

Memorandum



CITY OF DALLAS

DATE December 4, 2015

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**

On Tuesday, December 8, 2015, you will be briefed on Shopping Cart Enforcement. A copy of the briefing materials is attached for your review.

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

A handwritten signature in blue ink, appearing to read '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

Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., 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

Quality of Life & Environment Committee
December 8, 2015

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



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

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

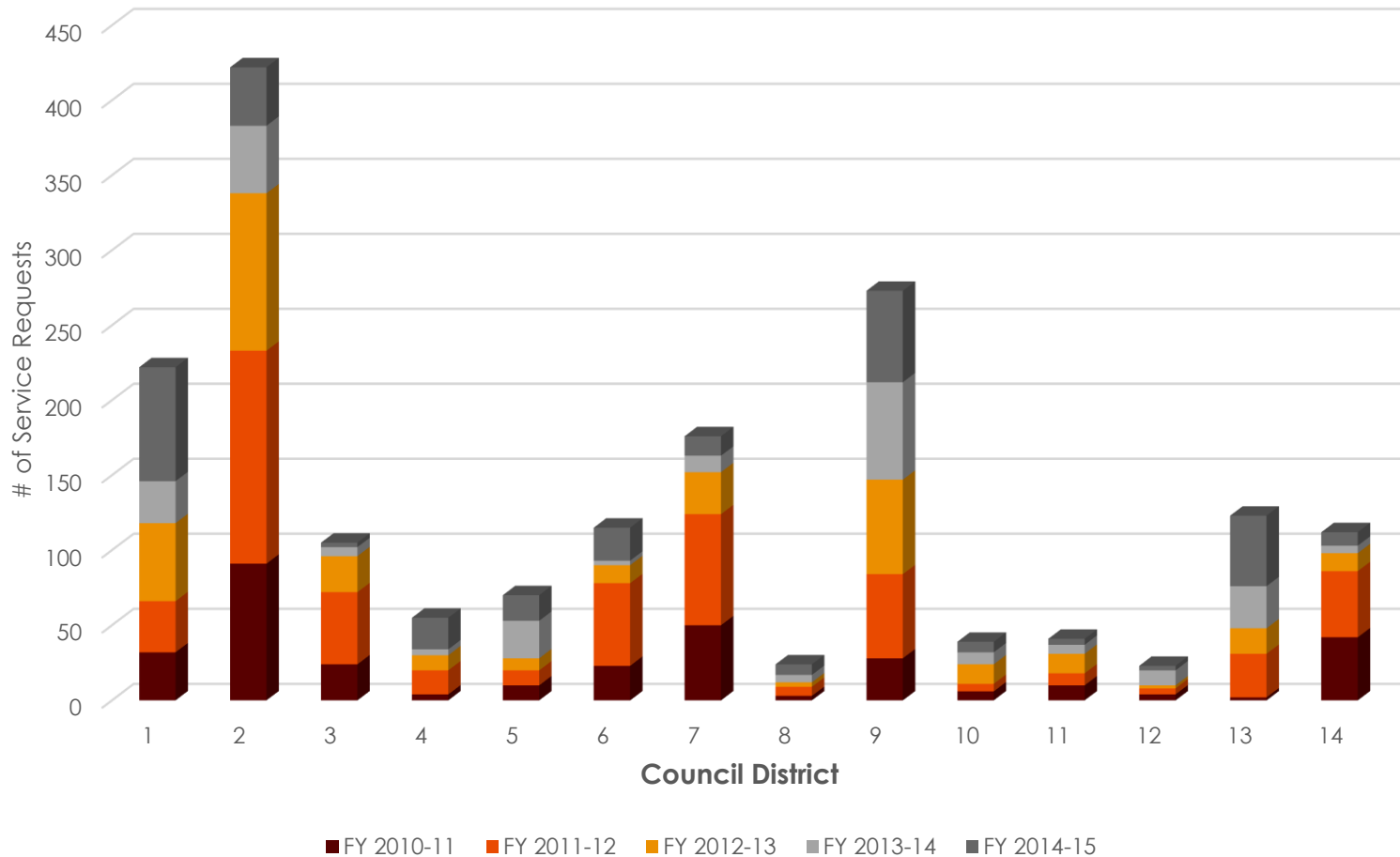


Enforcement

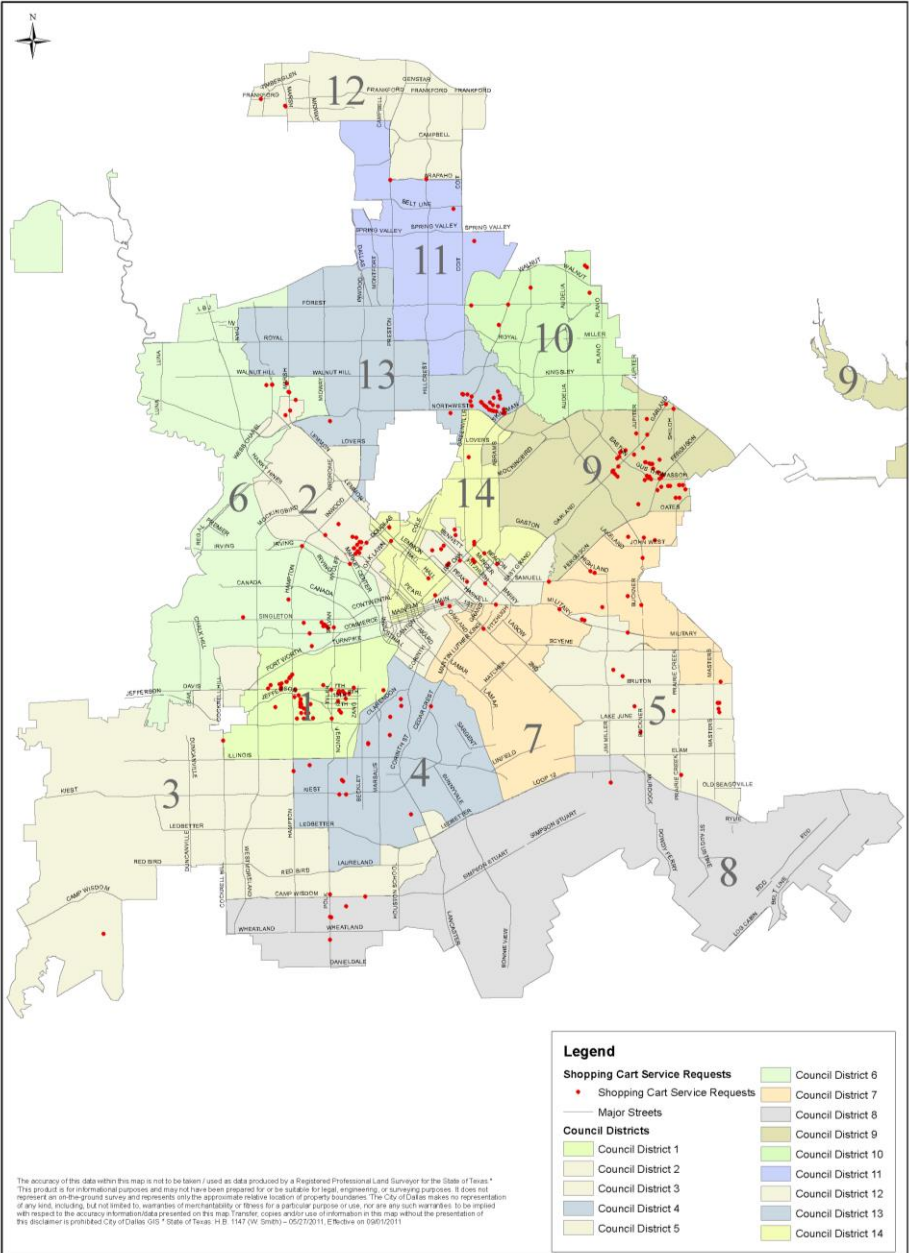
Fiscal Year	No Decal Service Requests	Carts in ROW Service Requests ¹	Cart Off-property Citations
FY10-11	1	320	148
FY11-12	0	517	91
FY12-13	2	351	74
FY13-14	3	244	53
FY14-15	7	330	40
Total	13²	1762	406

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 no citations have resulted in 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 to best 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

Prior Review of Ordinance

- Community Stakeholders' Input
 - Included homeowner associations (HOA), neighborhood associations (NA), crime watches (CW), and other groups
 - Exline HOA, Charles Rice HOA, Valley View HOA/VIP, Wynnewood Heights NA, Buckner Terrace HOA, Kidd Springs HCW, Arden Terrace HOA, Woods/Sugarberry HOA, Oak Cliff Community Development, Apartment Association of Greater Dallas, Vickery Meadows Improvement District and property owners
 - Stakeholders' feedback:
 - Believed that merchants will not take stronger action without a City ordinance requiring it
 - Generally supported an increase in abandoned cart collection by the City or contractor at higher cost than current \$25

Prior Review of Ordinance

- Merchants' Input
 - Area merchants and business organizations included
 - Fiesta, Kroger, Safeway, Target, Walgreen's, Wal-Mart
 - Texas Grocery and Convenience Store Association
 - Merchants' feedback:
 - Grocers did not want to lose carts, but did not mind borrowed and returned carts
 - Many merchants had preventative measures in place, but none are 100% effective
 - Regulations should not burden merchants who do not have abandoned carts
 - Merchants were open to pilot testing solutions in problem areas to identify best solutions

Options for Discussion

- Engage merchants and stakeholder groups to discuss potential changes or repeal of the ordinance
- Options for discussion may include:
 - Repeal the ordinance
 - Dispose of carts abandoned in ROW as scrap metal by utilizing sweeps in high complaint areas
 - Modify the ordinance
 - Allow defenses to prosecution for decal requirement violations for prevention measures; and/or
 - Contract for cart collection services in ROW