



Louisville Metro Government

Legislation Text

File #: O-015-16, Version: 1

**ORDINANCE NO. _____, SERIES 2016
AN ORDINANCE REQUIRING IDENTIFICATION OF SHOPPING CARTS AND
ESTABLISHING CIVIL PENALTIES FOR VIOLATIONS.**

**Sponsored By: Council Members Pat Mulvihill, Rick Blackwell
and Vicki Aubrey Welch**

WHEREAS, Louisville Metro Council finds that abandoned shopping carts create a potential hazard to the health and safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance;

WHEREAS, the Council further finds that the accumulation of abandoned carts on public and private property tends to create conditions that reduce property values, and promotes blight and deterioration and result in a public nuisance;

WHEREAS, the Council further finds that the owners of shopping carts should be responsible for placing identification and contact information on all shopping carts so the owner may be contacted to retrieve any carts found off the owner's business premises; and

WHEREAS, the Council deems it to be in the best interest of the health, safety, and welfare of the citizens of Louisville Metro to provide for regulations of shopping carts to enhance the aesthetic appearance of Louisville Metro, and prevent potential traffic and pedestrian hazards and nuisances associated with abandoned shopping carts;

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

§ _____ DEFINITIONS.

"Shopping cart" means a basket which is mounted on wheels or a similar device provided by the operator of a commercial establishment for the use of customers for the purpose of

transporting goods of any kind. A cart sold by a commercial establishment to a retail customer for that customer's personal use is not a shopping cart for the purposes of Section II hereof [§_____].

SECTION II: A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

§ _____ IDENTIFICATION OF SHOPPING CARTS REQUIRED.

Every person, entity, and/or business establishment that utilizes shopping carts in its operation shall place readily identifiable markings on the carts which shall include the name of the owner or establishment to which the cart belongs, and the telephone number so that the owner may be contacted to retrieve any carts found off the owner's premises. It shall be a violation of this ordinance for any person, business establishment, or entity to provide shopping carts for patrons' use on the store premises unless the carts bear such identification. Any person, entity and/or establishment who has installed electronic or other disabling devices on its shopping carts to prevent the removal of such carts from its premises shall be exempt from the requirements of this section.

SECTION III: A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

§ _____ VIOLATIONS AND PENALTIES.

(A) Any violation of Section II hereof [§_____] shall be classified as a civil offense and shall be enforced through the Code Enforcement Board as provided in §§ 32.275 - 32.291, or as it may be amended. The civil penalty for violations of Section II hereof [§_____] shall be \$100.00 per cart. Each day of such violation(s) shall constitute a separate offense.

(B) Metro Government shall possess a lien on the property of the owner of the shopping cart, or the owner of the property on which the business establishment which owns the shopping cart is located, for all civil penalties assessed for the violation and for all costs and fees incurred by Metro Government in connection with the enforcement of Section II hereof [§_____].

SECTION IV: A new section of the Louisville Metro Code of Ordinances is hereby enacted as follows:

§ _____ SEVERABILITY.

If any provision of this ordinance as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION V: This Ordinance shall take effect ninety (90) days after its passage and approval.

Stephen Ott Metro Council Clerk

H. _____
David Yates
President of the Council

Fischer Mayor

Greg _____
Date

Approval _____

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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