



City of West Allis

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Title: An Ordinance to Create Section 6.017 of the West Allis Revised Municipal Code Relating to Abandoned Shopping Carts.

Sponsors: Martin J. Weigel

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Date	Ver.	Action By	Action	Result
1/5/2010	1	Common Council		
1/5/2010	1	Common Council	Passed	Pass
1/5/2010	1	Safety and Development Committee (INACTIVE)		Pass

An Ordinance to Create Section 6.017 of the West Allis Revised Municipal Code Relating to Abandoned Shopping Carts.

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 6.017 of the Revised Municipal Code of the City of West Allis is created to read:

6.017 ABANDONED SHOPPING CARTS.

(1) Purpose. The Common Council finds that abandoned shopping carts in the City create potential hazard to aesthetics and the safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance. The accumulation of abandoned carts, sometimes wrecked and/or dismantled, on public and private property tends to create conditions that reduce property values, promote blight and deterioration and result in a public nuisance.

(2) Definitions.

(a) “Abandoned Cart” means any cart that has been removed from the owner's business premises or parking area of the retail establishment of which the cart owner's business premises are located; or any unattended cart that is located more than 100 feet from the owner's business entrance and not contained within a cart corral on the owner's property. The owner's business premises may include a multi-store shopping center with shared areas of parking and public access.

(b) “Cart” means a basket that is mounted on wheels or a similar device generally used in a retail or

commercial establishment by a customer for the purpose of transporting goods of any kind.

(3) Requirements of Cart Owners.

(a) Every owner of carts shall securely mark or cause the cart to be marked and identified conspicuously with the name, address, and telephone number of the owner. Every cart shall be marked within three (3) months of the publication date of this ordinance.

(b) All owners shall ensure that all carts are secured from public access after close of business hours.

(c) Within three (3) months of passage of this ordinance, each owner of shopping carts shall notify the Police Chief of its email address.

(d) Every owner of shopping carts shall, upon being given notice as set forth in Section (5), pick up or cause to be picked up all carts belonging to the owner being held by the City. The owner of said carts shall first pay the fee set forth in Section (6) for collection and storage of each cart.

(e) When picking up a cart from the City storage facility, the owner shall supply proof that it is the owner of the cart. The presence of the markings set forth in Subsection (3)(a) shall be prima facie evidence of ownership.

(4) Collection of Carts by City. Any member of the Police Department or Department of Public Works may take possession of any abandoned cart. Each abandoned cart that is collected by a City employee shall be transported to a facility designated by the Director of Public Works. The date, time and location of where the cart was located and the owner's name shall be logged by the collecting employee.

(5) Notice. Within twenty-four (24) hours of collection, the City agency collecting or storing the cart shall notify the cart's owner, by email and within three (3) business days or as soon thereafter as reasonably possible by regular mail, of the fact that the cart was collected by the City and is in storage. The notice shall also inform the owner of the requirement that the fees set forth in Section (6) must be paid prior to the City returning the cart to the owner and where the cart can be collected and at what times.

(6) Collection and Storage Fees. Prior to a cart being returned to its owner, the owner shall pay the following fees for each cart:

Collection Fee	\$15.00 plus
Storage 1 - 15 Days	\$10.00
Storage 16 - 30 Days	\$20.00
Storage 31 - 60 Days	\$30.00
Storage 61 - 90 Days	\$40.00

(7) Disposition of Carts Held in Excess of 90 Days. Any cart not claimed by its owner within 90 days after notification shall be deemed the property of the City pursuant to Section 170.105 of the Wisconsin Statutes. The carts may be disposed of pursuant to Section 2.683 of the West Allis Revised Municipal Code or if no reasonable bid is obtained, the carts may be destroyed. "Reasonable bid", as used in this subsection, shall mean at least the sum of the collection fee and the maximum storage fee set forth in Section (6).

PART II. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby amended.

PART III. This ordinance shall take effect and be in force from and after its passage and publication.

H/OrdRes/ATTO-CreateSec6.017-AbandonedShoppingCards