



Council Agenda Correspondence

DATE: May 17, 2022

TO: Mayor and Council

FROM: Rebecca Bernstorff, Business Services and Administrative Manager

VIA: Derek Johnson, City Manager

SUBJECT: ITEM 6c - INTRODUCTION OF AN ORDINANCE AMENDING THE SAN LUIS OBISPO MUNICIPAL CODE TO ADD CHAPTER 8.10 (SHOPPING CARTS), REQUIRING THE PRIVATE MANAGEMENT OF SHOPPING CARTS AND RETRIEVAL OF CARTS FROM PUBLIC SPACES

Staff received the following questions, regarding the shopping cart ordinance. The questions are below with staff's response shown in italics:

- 1) We must not be the only ones dealing with this problem. What do other jurisdictions do? Did we model our ordinance after anything/anyone?

Numerous municipalities throughout the state have adopted similar ordinances to address this growing health, safety and environmental issues, including several that we used in our Citywide Compensation Study set, to name a few:

- *City of Ventura*
- *City of Santa Barbara*
- *City of Santa Maria*
- *City of Pleasanton*
- *City of Salinas*
- *City of Santa Paula*

We conducted a plethora of research and did model our ordinance in accordance with other cities, which all had very similar outlines and information. The goal of these ordinances, including this proposed one, is solely directed to abandoned shopping carts and incentivizing containment of them on business premises consistent with Chapter 19 of the California Business and Professions Code.

- 2) Where did the timeframes come from in the draft ordinance (30 days, 60 days, 3 days, 6 months)?

The timeframes were drafted in similarity to our research with other cities' ordinances. If any of the timeframes in our research weren't feasible (i.e. Santa Barbara requires a 24-hour turnaround time to retrieve abandoned shopping carts), we took that into consideration and ensured a reasonable response time. The aim

for this ordinance is not a punishment, but a partnership with businesses, understanding and respecting challenges and constraints, to provide realistic expectations.

- 3) Would it be the prerogative of council to tweak those if desired or are they grounded in some other policy or ordinance that makes that possibility difficult for staff?

The timeframes are not grounded in another policy or ordinance existing within the City, however some of them are guided by the California Business and Professions Code. Additionally, they were crafted in partnership with our City Attorney's Office to provide for a fair response from businesses and in balance with the urgency of upholding public health, safety and welfare of the community and the aesthetic qualities of the City.