



**PROPOSED ORDINANCE #2024-32**

1 **BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN**  
2 **COUNCIL MET:**

3  
4 That Chapter 70 – Offenses and Miscellaneous Provisions be amended by deleting the text  
5 indicated in red strikeout and inserting the bold, blue, italics, and deleting the text indicated in  
6 red strikeout as follows:

7  
8 Chapter 70 – OFFENSES AND MISCELLANEOUS PROVISIONS

9  
10 **Section 70-10 Abandoned Shopping Carts**

11  
12 **(a) Definitions. The following words, terms and phrases, when used in this section, shall**  
13 **have the meanings ascribed to them in this subsection, except where the context clearly**  
14 **indicates a different meaning.**

15 **“Abandoned cart” means any shopping cart that has been removed without written**  
16 **permission of the cart owner or on-duty manager from the premises of a business**  
17 **establishment, regardless of whether it has been left on either private or public**  
18 **property.**

19  
20 **“Business establishment” means a location where a business is conducted, goods are**  
21 **made or stored or processed or where services are rendered.**

22  
23 **“Business premises” means the entire area owned and utilized by a business**  
24 **establishment that provides shopping carts for use by customers, including any parking**  
25 **lot or other property provided by the cart owner for customer parking.**

26  
27 **“Cart owner” means any person or entity, who:**

28  
29 **(1) in connection with the conduct of a business establishment owns, leases,**  
30 **possesses, uses, or otherwise makes any shopping cart available to customers**  
31 **or the public; or**

32 **(2) is the on-site or designated agent of a person or entity described in (1) that**  
33 **provides the shopping carts for use by its customers.**

34 **“City Manager” means the official appointed to that position by the City Council**  
35 **pursuant to the City Charter.**

36  
37 **“Enforcement official” means a Code Enforcement Officer or other official as**

38 designated by the City Manager.

39  
40 “Person” means an individual, corporation, partnership, limited liability company,  
41 or other legal entity.

42  
43 “Public place” means every class of road, sidewalk, parking lot, and other areas  
44 publicly owned and operated, or privately owned property open to the public, or a  
45 segment thereof, excluding the interior or parking area of any establishment where  
46 shopping carts are made available.

47  
48 “Shopping cart” means a basket which is mounted on wheels, or a similar device  
49 provided by a business establishment for use by a customer for the purpose of  
50 transporting goods of any kind, including, but not limited to, grocery store shopping  
51 carts.

52  
53 **(b) Enforcement Authority**

54  
55 The City Manager, and his or her designee, including designated code enforcement  
56 officers, shall have the authority and powers necessary to determine whether a  
57 violation of this chapter exists and to take appropriate action to gain compliance with  
58 the provisions of this chapter. These powers include the authority to impound  
59 shopping carts, issue administrative citations, inspect public and private property,  
60 impose civil penalties for any violation of this chapter, or pursue criminal actions.

61  
62 **(c) Unauthorized Removal Unlawful**

63  
64 It shall be unlawful for any person, either temporarily or permanently, to remove a  
65 shopping cart from business premises or be in possession of a lawfully marked  
66 shopping cart that has been removed from a business premises without the written  
67 consent of the cart owner authorized by this chapter or for the purpose of repair,  
68 maintenance, or disposal.

69  
70 **(d) Abandonment Prohibited**

71  
72 It shall be unlawful for any person to cause or permit any shopping cart to be  
73 abandoned on or upon any private property or any sidewalk, street, or other public  
74 area, other than the business premises of the cart owner.

75  
76 **(e) Cart Identification Required**

77  
78 Each shopping cart made available for use by customers shall have an identification  
79 sign permanently affixed to it that includes the name of the business establishment.

80  
81 **(f) Cart Removal Warning Signs**

82  
83 All cart owners shall display and maintain conspicuous signs on the business premises

84 near all customer entrances and exits and throughout the premises, including the  
85 parking area, warning customers that removal of shopping carts from the premises  
86 is prohibited by City law.

87  
88 **(g) Written Permission Required for Off-premises Use of Cart**

89  
90 A cart owner may authorize a customer off-premises use of a shopping cart for  
91 transportation of purchased items so long as:

- 92  
93 (1) The authorization is in writing.  
94 (2) The writing includes the date and time the authorization was given; and  
95 (3) The shopping cart is returned to the cart owner's premises once the purpose  
96 of the authorization need has been fulfilled, but in no case more than 30 days  
97 of the authorization.

98 **(h) Impoundment and Fines**

99  
100 The city may retrieve and impound any abandoned cart, or any shopping cart  
101 observed in a location outside the cart owner's premises.

102  
103 The city may immediately impound any lost, stolen, or abandoned cart on any public  
104 property within the City without prior notice to the cart owner; or any shopping cart  
105 within the city to which the required identification signage is not affixed.

106  
107 For each lost, stolen, or abandoned shopping cart impounded by the city, the city shall  
108 issue a twenty-five dollar (\$25.00) fine to the cart owner, unless the cart owner can  
109 demonstrate it took adequate procedures to prevent cart abandonment, loss, or theft,  
110 as reasonably determined by the City Manager or his or her designee.

111  
112 **(i) Disposition of Carts**

113  
114 Where the City has impounded and accumulated more than 5 shopping carts  
115 belonging to a single cart owner, the City shall return the impounded shopping carts  
116 to the nearest location of the cart owner, at which time the cart owner will be fined  
117 for each shopping cart.

118  
119 Any shopping cart that does not have the appropriate identification signage shall be  
120 held for thirty (30) days after which the City may dispose of the shopping cart.

121  
122 **~~Section 70-10~~ Section 70-11 Violations and Penalties**

- 123  
124 **(a) The City may enforce the provisions of this Ordinance by any means available to the**  
125 **City under the Code of Ordinances of the City of Dover, Delaware, including but not**  
126 **limited to imposition of fees and fines as set forth in Appendix F, Fees and Fines, or**  
127 **revocation of business and/or rental licenses, or voiding of any other city-issued**  
128 **permit, or as may be available under the controlling provisions of State law.**

129 ~~Section 70-11~~ Section 70-12 Severability

130

131 (a) If any section, sentence, phrase, word, or portion of this Ordinance is determined to  
132 be invalid, unlawful, or unconstitutional, said determination shall not be held to  
133 invalidate or impair the validity, force or effect of any other section, sentence, phrase,  
134 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful,  
135 or unconstitutional.

136

137

Synopsis

138 This proposed amendment to this chapter seeks to address the issue of abandoned shopping carts  
139 within the City of Dover. It establishes a comprehensive framework to reduce the nuisance, safety  
140 hazards, and negative impact on property values caused by abandoned carts.

141

142

(SPONSORS: NEIL AND HUGG)

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145 ADOPTED: \*

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Action History

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11/26/2024 – Introduction at Council Committee of the Whole – Legislative, Finance, and

149

Administration