

FILE NO. 050071

ORDINANCE NO. 68-05

1 [Shopping Cart Signage and Security Requirements.]

2 Ordinance amending Part II, Chapter X, of the San Francisco Municipal (Public Works)  
3 Code by adding Sections 1410-~~1413~~1414, requiring permanently affixed signs on  
4 shopping carts, requiring businesses with carts to post signs prohibiting removal from  
5 premises and to secure all carts during hours business is closed.

6 Note: Additions are single-underline italics Times New Roman;  
7 deletions are ~~strikethrough italics Times New Roman~~.  
8 Board amendment additions are double underlined.  
9 Board amendment deletions are ~~strikethrough-normal~~.

9 Be it ordained by the People of the City and County of San Francisco:

10 Section 1. Chapter X of the San Francisco Municipal (Public Works) Code is hereby  
11 amended by adding Sections 1410 to ~~1413~~1414, to read as follows:

12 Sec. 1410. Signage Required on Carts. No business shall supply carts for use by its  
13 customers unless the cart has permanently affixed on it a sign that contains the following  
14 information:

- 15 (a) Identification of the owner of the cart or the business providing the cart for use, or both;
- 16 (b) Identification of the procedures to be utilized for authorized removal of the cart from the  
17 premises or parking area;
- 18 (c) Notification that removal of the cart from the premises or parking area of the business  
19 establishment and/or the unauthorized possession of the cart is a violation of state law;  
20 and
- 21 (d) A valid telephone number or address for returning the cart to the owner or business  
22 providing the cart.

23 Sec. 1411. Mandatory Signage on Premises. Every business that owns or provides  
24 carts for the use of its customers within the City and County of San Francisco shall post  
25 conspicuous signs at or near each entrance to its parking lot and the public entrance doors to

1 its store notifying its customers that removal of carts from the premises is prohibited without  
2 written authorization.

3 **Sec. 1412 . Exemptions.**

4 (a) A business that has a physical security device, such as trip wires or barriers, that  
5 prevents customers from removing carts from the premises shall be exempt from both the cart  
6 and the premises signage requirements.

7 (b) A business that does not have a physical security device shall be exempt from the  
8 cart signage requirements if: (1) the business retrieves carts at least two days per week at  
9 San Francisco Department of Public Works shopping cart retrieval yard; and (2) has  
10 permanently affixed to the cart information sufficient to identify the owner.

11 **Sec. 14121413. Securing of Carts.** Every business that owns or provides carts for  
12 the use of its customers shall ensure that all carts on its premises are secured such that a  
13 member of the public may not remove any carts from the premises during the hours that the  
14 business is closed.


15 **Sec. 14131414. Penalty.** (a) Any person violating this Article or any rules or  
16 regulations issued pursuant to this Article of which the person has been given notice, shall be  
17 guilty of an infraction and subject to a fine of not in excess of \$100.

18 (b) The violation of any provision of this Article that would otherwise be an  
19 infraction shall be a misdemeanor if the person who has violated such provision has  
20 previously been convicted of two or more violations within the 12-month period immediately  
21 preceding the current offense and the prior convictions are admitted by the person charged  
22 with the violations or are alleged in the accusatory pleading. For this purpose, a bail forfeiture  
23 shall be deemed to be a conviction of the offense charged. A person convicted of a

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/29

1 misdemeanor pursuant to this subsection shall be subject to imprisonment in the County Jail  
2 for a period not exceeding 30 days or a fine not exceeding \$500, or both.

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4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

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8 By: MARGARET W. BAUMGARTNER  
9 Deputy City Attorney

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# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

### Ordinance

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**File Number:** 050071

**Date Passed:**

Ordinance amending Part II, Chapter X, of the San Francisco Municipal (Public Works) Code by adding Sections 1410-1414, requiring permanently affixed signs on shopping carts, requiring businesses with carts to post signs prohibiting removal from premises and to secure all carts during hours business is closed.

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March 15, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

March 22, 2005 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 3 - Ammiano, Daly, Mirkarimi

March 29, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 9 - Alioto-Pier, Ammiano, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin

Excused: 2 - Daly, Sandoval

March 29, 2005 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 7 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin

Noes: 2 - Ammiano, Mirkarimi

Excused: 2 - Daly, Sandoval

April 5, 2005 Board of Supervisors — FINALLY PASSED

Ayes: 7 - Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Peskin, Sandoval

Noes: 2 - Ammiano, Mirkarimi

Absent: 2 - Alioto-Pier, Daly

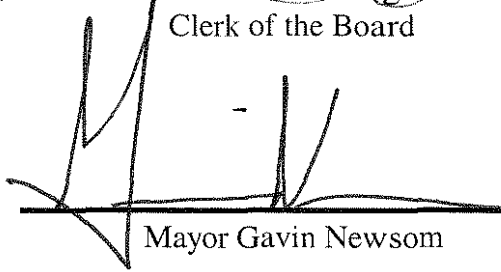
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I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on April 5, 2005 by  
the Board of Supervisors of the City and  
County of San Francisco.



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Gloria L. Young  
Clerk of the Board



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Mayor Gavin Newsom

4/15/2005

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Date Approved