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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 2 - 0 0 4 0

REPORT RE:

FEB 13 2012

**DRAFT ORDINANCE AMENDING SUBSECTION F OF SECTION 12.21
OF THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH AN ON-SITE
SHOPPING CART CONTAINMENT REQUIREMENT FOR ALL RETAIL
ESTABLISHMENTS THAT PROVIDE SIX OR MORE SHOPPING CARTS
FOR USE BY PATRONS**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. CF 11-1141;
CPC 2010-1073-CA – Not Transmitted

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance (referred to as the "On-Site Shopping Cart Containment Ordinance"). The purpose of the ordinance is to amend the Los Angeles Municipal Code (LAMC) to establish a new requirement to contain shopping carts on the premises of retail establishments that provide six or more shopping carts for patrons. This requirement is intended to reduce visual blight in neighborhoods, enhance property values in communities, prevent obstructions to pedestrian and vehicular traffic in the public rights-of-way, and eliminate hazards to the health, safety, and general welfare of the public throughout the City of Los Angeles.

Charter Findings

Pursuant to Charter Section 559, the Planning Commission approved the draft ordinance and recommended that the City Council adopt it. If the City Council chooses to adopt this ordinance, it may comply with the provisions of Charter Section 558 by either adopting the findings prepared by the Director of Planning attached to the file or by making its own findings.

Background

The purpose of the proposed On-Site Shopping Cart Containment Ordinance is to prevent shopping carts from being abandoned beyond the premises of the retail establishment served. Abandoned shopping carts cause visual and aesthetic blight in neighborhoods, diminish property values in communities, obstruct pedestrian and vehicular traffic in the public rights-of-way, and constitute a hazard to the health, safety, and general welfare of the public throughout the City of Los Angeles.

On June 9, 2011, following a public hearing, the City Planning Commission (CPC) approved an earlier draft of the On-Site Shopping Cart Ordinance, City Plan Case No. 2010-1073-CA.

On July 12, 2011, the Planning and Land Use Committee (PLUM) held a public hearing to consider the CPC report, a corrected determination letter from CPC, and the proposed ordinance. The PLUM Committee recommended that the City Council request the City Attorney to prepare a final ordinance as recommended by the CPC.

The City Council subsequently requested the City Attorney to prepare and present an ordinance to amend the LAMC to require new retail establishments, or retail establishments undergoing a major remodel, that provide six or more shopping carts for their patrons to install on-site shopping cart container systems.

Summary of Ordinance Provisions

The ordinance establishes development standards to prevent or curtail shopping carts from becoming abandoned. The development standards will only apply at this time to new retail establishments, or retail establishments undergoing a major remodel, that provide six or more shopping carts onsite for use by their patrons. The proposed ordinance describes containment methods that are tailored to this end. The methods include, among others, installation of bollards (posts) to confine shopping carts, wheel locking mechanisms, or employing someone to assist patrons with the transport of merchandise to their vehicles and then returning carts to a containment area, or to the location where the retail establishment keeps shopping carts for use by its patrons.

Notwithstanding the provisions set forth in Section 12.26 of the LAMC, the Bureau of Street Services will have the authority and responsibility for the enforcement of this subsection. In this role, the Bureau of Street Services, in consultation with the Department of Building and Safety (or any other appropriate City bureau or department) may develop and approve alternative shopping cart containment systems or methods reasonably tailored to contain shopping carts on the premises of the retail establishment providing six or more shopping carts for their patrons.

These regulations will apply to all new projects or major remodels, as defined in the proposed ordinance, upon the effective date of this ordinance.

CEQA Determination

You may find, pursuant to the California Environmental Quality Act (CEQA), that the project will not have a significant effect on the environment. A Negative Declaration, File # ENV-2010-1074-ND, was prepared in compliance with CEQA and the City's CEQA Guidelines. The Negative Declaration reflects the independent judgment of the lead agency in the City of Los Angeles and the record of proceedings in this regard are located in Council File No. 11-1141, in the custody of the City Clerk and in the files of the Department of City Planning - Environmental Review Section. In finding that the project will not have a significant effect on the environment, you must ADOPT the Negative Declaration [ENV-2010-1074-ND] prepared by the lead agency and make this determination prior to or concurrent with your action on this ordinance.

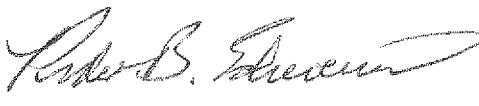
Council Rule 38 Referral

Pursuant to Council Rule 38, a copy of the draft ordinance was sent to the Department of Building and Safety, the Bureau of Street Services, and the City Planning Department with a request that any comments be presented directly to your Honorable Body at the time this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Peter Nelson King at (213) 978-8228. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

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February 12, 2012

The Honorable Carmen A. Trutanich
City Attorney
City Hall East, 7th Floor
200 North Main Street
Los Angeles, CA 90012-4131

CF No: 11-1141
CPC No: 2010-1073-CA

Attention: Peter Nelson King
Deputy City Attorney

RE: Proposed Shopping Cart Containment Ordinance

Dear Mr. Trutanich:

Transmitted is the proposed draft ordinance prepared by your office that amends the Los Angeles Municipal Code to regulate the proliferation of abandoned shopping carts in the City by requiring that shopping carts be contained on business premises.

The ordinance was prepared pursuant to the latest direction of the City Council at its meeting of July 22, 2011 and is substantially the same as that approved unanimously by the City Planning Commission (CPC) on June 9, 2011.

ENVIRONMENTAL IMPACT

A Negative Declaration, ENV-2010-1074-ND, was published on this matter on June 3, 2010 and it was determined that this project will not have a significant effect on the environment.

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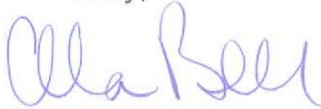
LAND USE FINDINGS

1. In accordance with Charter Section 556, that the proposed ordinance (attached) is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it will support Objective 5.5 of the General Plan Framework to enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm.
2. In accordance with Charter Section 558 (b) (2), the proposed ordinance (attached) is in substantial conformance with public necessity, convenience, general welfare and good zoning practice in that it will support the Community Plan Update Program's goals to improve the liveability of the City by improving the quality of the public and private realm; and that it will preserve property values, reduce blight and deterioration, eliminate an attractive nuisance creating a hazard to the health and safety of minors, and be aesthetically beneficial to the community.

CHARTER SECTION 559

For the foregoing reasons and as provided under the authority of Charter Section 559 and City Plan Case No. 13505-A, I find that my action conforms with all applicable portions of the General Plan and with the June 9, 2011 action of the City Planning Commission, and I therefore approve this ordinance (attached) and recommend that it be adopted by the City Council.

Sincerely,



Alan Bell, AICP
Deputy Director

AB:TR
Attachment

ORDINANCE NO. _____

An ordinance amending Subsection F of Section 12.21 of the Los Angeles Municipal Code to require on-site shopping cart containment systems for new retail establishments, and major remodels thereof, that provide six or more shopping carts for use by patrons.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection F of Section 12.21 of the Los Angeles Municipal Code is amended to read as follows:

F. On-Site Shopping Cart Containment.

1. **Purpose.** It is the purpose of this subsection to prevent or reduce the accumulation of shopping carts abandoned in neighborhoods. Abandoned shopping carts cause visual blight in neighborhoods, reduce property values in communities, obstruct pedestrian and vehicular traffic in the public rights-of-way, and constitute a hazard to the health, safety, and general welfare of the public throughout the City of Los Angeles. Therefore, development standards are established for projects involving any new retail establishment, or the major remodel of a retail establishment, that provide six or more shopping carts on-site for use by its patrons.

2. **Definitions.** Notwithstanding any provisions of this Code to the contrary, the following definitions shall apply to this subsection:

(a) **Abandoned Shopping Cart.** A shopping cart located beyond the premises of a retail establishment that furnishes shopping carts for use by its patrons.

(b) **Bollard.** An upright post consisting of a piece of timber, concrete, metal or similar material fixed firmly in an upright position that creates a narrowed passageway restricting the removal of shopping carts from the premises.

(c) **Bureau of Street Services.** The Bureau of Street Services of the Department of Public Works or successor agency.

(d) **Major Remodel.** A major remodel is either:

(1) An addition in excess of 50 percent of the current floor area of a retail establishment that provides at least six or more shopping carts for its patrons, or

(2) An alteration, repair, remodel, or addition with a total building permit valuation in excess of 50 percent of the replacement cost of a building, or portion of a building, occupied by a retail establishment that provides at least six or more shopping carts for its patrons.

(e) **Parking Area.** The parking lot or other property provided by a retail establishment for use by its patrons for parking automobiles or other vehicles.

(f) **Premises.** The area maintained or managed by a retail establishment that provides at least six or more shopping carts for its patrons, including the building, parking area, and adjacent walkways.

(g) **Project.** A new retail establishment, or the major remodel of a retail establishment, that provides or maintains at least six or more shopping carts for use by its patrons.

(h) **Shopping Cart.** A basket of any size, mounted on wheels, rollers or a similar device, including parts, provided by a retail establishment for the purpose of transporting groceries or merchandise of any kind within a retail establishment or parking area of that retail establishment.

4. **Application.** The development standards and containment methods set forth herein to contain shopping carts on premises shall apply to new retail establishments, or the major remodel of retail establishments, after the effective date of this ordinance.

5. **Containment Methods.** A project shall include at least one of the permitted methods to contain shopping carts on the premises. Permitted methods are limited to:

(a) **Bollards.** Installation of bollards;

(b) **Wheel Locking or Stopping Mechanisms.** Equipping shopping carts with a wheel locking or stopping mechanism that is used in conjunction with an electronic magnetic barrier along the perimeter of the retail establishment. The wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier;

(c) **Customer Service.** Designation of certain employees to prevent the removal of shopping carts from the premises by assisting patrons with transporting groceries or merchandise to patrons' vehicles and then returning shopping carts to the location where the retail establishment keeps the shopping carts for its patrons;

(d) **Other Methods.** Other methods for onsite containment so long as the Bureau of Street Services has approved the system or method which would effectively contain or control shopping carts on the premises.

6. **Enforcement.** Notwithstanding the provisions of Section 12.26 of this Code, the Bureau of Street Services shall have the authority and responsibility to enforce this subsection.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
PETER NELSON KING
Deputy City Attorney

Date 2/13/11

File No(s) CF 11-1141; CPC 2010-1073-CA,
ENV-2010-1074-ND

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

February 12, 2012

See attached report.


Michael LoGrande
Director of Planning