

6/15/16

ORDINANCE NO. 30136

An ordinance amending Chapter 7A, "Anti-Litter Regulations," of the Dallas City Code, as amended, by amending Section 7A-2; adding a shopping cart definition; by adding a new Section 7A-3.1, "City Removal of Shopping Cart from a Public Place" and providing that a shopping cart found in a public place shall be treated as litter; providing that, upon collection from a public place, the city may immediately dispose of the shopping cart; amending Chapter 31, "Offenses – Miscellaneous," of the Dallas City Code, as amended, by amending Section 40, "Possession and Identification of Shopping Carts"; clarifying the definition of shopping cart; deleting the labelling requirements; deleting the provision that the city of Dallas will return the shopping cart to its owner upon payment of a recovery fee; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, shopping carts discarded in public places, including on streets, alleys, and medians, create traffic hazards, including causing collisions, that endanger persons and property within the city of Dallas;

WHEREAS, shopping carts discarded on sidewalks and other public places, obstruct pedestrian pathways and create trip hazards that endanger persons and property within the city of Dallas;

WHEREAS, shopping carts discarded in public places obstruct drainage systems that endanger persons and property within the city of Dallas;

WHEREAS, shopping carts on public places create nuisance conditions, including attracting youth to use them as transportation vehicles, for which they are not intended, and for which purpose they have not been proven safe;

WHEREAS, shopping carts on public places create nuisance conditions by attracting solid waste accumulation, which constitutes a hazard to the health, safety, and welfare of the residents of the city of Dallas;

WHEREAS, shopping carts discarded in public places create visual blight that the city of Dallas seeks to eliminate; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Chapter 7A, "Anti-Litter Regulations," of Section 7A-2, "Definitions," of the Dallas City Code, as amended, is amended by adding a new Subsection (14.1) to read as follows:

"(14.1) SHOPPING CART. An object that has the same meaning as in Chapter 17 of the Texas Business and Commerce Code, as amended."

SECTION 2. That Chapter 7A, "Anti-Litter Regulations," of the Dallas City Code, as amended, is amended by adding a new Section 7A-3.1, "City Removal of Shopping Cart from a Public Place," to read as follows:

"SEC. 7A-3.1. CITY REMOVAL OF SHOPPING CART FROM A PUBLIC PLACE

(a) A shopping cart found by the city in a public place shall be presumed lost or abandoned, unless the shopping car has:

- (1) been reported as stolen to the Dallas Police Department within the last 30 days;
- (2) a legible name, address, and telephone number of the owner of the shopping cart; and
- (3) a legible unique identifier, such as a serial number.

(b) A shopping cart found by the city in a public place is hereby declared a public nuisance.

(c) A shopping cart found by the city in a public place shall be considered litter.

(d) Upon collection, the city may immediately dispose of the shopping cart, including by recycling it, or the city may temporarily store the shopping cart before disposing of it, whichever method the director, in the director's discretion, deems appropriate. For purposes of this section, DIRECTOR is the director of the department of street services of the city of Dallas."

SECTION 3. That Section 31-40, "Possession and Identification of Shopping Carts" of Chapter 31, "Offenses – Miscellaneous," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 31-40. POSSESSION [AND IDENTIFICATION] OF SHOPPING CARTS.

(a) In this section, SHOPPING CART is an object that has the same meaning as in Chapter 17 of the Texas Business and Commerce Code, as amended ~~[means any device or conveyance provided by a retail establishment for use by its customers for the transport of merchandise from the retail establishment. The term does not include a motor vehicle as defined in the Texas Transportation Code].~~

(b) A person commits an offense if he possesses a shopping cart at a location other than the premises of the retail establishment that owns the shopping cart.

(c) It is a defense to prosecution under Subsection (b) that the person was an owner, employee, or agent of the retail establishment that owns the shopping cart and was delivering, retrieving, or returning the shopping cart to the retail establishment.

(d) A retail establishment that owns a shopping cart shall affix to the shopping cart a durable, all-weather ~~[, and legible]~~ decal ~~[identifying the name, address, and telephone number of the retail establishment. The decal must also state]~~ stating the following in legible letters:

IT IS AN OFFENSE PUNISHABLE BY A FINE OF UP TO \$500 TO POSSESS THIS SHOPPING CART AT A LOCATION OTHER THAN ON THE PREMISES OF THE RETAIL ESTABLISHMENT THAT OWNS THIS SHOPPING CART.

~~[(e) A shopping cart recovered by the city of Dallas will be returned to the owner, as determined by the decal affixed to the shopping cart, upon payment to the city of a recovery fee of \$25.]"~~

SECTION 4. That, unless specifically provided otherwise by this ordinance or by state law, a person violating a provision of this ordinance is, upon conviction, punishable by a fine not to exceed \$500.

SECTION 5. That Chapters 7A and 31 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

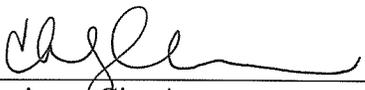
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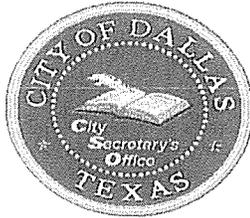
SECTION 7. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

CHRISTOPHER D. BOWERS, Interim City Attorney

By  _____
Assistant City Attorney

Passed JUN 22 2016



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL JUN 22 2016

ORDINANCE NUMBER 30136

DATE PUBLISHED JUN 25 2016

ATTESTED BY: