



CITY OF ASTORIA

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**MEMORANDUM**

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**DATE:** MARCH 7, 2022

**TO:** MAYOR AND ASTORIA CITY COUNCIL

**FROM:** BRETT ESTES, CITY MANAGER

**SUBJECT:** UPDATED - PUBLIC HEARING AND FIRST READING OF ORDINANCE ADDING CITY CODE 5.640 DECLARING THAT ABANDONED SHOPPING CARTS ARE A PUBLIC NUISANCE IN THE CITY OF ASTORIA AND PROVIDING RULES TO DEAL WITH ABANDONED SHOPPING CARTS

**DISCUSSION / ANALYSIS:**

The City of Astoria has experienced an increasing number of shopping carts that are taken from businesses located in Astoria and then abandoned at random locations. These abandoned shopping carts can accumulate trash, block sidewalks, are sometimes thrown into the river, abandoned on private property, can roll into a roadway, and create other hazards and be an unattractive nuisance for the City. Currently there is no city ordinance that addresses this issue with enough specificity to address this problem.

Oregon laws, ORS 98.515 Unauthorized Appropriation of Shopping Carts and ORS 98.520 Notice of Crime of Unauthorized Appropriation of Shopping Carts, provide a foundation for a city ordinance related to shopping carts. These laws provide the authority for cities to enact ordinances to prohibit the unauthorized appropriation of a shopping cart and to provide for the salvage or reclamation of an abandoned shopping cart. Additionally, the law provides for the requirement of the business owners to post signs to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime and provide a local telephone number that members of the public may use to report an abandoned shopping cart to the business that is the owner of an abandoned shopping cart. This ordinance would also allow jurisdictions to impose a \$50 fee for non-compliance.

Police staff met with the management of the Astoria Co-Op and Safeway in an effort to craft an ordinance that will assist with the goal of reducing the number of abandoned shopping carts in the City and prevent businesses that use shopping carts from having their carts stolen.

Those who are found to have committed theft of shopping carts are subject to being charged with theft in the 2nd degree. Often, however, shopping carts are found unattended and it is difficult to determine who stole the cart. In the case of an attended cart, it can prove difficult to establish whether the person in attendance stole the cart.

The new city ordinance would declare the presence of abandoned shopping carts within the

City of Astoria a public nuisance and will address the retrieval of shopping carts, require business owners that use shopping carts to post signs reminding the public that taking shopping carts from a business is considered theft and to have their shopping carts identified with their business name. Business owners would have 48 hours to retrieve any reported abandoned carts and if the business owner doesn't retrieve the shopping cart in the allotted timeframe, they may be subject to a \$50 assessment after the first courtesy notification. Management of both grocery stores agreed that 48 hours is sufficient time for their staff to retrieve abandoned carts. It is understood that it is not the intent to punish the store owners of theft crimes. The draft ordinance has been reviewed by City Attorney Henningsgaard.

**RECOMMENDATION:**

It is recommended that Council hold a public hearing and consider holding a first reading of the new ordinance of City Code 5.640.

**BY: GEOFF SPALDING, CHIEF**

**ATTACHMENTS:**

[Ord\\_22-08 Abandoned Shopping Carts.pdf](#)