



Abandoned Shopping Cart Ordinance

Land Use Policy Committee Presentation

July 20, 2021

§ 15.2-985. Disposition of Abandoned Shopping Carts; Unauthorized Possession; Penalties:

A.The ordinance shall provide that any such shopping cart that remains on real property outside of the premises defined in § 18.2-102.1 at least 15 days after a notice of violation is given to the owner of such shopping cart shall be presumed to be abandoned and subject to removal from the real property by the locality or its agents without further notice.

Additionally:

B.In the event that any such shopping cart is so removed, the cost of removal, including the cost of disposal, but not to exceed \$300 per cart, shall be charged to the owner of the shopping cart. Any such charge that is not paid within 30 days of the date on which it is billed to the owner shall constitute a lien upon the shopping cart and may be collected in any manner provided by law for the collection of taxes.

And:

C.....the locality or its designee may institute legal action to enjoin the continuing violating of this section.

D..... The locality may provide that a person who violates the ordinance is subject to a civil penalty of not more than \$500.

2020 Legislation **does** allow Fairfax County to:

1. Issue a Notice of Violation to the owner of an abandoned shopping cart, remove the cart if it remains after fifteen (15) days, and charge the owner a fee of up to \$300 per cart removed.
2. Charge a person who does not own the cart a penalty of up to \$500 if that person possesses a cart outside of the premises of the cart owner.
3. Institute legal action to enjoin any continuing violations.

2020 Legislation **does not** allow Fairfax County to:

1. Require businesses to collect their offsite abandoned carts unless a Notice of Violation is issued by the county and fines are collected.
2. Require businesses to implement an abandoned cart prevention plan, to prevent cart removal from their property.
3. Establish an effective ordinance that meets the needs of the county.

Benefits (Positives) of adopting an ordinance:

1. Reduces visual clutter of abandoned shopping carts, benefiting county revitalization areas, creeks, wildlife, and the overall environment.
2. Reduces obstructions in vehicular and pedestrian rights-of-way, roads and sidewalks, both public and private.

Negatives of adopting an ordinance:

1. Difficult to enforce and requires coordination among several county agencies, and possibly additional staff and resources. May not be a 'break even' ordinance for the county.
2. Enabling legislation falls short of that needed to establish an effective shopping cart ordinance for the County.

Cart Enforcement Protocol

(No. Days)

1. Complaint received, DCC investigator assigned. (2)
2. Abandoned cart confirmed, NOV issued to store. (14)
3. Re-inspect after 15 days. If cart is gone, case closed.
If cart remains, picked up and taken to landfill site. (21)
4. Up to \$300 fine issued to store. (5)
5. Next violation – institute legal action to enjoin. (60)

Next Steps

1. Determine whether the Board of Supervisors desires to implement an ordinance.
2. Decide when to hold the Board of Supervisors public hearing.
3. Determine whether the Board of Supervisors wants to provide outreach/education to store owners prior to a public hearing.