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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2022-\_\_**

**INTRODUCED BY:**

Councilor Carol Romero-Wirth

Mayor Alan Webber

Councilor Amanda Chavez

**AN ORDINANCE**

**REPEALING SECTION 10-11 OF SFCC 1987; CREATING A NEW SECTION 10-11 TO ESTABLISH AN ORDINANCE RELATING TO SHOPPING CARTS; INCENTIVIZING RETAIL ESTABLISHMENTS TO ENSURE THEIR SHOPPING CARTS REMAIN ON THEIR PROPERTY; IMPOSING A FEE FOR SHOPPING CART RETURN; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1. REPEAL. Section 10-11 of SFCC 1987 (being Ord. No. 2015-11) is hereby repealed.**

**Section 2. [NEW MATERIAL] A new Section 10-11 of SFCC 1987 is hereby ordained to read:**

**10-11 RETENTION OF SHOPPING CARTS BY RETAIL ESTABLISHMENTS.**

**10-11.1 Purpose.**

**A. Abandoned shopping carts constitute a nuisance, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the city of**

1 Santa Fe. In addition, the presence of wrecked, dismantled, and/or abandoned shopping carts on  
2 public or private property creates conditions that reduce property values and promote blight and  
3 deterioration within the city's neighborhoods.

4 B. The purpose of this chapter standardizes a retrieval process for shopping carts  
5 removed from the retail establishment's premises and sets a fee for their return.

6 **10-11.2 Definitions.**

7 *Abandoned shopping cart* means any cart that has been removed from a retail  
8 establishment's premises without written permission of the owner and that is located on either  
9 public or private property.

10 *Owner* means any person or entity within a retail establishment who owns, possesses, or  
11 has the power to make a shopping cart available to customers. For the purpose of this section,  
12 "owner" includes, but is not limited to, the store owner, manager, on-site manager, on-duty  
13 manager, or other designated agent of a retail establishment providing shopping carts for customer  
14 use.

15 *Parking area* means a parking lot or other property provided by a retail establishment for  
16 use by a customer for parking an automobile or other vehicle. The parking area of a retail  
17 establishment located in a multi-store complex or shopping center shall include the entire parking  
18 area used by the complex or center.

19 *Premises* means the entire area owned, rented, leased, or utilized by a retail establishment  
20 that provides shopping carts for customer use, including parking areas.

21 *Retail establishment* means any business facility that sells goods directly to the consumer  
22 whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies,  
23 convenience and grocery stores, liquor stores, seasonal and temporary businesses.

24 *Shopping cart* means a basket which is mounted on wheels or a similar device generally  
25 used in a retail establishment by a customer for the purpose of transporting goods of any kind,

1 including, but is not limited to, laundry, grocery, or shopping carts.

2 **10-11.3 Enforcement authority.**

3 The city manager or the city manager’s designated agents (“city official”), and designated  
4 code enforcement officers, shall have the authority and powers necessary to determine whether a  
5 violation of this section exists and to take appropriate action to gain compliance with the provisions  
6 of this section and applicable state statutes. These powers include the power to issue administrative  
7 citations and to inspect public and private property. It also includes the power to impose civil  
8 penalties for any violation of this section.

9 **10-11.4 Identification Requirements for Shopping Carts**

10 Every shopping cart provided by a retail establishment located in the municipal boundaries  
11 of the city must have a sign permanently affixed to it that contains the following information:

- 12 A. the name of the owner of the shopping cart or the name of the retail establishment,  
13 or both;
- 14 B. a valid telephone number and address for returning the shopping cart to the retail  
15 establishment; and
- 16 C. notice to customers that the removal of carts from the retail establishment’s  
17 premises is prohibited.

18 **10-11.5 Retrieval of Shopping Carts by City.**

19 A. Authority to retrieve and return. The city may retrieve and return a shopping cart  
20 if the shopping cart is located outside the premises or parking area of a retail establishment; and  
21 either on public property, right of ways, or easements or on private property and the property owner  
22 consents to the removal.

23 B. In instances where the location of a shopping cart will impede emergency services,  
24 the city may immediately retrieve the shopping cart from public or private property.

25 C. Any shopping cart that is retrieved by the city or contractor of the city pursuant to

1 this section shall be returned to the retail establishment upon payment of an administrative fee of  
2 one hundred and fifty dollars (\$150.00).

3 **10-11.6 Alternative remedies.**

4 Nothing in this section shall prevent the city from pursuing other applicable legal remedies  
5 to address violations of this section.

6 **Section 3. Effective Date.**

7 This ordinance shall become effective three (3) months after adoption by the Governing  
8 Body.

9 APPROVED AS TO FORM:

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12 ERIN K. McSHERRY, CITY ATTORNEY

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