

1 [Requiring businesses with 25 or more shopping carts to attach identification to shopping carts  
2 and develop plans to reduce unauthorized removal of shopping carts.]

3 **Ordinance amending the San Francisco Public Works Code by adding Article 24,**  
4 **consisting of Sections 1400 through 1409, to require businesses with 25 or more carts**  
5 **to (1) permanently affix identification on the carts; and (2) develop and implement plans**  
6 **to prevent the unauthorized removal of carts from the premises.**

7 Note: Additions are single-underline italics Times New Roman;  
8 deletions are ~~strikethrough italics Times New Roman~~.  
9 Board amendment additions are double underlined.  
Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. The San Francisco Public Works Code is hereby amended by adding a new  
12 Article 24, consisting of Sections 1400 through 1409, to read as follows:

13 **Article 24**

14 **Carts**

15 **Sec. 1400. Definitions.** (a) “Cart” means any of the following:

16 (1) A basket that is mounted on wheels or a similar device generally used in a retail or  
17 wholesale establishment by a customer for the purpose of transporting good;

18 (2) A four-wheeled metal platform with a handle used for pushing the cart, which is used in a  
19 retail or wholesale establishment by a customer for the purpose of transporting goods; or

20 (3) A basket that is mounted on wheels and used in a coin-operated laundry or dry cleaning  
21 retail establishment by a customer or an attendant for the purpose of transporting laundry.

22 (b) “City” means the City and County of San Francisco.

23 (c) “Director” means the Director of the Department of Public Works, or his or her designee.

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1           **Sec. 1401. Signage Required on Carts.** Any business establishment in the City that owns or  
2 provides more than 25 carts for use by its customers must permanently affix or cause to be permanently  
3 affixed a sign that contains the following information:

4           (a) Identification of the owner of the cart or the business providing the cart for use, or both;

5           (b) Identification of the procedures to be utilized for authorized removal of the cart from the  
6 premises or parking area;

7           (c) Notification that removal of the cart from the premises or parking area of the business  
8 establishment and/or the unauthorized possession of the cart is a violation of state law; and

9           (d) A valid telephone number or address for returning the cart to the owner or retailer.

10          **Sec. 1402. Anti-Removal Plan.** Every business that owns or provides 25 or more carts for the  
11 use of its customers within the City shall develop and implement a plan to prevent unauthorized  
12 persons from removing carts from the business premises and parking area without authorization. The  
13 plan shall include the following elements:

14          (a) Public Education. The plan must contain an element of public education regarding the  
15 illegality of removing and possessing carts off the premises or parking area, including, but not limited  
16 to, signage on the property and other forms of written notice of such laws.

17          (b) Physical Measures. Each business must identify what physical measures the business will  
18 take to prevent the unauthorized removal of carts from the premises and parking areas. These  
19 measures may include, but are not limited to, disabling devices on the carts, perimeter security  
20 provisions, and/or posting of security guards to deter and stop customers from removing the carts.

21          (c) Timeline. The plan must contain the proposed schedule for its implementation.

22          **Sec. 1403. Anti-Removal Plan Timeliness and Approval Process.** (a) The proposed plan for  
23 prevention of unauthorized cart removal shall be submitted for approval by the Director within 60 days  
24 of the effective date of this Article. If the Director believes that the plan submitted will not adequately  
25 prevent the unauthorized removal of carts from the premises or parking areas, the Director may

1 request modifications to the plan. The business must implement the plan elements within 30 days of the  
2 Director's approval, unless the Director agrees in writing to a different schedule.

3 **Sec. 1404. Evaluation Report and Modifications to Anti-Removal Plan.** (a) On or before  
4 January 1 of every year following the Director's initial approval of the Anti-Removal Plan, the  
5 business shall provide to the Director a report evaluating the measures that the Director approved and  
6 the business used in the preceding year. The Report shall include, but is not limited to, the number of  
7 carts the business lost due to unauthorized removal from the premises, and a plan for either continuing  
8 the same anti-removal measures or modifying such measures. If the Director believes that the anti-  
9 removal measures in effect during the previous year or the proposed modifications will not reasonably  
10 prevent the unauthorized removal of carts from the premises, the Director may request modifications to  
11 the plan. The business shall implement any modifications to the plan within 30 days of the Director's  
12 approval, unless the Director agrees in writing to a different schedule.

13 (b) If the Director at any time has reason to believe that the Anti-Removal Plan in effect is not  
14 adequately preventing the removal of carts, the Director may request modifications to the Plan. The  
15 business shall implement the modifications within 30 days unless the Director agrees in writing to a  
16 different schedule.

17 **Sec. 1405 Appeal Process.** (a) The Director shall approve, disapprove or request  
18 modifications to an Anti-Removal Plan within 30 days from the date said Plan is submitted whenever  
19 reasonably possible, and shall immediately notify the business in writing of approval, disapproval or  
20 modification.

21 (b) Any business that submitted an Anti-Removal Plan that the Director either disapproved or  
22 to which the Director requested modifications, may appeal such determination to the Director pursuant  
23 to procedures, rules and regulations adopted by the Director for such purposes. An appeal to the  
24 Director shall set forth specifically the reasons why a disapproval or requested modification to the  
25 Plan is improper or unreasonable. The appeal must be filed within 10 days following the date of

1 mailing notice of the Director's disapproval or request for modification. The Director shall set a time  
2 for hearing the matter, and shall mail written notice thereof not less than 10 days prior to the date of  
3 such hearing to the business that filed the appeal.

4 (c) A hearing upon an appeal shall be set whenever reasonably possible not later than 30 days  
5 after the date of filing the appeal. The Director may continue the hearing from time to time at his  
6 discretion, and shall make a written determination upon the appeal within 15 days from the conclusion  
7 of the hearing and provide a copy thereof to the person who filed said appeal.

8 (d) Where no appeal has been filed, the Director's decision shall become final upon the  
9 termination of time for filing an appeal to the Director as provided for in this Section. In the event the  
10 business files an appeal, the determination by the Director upon such appeal shall be final.

11 **Sec. 1406. Penalty.** Any business that fails to submit an Anti-Removal Plan or Evaluation  
12 Report or implement an approved plan as required in this article shall be subject to a \$1,000.00  
13 administrative penalty, plus an additional penalty of \$50.00 for each day of non-compliance.

14 **Section 1407. Nature of Director's Duties.** It is the intent of the Board of Supervisors that the  
15 duties imposed upon the Director by this Article be directory in nature, and that as a result, the  
16 Director's failure to comply with a particular procedural step shall not invalidate any subsequent  
17 action by the Director to which the procedural requirement relates.

18 **Section 1408. Limitation of Liability.** By adopting this Article, the City and County of San  
19 Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it  
20 imposing on its officers and employees, an obligation for breach of which it is liable in money damages  
21 to any person who claims that such breach proximately caused injury.

22 **Sec. 1409. Severability.** If any part or provision of this Article, or the application thereof to  
23 any person or circumstance, is held invalid, the remainder of this Article, including the application of

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1 such part or provision to other persons or circumstances, shall not be affected thereby and shall  
2 continue in full force and effect. To this end, provisions of this Article are severable.

3 APPROVED AS TO FORM:  
4 LOUISE H. RENNE, City Attorney

5 By: \_\_\_\_\_  
6 DAVID A. GREENBURG  
7 Deputy City Attorney

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