



Legislation Text

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TO: Mayor and Members of City Council

THRU: Doug Hewett, City Manager
Kelly Olivera, Interim Assistant City Manager

FROM: Brook M. Redding, Special Project Manager

DATE: October 10, 2022

RE:
Shopping Carts - Research Review and Policy/Program 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 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. In 2020, the City Council adopted a Memorandum of Agreement with local retailers operating in the City. Since its adoption, 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 a Council Member Agenda Request to discuss errant shopping carts across the City of Fayetteville
- Staff conducted research and briefed Council on the findings of the research, and provided two options to address the issue.
 - Option 1 - Establish a Memorandum of Agreement with retailers operating in Fayetteville

through coordination with N.C. Retail Merchants Association and Fayetteville/Cumberland Chamber of Commerce

- Option 2 - Develop ordinance recommendations and return to Council for discussion and consideration
- City Council directed staff to establish the MOA with retailers operating in Fayetteville
- Retailers and the NCRMA agreed to the revisions of the MOA. The City staff developed the implementation plan. City Council formally adopted the MOA.
- The agreement and other actions decreased the number of errant carts discovered and removed by city staff. However, the COVID-19 pandemic also began as the MOA was adopted. As limitations from the pandemic subsided, the number of errant carts steadily increased.

May 2020 - September 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
 - Established and maintained communications with local vendors to collect and return carts
 - Established a process through FayFixIT to report an errant cart.
- From May 2020 through September 2022, city staff has encountered over 1,000 errant carts. This is an exponential increase from the original research project conducted in 2019.

Issues/Analysis:

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

The Cost of Errant Carts

Recovering and removing shopping carts has detrimental impacts on the city departments involved. To better understand these impacts, staff created a simple model to calculate the time and financial implications of errant cart recovery. The following bullets explain the model and how the staff has quantified the impacts:

- Labor Costs - This value was created using the average salary and benefits of the employees involved in errant cart recovery operations. Staff estimate that one hour of labor equals \$39.
- Identification, Collection, Removal, and Disposal - Staff estimate the collection and recovery of shopping carts take a minimum of two employee work hours which equals \$78 per errant cart recovery

The following chart depicts the aggregate number of carts found, returned, or disposed of. Additionally, using the simple cost model, the City has spent over \$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
Total	108	461	437	\$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 have discussed or are discussing adopting ordinances to address errant shopping carts. The City of Greensboro is currently discussing ordinance options. However, no city has formally adopted a law to address errant or abandoned shopping carts.

§ 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 - Restrictive devices required on Shopping Carts***
 - The ordinance could establish 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.
 - The ordinance could also require any business or partnership 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 - Signs are***

required on Shopping 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 - Errant Shopping Carts are impounded***
 - 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 a simple cost model, the City has spent over \$78,468 since May 2020. The cost model does not include the use of equipment and vehicles.

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Options:

1. Council receives the report.
2. Council does not receive the report.

Recommended Action:

Staff recommends Council review and receive the report.

Attachments:

None