

# Memorandum



CITY OF DALLAS

DATE April 8, 2016

TO Honorable Members of the Quality of Life & Environment Committee: Sandy Greyson (Chair),  
Tiffinni A. Young (Vice Chair), Rickey D. Callahan, Mark Clayton, Philip T. Kingston, B. Adam McGough

SUBJECT **Shopping Cart Enforcement Update**

On Monday, April 11, 2016, the Quality of Life & Environment Committee will be updated on Shopping Cart Enforcement. The briefing is attached for your review.

Please contact me if you have any questions or need additional information.

A handwritten signature in blue ink that reads "Joey Zapata".

Joey Zapata  
Assistant City Manager

## Attachment

c: Honorable Mayor and Members of the City Council  
A.C. Gonzalez, City Manager  
Warren M.S. Ernst, City Attorney  
Craig D. Kinton, City Auditor  
Rosa A. Rios, City Secretary  
Daniel F. Solis, Administrative Judge  
Ryan S. Evans, First Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager  
Eric D. Campbell, Assistant City Manager  
Mark McDaniel, Assistant City Manager  
Jeanne Chipperfield, Chief Financial Officer  
Sana Syed, Public Information Officer  
Elsa Cantu, Assistant to the City Manager – Mayor & Council



# Shopping Cart Enforcement Update

Quality of Life & Environment Committee  
April 11, 2016

# Purpose

- This briefing provides an overview of the City's ordinance and enforcement regulating shopping carts for the committee's discussion to sunset or modify the ordinance



# Ordinance

- Shopping carts are regulated in Section 31-40, Offenses – Miscellaneous, of the Dallas City Code
- City Council adopted Ordinance No. 25439 on November 12, 2003
  - Requires merchants to place owner contact information and removal warnings on carts
  - Creates a violation for a person to possess a shopping cart off the owning merchant's property
    - **\$156 Window Fine**
    - \$90 Base Fine
    - \$66 Court Fees
  - Authorizes a \$25 recovery fee to merchants per abandoned cart collected by the City



# Enforcement

- Code Compliance enforces the requirement for ownership and removal warning decals on carts
- DPD enforces violations by persons that possess carts off merchant property
- Street Services responds to 311 complaints for carts abandoned in the rights of way (ROW), including streets and sidewalks



# Review of Ordinance

- The Quality of Life Committee reviewed the ordinance in FY10-11, but did not modify it
- Shopping carts ordinance was recommended for review through the Quality of Life & Environment committee in June 2015
  - The sunset review of Code Compliance presented to City Council in April 2015 recommended review of 900+ ordinances for potential changes or repeal
  - The Quality of Life Committee reviewed the ordinance December 2015 and directed staff to explore potential modifications to the ordinance and meet with stakeholder groups again

# Review of Ordinance

- On December 18, 2015 and February 5, 2016, staff met with stakeholders to discuss current ordinance
  - Retailers discussed current strategies to prevent abandoned shopping carts in neighborhoods
  - Community representatives expressed frustration with ongoing issue of shopping carts in their communities and suggested ways to improve

# Results of Stakeholders Roundtable December 18, 2015 and February 5, 2016

- Community Stakeholders
  - Included homeowner associations (HOA), neighborhood associations (NA), crime watches (CW), and other groups
    - Bishop Arts NA, Midpark Towers, Apartment Association of Greater Dallas, Vickery Meadows Improvement District and property owners
  - Concerns:
    - Carts cause problems in alleyways, yards and sidewalks
    - Current ordinance puts pressure on citizens to report violations
    - Carts sit too long before they are retrieved which creates a danger for kids playing with carts in the streets
    - Creates an obstacle for cars on dimly lit streets
    - Current solution for cart retrieval is not working (Sec. 31-40)



# Results of Stakeholders Roundtable December 18, 2015 and February 5, 2016

- Community Stakeholders Concerns (Continued)
  - Attempting to reach decision makers of retail establishments to address concerns is a hassle
  - 311 mobile app does not have a service request for carts
  - Currently the City's estimated response time is 10 days, which is too long
  - Removal of carts without permission is considered theft of property and violators should be charged

# Results of Stakeholders Roundtable December 18, 2015 and February 5, 2016

- Stakeholders Corrective Actions
  - Vickery Meadows – hired a contractor to remove abandoned carts from property and store in a secure location
    - the merchants are charged a fee in order to retrieve their carts
    - Fiesta was previously sending retrieval truck 3 times a week for cart collection in Vickery Meadows, now they are sending the truck 5 times a week
    - if the driver is sick or truck is down then this is not always sustainable

# Results of Stakeholders Roundtable December 18, 2015 and February 5, 2016

- Community Stakeholders Suggestions
  - Give carts to elderly
  - Issue a permit for cart pick up store-by-store where needed (if City picks up carts):
    - 1) apply for permit (indicate contact person); collect fee up front
    - 2) have stores declare how they are going to solve problem on the permit
    - 3) disclosure notice for retrieval period
    - 4) assess a heavy fine if they don't follow the permit
    - 5) if they refuse to get permit and cart is found, discard cart

# Results of Stakeholders Roundtable December 18, 2015 and February 5, 2016

- Community Stakeholders Suggestions (Continued)
  - 30-day sweep citing individuals removing carts from merchants property
  - Broader outreach
  - City to offer rewards and penalties to stores to keep carts on their property
  - City focus on doing cart sweeps in the few areas of the city where the problem is at it's greatest
    - 1) regular basis - at least once a week
    - 2) once they pick up the carts, they should immediately destroy them
    - 3) this solves the problem of the city having to send out notices to the stores
    - 4) it solves the problem of the city having to store the carts
    - 5) it encourages the stores to come up with their own solutions for keeping and retrieving their carts in a more expedited manner

# Results of Stakeholders Roundtable December 18, 2015 and February 5, 2016

- Merchants
  - Area merchants and business organizations included
    - Fiesta, Kroger, Safeway, Target, Wal-Mart, Albertson's/Tom Thumb
  - Concerns:
    - Grocers do not want to loose carts because it is a great expense to them
    - Using employees to retrieve carts offsite becomes a liability issue and hiring a contractor to retrieve carts is an added expense
    - Believes that wheel locks not found to be effective (on average)
      - system costs approx. \$45k to install and more to maintain
      - there is a cost per cart ranging from \$100-\$300 each plus an additional \$42 per cart for the wheel lock
    - Believes Aldi method is not customer friendly and is not meant to keep buggies from leaving the parking lot, only to motivate the customer to put the cart back in the corral to get their quarter back

# Results of Stakeholders Roundtable December 18, 2015 and February 5, 2016

- Merchants Corrective Action
  - Fiesta is committed to sending drivers out daily in Bishop Arts and Vickery Meadows to retrieve carts
    - Eleven of their stores have full time drivers to retrieve carts
      - four have courtesy vans to take customers home
      - they offer individual carts for purchase (\$40 per cart)
      - they have put cart corrals in apartment complexes
    - Kroger has eight stores in Dallas; six utilize the wheel brake system which has proven fairly effective
      - Two stores are not in high target areas therefore they have not implemented the system there
- Target utilizes drivers to retrieve carts, however should a priority arise then the response time is slowed down
- Walmart is working with Vickery Meadow to retrieve carts
- Some apartment complexes have a designated location where merchants can retrieve carts

# Results of Stakeholders Roundtable December 18, 2015 and February 5, 2016

- Merchants Suggestions
  - Fiesta – if shopping carts are identified within the neighborhood at any time, call the store for retrieval ASAP (Jefferson location)
    - Fiesta – would like for the neighborhood groups not to discard their carts (Jefferson location)
  - Look at the City of Irving's bascart system
  - If store currently has preventive measures in place, there should be more leniency on costs/fines
  - Provide more customer outreach

# Options for Discussion

- Maintain ordinance and continue current methods
- Repeal the ordinance
  - Dispose of carts abandoned in ROW as scrap metal by utilizing sweeps in high complaint areas bi-weekly
- Modify the ordinance
  - Update fine amounts for full cost recovery
  - Allow defenses to prosecution for decal requirement violations for prevention measures
  - Require permit and include requirement for retrieval program



# APPENDIX

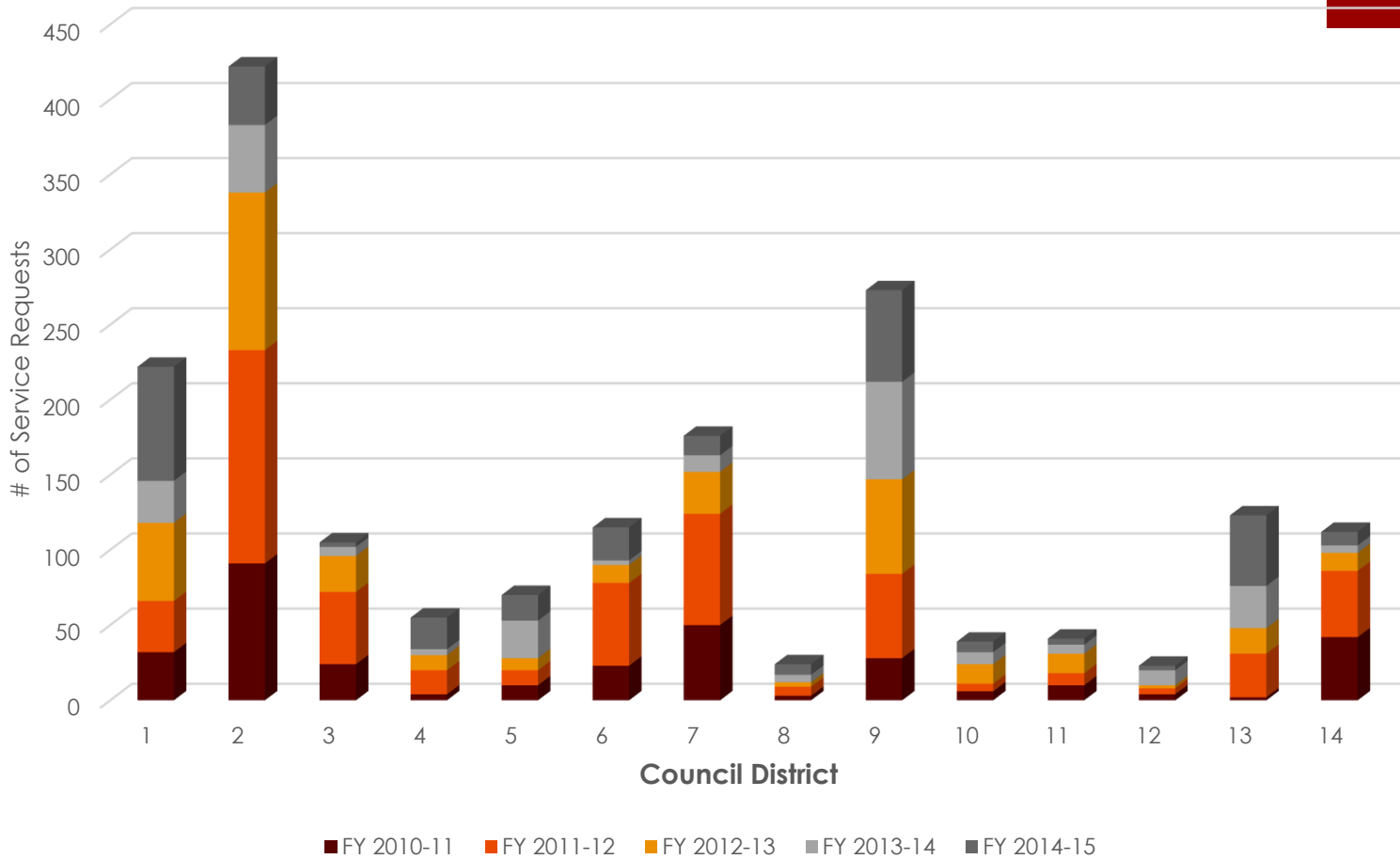
# Enforcement

Fiscal Year	No Decal Service Requests	Carts in ROW Service Requests <sup>1</sup>	Cart Off-property Citations
FY10-11	1	320	148
FY11-12	0	517	91
FY12-13	2	351	74
FY13-14	3	244	53
FY14-15	7	330	40
<b>Total</b>	<b>13<sup>2</sup></b>	<b>1762</b>	<b>406</b>

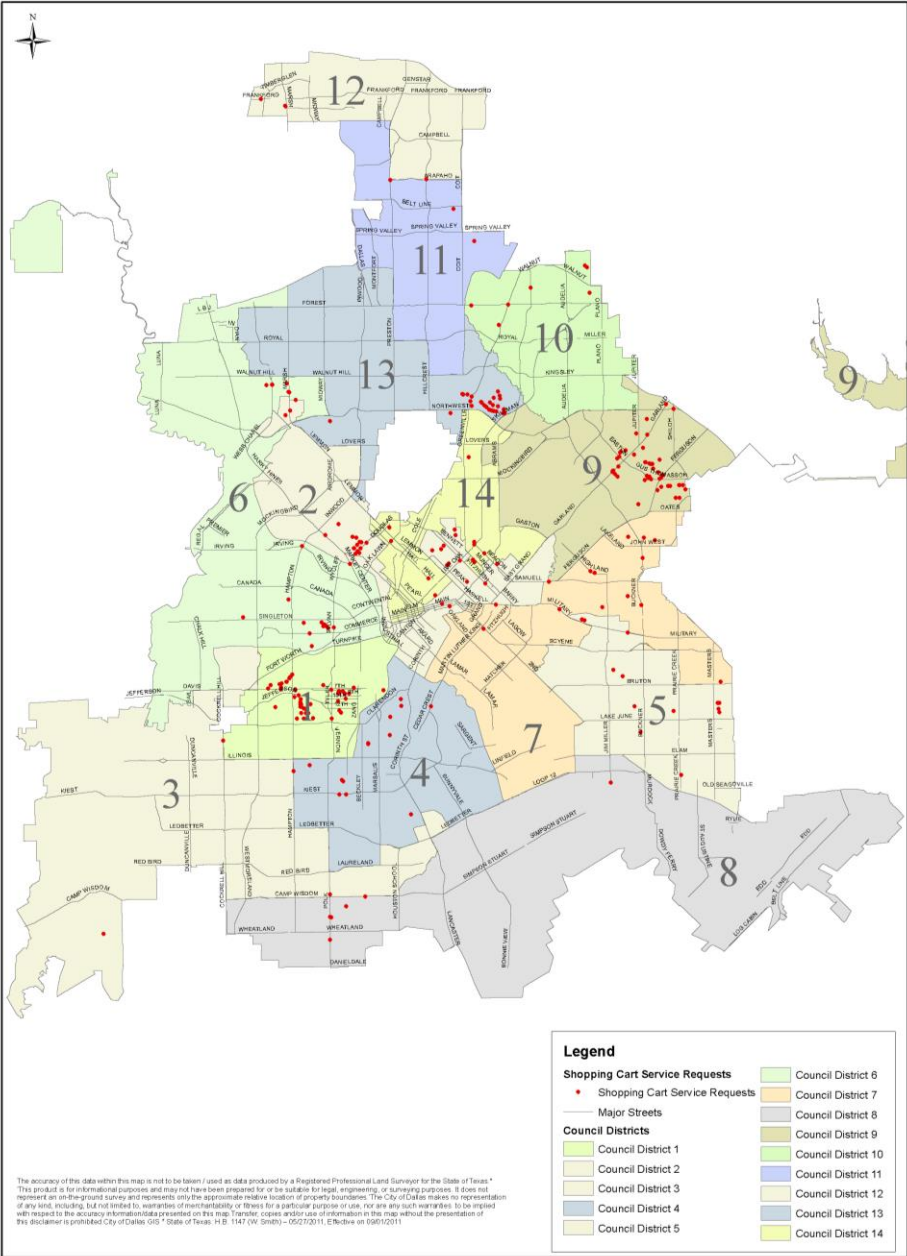
1. Includes removal from park land

2. No citations for decal violations have been issued

# Carts in ROW Service Requests by Council District FY2010-11 Through FY2014-15



# FY 2014-15 Service Requests



# Enforcement

- No-decal complaints(service requests) are miniscule and have resulted in zero citations being issued in the prior 5 years
- In the past five years, 55% of citations issued remain open for illegal possession of carts
- Collections of carts target those in the rights-of-way (ROW)
- The recovery fee is not being assessed
- Most carts are not recovered by merchants, but are disposed as scrap metal

# Prior Review of Ordinance

- Beginning in November 2010, the Quality of Life Committee reviewed the ordinance
  - Community stakeholders and merchants were engaged for input
  - Staff conducted once-monthly shopping cart round-ups in 5 target areas between April and September 2011 to:
    - Have retailers show strategies to prevent abandoned shopping carts in neighborhoods
    - Compile baseline data to determine how best to hold retailers accountable
  - Periodic round-ups resulted in hundreds of carts removed by City crews, but no changes to the ordinance were recommended or adopted