



**CITY OF WILDOMAR  
CITY COUNCIL REGULAR MEETING  
GENERAL BUSINESS  
Agenda Staff Report # 3.4  
Meeting Date: July 8, 2026**

**SUBJECT:** Introduce and Conduct the First Reading, by Title only, of an Ordinance Adding Chapter 5.80 (Shopping Carts) to Title 5 (Business Regulations) of the Wildomar Municipal Code Relating to Shopping Carts

**SUBMITTED BY:** Raul Berroteran, Code Enforcement and O.E.M Manager

**PREPARED BY:** Raul Berroteran, Code Enforcement and O.E.M Manager

**ACTION:**

1. Determine that the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” under CEQA Guidelines Section 15378 and is exempt under the “common sense” exemption set forth in Section 15061(b)(3) of the CEQA Guidelines (Cal. Code Regs., tit. 14.); and

2. Introduce and conduct the first reading, by title only, based on necessary finding within, of an ordinance entitled:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR ADDING CHAPTER 5.80 (SHOPPING CARTS) TO TITLE 5 (BUSINESS REGULATIONS) OF THE WILDOMAR MUNICIPAL CODE RELATING TO SHOPPING CART RETRIEVAL, RETURN, IMPOUNDMENT, COST RECOVERY, NUISANCE ABATEMENT, AND NOTICE PROCEDURES.

**SUMMARY:**

The proposed ordinance establishes regulations governing abandoned shopping carts within the City of Wildomar. The ordinance is intended to reduce public nuisances created by shopping carts that are removed from retail establishments and abandoned throughout the community, while providing clear procedures consistent with California law for shopping cart retrieval, return, impoundment, cost recovery, nuisance abatement, and notice.

Abandoned shopping carts frequently obstruct sidewalks and public rights-of-way, interfere with drainage facilities, contribute to illegal dumping and visual blight, create hazards for pedestrians and motorists, and require significant City staff time and public resources to investigate, retrieve, and return them to their owners. Although California law regulates shopping carts, it expressly authorizes local jurisdictions to adopt ordinances implementing shopping cart retrieval and cost recovery programs that do not conflict with state law. Accordingly, the proposed ordinance is intended to complement the statewide statutory framework by implementing the authority expressly reserved to cities while relying on California law for matters already addressed by the Legislature.

The proposed ordinance implements that local authority while establishing clear expectations for retailers and shopping cart owners. The ordinance requires qualifying retailers to obtain City approval of and comply with a Shopping Cart Management Plan; requires shopping cart owners to maintain current contact information with the City; requires owners and retailers to comply with the shopping cart signage requirements of the Business and Professions Code; and establishes procedures for shopping cart retrieval, return, cost recovery, occurrence fines, and nuisance abatement.

The ordinance also reflects changes made by Senate Bill 753 (SB 753), which became effective on January 1, 2026, and updated California's statutory framework governing shopping cart retrieval and cost recovery.

## **BACKGROUND:**

The City has experienced an increasing number of complaints regarding abandoned shopping carts located within residential neighborhoods, commercial corridors, parks, sidewalks, drainage facilities, vacant properties, and public rights-of-way. These carts frequently remain abandoned for extended periods and often become associated with illegal dumping, unauthorized storage of personal property, encampments, blocked pedestrian access, and deterioration of neighborhood appearance.

City staff currently devote substantial time responding to complaints, coordinating retrieval efforts, and removing shopping carts that present safety hazards or public nuisances. Existing California law establishes requirements for shopping cart identification and governs shopping cart retrieval, return, impoundment, cost recovery, occurrence fines, and local authority over shopping cart regulation. Senate Bill 753 (SB 753), which became effective on January 1, 2026, expanded and clarified that local authority by authorizing cities to adopt ordinances establishing retrieval and return procedures and related cost recovery programs, subject to specified statutory requirements. However, Wildomar currently lacks a local ordinance establishing procedures for notification, retailer responsibilities, cost recovery, appeals, and nuisance abatement.

Adoption of the proposed ordinance would establish local procedures consistent with California Business and Professions Code Sections 22435 through 22435.13 while providing businesses, residents, and City staff with clear procedures for addressing abandoned shopping carts. As discussed below, the ordinance is intended to implement the authority expressly granted to local agencies while remaining consistent with the statewide statutory framework.

## **DISCUSSION:**

### **Purpose of the Ordinance**

The purpose of the proposed ordinance is to protect public health, safety, and welfare by reducing the number of abandoned shopping carts throughout the City while ensuring implementation consistent with California law.

The ordinance recognizes that shopping cart owners and retailers are generally in the best position to implement reasonable operational practices that discourage unauthorized removal of shopping carts and facilitate timely retrieval when carts are found off-site.

Rather than creating unnecessary regulatory burdens, the ordinance emphasizes cooperation between retailers and the City by establishing predictable procedures, reasonable operational

requirements that implement the City's authority under the Business and Professions Code while complementing California's statewide regulatory framework.

### **State Law**

California Business and Professions Code Sections 22435 through 22435.13 regulate shopping cart ownership, identification, unauthorized removal, retrieval, impoundment, occurrence fines, and local government authority. Effective January 1, 2026, SB 753 updated this statutory framework by expanding local authority over shopping cart retrieval and return, cost recovery, and related enforcement while preserving the requirement that local ordinances remain consistent with California law.

State law specifically authorizes local jurisdictions to:

- Retrieve abandoned shopping carts;
- Return shopping carts to their owners;
- Recover actual retrieval and costs under specified conditions;
- Impound abandoned shopping carts;
- Assess occurrence fines authorized by state law; and
- Adopt local ordinances that do not conflict with state statutes.

The proposed ordinance implements that authority while establishing local administrative procedures necessary to carry out those statutory provisions within the City.

### **Owner Retailer Responsibilities**

A shopping cart owner is the person or business that owns the shopping carts, while a retailer is the business that provides those shopping carts for customer use. The ordinance requires owners of shopping carts to maintain current contact information with the City to facilitate notification whenever abandoned carts are discovered.

It also requires shopping cart owners and retailers to ensure comply with California requirements, including permanently affixed signs identifying the owner or retailer, providing return information, describing the procedure for authorized removal, and notifying the public that unauthorized removal or possession is a violation of California law.

Retailers are also required to implement reasonable operational measures designed to reduce unauthorized removal of shopping carts. Depending upon each retailer's operations, these measures may include employee training, customer notification signage, shopping cart collection procedures, storage practices, retrieval procedures, physical barriers, cart containment technologies, security personnel, or other reasonable management practices.

The ordinance intentionally provides operational flexibility rather than prescribing a single method of compliance.

### **Shopping Cart Management Plans**

Retail establishments making ten or more shopping carts available for customer use will be required to obtain approval of a Shopping Cart Management Plan. Existing retailers will do so through a Minor Development Review, while new retailers will obtain approval through the Development Review process required for the new development before making shopping carts available for customer use.

The Shopping Cart Management Plan provides a practical mechanism for documenting each

retailer's operational procedures for reducing unauthorized cart removal while allowing flexibility based upon business size, operational characteristics, and available technology. The ordinance does not prescribe a single approach, allowing retailers to tailor their plans to their individual operations while meeting the ordinance's performance standards.

Shopping Cart Management Plans may be updated as operational practices change, allowing businesses to continually improve shopping cart management without requiring amendments to the Municipal Code.

### **Retrieval and Notification Procedures**

The ordinance establishes detailed procedures retrieving and returning abandoned shopping carts consistent with California law.

When the City intends to recover its retrieval and return costs, the City will provide actual notice to the shopping cart owner identifying the location of the abandoned cart. Owners generally receive forty-eight hours to retrieve carts before the City performs retrieval and returns it to the owner.

The ordinance also authorizes immediate retrieval whenever abandoned shopping carts create an imminent hazard to public health or safety or interfere with emergency services. In those circumstances, the City may retrieve and return the shopping cart immediately, consistent with the Business and Professions Code.

Together, these procedures encourage prompt retrieval by shopping cart owners while allowing the City to address shopping carts that create public safety concerns.

### **Impoundment Procedures**

If abandoned shopping carts remain unclaimed after the time periods established by state law, the City may impound the carts and provide notice to the owner.

The ordinance also establishes procedures governing the storage, release, and other eligible costs consistent with California law while protecting owners' due process rights.

### **Cost Recovery and Occurrence Fines**

The ordinance authorizes recovery of documented actual costs incurred by the City for retrieval, return, impoundment, storage, and related administrative activities when permitted by California law.

Additionally, California law authorizes occurrence fines when shopping cart owners repeatedly fail to retrieve carts after receiving actual notice. Cost recovery reimburses the City for eligible program costs, while occurrence fines provide an additional incentive for shopping cart owners to timely retrieve abandoned shopping carts.

### **Public Nuisance Abatement**

Abandoned shopping carts frequently obstruct sidewalks, interfere with drainage infrastructure, reduce accessibility for persons with disabilities, create visual blight, and contribute to illegal dumping and encampment activity.

The ordinance declares shopping carts creating these conditions to be public nuisances subject to abatement. The ordinance authorizes the City to abate those public nuisances

through the retrieval, return, impoundment, and disposal procedures authorized by the ordinance and California law, while complementing the City's existing nuisance abatement procedures.

### **Administrative Appeals**

To ensure fairness and transparency, the ordinance establishes an administrative appeal process allowing affected parties to appeal cost assessments, occurrence fines, administrative citations, and specified determinations made pursuant to the ordinance.

The appeal procedures provide due process while allowing enforcement actions to proceed efficiently.

### **Business Outreach and Implementation**

Prior to implementation, staff will conduct comprehensive outreach to affected retailers.

Outreach efforts may include informational correspondence, meetings with business owners and managers, educational materials, implementation guidance, Management Plan templates, and technical assistance.

This outreach program is intended to encourage voluntary compliance, educate businesses regarding new requirements, and establish cooperative working relationships that minimize enforcement actions.

### **Community Benefits**

Implementation of the ordinance is anticipated to provide numerous public benefits, including:

- Reduced visual blight throughout the community;
- Improved pedestrian accessibility and ADA compliance;
- Reduced obstruction of sidewalks, streets, and drainage facilities;
- Decreased illegal dumping and secondary nuisance conditions;
- Improved neighborhood appearance;
- More efficient use of City resources;
- Increased retailer accountability; and
- Enhanced cooperation between the City and local businesses.

Collectively, these benefits support the City's goals of protecting public health, improving neighborhood quality, maintaining public infrastructure, and enhancing the appearance of commercial corridors and residential neighborhoods.

### **ENVIRONMENTAL ANALYSIS:**

The proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), commonly referred to as the "Common Sense Exemption," because it can be seen with certainty that there is no possibility that adoption of the ordinance may have a significant effect on the environment. The ordinance establishes administrative regulations and enforcement procedures relating to shopping cart retrieval, return, impoundment, cost recovery, and related enforcement.

The proposed ordinance is also not a "project" under CEQA Guidelines Section 15378 because it does not have the potential to result in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. The ordinance implements administrative and regulatory procedures authorized by state law relating to

shopping cart retrieval, return, impoundment, cost recovery, and nuisance abatement.

**FISCAL IMPACT:**

Implementation of the ordinance will require staff resources associated with retailer outreach, review of Shopping Cart Management Plans, complaint response, retrieval coordination, code enforcement, and administration of the notification and appeal processes.

Although initial implementation will require staff time, the ordinance is expected to reduce long-term expenditures associated with abandoned shopping cart complaints, nuisance abatement, and repeated retrieval efforts. The ordinance also authorizes recovery of eligible actual costs and occurrence fines as permitted by California law, partially offsetting future enforcement costs. Cost associated with staff time for reviewing Shopping Cart Management Plan is recovered through applicable fees.

The costs associated with drafting, legal review, and implementation of this ordinance will be funded through the Department's operating budget of General Fund.

**ATTACHMENTS:**

[Wildomar - Shopping Cart Ordinance - Final.docx](#)