

ORDINANCE NO. 1295

Introduced by All Commissioners

AN ORDINANCE ADDING CHAPTER 5.16 SHOPPING CARTS TO THE WARRENTON MUNICIPAL CODE

WHEREAS, ORS 98.515 authorizes local governments to enact or adopt an ordinance to prohibit the unauthorized appropriation of a shopping cart from a business premise and to provide for the salvage or reclamation of an abandoned shopping cart; and

WHEREAS, ORS 98.520 establishes the requirements that local governments must substantially comply with when regulating abandoned shopping carts; and

WHEREAS, the City has several businesses that supply shopping carts for customers to use while shopping at the business; and

WHEREAS, people often remove or appropriate these shopping carts from the business property and leave them at various locations around the city; and

WHEREAS, the shopping carts are both an eyesore and can become a hazard by blowing into traffic, blocking roadways, and blocking sidewalks; and

WHEREAS, the City wishes to enact regulations prohibiting the abandonment of shopping carts; and

NOW, THEREFORE, the City of Warrenton ordains as follows: (Key: new, ~~remove~~)

Section 1. Warrenton Municipal Code Chapter 5.16 Shopping Carts is hereby added to read as follows:

Chapter 5.16 SHOPPING CARTS

5.16.010 Requirements for Shopping Cart Providers.

A person, business, or entity that supplies shopping carts for public use shall:

A. Post signs in sufficient number to:

- 1. Give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015; and**
- 2. Provide a toll-free telephone number that members of the public may use to report abandoned shopping carts. For the purposes of this chapter, the Warrenton Police Chief, or designee, shall assign a non-emergency, toll-free phone number for use by a person, business, or entity that supplies shopping carts as provided under this chapter.**

B. Identify the person, business, or entity that holds ownership of each shopping

cart and post a sign on the shopping cart that:

1. Notifies any member of the public using the shopping cart that unauthorized appropriation of a shopping cart is a crime under ORS 164.015; and
 2. Provides the City's non-emergency, toll-free telephone number for use in reporting an abandoned shopping cart.
- C. Retrieve, or at their discretion, contract for the retrieval of abandoned shopping carts belonging to the person, business, or entity.

5.16.020 Retrieval and Disposal of Shopping Carts – Fees and Enforcement.

- A. For the purposes of this chapter, a shopping cart shall be determined to be abandoned if it is found off the premises where it is intended for normal business use.
- B. If the City identifies, salvages, takes custody, or reclaims an abandoned shopping cart:
1. If the owner is identifiable, the City shall contact the person, business, or entity to report the existence and location of an abandoned shopping cart. The person, business, or entity shall thereafter have 72 hours to retrieve the abandoned shopping cart.
 2. If the owner is unidentifiable, the shopping cart may be immediately disposed of as the City deems appropriate.
- C. The City may return a shopping cart to the owner, business, or entity of the shopping cart for a fee established and set forth in the City fee schedule (the "Return Fee").
- D. The City may impose a fine of \$50.00 on the owner, business, or entity of the shopping cart if they do not retrieve the shopping cart within 72 hours after they receive a report of its existence (the "Failure to Retrieve Fine"). The City shall release the shopping cart to the owner upon payment of the fine.
- E. The City may take title to an abandoned shopping cart in its custody and dispose of the shopping cart as the City deems appropriate, if the owner does not claim the shopping cart within 30 days.
- F. If the owner, business, or entity of the shopping cart agrees, the City may return a shopping cart to the owner, business, or entity of the shopping cart for a fee established and set forth in the City's fee schedule.
- G. In addition to the Return Fee, if a person, business, or entity that holds ownership on each shopping cart violates the provisions of this chapter on more than five occurrences per calendar year, the person, business, or entity shall be deemed a "habitual offender" and subject to the following fees (the "Habitual Offender Fee");

1. More than five violations in a calendar year, but less than ten: the habitual offender shall be subject to an additional fee of \$50 per violation.
 2. More than ten violations in a calendar year: the habitual offender shall be subject to an additional fee of \$100 per violation.
- H. An order requiring payment of a Return Fee or a Habitual Offender Fee must be in writing and shall state the basis for the fee and the authority under which the order is being issued. The order shall be served personally on the habitual offender, or else by certified and regular mail. If the fee order is to be served by certified and regular mail, it must be postmarked within 30 days of the return occurrence or violation.
- I. A Return Fee or a Habitual Offender Fee shall be due and payable no later than 30 days after the date of receipt of the fee order. Any fees remaining unpaid after the due date will accrue interest at one percent per month, compounded daily from the due date.
- J. All fees imposed by this chapter will be a debt due and owing to the City and may be collected by civil action in the name of the City. In lieu of filing an action for the recovery, the City may, at its sole discretion, submit any outstanding amount due to a collection agency, provided, however, that such action shall only be allowed if a fee imposed under this chapter is more than 30 days delinquent.
- K. A person, business, or entity may appeal a Return Fee, a Failure to Retrieve Fine, or a Habitual Offender Fee order issued under this chapter pursuant to the provisions of ORS 34.010-34.102.

Section 2. This Ordinance shall become effective thirty days after its adoption.

First Reading: August 12, 2025

Second Reading: August 26, 2025

ADOPTED by the City Commission of the City of Warrenton, Oregon, this 26th day of August 2025.

ATTEST


Dawne Shaw, CMC, City Recorder

APPROVED


Henry A. Balensifer III, Mayor