

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Glenville

Local Law No. 2 of the year 2024

A local law to the Glenville Town Code to add Chapter 163 Governing Shopping Carts Owned or
(Insert Title)
Controlled by Retail Establishments or Other Business, intended to endure the the owners
of shopping carts that are used retail establishments or other businesses take measures
to prevent the removal of the shopping carts.

Be it enacted by the Glenville Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Glenville as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF GLENVILLE
LOCAL LAW NO. 2 OF 2024

AMENDMENT TO GLENVILLE TOWN CODE
TO ADD CHAPTER 163 GOVERNING
SHOPPING CARTS OWNED OR CONTROLLED BY
RETAIL ESTABLISHMENTS OR OTHER BUSINESSES

Section 1. The Town Board of the Town of Glenville finds that abandoned shopping carts in the Town create hazards to the health and safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance. To help alleviate these conditions, the Town Board hereby enacts Chapter 163 of the Glenville Town Code. Chapter 163 of the Town Code is intended to ensure that the owners of shopping carts that are used retail establishments or other businesses take measures to prevent the removal of the shopping carts from the shopping cart owner's premises, and to facilitate the retrieval of abandoned shopping carts in a manner consistent with state law.

Section 2. The Glenville Town Code is amended to add Chapter 163 follows:

Chapter 163 Shopping Carts

§ 163-1 Legislative findings and intent.

The Town Board of the Town of Glenville finds that abandoned shopping carts in the Town create hazards to the health and safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance. The accumulation of abandoned shopping carts, sometimes wrecked and/or dismantled, on public and private property, also tends to create conditions that reduce property values and promote blight and deterioration. The Town Board therefore determines that it is appropriate that the Town of Glenville develop and implement procedures so that shopping carts remain on the premises of the shopping cart owner. This Chapter 163 is intended to ensure that the owners of shopping carts that are used retail establishments or other businesses take measures to prevent the removal of the shopping carts from the shopping cart owner's premises, and to facilitate the retrieval of abandoned shopping carts in a manner consistent with state law.

§ 163-2 Definitions.

As used in this Chapter, the following terms have the meanings indicated:

Shopping Cart

A wheeled device designed for the transport of goods or the collection of merchandise by customers when shopping.

Shopping Cart Owner

A person or entity that owns or controls a retail establishment or other business that uses or makes shopping carts available for use in connection with the business purposes of the retail establishment or other business.

Shopping Cart Owner Premises

The premises owned or controlled by the Shopping Cart Owner and on which Shopping Carts are used, including the entire parking area set aside by or on behalf of the Shopping Cart Owner for the parking of cars.

§ 163-3 Responsibilities of Shopping Cart Owners within the Town.

- A.** Shopping Cart Owners shall implement measures to prevent the unauthorized removal of Shopping Carts from the Shopping Cart Owner Premises.
- B.** The Shopping Cart Owner shall be responsible to retrieve and collect Shopping Carts owned by them that have been removed from the Shopping Cart Owner Premises.
- C.** At each Shopping Cart storage location, Shopping Cart Owners shall prominently and conspicuously display, or cause to be prominently and conspicuously displayed, notice that clearly and unambiguously states that removal of Shopping Carts from the Shopping Cart Owner's premises is prohibited.
- D.** Shopping Cart Owners shall mark and identify each Shopping Cart, or cause each Shopping Cart to be marked and identified, conspicuously with a notice that provides, at a minimum, the following: "Property of (name and address of Shopping Cart Owner). If found, please call (telephone number)."
- E.** Shopping Cart Owners shall secure all Shopping Carts in such a fashion as to prohibit public access other than during hours of its business operations.

163-5 Penalties for offenses; authority to move Shopping Carts.

A. Any Shopping Cart Owner found in violation of § 163-3 shall be punished by a fine of \$100 for the first offense, and \$250 for the second and each subsequent offense. Each Shopping Cart shall be a separate violation. Each day a Shopping Cart is off the Shopping Cart Owner Premises shall constitute a separate violation.

B. In emergency situations, and where public safety is or may be endangered, the Town has the authority to move the Shopping Cart in its reasonable discretion in order to alleviate such emergency or danger, without incurring any liability to the Shopping Cart Owner.

Section 3. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, clauses or part of this local law.

Section 4. This Local Law shall take effect immediately upon filing with the New York Secretary of State.

Sponsored by: Christopher A. Koetzle, Town Supervisor
Submitted by: Jeffrey A. Siegel, Attorney to the Town

RESOLUTION NO. 63-2024

Moved by: Councilman Kirkham
Seconded by: Councilman Ramotar

WHEREAS, The Town Board of the Town of Glenville finds that abandoned shopping carts in the Town create hazards to the health and safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance; and

WHEREAS, to help alleviate these conditions, the Town Board has proposed Local Law No. 2 of 2024, titled "Amendment to Glenville Town Code to Add Chapter 163 Governing Shopping Carts Owned or Controlled by Retail Establishments or Other Business" intended to endure that the owners of shopping carts that are used retail establishments or other businesses take measures to prevent the removal of the shopping carts from the shopping cart owner's premises, and to facilitate the retrieval of abandoned shopping carts in a manner consistent with state law; and

WHEREAS, proposed Local Law No. 2 of 2024 has been made available for public inspection; and

WHEREAS, the Town Board published notice of a public hearing in the Daily Gazette on February 11, 2024, and held a public hearing pursuant to the notice on February 21, 2024 at 7:00 p.m. at the Town of Glenville Municipal Center, 18 Glenridge Road, Glenville, New York 12302, and accepted comments and input from the public; and

NOW, THEREFORE BE IT RESOLVED that, after due deliberation, Local Law No. 2 of 2024 is hereby adopted.

Ayes: Councilmen Ramotar, Gillooley, Aragosa, Kirkham and Supervisor Koetzle.
Noes: None
Absent: None
Abstention: None

Motion Carried

Town Board decision on February 21, 2024

This is a certified copy of the original document filed in the Office of the Town Clerk of the Town of Glenville, New York.


Town Clerk Date 3/4/2024

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2024 of the ~~(County)(City)(Town)(Village)~~ of Glenville was duly passed by the Glenville Town Board on February 21, 2024, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)


I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3-14-2024

(Seal)