

ORDINANCE NO. 617 N.S.

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, PROHIBITING THE UNAUTHORIZED REMOVAL, POSSESSION, OR ALTERATION OF SHOPPING CARTS; PROVIDING PENALTIES FOR VIOLATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Tolleson, Arizona (the "City"), desires to regulate the unauthorized removal and possession of shopping carts to maintain clean and orderly public spaces; and

WHEREAS, abandoned and misused shopping carts create safety hazards, obstruct pedestrian and vehicular traffic, and contribute to urban blight; and

WHEREAS, it is in the best interests of the City to prohibit the unauthorized removal, possession, or tampering with shopping carts while establishing procedures for retrieval and enforcement.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TOLLESON, ARIZONA, as follows:

Section 1. Prohibitions.

A. A person shall not do any of the following with the intent to temporarily or permanently deprive the owner or retailer of possession of a shopping cart:

1. Remove a shopping cart from the premises or parking area of a retail establishment.
2. Be in possession of any shopping cart that has been removed from the premises or parking area of a retail establishment.
3. Be in possession of any shopping cart with the serial numbers removed, obliterated or altered.
4. Leave or abandon a shopping cart at a location other than the premises or parking area of the retail establishment.
5. Alter, convert or tamper with a shopping cart, remove any part or portion of a shopping cart or remove, obliterate or alter serial numbers, the name of the owner, or any restrictive device on a shopping cart.
6. Be in possession of any shopping cart while that shopping cart is not located on the premises or parking area of a retail establishment.

B. Subsection A applies if a shopping cart has a sign permanently affixed to it that identifies the owner of the cart or retailer, or both, notifies the public of the procedure to be used for authorized removal of the cart from the premises, notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment or the unauthorized possession of the cart is a violation of law and lists a valid telephone number and address for returning the cart removed from the premises or parking area to the owner or retailer.

C. This section does not apply to the owner of a shopping cart or to a retailer or a retailer's agents or employees or to a customer of a retail establishment who has written consent from the owner of a shopping cart or a retailer to be in possession of the shopping cart or to remove the shopping cart from the premises or the parking area of the retail establishment or to do any of the acts specified in subsection A.

D. In any civil proceeding, any shopping cart that has a sign affixed to it pursuant to this section establishes a rebuttable presumption affecting the burden of producing evidence that the property is that of the person or business named in the sign and not abandoned by the person or business named in the sign. In any criminal proceeding, it may be inferred that any shopping cart that has a sign affixed to it pursuant to this section is the property of the person or business named on the sign and has not been abandoned by the person or business named on the sign.

Section 2. Providing for Penalties.

A. Violations of any provision of this article are a class 1 misdemeanor subject to the penalties prescribed in § 1-1-8 of this code.

Section 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. Effective Date.

This ordinance shall become effective 30 days after its adoption by the City Council and publication as required by law.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Council of the City of Tolleson, Arizona this 25th day of March, 2025.

Juan F. Rodriguez, Mayor

ATTEST: _____
Crystal Zamora, City Clerk

APPROVED AS TO FORM: _____
Justin Pierce, City Attorney

I, CRYSTAL ZAMORA, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE NO. 616 N.S. ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TOLLESON ON THE 25TH DAY OF MARCH, 2025, WAS POSTED IN CITY CIVIC CENTER AND ON THE CITY'S WEBSITE, ON THE 26TH DAY OF MARCH, 2025.

Crystal Zamora, City Clerk