ORDINANCE NO. 2020-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, AMENDING CHAPTER 8.72 OF THE VISTA MUNICIPAL CODE RELATING TO THE CONVEYANCE OF SHOPPING CARTS ON PUBLIC LAND

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council hereby finds and declares that:

   A. The City Council wishes to amend Chapter 8.72 of the Vista Municipal Code relating to the conveyance of shopping carts on public land.

   B. The amendments are declarative of existing law and are intended to clarify certain terms of Chapter 8.72 for the benefit of the public.

2. Code Amendment

   A. Section 8.72.010 of the Vista Municipal Code is amended to read as follows:

   "Section 8.72.010 Conveyance of Shopping Carts on Public Land

       A. It shall be unlawful for a person to convey a shopping cart on public land except under the following circumstances:

           1. To directly return a shopping cart to the store that owns or leases the shopping cart, without putting the shopping cart to another personal use.

           2. To use the shopping cart to transport groceries or items purchased from the store which owns or leases the shopping cart, provided that the use of the shopping cart was authorized by the store as required by the California Business and Professions Code, and the shopping cart is used to convey the items directly from the store to where the items will be unloaded.

           3. To engage in any lawful business of collecting, returning, or retrieving shopping carts that is permitted by the California Business and Professions Code.

       B. At all times that a shopping cart is lawfully conveyed on public land the person conveying it shall maintain direct physical control over the shopping cart."
C. For purposes of this section the following terms shall have the meanings set forth below:

1. "Convey" shall mean to push, roll, transport or otherwise move.

2. "Public land" shall mean any road, street, sidewalk, trail, park or other land or facility within the City of Vista which is publicly owned, leased or beneficially used by the City of Vista or another public agency.

3. "Shopping cart" shall mean 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.

4. "Another Personal Use" means any use other than the use of transporting groceries or items purchased from the retail store which owns or leases the shopping cart.

D. This section is declarative of existing law. This ordinance shall not be construed or applied in any manner which is in conflict with the provisions of the California Business and Professions Code or any other provision of state or federal law.

B. Section 8.72.030 is added to the Vista Municipal Code to read as follows:

"Section 8.72.030  Violation-Penalty"

A. A first violation or failure to comply with any provision of Section 8.72.010 shall constitute an infraction for the first offense.

B. Any subsequent violation of this section alleged to have been committed within two years from the date of the first conviction as an infraction shall be charged as a misdemeanor for each offense committed thereafter; and, each conviction shall by punishable by a fine not to exceed $1,000, by imprisonment in the City or County Jail for a period not to exceed six months, or by both such fine and imprisonment.

3. Severability. If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or
unenforceable shall remain in full force and effect, and shall, be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

4. **Effective Date.** This Ordinance shall be effective on the thirty-first day following the date of its adoption.

5. **Adoption.** INTRODUCED and ADOPTED at a meeting of the City Council of the City of Vista held on March 10, 2020, by the following vote:

AYES: Mayor Ritter, Rigby, Franklin, Green, Contreras

NOES: None

ABSTAIN: None

By: [Signature]

JUDY RITTER, Mayor

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

By: [Signature]

APPROVED
Darold Pieper
20200227111443

ATTEST:
KATHY VALDEZ, CITY CLERK

By: [Signature]
CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2020-02 to be posted on March 12, 2020, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk’s Office, 200 Civic Center Drive.

Kathy Valdez, City Clerk