

THE COUNCIL OF THE CITY OF WATERVLIET

LOCAL LAW NO. 6-I FOR THE YEAR 2017

**A LOCAL LAW TO AMEND THE CODE OF THE CITY OF WATERVLIET
BY ADDING A NEW CHAPTER TO BE KNOWN AS
“CHAPTER 233. “SHOPPING CARTS”**

WHEREAS, it is the purpose of this local law to amend the Code of the City of Watervliet by adding a new chapter to be known as “Chapter 233. Shopping Carts”; and

WHEREAS, the Council of the City of Watervliet held a public hearing on May 18, 2017. Copies of the minutes of the public hearing will be available for inspection at the office of the City Clerk of the City of Watervliet

NOW, THEREFORE, BE IT ENACTED by the Council of the City of Watervliet as follows:

Section 1. The Code of the City of Watervliet is hereby amended by adding a new chapter to be known as “Chapter 233. Shopping Carts” and shall read as follows:

CHAPTER 233. SHOPPING CARTS

§233-1. Findings; legislative intent.

The City of Watervliet finds that abandoned shopping carts in the City create potential hazards to the health and safety of the public and interfere with pedestrian and vehicular traffic and create a public nuisance. This chapter is intended to insure that measures are taken by owners of shopping carts to prevent the removal of the shopping carts from the owner’s premises, to make removal of the shopping cart a violation of this Code, and to facilitate the retrieval of abandoned shopping carts.

§233-2. Definitions.

As used herein, the following words shall have the meanings below set forth:

CITY

The City of Watervliet.

ABANDONMENT

The act of leaving, deserting or giving up control and/or possession of a shopping cart in a public place.

PERSON

An individual, firm, company, corporation, partnership, association, joint venture, cooperative enterprise, trust, municipality or other governmental agency or any other entity or any group of such persons which is recognized by law as the subject of rights and duties. In any provisions of this chapter prescribing a fine, penalty or imprisonment, the term “person” shall include the officers, directors, partners, managers or persons in charge of a company, corporation or other legal entity having officers, directors, partners, managers or other persons in charge.

PUBLIC PLACE

Any street, highway, sidewalk or other publicly owned property to which the public or a substantial number of persons has access.

SHOPPING CART

Any device, hand-drawn or propelled vehicle or wheeled container of the kind customarily provided by merchants to customers or the purpose of carrying merchandise.

§233-3. Shopping carts to be marked.

Every person who, in connection with the conduct of a supermarket or business or other establishment, owns or makes any shopping cart available to the public shall make or cause the same to be marked and identified conspicuously with the name and address of the owner.

§233-4. Removal of shopping carts.

It shall be unlawful for any person to remove a shopping cart or suffer or permit such removal from the property of any supermarket or business or other establishment that makes said shopping cart available, except that such a shopping cart may be removed to a parking area adjoining the property of said supermarket or business or other establishment.

§233-5. Leaving in public place prohibited.

It shall be unlawful for any person, his agent or employee to leave or suffer or permit to be left upon any public place any shopping cart which is owned by him or which is in his possession, custody or control.

§233-6. Removal by Commissioner of Public Works.

The Commissioner of Public Works or his designee, shall have the authority to remove or cause to be removed any shopping cart found in any public place he determines is abandoned, and to hold and store said cart in his possession until redeemed or otherwise disposed of in accordance with this chapter.

§233-7. Redemption of shopping carts.

Whenever the Commissioner of Public Works or his designee shall remove and hold a shopping cart as stated in §233-6, the General Manager shall mail a notice, by first class mail, to the owner of the shopping cart, stating that each held shopping cart may be redeemed by the owner upon payment to the Department of Finance of the sum of \$100.00 per shopping cart and shall set forth the times and places where such cart or carts may be redeemed. Payment for redemption shall be made to the Department of Finance and a receipt shall be given therefor, which receipt shall entitle the owner to redeem said cart or carts at the place where they are held. The Department of Finance shall have the authority to require identification to demonstrate any person's proof of ownership or right to possession. Any delivery to a person deemed entitled thereto by the City, from the proof submitted, shall be an absolute defense of the City against any other person claiming to be entitled thereto.

§233-8. Disposition of unredeemed carts.

Any shopping carts which remain unredeemed by their owners after 30 days from the date of mailing of the notice provided for in §233-7, shall be sold by the City at public auction. Any cart may be redeemed by the owner at any time prior to such public auction upon payment of the sum of \$100.00 per shopping cart and the payment of the cost of advertising the sale.

§233-9. Disposition of unsold carts.

Any unredeemed cart which fails to sell at public auction may be destroyed or otherwise disposed of by the City. Any disposition of such shopping cart or carts made pursuant to this chapter shall be without liability on behalf of the City to the owner of the cart or other person having any interest therein.

§233-10. Penalties for offenses.

Any person who shall violate the provisions of this chapter shall be guilty of a violation and shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article III, General Penalty.

Section 2. Severability

If any section of this local law or the application thereof to any person, circumstance or property shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section or the application of any part thereof to any other person, circumstance or property, and to this end, the provisions of each section of this local law are declared severable.

Section 3. Supersession and Repeal of other laws

All ordinances, local laws and parts thereof in conflict with the provisions of this local law are hereby repealed to the extent necessary to give this local law full force and effect.

Section 4. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

Approved as to form this 18th day of May, 2017.

Yorden C. Huban, Esq.
Corporation Counsel

Attested by the Clerk of the Council this 18th day of May, 2017.

Clerk

I hereby approve the foregoing Local Law of the Council of the City of Watervliet.

Date

Michael P. Manning
Mayor

