



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 st Reading	2 nd Reading
9/16/2020	<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other	Ordinance Reading	9/2/2020	9/16/2020
File No.:		Public Hearing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
20-279		Advertising Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		Quasi-Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number:	
	N/A	N/A	N/A	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		James Sylvain, Director	Public Works	
Strategic Plan Focus Areas:				
<input type="checkbox"/> Financial	<input type="checkbox"/> Organizational Capacity	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Development, Redevelopment and Economic Development	
Implementation Timeline				
Estimated Start Date: 10/8/2020 Estimated End Date: N/A				

SHORT TITLE:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 13, ARTICLE III – SHOPPING CARTS, SECTIONS 13.70 and 13.76 OF THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

STAFF SUMMARY:

Summary:

The proposed amendments to Chapter 13, Article III – Shopping Carts, Section 13.76 of the City Ordinance (Ordinance 2006-09), will require for new businesses to submit a shopping cart retrieval plan upon submission of their Local Business Tax Receipt Application, and yearly upon renewal of their Local Business Tax Receipt. The proposed amendments will also give the City the authority to dispose of shopping carts retrieved after being stored for a maximum of 14 business days.

Background:

On April 3, 2006, the City Commission adopted Ordinance 2006-09 related to the prompt retrieval of lost, stolen or abandoned shopping carts in order to promote public health, safety and welfare; and to improve the image and appearance of the City. This ordinance declared that shopping carts that have been removed from the premises of businesses and left abandoned on public or private property throughout the city constitute a public nuisance and a potential hazard to the health, safety and welfare of the public.

Section 13-70 of the Code Ordinance requires for business to submit a retrieval plan within 60 days of the effective date of the ordinance. The retrieval plan must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout the city.

City has historically been retrieving shopping carts and storing them at the City's Public Works facilities yard and requesting for the business owners to retrieve them.

First Reading of this Ordinance was approved on September 2, 2020 by a 5/0 Roll Call vote of the City Commission.

Current Situation:

The City has no current retrieval plans from the business owners; any plans submitted back in 2006 when this ordinance was adopted are more than likely obsolete and need to be updated. Therefore, the City is proposing for new businesses to provide a shopping cart retrieval plan when submitting their Local Business Tax Receipt Application; and for existing businesses to submit a current shopping cart retrieval plan with the yearly renewal of their Local Business Tax Receipt.

There is currently no provision in the ordinance giving the City authorization to dispose of the shopping carts retrieved and stored at the City's Public Works facilities. The City contacts the business owners to retrieve their carts, however, the carts are, at times, left in the yard for months. Storing these carts for an extended period takes away from useful space needed in the yard.

Section 13-76 of the current ordinance provided for the shopping cart owner to pay a fee per cart to collect the carts retrieved by the City. However, according to Section 506-5131 of the Florida Statute, no fee, fines or cost may be assessed against the owner of a shopping cart if the cart is

found on public property and was removed from the business establishment by an entity other than the shopping cart owner or an employee acting on the owner's behalf.

The following amendments are, therefore, being proposed to Sections 13-70 and 13-76 of the attached Ordinance:

Sec. 13-70. - Retrieval plan.

Each retail establishment furnishing shopping carts to patrons to transport items purchased from the establishment, is hereby required to develop and implement a specific plan to retrieve its shopping carts that are found throughout the city. Two or more retail establishments may collaborate and submit to the city a single plan. The Plans must be submitted to the city upon submission of the Local Business Tax Receipt Application, for new businesses; within 60 days of the effective date of this article and with the yearly Local Business Tax Receipt renewal, for established businesses. and The plan must include an effective and specific method of retrieving the retail establishment's shopping carts found throughout the city.

Sec. 13-76. - Penalties for violation.

Any violation of this article by persons other than the owner of the shopping cart, shall be prosecuted pursuant to F.S. § 162.22. Each conviction for violation of this article shall be punished by a fine not to exceed \$500.00 or by imprisonment in the jail not to exceed 60 days or by both such fine and imprisonment. ~~A shopping cart owner, as provided by law, shall be subject to pay a fee per shopping cart when the city retrieves its shopping carts, plus an administrative charge, as established yearly in the city's fee booklet.~~

The City is authorized to dispose of shopping carts not retrieved by shopping cart owners within fourteen (14) business days following notice from the City that the shopping carts have been retrieved, and are being held by, the City.

Why Action is Necessary:

Pursuant to Article V, Division I, Section 5.01 of The City of Hallandale Beach City Charter, a City Ordinance is to be adopted to amend an existing Ordinance.

Cost Benefit:

The proposed amendment will allow the City to dispose of the shopping carts expeditiously and free up useful space in the Public Works' facilities yard. The City may even collect scrap metal revenue when disposing of metal shopping carts.

PROPOSED ACTION:

Staff recommends the City Commission approve the amendment to the attached Ordinance on First Reading and schedule Second Reading for the next Commission meeting.

ATTACHMENT(S):

Exhibit 1 – Proposed Amended Ordinance

400 South Federal Hwy
Hallandale Beach, FL 33009