



Memorandum

TO: RULES AND OPEN GOVERNMENT COMMITTEE
FROM: Councilmember Jimenez District 2
SUBJECT: Abandoned Shopping Cart Program
DATE: January 31, 2019

Approved

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RECOMMENDATION

Direct staff to modify the Abandoned Shopping Cart Program to achieve the following objectives:

- Full cost recovery;
- Participation of all businesses in the program regardless of number of shopping carts provided;
- Escalating penalties and fees for egregious violations;
- Requirement for consistent, clear, and long-lasting cart signage and/or labeling to better identify cart ownership and location of origin;
- Feasibility of an impound fee for shopping carts that are collected by City staff and stored at City facilities.

BACKGROUND

Illegal dumping and blight continue to negatively affect the quality of life for San José residents today. That being said, we have made significant progress in curbing blight by instituting free large item pick-ups, sponsoring neighborhood beautification projects, and launching the MySanJose App. Still, much work remains to accomplish the goal of a totally clean San José.

In San José, as is the case in other major cities, abandoned shopping carts are a big part of the problem. One only needs to walk a few blocks anywhere in San José to see abandoned shopping carts strewn across sidewalks, in ditches, waterways, and underpasses. Holding businesses accountable for keeping carts on their premises is necessary to curb the problem of abandoned carts along city streets.

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The Abandoned Shopping Cart Program, found in San José Municipal Code 9.60, was developed “to ensure that the owners of carts are aware of their responsibility to prevent the abandonment of carts and to educate their customers not to take the carts and abandon them off-site.” The ordinance provides for one full-time code enforcement officer who is solely responsible for implementation and enforcement and also requires businesses with 26 carts or more to submit a site-specific Abandoned Cart Prevention Plan to the City. An Abandoned Cart Prevention Plan usually includes technology such as wheel locking mechanisms or poles to prevent carts from leaving the business premises. Ultimately, the cost to businesses associated with this ordinance is approximately \$345 annually. Faced with our current situation, I believe our City can do more to keep abandoned shopping carts from littering our neighborhoods.

The Abandoned Shopping Cart Ordinance has not been updated in many years, and the fees were last reviewed in 2014. One of the biggest issues with the ordinance is that the fees collected do not cover the full cost to implement and enforce the program - This ensures a net negative financial impact for the City. The City should not subsidize cart recovery for private businesses. Currently, City staff collect abandoned carts and take them to the Mabury yard where third-party recovery companies collect them at no charge. I recommend that staff evaluate the current fees and increase them to cover the true cost of the program.

Second, the ordinance exempts businesses with fewer than 26 carts provided for customer use or to the public. This means that many businesses are not participating in the program and do not have cart recovery and retention plans in place. As a result of this loophole, many businesses have intentionally kept their onsite cart inventory below 26 to evade the program. Furthermore, large chain retailers with multiple locations in San Jose are currently exempt from the program even though they have an aggregate of more than 26 carts total in the City. I believe our ordinance would be more effective if all retailers participated in this program. To be equitable to small mom and pop retailers, staff should consider a sliding scale of fees based on the number of carts provided to customers throughout the City.

Third, not all shopping carts are adequately tagged and labeled which makes it difficult to identify the owner of a cart. Our current ordinance does require cart signage, but there is no standard for the size, material, or location of the signage. Standardizing cart signage will allow the City to better identify who a cart belongs to and where it came from. The City then can better identify egregious violators and when appropriate apply stricter penalties and fees for their failure to comply with the ordinance.

I acknowledge that carts are often removed from the premises of a business by shoppers. However, it is the responsibility of businesses to educate patrons and otherwise prevent carts from being taken. I also understand that shopping carts play an important role for homeless individuals who often use them to hold and transport personal belonging. I am sensitive to these realities and understand that this ordinance is not the end-all solution to the issue of abandoned

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shopping carts. As a City, we must aggressively implement permanent and interim housing solutions to house our most vulnerable residents.

Our ordinance currently states, "Abandoned Carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic. The accumulation of wrecked and dismantled Abandoned Carts on public property tends to create conditions that reduce property values, and promote blight and deterioration." It is time to update our ordinance and ensure that every business is playing a role in keeping our City safe and clean.

The following pictures were taken on January 31, 2019 near Edenvale Garden Park

Councilmember Jimenez, District 2

For questions please contact Vanessa Sandoval, Chief of Staff, 408-535-4925



