

THE CITY OF WARWICK
STATE OF RHODE ISLAND

CHAPTER 10
BUSINESSES

No..... Date.....

Approved.....Mayor

AN ORDINANCE IN REGARDS TO ENSURING SHOPPING CARTS REMAIN ON
THEIR ORIGINATING PROPERTY

Be it ordained by the City of Warwick:

Section I. Chapter 10, Article VI, of the City of Warwick Code of Ordinances is hereby amended
by adding Subsection 10-41 as follows:

[. . .]

Article VI. – Shopping Carts

Sec. 10-41. – Definitions

As used in this Section:

- (a) Abandoned cart. The term “abandoned cart” shall mean any cart that has been removed, without written consent of the owner, from the owner’s business premises and is located on either public or private property.
- (b) Agent. The term “agent” shall mean the person or persons designated by the owner of the cart authorized as the person to perform or provide retrieval services on behalf of the owner. The agent may be the owner, store manager, employee or private cart retrieval company.
- (c) Cart. The term “cart” shall mean 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.
- (d) Director. The term “director” shall mean the Director of Public Works of the City of Warwick.

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2 (e) Owner. The term “owner” shall mean any person or entity, who in connection with
3 the conduct of a business, owns, leases, possesses, or makes a cart available to
4 customers or the public. For the purposes of this section, owner shall also include
5 agent.

6
7 (f) Premises. The term “premises” shall mean the entire area owned, occupied, and/or
8 utilized by an owner which provides carts for use by customers or other persons,
9 including any parking lot or other property provided on behalf of the owner for
10 customer parking or use.

11
12 Sec. 10-42 - Unauthorized removal unlawful.

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14 It shall be unlawful for any person, either temporarily or permanently, to remove a cart from a
15 premises or be in possession of a lawfully marked cart that has been removed from a premises
16 without written consent of the owner authorized by this section or for the purpose of repair,
17 maintenance or disposal.

18
19 Sec. 10-43 - Abandonment prohibited.

20
21 It shall be unlawful for any person to cause or permit any cart to be abandoned on or upon any
22 sidewalk, street or other public area, other than the premises of the owner of such cart.

23
24 Sec. 10-44 - Cart identification required.

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26 Every cart owned or provided by any owner shall have the sign that includes the owner’s name,
27 address and phone number. Notwithstanding the foregoing, businesses that have only one (1)
28 location within the City or multiple locations within the City all owned by the same entity, need
29 not prove such identification, as long as the cart is otherwise visibly marked or branded such that
30 its ownership may be readily identified or determined.

31
32 Sec. 10-45 - Cart removal warning signs.

33
34 Owners shall prominently display signs notifying the public that removal of carts from the
35 premises is prohibited under this section.

36
37 Sec. 10-46 - Written permission required for off-premises use of cart.

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39 An owner may permit customer off-premises use of a cart for transportation of purchased items.
40 The authorization must be in writing with date and time. This cart must be returned to the
41 owner’s premises within seventy-two (72) hours.

42
43 Sec. 10-47 - Mandatory locking of carts after hours.

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45 Carts stored outdoors shall be locked after business hours in a manner that prevents theft.
46

1 Sec. 10-48 - Mandatory retrieval required within twenty-four (24) hours of notification by City.

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3 The City shall notify the owner of an abandoned cart when such cart is located in a place that can
4 be accessed safely by the owner. Such notice may be by telephone or email to the owner or
5 owner's agent designated in the Abandoned Cart Prevention and Retrieval Plan. Within twenty-
6 four (24) hours of City notification, the owner or agent shall cause the identified cart(s) to be
7 retrieved.

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9 Sec. 10-49 - Abandoned cart prevention and retrieval plan required.

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11 Every owner who provides carts to customers or intends to provide carts to customers shall
12 develop, implement and comply with the terms and conditions of an approved Abandoned Cart
13 Prevention and Retrieval Plan to prevent unauthorized removal of carts from a premises and, if
14 removed, to retrieve the cart within twenty-four (24) hours of removal or notice of removal. Such
15 Abandoned Cart Prevention and Retrieval Plan must be approved by the Director to be effective.
16 Such Abandoned Cart Prevention and Retrieval Plan shall include the following elements:

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18 (a) Name. The name of the owner, any agent(s) and the business name, the physical
19 address where the business is conducted, the name, address and phone number(s) of
20 the on-site and off-site owner or agent(s) if different.

21
22 (1) The owner or agent shall provide the City with current contact information for the
23 purpose of notification of abandoned carts by the City.

24
25 (b) Designation of the agent for cart retrieval and direct contact information including
26 phone number or email information.

27 (c) Cart Identification Sign. Owners shall attach an example of the proposed cart
28 ownership identification sign.

29 (d) Verification that carts that are stored outdoors shall be locked during hours when the
30 business is closed.

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32 Sec. 10-50 – Penalties

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34 At any time after the director's approval of any Abandoned Cart Prevention and Retrieval Plan,
35 the owner may propose a change to address, different circumstances, or to improve the Plan. An
36 owner or designee who fails to retrieve a cart within twenty-four (24) hours upon receiving
37 notification from the Department of Public Works pursuant to this section, shall be subject to a
38 one-hundred-dollar (\$100.00/00) fine per cart.

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40 Owners shall also be subject to a twenty-five dollar (\$25.00/00) fine, per cart per day, for each
41 cart which lacks the identifying information as required by this section.

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43 Section II. This Ordinance shall take effect thirty (30) calendar days after its passage.

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45 SPONSORED BY: COUNCILMAN SINAPI

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COMMITTEE: ORDINANCES