

**AN ORDINANCE OF THE CITY OF EUREKA AMENDING EUREKA MUNICIPAL
CODE TITLE 13, CHAPTER 130 (OFFENSES AGAINST PUBLIC PEACE AND
SAFETY), SECTION 130.30, PERTAINING TO ABANDONED SHOPPING CARTS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUREKA AS FOLLOWS:

Section 1.

Title XIII, Chapter 130, Section 130.30 (Abandoned and Derelict Shopping Carts; Authority) is hereby amended to read as follows:

130.30 – ABANDONED AND DERELICT SHOPPING CARTS; AUTHORITY.

(A) Purpose and findings of fact.

(1) The accumulation of abandoned carts, sometimes wrecked and/or dismantled on public and private property, tends to create conditions that reduce property values, and promote blight and deterioration and result in a public nuisance. Abandoned carts also create potential hazards to the health and safety of the public, and interfere with pedestrian and vehicular traffic.

(2) This section is intended to ensure that measures are taken by the owners of shopping carts to prevent the removal of the shopping carts from the cart owner's business premises, to make removal of the cart a violation of the Code, and to facilitate the retrieval of abandoned and derelict shopping carts in a manner consistent with state law and to use an administrative citation program to establish appropriate fines intended to act as a reasonable deterrent in preventing violations.

(B) Definitions. The definitions set forth in this section shall govern the application and interpretation of this section.

ABANDONED CART or **ABANDONED SHOPPING CART** shall mean any cart that has been removed, without the written consent of the cart owner, from the business premises or parking area of the retail establishment of which the cart owner's business premises are located and is located on either public or private property.

BUSINESS PREMISES means the interior of a cart owner's commercial establishment, adjacent walkways, any loading area, and the parking area, as defined herein. The cart owner's business premises may include a multi-store shopping center with shared areas of parking and public access.

CART or **SHOPPING CART** means 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, including a basket used in a laundromat or similar business.

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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 this section.

CART IDENTIFICATION SIGN means a sign or engraved surface which is permanently affixed to a shopping cart containing all of the information specified in § [130.30](#)(D)(1).

CART OWNER means the owner or operator of a commercial establishment that provides carts for use by its customers for the purpose of transporting goods of any kind.

CITY means the City of Eureka, its officials, employees or agents.

DERELICT CART means a cart in a very poor condition as a result of disuse, neglect or vandalism.

DIRECTOR means the Director of Public Works or his or her designee or such other person or entity designated by the City Manager to administer this section.

OFF-SITE means outside business premises.

ON-SITE CART CONTAINMENT PROGRAM means one or more of the following measures:

(a) Placement of disabling devices on all shopping carts which prevent them from being removed from the business premises by locking the wheels or otherwise impeding the movement of the carts.

(b) An on-site security guard to deter customers who attempt to remove carts from the business premises.

(c) Posts and chains or similar barriers around the business premises to prevent cart removal, if permitted by the applicable zoning and the site plan, and if approved by the Fire Marshal.

(d) Obtaining a security deposit from customers for the on-site use of shopping carts.

(e) The rental or sale of carts that can be temporarily or permanently used for the transport of goods.

(f) Any other measure approved by the city as a means to contain carts on the business premises.

PARKING AREA means a parking lot or other property provided by a commercial establishment for use by a customer for parking an automobile or other vehicle. In a multi-store complex or shopping center, **PARKING AREA** includes the entire parking area used by or controlled by the complex or center.

RECYCLING CENTER means any facility that is used in the process of collecting, sorting, cleansing, treating, processing, reconstituting, or storing materials that would otherwise become solid waste and returning them to the economic mainstream in the form of raw

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material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

(C) *Unlawful possession and abandonment of carts.* Any person who violates any prohibition of this section is guilty of a misdemeanor. This section does not apply to carts removed as authorized by the cart owner, pursuant to Cal. Business and Professions Code § 22435.4, including for the purposes of maintenance, repair or disposal. It is unlawful to do any of the following acts, if a cart has a cart indemnification sign:

(1) To remove a cart from the business premises of a retail or commercial establishment with the intent to temporarily or permanently deprive the cart owner of possession of the cart.

(2) To be in possession of any cart that has been removed from the business premises of a retail or commercial establishment with the intent to temporarily or permanently deprive the cart owner of possession of the cart.

(3) To be in possession of any cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the cart owner of possession of the cart.

(4) To leave or abandon a cart at a location other than the business premises of the retail or commercial establishment with the intent to temporarily or permanently deprive the cart owner of possession of the cart.

(5) To alter, convert, or tamper with a cart or to remove any part or portion thereof or to remove, obliterate or alter serial numbers on a cart, with the intent to temporarily or permanently deprive the cart owner or retailer of the possession of the cart.

(6) To be in possession of any cart while that cart is not located on the business premises of the retail or commercial establishment that owns the cart, with the intent to temporarily or permanently deprive the cart owner or retailer of possession of the cart.

(7) To remove any markings from the cart that would show true ownership of the cart (plastic seats, handlebars, and the like).

(D) *Cart owner requirements.* All owners of carts shall comply with the requirements of this division.

(1) *Cart identification required.* All carts must have a permanently affixed or attached sign identifying the owner of the cart, the owner's address and a contact phone number maintained by the owner. All owners of carts, including but not limited to commercial cart owners, shall be responsible for complying with this section and continuously maintaining, or causing to be maintained, the cart identification sign so that all information is accurate and clearly legible. In addition, all cart owners are responsible for providing their contact information to the city or its agent.

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(2) *Daily cart retrieval.* All cart owners, regardless of the number of carts owned, must retrieve all carts daily to ensure the carts are secured from public access after close of business hours.

(3) *Violations.* Violation of any provision of this section is unlawful and a nuisance and the city may pursue any available remedy provided under the Eureka Municipal Code, including, but not limited to, the issuance of an administrative citation under § [10.39](#)(A) or the filing of a misdemeanor charge under § [10.99](#) at the discretion of the City Attorney. Each instance of an abandoned or derelict cart retrieved by the city is considered a separate offence.

(E) *City retrieval of carts.* The city may retrieve an abandoned or derelict cart from public property (or private property with the consent of the property owner) in the following circumstances:

(1) Where the location of the shopping cart will impede emergency services.

(2) When the city or its agent has determined that the cart appears to be obviously abandoned or possessed by a person other than the owner of the cart while off site.

(F) *Immediate impound by city of abandoned or derelict carts.* Notwithstanding any other division of this section, the city may immediately impound and dispose of all carts determined by the city to be abandoned or derelict and located off-site. The city may charge a fee, established by resolution, for the impound and either return of carts to the businesses from which they came or disposal of these carts.

(G) *Property in abandoned or derelict carts.*

(1) Any personal property found in a cart must be retained by the city or its agent for 24 hours in order to determine if it is abandoned property. Trash or waste must be discarded as appropriate or required by law.

(2) Once a determination is made, abandoned property found in a cart is subject to the property procedures set forth in Policy 804 of the Eureka Police Department Policy Manual, as the same may be amended from time to time.

(H) *Possession of carts by recycling centers.* Any recycling center that comes into possession of a cart may not sell or use the cart for any purpose and must destroy or dispose of abandoned or derelict shopping carts in a manner that prevents the carts from becoming a public nuisance.

Section 2.

This ordinance becomes effective 30 days after adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ____ day of ____, 2025 by the following vote:

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AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

Leslie Castellano, Mayor Pro Tem

THE ABOVE ORDINANCE WAS PRESENTED TO THE MAYOR on the ____ day of _____, 2025,
and hereby approved.

Kim Bergel, Mayor

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Robert Black, City Attorney

THE ABOVE ORDINANCE WAS ATTESTED BY THE CITY CLERK OF THE CITY OF EUREKA on the ____
day of _____, 2025.

Pamela J. Powell, City Clerk