

ORDINANCE 8 of 2023

AN ORDINANCE TO CREATE CHAPTER 238 OF THE CITY OF ONEONTA MUNICIPAL CODE ENTITLED "SHOPPING CARTS"

Section 1. Chapter 238 is created to read:

§ 238-1 Definitions.

Unless otherwise stated, the words and expressions used in this chapter shall have meanings as follows:

PERSON

Natural persons of any sex, corporations, partnerships, associations, joint-stock companies, societies and all other entities capable of being sued.

PUBLIC PLACE

A street, avenue, road, alley, public passageway, land, highway, concourse, driveway, culvert, crosswalk and sidewalk, pedestrian mall and every class of road, square and municipal or private parking field used by the general public.

SHOPPING CART

Any cart, basket, container or other device made of wire, metal, plastic or other material, mounted on wheels or carried, manually operated and identified as required herein, such as is generally provided by merchants for the conveyance of merchandise, foodstuffs and other property to automobiles and other places.

§ 238-2 Identification.

- A. Every person who owns or makes available to the public in connection with the conduct of business and trade any shopping cart, shall mark it or cause the same to be marked and identified conspicuously with the name of the owner.
- B. Such identification shall be in the form of metal tags securely fastened to the cart or a cutting or stamping on the frame of the cart or other means for permanently identifying the owner of the cart.

§ 238-3 Removal and possession unlawful.

- A. It shall be unlawful for any person or his/her agent or employee to take, remove or possess any shopping cart beyond the premises of the identified owner of the shopping cart without the express permission of the identified owner.

§ 238-5 Abandonment unlawful.

- A. It shall be unlawful for any person or his/her agent or employee to leave or to suffer or permit to be left unattended any shopping cart, either owned by the person or in such person's possession, custody or control, at any public place within the City of Oneonta or upon the private property of another without the consent of the owner of the property.

§ 238-6 Removal of abandoned shopping carts.

- A. No shopping cart shall be stored in any public place or in view of the public right of way unless it is part of an approved use associated with the property and is in compliance with the City of Oneonta Code Chapter 300 Zoning.
- B. The Public Works Director of the City of Oneonta, or his designee, is hereby authorized to seize and remove or cause to be removed any abandoned shopping cart within the city

from any public place without notice and from any private premises where the cart is stored in violation of this chapter and notice has been provided.

- C. The Public Works Director, or his designee, shall take or cause the same to be taken to a facility within the city for redemption or disposition as hereinafter provided. The Public Works Director is authorized to call upon other city agencies or departments to assist in enforcement of this section.

§ 238-7 Redemption.

- A. Notification. Whenever the Public Works Director of the City of Oneonta, or his designee, shall take possession of any shopping cart as herein specified and such shopping cart contains identification of ownership, a notice shall be sent by ordinary mail to the address of such person purported to be the owner of the cart as designated on the cart advising that such property is held by the city and advising the amount necessary to redeem said cart. If the shopping cart does not contain identification of ownership as required herein, then the same may be immediately disposed of in the same manner as set forth below.
- B. Procedure; costs; immunity of city. Any shopping cart may be redeemed by the owner thereof at any time prior to dismantling, destruction or disposal thereof upon tendering the sum of \$5 for each cart to the Public Works Director, or his designee. No property shall be delivered to a person seeking to redeem a shopping cart unless proof of ownership, to the satisfaction of the city is provided. Any delivery to a person apparently entitled thereto shall be a good defense to the city against any other person claiming to be entitled thereto.

§ 238-8 Disposal of unclaimed property.

- A. Where any shopping cart remains in the custody of the Public Works Director, or his designee, for a period of more than 5 days after the mailing of notification as aforesaid and no person has redeemed the same and presented to the Public Works Director proof establishing to their satisfaction such person's ownership thereof, the Public Works Director may dispose of the shopping cart(s).
- B. The city may summarily dispose of shopping carts impounded by the city that are either not retrieved within 5 days following the mailing of notification or without an identification sign. If the city disposes of a shopping cart, the city may assess the owner with a disposal fee. Any cost associated with this action if not paid shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties and having the same lien upon the property so assessed as the general city tax and as a part thereof. The charge to remedy any violation of this code shall be any cost incurred by the City of Oneonta and may include a 50% charge thereof for supervision and administration.

§ 238-9 Penalties for offenses.

- A. Any person who violates any provision of this chapter shall be punishable as prescribed in § 1-18 of this Code.
- B. Nothing herein is intended to limit the city from pursuing any other remedy available law or in equity against any person or entity maintaining, committing, or causing a public nuisance or any other violation of the code or state or federal law.
- C. Any notice required by this chapter shall be served in person or by mail to the registered agent, owner or address appearing on the City tax roll, requiring such person, within a time specified in such notice but in no event less than five days from the service or mailing thereof, to bring the premises in to compliance with this chapter. Such notice shall also state that the property owner or registered agent may contest the finding of the

City of Oneonta Public Works Director or designee by making a written appeal to the Board of Public Service.

Section 2. This ordinance shall become effective immediately upon passage and filing with the City Clerk.

LAI D TO COMMON COUNCIL:

November 21, 2023

APPROVED BY THE COMMON COUNCIL:

December 5, 2023

PUBLIC HEARING HELD:

December 19, 2023

SIGNED BY THE MAYOR:

December 19, 2023



Mayor Mark Drnek

