

ORDINANCE NO. 2695

AN ORDINANCE AMENDING COMMERCE CITY REVISED MUNICIPAL CODE (CCRMC) SECTION 6-2004

WHEREAS, City of Commerce City (“City”) has determined that the unauthorized removal of shopping carts, or parts thereof, on public and private property from retail establishments constitutes a nuisance, creates potential hazards to the health, welfare, and safety of the public, and interferes with pedestrian and vehicular traffic, as reflected in Section 6-2004 of the CCRMC;

WHEREAS, it is the primary purpose of this chapter to provide for the prompt retrieval of lost, stolen, or abandoned shopping carts to promote public safety and improve the image and appearance of the City. It is a further purpose of this chapter to prevent the accumulation of illegally removed carts on public or private properties;

WHEREAS, pursuant to the Charter of the City of Commerce City (the “Charter”), the City Council of the City has all legislative powers and functions of municipal government as reserved to it by the Colorado Constitution and the laws of the State of Colorado;

WHEREAS, Chapter 6 of the CCRMC regulates nuisances within the City;

WHEREAS, the City finds and determines that the regulation of abandoned shopping carts is in the best interest of the public for the welfare of the residents of the City; and

WHEREAS, the City finds the proposed amendments to Chapter 6 are necessary to secure that public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

SECTION 1. Findings. The recitals to this ordinance are incorporated as findings of the City Council. This ordinance is found to be supported and authorized by law and in the best interests of and necessary for the protection of the health, safety, and welfare of the public.

SECTION 2. Amendment. Chapter 6 of the CCRMC is hereby amended as set forth in Exhibit A.

SECTION 3. Repealer. All ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof, are hereby repealed to the extent of such inconsistency.

SECTION 4. Effective Date. This ordinance shall be effective pursuant to Section 5.3 of the Charter.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 4TH DAY OF AUGUST 2025.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE
ORDERED THIS 18TH DAY OF AUGUST 2025.

CITY OF COMMERCE CITY, COLORADO

Steve J. Douglas, Mayor

ATTEST

Dylan A. Gibson, City Clerk

EXHIBIT A TO ORDINANCE 2695

BEGIN

(RED STRIKETHROUGHS SHOW DELETIONS; BLUE UNDERLINES SHOW ADDITIONS, ... SHOW NO CHANGES MADE)

CHAPTER 6 – NUISANCES

ARTICLE I. – SPECIFIED NUISANCES

Sec. 6-2004. – Abandoned shopping carts.

(a) (...)

(b) (...)

1) *Abandoned shopping cart.* A shopping cart that is left unattended or discarded upon any public or private property other than the premises of the retail establishment from which ~~that owns~~ the shopping cart was removed, regardless of whether the shopping cart was removed from the premises with or without the permission of the owner. ~~Any shopping cart that is in the current possession of a person or that contains or is being used to transport a person's personal property, shall be not be considered an abandoned shopping cart.~~

2) *Owner.* The owner or retail establishment that makes available that shopping cart for customers to use ~~person, firm, partnership, corporation, association, or other entity who or which owns or otherwise exercises possession and control over shopping carts for personal use or for the use of the owner's customers in connect with the management and operation of the owner's business enterprise, including any officer, employee, or agent of said person, firm, partnership, corporation, association, or other entity. This section shall apply to all such owners who possess, control, or operate a business entity within the city or, if that business entity is located outside of the city, whose shopping carts are used or found abandoned in the city.~~

3) (...)

4) (...)

5) (...)

6) (...)

(c) (...)

(d) (...)

1) (...)

2) (...)

3) Registration shall include the owner's contact information including the owner's phone number, the location of the business enterprise where the shopping cart is being utilized, and the owner's acknowledgment of the content of this ordinance.

(e) (...)

(f) (...)

(g) (...)

1) The owner of any abandoned shopping cart, shall, within ~~forty-eight~~ twenty-four ~~(48)~~ (24) hours of written notice by the city, retrieve such shopping cart and return it to the premises of the retail establishment from which the shopping cart was removed.

- 2) (...)
- 3) Any abandoned shopping cart that remains unrecovered for ~~five (5) or more calendar days~~ twenty-four (24) hours after the owner receives written notice by the city shall be impounded, disposed of, or otherwise destroyed by the city. The city may recover the cost of the impoundment, ~~and~~ disposal or destruction of an abandoned shopping cart, plus a fifteen-percent administrative fee in the manner provided for the collection of costs of abatement in section 3-2103 of this Code.
- 4) (...)
- (h) Disposition of unclaimed shopping carts. The City may sell or otherwise dispose of any carts impounded by the City that are not retrieved within fourteen (14) days following the receipt of notification.
- (i) Operation of shopping cart in a City public right-of-way, a City park or any City owned property. It is a violation of this code to push, pull, possess, or otherwise operate a shopping cart in a public right-of-way, a City park, or any City owned property.

EXHIBIT B TO ORDINANCE 2695
CLEAN VERSION

Sec. 6-2004. Abandoned shopping carts.

- (a) A shopping cart that has been removed from the premises of the business that owns the shopping cart and left abandoned on public or private property throughout the city constitutes a public nuisance and a potential hazard to the health and safety of the public. Shopping carts abandoned on public and private property can create conditions of blight in the community, obstruct free access to sidewalks, streets, and other rights-of-way, interfere with pedestrian and vehicular traffic on pathways, driveways, public and private streets, and impede emergency services. As such, any violation of this section shall be unlawful.
- (b) Definitions. When used in this section, the following words, terms, and phrases shall have the meanings ascribed herein:
 - (1) *Abandoned shopping cart.* A shopping cart that is left unattended or discarded upon any public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether the shopping cart was removed from the premises with or without the permission of the owner.
 - (2) *Owner.* The owner or retail establishment that makes available that shopping cart for customers to use.
 - (3) *Premises.* Any building, property, or other area upon which any retail establishment business is conducted or operated, including the parking area provided for customers in such retail establishments or the shopping center in which such establishment is located.
 - (4) *Retail establishment.* Any business which offers or provides shopping carts for the use of the customers of such business.
 - (5) *Security measures.* Physical impediments or methods to prevent the removal of shopping carts from an owner's premises, including, but not limited to:
 - a. Electronically activated self-braking wheels;
 - b. Poles mounted on shopping carts which prevent their removal from the interior of the owner's business location;
 - c. Utilization of a cart patrol or retrieval company;
 - d. Dedicated security personnel;
 - e. Secure shopping cart storage locations on the owner's premises; and
 - f. Other measures deemed appropriate and effective by the city manager.
 - (6) *Shopping cart.* A basket which is mounted on wheels, or a similar device, generally used in a retail establishment by a customer for the purpose of transporting goods of any kind whether manually, electrically, or otherwise propelled including a laundry cart.

- (c) Shopping cart abandonment prohibited. No person who, having a shopping cart in their possession or custody shall leave or permit to be left said shopping cart upon any public or private property such that it becomes an abandoned shopping cart.
- (d) Owner registration required for the use of shopping carts.
 - (1) Every owner who provides shopping carts to their customers in connection with the management or operation of a business enterprise shall register with the city each of its business locations within the city prior to utilizing shopping carts at such location.
 - (2) Owners that are providing shopping carts to their customers in connection with the management or operation of a business enterprise location within the city shall register each business location as soon as practicable after adoption of this ordinance, and in any case no later than sixty (60) calendar days after the effective date of this ordinance.
 - (3) Registration shall include the owner's contact information including the owner's phone number, the location of the business enterprise where the shopping cart is being utilized, and the owner's acknowledgment of the content of this ordinance.
- (e) Shopping cart identification required. Every owner shall permanently affix to each of its shopping carts a weatherproof, permanent sign that identifies the owner of the shopping cart as recorded on the owner's shopping cart registration required under subsection (d). Owners shall comply with this section no later than sixty (60) days after the effective date of this ordinance.
- (f) Shopping cart owner's responsibility to manage their shopping carts.
 - (1) Every owner shall regularly retrieve its shopping carts from the exterior areas of the owner's premises and from the area between the owner's premises and the street pavement within the public rights-of-way contiguous with the owner's premises. Such retrieval shall occur at least once during the 60-minutes after each daily business closing.
 - (2) Every owner who provides shopping carts to their customers in connection with the management or operation of a business enterprise shall implement one (1) or more security measures as soon as practicable after the adoption of this ordinance, and in any case no later than sixty (60) calendar days after the effective date of this ordinance.
 - (3) Every owner shall provide written notice to customers that the removal of shopping carts from the owner's premises is prohibited. Such notice shall be displayed and maintained in a conspicuous location on the owner's premises near all customer entrances and exits throughout the premises, including the parking area, warning customers the removal of shopping carts from the premises is prohibited by state and city law.
- (g) Abandoned shopping cart retrieval.
 - (1) The owner of any abandoned shopping cart, shall, within twenty-four (24) hours of written notice by the city, retrieve such shopping cart and return it to the premises of the retail establishment from which the shopping cart was removed..

- (2) Failure to retrieve any abandoned shopping cart in accordance with this ordinance shall be considered a violation of this article. Each twenty-four (24) hours such violation continues shall be considered a separate offense.
- (3) Any abandoned shopping cart that remains unrecovered for twenty-four (24) hours after the owner receives written notice by the city shall be impounded, disposed of, or otherwise destroyed by the city. The city may recover the cost of the impoundment, and disposal or destruction of an abandoned shopping cart, plus a fifteen-percent administrative fee in the manner provided for the collection of costs of abatement in section 3-2103 of this Code.
- (4) Any abandoned shopping cart the city manager reasonably believes poses an imminent danger to the health, safety, or welfare of any person or to any property may be subject to abatement without notice or hearing in accord with section 6-1004 of this Code.
- (h) Disposition of unclaimed shopping carts. The City may sell or otherwise dispose of any carts impounded by the City that are not retrieved within fourteen (14) days following the receipt of notification.
- (i) Operation of shopping cart in a City public right-of-way, a City park or any City owned property. It is a violation of this code to push, pull, possess, or otherwise operate a shopping cart in a public right-of-way, a City park, or any City owned property.