

ORDINANCE NO. 4468

AN ORDINANCE AMENDING CHAPTER SEVEN OF THE BEAVERTON CITY CODE BY ADDING A NEW SECTION RELATING TO SHOPPING CARTS.

WHEREAS, a local government may enact an ordinance to provide for the salvage or reclamation of an abandoned shopping cart; and

WHEREAS, shopping carts are constantly littering the streets, sidewalks, and parks and are found dumped in ditches and waterways; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 7.17 is hereby added to read as follows:

Chapter 7.17 SHOPPING CARTS

7.17.005 Short Title. BC 7.17.005 through 7.17.020 shall be known and may be cited as the "Shopping Cart Ordinance."

7.17.010 Requirements for Shopping Cart Providers.

A. A person that supplies shopping carts for public use at the person's business shall:

1. Post signs in sufficient number to 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 provide a toll-free or local telephone number that members of the public may use to report abandoned shopping carts; and

2. Identify the person's business on each shopping cart and post a sign on the shopping cart that:

a. 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

b. provides a toll free or local telephone number for use in reporting an abandoned shopping cart; and

3. Establish, maintain and make available to the public, at the person's own expense, a toll-free or local telephone line for the purpose of reporting abandoned shopping carts. If the person who provides the carts has a contractor who receives the calls concerning abandoned shopping carts, that contractor shall forward each report the contractor receives concerning an abandoned shopping cart to the owner of the shopping cart and to the City's Code Enforcement Office within one business day after the contractor receives the report.

4. Retrieve or contract for the retrieval of abandoned shopping carts.

7.17.020 Retrieval and Disposal of Carts, Fees.

A. A person may agree with other persons to share and to pay expenses related to the toll-free telephone line described in BC 7.17.010 (A)(3). The agreement shall provide that any person designated to operate the toll-free telephone line and receive reports concerning abandoned shopping carts must forward the reports in accordance with BC 7.17.010 (A)(3).

B. A person shall retrieve a shopping cart that the person owns within 72 hours after receiving notification that the shopping cart has been abandoned.

C. If the City identifies, salvages or reclaims an abandoned shopping cart it shall use the toll-free or local telephone line described in BC 7.17.010 (A)(3) to report the existence and location of an abandoned shopping cart to the owner of the shopping cart, if the owner is identifiable.

D. The City may take custody of an abandoned shopping cart and impose a fine of \$50 on the owner of the shopping cart if the owner does not retrieve the shopping cart within 72 hours after the City makes a report under subsection (C) or after the owner receives a report under BC 7.17.010 (A)(3).

E. The City may release a shopping cart held in the City of Beaverton's custody to the owner upon payment of the \$50 fine.

F. The City may take title to a shopping cart in the City of Beaverton's custody and dispose of the shopping cart as the City of Beaverton deems appropriate, if the owner does not claim the shopping cart within 30 days.

G. A City Code Enforcement Officer may issue citations for the commission of a violation of this shopping cart ordinance. A violation proceeding under this ordinance shall be processed in accordance with ORS Chapter 153.

Section 2. The sections and subsections of this ordinance are severable. If any part of this ordinance is held unconstitutional or otherwise invalid, the remaining parts shall remain in force.

Section 3. This Ordinance shall be effective 30 days after passage or March 1, 2008, whichever is later.

First reading this 10th day of December, 2007.

Passed by the Council this 7th day of January, 2008.

Approved by the Mayor this 8th day of January, 2008.

ATTEST:

Sue Nelson
SUE NELSON, City Recorder

APPROVED:

Rob Drake
ROB DRAKE, Mayor