



**TOWNSHIP OF NORTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 492

AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP CODE OF ORDINANCES TO ADD CHAPTER 10, PART 3 TO PROVIDE FOR THE REGULATION OF STOLEN OR ABANDONED SHOPPING CARTS AND OTHER CARTS ESTABLISHING AN ABATEMENT AND ENFORCEMENT PROGRAM RELATED THERETO.

WHEREAS, shopping carts are routinely abandoned on the Township of North Fayette’s (“Township”) streets and rights-of-way; and

WHEREAS, the presence of abandoned shopping carts is found to be a public nuisance and contributes to the decline in the quality of life; and

WHEREAS, the abundance of abandoned shopping carts on the Township’s rights-of-way encourage crime, tends to reduce property values, and is a blight on the community; and

WHEREAS, abandoned shopping carts also obstruct pedestrian access, interfere with pedestrian and vehicular traffic, and emergency services; and

WHEREAS, the Township Board finds the standards set forth in this ordinance are necessary to protect the public safety and welfare of the residents of the Township.

WHEREAS, the Township desires to amend the Township Code of Ordinances to add Chapter 10, Part 3 to provide for the regulation of stolen of abandoned shopping carts within the Township.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors for the Township of North Fayette, and it is hereby ordained and enacted by the authority of the aforesaid as follows:

SECTION 1. AMENDMENTS.

Part 3, titled “Abandoned Shopping Carts” shall be added under Chapter 10, “Health and Safety” to create Section 10-301, et seq.

§ 10-301. Definitions shall read as follows:

- A. **“Abandoned shopping cart”** means any shopping cart made available to

customers to use that has been removed from the retail establishment's premises, without the owner's written consent, and is located on either public or private property.

- B. **"Attractive nuisance"** means the circumstance or condition which may reasonably be expected to attract young children, and which constitutes a danger to such children.
- C. **"Building"** in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or other structure used for the lodging of persons or for carrying on business therein, or for the use, sale, or deposit of goods. Each unit of a building consisting of two or more units separately secured or occupied is a separate building.
- D. **"Merchant"** means any individual, partnership and/or corporation which owns and operates by himself, herself, itself or by employees and/or agents a business enterprise from a building located in the Township of North Fayette and which enterprise at said location caters to and is patronized by the general public.
- E. **"Premises"** Any building in the Township of North Fayette used by a merchant for the sale of merchandise to the general public, including any off-street parking area abutting the outside of said building.
- F. **"Private Property"** means any property not owned by the Township, its successor agency, library, or other such sub-agencies or boards acting under the authority of the Township of North Fayette.
- G. **"Public Property"** means property owned by the Township, its successor agency, library, or other such sub-agencies or boards acting under the authority of the Township of North Fayette.
- H. **"Shopping cart" or "Cart"** means a basket mounted on wheels or a similar device of the type generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.
- I. **"Township"** means the Township of North Fayette or its designated representatives.

§ 10-302. Declaration of a Public Nuisance shall read as follows:

The Township Board of Supervisors finds and determines that any abandoned shopping cart is declared to constitute a public nuisance that could impede emergency services, interfere with pedestrian and vehicular traffic, reduce property values, promote blight and deterioration, comprise an attractive nuisance and create other hazards to the health, safety, and general welfare of the community by having a tendency to degrade the appearance of the community and thereby decrease property values.

§ 10-303. Removal from Merchant's Premises Prohibited shall read as follows:

- A. At and during all times that any building of any merchant in the Township is open for business to the general public, no merchant shall by any act or omission allow, permit, consent, facilitate and/or in any way fail to control and restrict the removal from the premises of said merchant of any shopping cart made available by said merchant to any patron or business invitee of said merchant.
- B. At and during all times that any building of any merchant is not open for business to the general public, no shopping cart of any merchant shall be in any way available to any member of the general public for removal from the building of said merchant, and if stored outside the building, such carts shall be chained, fenced or otherwise secured to prevent their removal.

§ 10-304. Identification shall read as follows:

All merchants who provide shopping carts to its customers shall clearly indicate on a conspicuous place of the shopping cart the name of the merchant's store or business in the form of a tag, sign, or plate. The merchant shall be responsible for the shopping carts that it provides to its customers and shall take appropriate measures to make sure that the shopping carts are returned to the store premises.

§ 10-305. Carts Found Off of Merchant's Premises Deemed Abandoned shall read as follows:

Any shopping cart of any merchant in the Township which is found on any public street, highway, right-of-way and/or ground and/or on any private property, other than in a building thereon and/or the premises of the merchant whose shopping cart it is identified to be, shall be deemed to be abandoned by such merchant and/or any other person responsible for such abandonment.

§ 10-306. Abandonment Prohibited shall read as follows:

The abandonment by any person and/or persons, including but not limited to any merchant, of a shopping cart is prohibited and each shopping cart abandoned shall thereby constitute a single and separate violation hereunder.

§ 10-307. Removal of Shopping Carts by Township; Storage Charge shall read as follows:

Police Officers and/or Code Enforcement Officers shall respond to situations where an abandoned shopping cart is identified and/or is creating an unsafe condition anywhere within the Township, but off the premises of the owner thereof. Any abandoned shopping cart shall be removed and stored by the Township. Police Officers and/or Code Enforcement Officers shall notify the Director of Public Works of the location of the abandoned cart for prompt retrieval, confiscation, and delivery to the Township's designated secure storage location by the Department of Public Works.

If the abandoned shopping cart is properly tagged as herein provided, the Township Manager or his/her designee shall notify the merchant by mail or electronic mail that the

Township has picked up and stored such shopping cart. The owner may recover said shopping cart from the Township upon payment of a sum, as set from time to time by resolution of the Board of Supervisors, as a removal and storage charge. The Township Manager or his/her designee shall be responsible for collecting the removal and storage charges from the merchant-owner.

If any shopping cart is not reclaimed and paid for by the merchant within fifteen (15) days after notification by the Township, the Township may dispose of said shopping cart without further notice to the merchant.

§ 10-308. Violations and Penalties shall read as follows:

Any merchant who shall fail to properly tag or identify shopping carts or shall permit the removal of any shopping cart as set forth in Section 10-304 hereof shall be subject to prosecution before any District Justice of the Township and, upon conviction of any violation of any section of this chapter, shall pay a fine of not more than \$600.00, plus the cost of prosecution, and in default of payment of such fines and costs shall be subject to imprisonment for not more than thirty (30) days. Each shopping cart which shall have been found to have been in violation of this chapter shall constitute a separate violation of the provisions of this chapter.

SECTION 2: REMOVAL AND STORAGE FEES.

The shopping cart removal and storage fee shall be set by the annual fee schedule maintained by the Township.

SECTION 3: SEVERABILITY.

That if any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

SECTION 4: CONFLICT.

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ENACTED AND ORDAINED into Law this the 22nd day March 2022.

ATTEST:

TOWNSHIP OF NORTH FAYETTE


James R. Mangan
Township Manager


James Morosetti
Chairman, Board of Supervisors