

STATE OF SOUTH CAROLINA)
)
COUNTY OF ANDERSON)
)
CITY OF BELTON)

ORDINANCE 575

.....
**ORDINANCE REGULATNG ABANDONED SHOPPING CARTS
WITHIN THE CITY LIMITS**
.....

WHEREAS, City Council finds that shopping carts are routinely abandoned on the city's rights of way and streets; and

WHEREAS, abandoned shopping carts constitute a nuisance, encourage crime, create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic within the city; and

WHEREAS, wrecked, dismantled and abandoned shopping carts on public or private property create conditions that reduce property values and promote blight and deterioration within the city's neighborhoods; and

WHEREAS, City Council finds this ordinance necessary to protect the public safety and welfare of the residents of the city.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Belton, South Carolina this 16th day of April 2024:

Section 1: Definitions.

As used in this ordinance, the following terms shall have the meaning indicated in this section:

1. *Abandoned shopping cart* shall mean any shopping cart belonging to or provided by a retail establishment that is left unattended or discarded upon any public or private property within the city limits.
2. *Premises* shall mean the entire area owned, occupied, and/or utilized by an owner which provides shopping carts for use by customers or other persons.
3. *Retail establishment* shall mean any business or entity engaged in the sale of goods to consumers, including but not limited to supermarkets, department stores, and convenience stores where shopping carts are made available for and used by patrons and/or the public.
4. *Shopping cart* shall mean a basket which is mounted on wheels or a similar device generally used in a retail or commercial establishment by a customer for the purpose of transporting goods of any kind.

Section 2: Abandoned Shopping Carts.

It shall be unlawful for any person, other than a shopping cart owner or its authorized representative to do any of the following:

1. To permanently remove a lawfully marked shopping cart from a premises or parking lot or be without written consent of the owner or manager;
2. To be in possession of a lawfully marked shopping cart that has been removed from a premises or parking lot without written consent of the owner or manager, with the intent to permanently deprive the owner of possession of the shopping cart; or
3. To cause or permit any shopping cart to be abandoned on or upon any sidewalk, street, or other public area, other than the premises of the owner of such shopping cart.

Section 3: Penalty

Any person who commits a violation pursuant to Section 2 shall be subject to a civil penalty of not more than five hundred dollars (\$500.00).

Section 4: Responsibilities of Retail Establishments.

1. Retail establishments shall implement reasonable measures to prevent the removal of shopping carts from their premises, including but not limited to:
 - a. Installing physical barriers or wheel-locking mechanisms on shopping carts.
 - b. Display conspicuous signs notifying the public that removal of shopping carts from the premises or parking lot is prohibited without the written consent of the retail establishment.
 - c. Conducting periodic sweeps of the area surrounding the establishment to retrieve abandoned shopping carts.
 - d. Shopping carts stored outdoors shall be locked after business hours in a manner that prevents unauthorized removals.
2. Every shopping cart owned or provided by an owner shall have a sign that includes the owner's name, address, and phone number permanently affixed on the shopping cart for identification and retrieval purposes.
3. Retail establishments shall retrieve any abandoned shopping carts found within the city limits promptly. The retrieval shall be conducted within 24 hours of notification or discovery of the abandoned cart.

Section 5: Administrative Costs and Enforcement

Any owner who fails to retrieve its abandoned shopping cart(s) within twenty-four (24) hours after receiving notice from law enforcement in accordance with this Ordinance shall pay the City's actual costs for retrieving the shopping cart(s) and providing the notification to the owner.

Any owner who fails to retrieve abandoned shopping carts in accordance with this code section in excess of three (3) times during a six-month calendar period shall be subject to an additional fifty (\$50.00) dollar civil penalty for each occurrence, and be required to submit a revised Abandoned Shopping Cart Prevention and Retrieval Plan to be approved by the Chief of Police or his/her designee. Any subsequent violations may result in the City requiring an owner to obtain a shopping cart retrieval business to ensure compliance with this code section. An occurrence includes all shopping carts owned by the retail establishment that are retrieved by the City in a one-day period.

Section 6: Severability

If any provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining provisions of this ordinance.

Section 7: Effective Date

This ordinance shall take effect May 1, 2024 following its passage and publication in accordance with applicable law.

Section 8: Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 9: Adoption

This ordinance shall be adopted by the city council of City of Belton upon a majority vote of its members and shall be incorporated into the city's municipal code.

Section 10 Publication

This ordinance shall be published in accordance with applicable law and made available to the public.

Section 11: Amendments

This ordinance may be amended from time to time by the city council as deemed necessary for the public welfare and interest.

ENACTED IN REGULAR MEETING, this 16th day of April, 2024

First Reading April 2, 2024

[Signature]
Eleanor Dorn, Mayor

[Signature]
Mark Spence, Councilmember Ward 1

Second, and
Final Reading April 16, 2024

[Signature]
Tony Saville, Councilmember Ward 2

ATTEST:
[Signature]
Amanda Gambrell, City Treasurer

[Signature]
Brandy Vaughn, Councilmember Ward 3

[Signature]
Alan Sims, Administrator

[Signature]
Josh Stephenson, Councilmember Ward 4

APPROVED AS TO FORM:
[Signature]
Greg Steele, City Attorney

[Signature]
Joshua Hawkins, Councilmember Ward 5

[Signature]
John R. Campbell, Jr., Councilmember Ward 6