



City of West Allis

Legislation Text

File #: O-2009-0037, **Version:** 1

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 hereby 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, without the written consent of the owner, 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 of 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 which 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) Unlawful Possession and Abandonment of Carts.

(a) It shall be unlawful for any person to remove a shopping cart from the premises or parking area of a retail establishment with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(b) It shall be unlawful for any person to be in possession of any shopping cart that has been removed from the premises or the parking area of a retail establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.

(c) It shall be unlawful for any person to keep or leave a cart unattended in a place more than 100 feet from the owner's business entrance unless within a cart corral.

(d) This section does not apply to carts that are removed with the written consent of the owner.

(4) Requirements of Cart Owners.

(a) Every owner of shopping carts, as defined by this article, 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 months of the publication date of this ordinance.

(b) Every owner or operator of every place of business or establishment that provide grocery carts to customers or patrons shall post a copy of this section or a summary thereof in a conspicuous place within said place of business or establishment and upon any parking lot of said place of business or establishment.

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

(5) Disposition of Abandoned Carts.

(a) The Police Department or the Department of Public Works may take possession of any abandoned cart. Reasonable attempts shall be made to notify the owners of the abandoned carts. Any cart not claimed within 5 days of pickup will be deemed forfeited and becomes property of the City of West Allis.

(6) Penalties.

(a) Any person or corporation that violates subsection (3) shall forfeit not less than \$50 nor more than \$250 for the first offense and not less than \$250 nor more than \$500 for each subsequent offense. The person or corporation shall be required to pay the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(4) of the Wisconsin Statutes, or by suspension of the defendant's operating privilege, pursuant to Sections 343.30 and 345.47 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense for each cart.

(b) Any person or corporation that violates subsection (4) for the first two times in a 12-month period shall receive a written warning letter. Any person or corporation that violates subsection (4) more than two times in a 12-month period shall forfeit not less than \$25 nor more than \$100 for each offense. The person shall be required to pay the costs of prosecution. In default of payment thereof, the person shall be imprisoned in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in Section 800.095(4) of the Wisconsin Statutes, or by suspension of the defendant's operating privilege, pursuant to Sections 343.30 and 345.47 of the Wisconsin Statutes. Each and every day that an offense continues constitutes a separate offense for each cart.

(7) Costs.

(a) The Department of Public Works shall collect reasonable costs for any expenses incurred in enforcing this ordinance.

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.

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