

**DRAFT**

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING  
SECTION 9.60.330 OF TITLE 9 OF THE SAN JOSE  
MUNICIPAL CODE TO ESTABLISH ADDITIONAL  
REQUIREMENTS FOR MANDATORY ABANDONED  
SHOPPING CART PREVENTION PLANS**

**WHEREAS**, pursuant to the provisions and requirements of the California Environmental Quality Act of 1970, together with related State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), the Director of Planning, Building and Code Enforcement has determined that the provisions of this Ordinance do not constitute a project, under File No. PP17-008 (General Procedure and Policy Making resulting in no changes to the physical environment); and

**WHEREAS**, the City Council of the City of San José is the decision-making body for this Ordinance; and

**WHEREAS**, this Council has reviewed and considered the "not a project" determination under CEQA prior to taking any approval actions on this Ordinance;

**NOW, THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** Section 9.60.330 of Chapter 9.60 of Title 9 of the San José Municipal Code is amended to read as follows:

### **9.60.330 Mandatory abandoned cart prevention plan.**

Every owner who provides twenty-six or more carts who allows or intends to allow the use of carts shall develop, implement and comply with the terms and conditions of an abandoned cart prevention plan to prevent the unauthorized removal by any person of any carts from the owner's premises and, if removed, to retrieve the cart within twenty-four hours of the removal or notice of the removal. The abandoned cart prevention plan shall include the following elements:

- A. Name of Business/Owner. The name of the owner and the business name, the physical address where the business is conducted, name, address and phone number(s) of the on-site and off-site owner if different.
- B. Inventory of Carts. A complete list of all carts maintained on or in the premises.
- C. Community Outreach. A description of a community outreach process under which the owner shall cause notice to be provided to customers that the removal of carts from the premises is prohibited and is a violation of state and local law. This notice may include, but is not limited to, flyers distributed at the premises, warnings on shopping bags, signs posted in prominent places near door and parking lot exits, direct mail, announcements using intercom systems at the premises, web site or other means demonstrated to be effective to the reasonable satisfaction of the director. Any and all posting of signs shall comply with the provisions of the San José Municipal Code, including, without limitation, Title 23.
- D. Cart Identification. Signs and cart identification requirements ~~which conform to state law~~ in accordance with Section 9.60.310.

- E. Loss prevention measures. A description of the specific measures that the owner shall implement to prevent cart removal from the premises. These measures may include, but are not limited to, electronic or other disabling devices on the carts so they can not be removed from the premises, effective management practices, use of courtesy clerks to accompany customers and return the carts to the store, use of security personnel to prevent removal, security deposit for use of cart, or other demonstrable measures acceptable to the director that are likely to prevent cart removal from the premises.
- F. Employee Training. A description of an ongoing employee training program that shall be implemented by the owner and that shall be designed to educate new and existing employees on the abandoned cart prevention plan and conditions contained therein no less frequently than annually.
- G. Mandatory Cart Retrieval. A plan for retrieval of abandoned carts by the owner within twenty-four hours.
- H. For any retailers with 76 or more carts, the mandatory cart retrieval plan must include at least one of the following elements:
1. Use of a device or mechanism designed to physically prevent the removal of shopping carts from the owner's premises, such as, but not limited to, an electronic wheel locking mechanism or poles attached to carts that prevent them from being taken outside of a retailer's interior premises.
  2. Use of a device or mechanism that requires customers to make a security deposit before being allowed to use a cart.
  3. Maintaining an agreement with a cart retrieval service that makes weekly, proactive efforts to retrieve the owner's abandoned carts over the course

of a year and is capable of retrieving an abandoned cart within twenty-four hours upon notice of the abandoned cart's location by the City. If this option is selected, a copy of the agreement with the cart retrieval service must be submitted along with the abandoned cart prevention plan.

PASSED FOR PUBLICATION of title this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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MATT MAHAN  
Mayor

ATTEST:

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TONI J. TABER, MMC  
City Clerk