



Legislation Details (With Text)

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**Title:** Shopping Carts - Research Review and Policy Options  
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**Attachments:** 1. Shopping Cart - Work Session - January 2023

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Members of City Council  
**THRU:** Doug J. Hewett, City Manager  
**FROM:** Brook M. Redding, Special Projects Manager  
**DATE:** January 3, 2023

**RE:**  
**Shopping Carts - Research Review and Policy Options**

**COUNCIL DISTRICT(S):**  
 ALL

**Relationship To Strategic Plan:**

Goal 4: Desirable Place to Live, Work, and Recreate - Be a highly desirable place to live, work, and recreate with thriving neighborhoods and a high quality of life for all residents.

**Executive Summary:**

The City of Fayetteville continues to collect, return or dispose of shopping carts left abandoned at bus stops, residential areas and other public property locations. Shopping carts left unattended and abandoned pose a hazard to pedestrians and motorists. Additionally, the collection and return of carts to a business, done by City staff, continues to create operational burdens on multiple departments. The City Council adopted a Memorandum of Agreement (MOA) with the North Carolina Retail and Merchants Association (NCRMA) in April 2020 and expired in May 2021. Despite efforts to educate the public and work with local retailers, the number of carts collected, returned or disposed of has continued to rise.

### **Background:**

City Council reviewed and discussed this item in late 2019. The following summarizes the significant actions and discussions from 2019 to 2022.

#### *August 2019 - April 2020*

- Mayor Colvin presented an Agenda Request to discuss errant shopping carts across the City
- Staff conducted research and briefed Council on the findings of the research
- Council directed staff to establish the MOA with retailers operating in Fayetteville
- Retailers and the NCRMA agreed to the revisions of the MOA, staff developed an implementation plan and Council adopted the MOA
- The agreement and actions impacted the number of errant carts; the COVID pandemic began. As pandemic limitations subsided, the number of errant carts steadily increased

#### *May 2020 - October 2022*

- City staff implemented the following best practices following the adoption of the MOA
  - Placed signage to inform and educate areas with high volumes of carts
  - Maintained communication with local vendors to collect and return carts
  - Established a process through FayFixIT to report an errant cart
- City staff encountered more than 1,000 errant carts during this time period, an exponential increase from the 2019 research findings.

### **Issues/Analysis:**

The City established an operational process to recover shopping carts from public places. However, the burden of collecting, returning or disposing shopping carts increased following the pandemic impacting departments fiscally and operationally.

#### **The Cost of Errant Carts**

The recovery and removal of shopping carts has detrimental impacts on City departments. To better understand the impacts, staff created a simple model below to calculate time and financial implications of cart recovery.

- **Labor Costs** - Average salary and fringe benefits of employees involved in cart recovery; 1 hour of labor equals \$39
- **Identification, Collection, Removal, and Disposal** -Collection and recovery takes a minimum of 2 employee work hours equaling \$78 per errant cart recovery

The following chart depicts the aggregate number of carts found, returned or disposed of. ***Using the cost model above, the City has spent more than \$78,468 since May 2020 to recover shopping carts.***

	2020	2021	2022	Total Cost
RAPID	-	257	249	\$39,468
Parks & Recreation	-	84	75	\$12,402
Solid Waste	58	22	21	\$7,878
Transit	50	98	92	\$18,720
<b>Total</b>	108	459	430	\$78,468

### State and Other Local Government Laws

The State of North Carolina has a general statute that makes it unlawful to remove a shopping cart from the premises of a store. Several municipalities are considering adopting ordinances to address errant shopping carts, including the City of Greensboro. To date, no city has formally adopted such an ordinance.

#### § 1472.3. Removal of a shopping cart from shopping premises.

- As used in this section:
  - "Shopping cart" means the type of push cart commonly provided by grocery stores, drugstores, and other retail stores for customers to transport commodities within the store and from the store to their motor vehicles outside the store.
  - "Premises" includes the motor vehicle parking area set aside for customers of the store.
- It is unlawful for any person to remove a shopping cart from the premises of a store without the consent, given at the time of the removal, of the store owner, manager, agent, or employee.
- Violation of this section is a Class 3 misdemeanor. Sess., c. 14, s. 3.1.) (1983, c. 705, s. 1; 1994, Ex. Page 1 G.S. 14 72.3

### Ordinance Options

The Mayor and City Council have many options to address errant shopping carts. Most shopping cart ordinances fall into three categories:

- **A retailer must have a system to contain shopping carts and prevent them from being abandoned.**
  - *Shopping Carts; Restrictive Devices required*
  - The ordinance establishes that any new business shall not receive a certificate of occupancy from the Community Development Director until the business carts are equipped with a restrictive device that prevents their removal from the premises.
  - New Ordinance also requires businesses or partnerships established before the ordinance existed and with ten or more carts to enter a contract for a cart retrieval service within 30-90 days.
  - Businesses that fail to comply are assessed fees annually
- **A retailer must have a plan to contain and collect errant shopping carts.**
  - *Required signs on carts*

- Identifies the owner of the cart or name of the business establishment or both
  - Notifies the public of the procedure to remove if authorized by a business.
  - Notifies the public that removal of the cart is a violation of local law.
  - Lists a telephone number and address to contact and report the location of a cart to businesses
- ***The fines and penalties imposed by a city for abandoned or errant shopping carts***
    - *Shopping Cart Impoundment*
    - Definition of “abandoned Shopping Cart,” “Unmarked,” and “Marked.”
    - The City can impound carts if they impede emergency services and traffic
    - The City provides notice to the business of shopping cart location
    - The City can impound after three days of notification
    - The City imposes a fee for carts impounded.
    - If the business fails to retrieve the cart from impound, a fee is assessed

Hundreds of cities across America have implemented ordinances and programs to alleviate the nuisance and burden of misplaced shopping carts. Larger municipalities have initiated impoundment and buyback programs to fund those initiatives.

**Budget Impact:**

Using the simple cost model described above, the City estimates spending more \$78,468 on cart removal since May 2020, not including the use of equipment and vehicles.

**Options:**

1. Council directs staff to develop ordinance recommendations to address errant shopping carts.
2. Council takes no further action regarding errant shopping carts.

**Recommended Action:**

Staff recommends direction from Council to develop ordinance recommendations addressing errant shopping carts in the City.

**Attachments:**

Shopping Cart presentation - January 2023.pptx