blight, improve public spaces, and lessen the strain on city resources.

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.