



## CITY OF DANBURY

OFFICE OF THE MAYOR  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

MARK D. BOUGHTON  
MAYOR

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August 24, 2009

Honorable Members of the Common Council  
155 Deer Hill Avenue  
Danbury, CT 06810

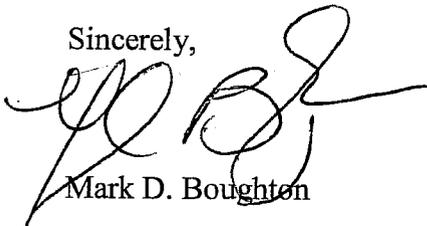
Dear Common Council Members:

I would like to propose to you amendments to our abandoned shopping cart ordinance (Code Sec.12-33) to address the failure of business establishments to keep their shopping carts off sidewalks and streets, and even some of our parks and other public places.

The measures delineated in the attached amendment of Code of Ordinances Section 12-33 not only enlarges and extends the responsibility for such errant carts upon these establishments while maintaining the existing restrictions on customers and others removing carts from lots, but also proposes to allow the UNIT to issue citations in order to secure the proper and lawful enforcement of these measures.

I trust this proposal will meet with your approval. Kindly refer the matter to public hearing and committee such that it may be authorized forthwith.

Sincerely,



Mark D. Boughton

Attachment  
cc: S. Stillman/UNIT



1-1

# ORDINANCE

## CITY OF DANBURY, STATE OF CONNECTICUT

### COMMON COUNCIL

Be it ordained by the Common Council of the City of Danbury:

THAT the City of Danbury Code of Ordinances Chapter 12, Section 12-33 be amended to read as follows:

Sec. 12-33. Abandoned shopping carts; Prohibition and Penalty imposed on violators and proprietors.

(a) *Declared nuisance; imposition of penalty.* It is hereby found and declared that the abandonment of shopping carts within the City of Danbury is a nuisance, unsightly, and often represents a hazard to the public through the obstruction of travel on streets, sidewalks and other public property within the city. It is further found and declared that the imposition of penalties for the removal of shopping carts or permitting such removal from business establishments within the city and the imposition of storage and retrieval charges to cover the costs associated with collection of abandoned shopping carts by the city serves the best interests of public safety, welfare and convenience.

(b) *Posting of signs.* All business establishments within the city providing shopping carts for the use of their patrons shall post, in a conspicuous place, a sign or notice stating that the removal of shopping carts from the premises constitutes a violation of this section, and further stating that violators will be subject to a twenty five dollar (\$25.00) fine.

(c) (1) *Removal from premises prohibited; defense to prosecution.* It shall be unlawful for any person, other than the owner thereof, to remove a shopping cart from the premises of any business establishment within the city. It shall be an affirmative defense to prosecution under this subsection that the business establishment involved has failed to comply with the provisions of subsection (b) hereof.

(2) *Removal from premises prohibited; obligation of proprietor.* It shall further be unlawful for any proprietor or owner of any establishment making shopping carts or related devices available to customers to allow the removal of such carts from the establishment premises in such a way as to constitute an abandonment, as described in subsection (d) hereof.

(d) *Presumption of abandonment; transportation and storage; charges for storage.* For purposes of this section, shopping carts found on any street, sidewalk or other public property and not under the direct control of any person shall be presumed to be abandoned. All such shopping carts shall be transported by the department of public works to a suitable place for storage. The owners thereof may retrieve said carts upon payment of all storage and retrieval charges for which they are liable. A storage charge of two dollars (\$2.00) per week, but not exceeding fifty dollars (\$50.00) shall be imposed together with a retrieval charge of ten dollars (\$10.00) for the return of each such shopping cart. If the owners thereof fail to retrieve said carts for a period of six (6) months a notice of sale shall be published in a newspaper having a general circulation in the City of Danbury. If the owners do not retrieve said carts within one (1) month following said notice, all such carts may be sold at public auction under the supervision of the sheriff or deputy sheriff of Fairfield County and the proceeds of the sale shall be deposited with the treasurer of the City of Danbury.

(e) *Penalty for violation.* Any person failing to comply with the provision of subsection (c) 1 hereof shall be subject to a fine of twenty-five dollars (\$25.00). Any business or person failing to comply with the provision of subsection (c) 2 hereof shall be subject to a fine of fifty dollars (\$50.00).

(f) *Enforcement.* Enforcement of the foregoing provisions shall, in addition to other authorized means, occur through the Unified Neighborhood Inspection Team ("UNIT") pursuant to authority and citation procedures set forth in Section 12-34 of the Code of the City of Danbury.

**COPY SHOWING DELETIONS AND NEW LANGUAGE.**

THAT the City of Danbury Code of Ordinances Chapter 12, Section 12-33 be amended to read as follows:

**Sec. 12-33. Abandoned shopping carts; PROHIBITION AND PENALTY IMPOSED ON VIOLATORS AND PROPRIETORS.**

(a) *Declared nuisance; imposition of penalty.* It is hereby found and declared that the abandonment of shopping carts within the City of Danbury is a nuisance, unsightly, and often represents a hazard to the public through the obstruction of travel on streets, sidewalks and other public property within the city. It is further found and declared that the imposition of penalties for the removal of shopping carts OR PERMITTING SUCH REMOVAL from business establishments within the city and the imposition of storage and retrieval charges to cover the costs associated with collection of abandoned shopping carts by the city serves the best interests of public safety, welfare and convenience.

(b) *Posting of signs.* ~~Within sixty (60) days of the effective date hereof, a~~ All business establishments within the city providing shopping carts for the use of their patrons shall post, in a conspicuous place, a sign or notice stating that the removal of shopping carts from the premises constitutes a violation of this section, and further stating that violators will be subject to a ~~fifteen-~~**TWENTY FIVE** dollar (\$25.00) fine.

(c) (1) *Removal from premises prohibited; defense to prosecution.* It shall be unlawful for any person, other than the owner thereof, to remove a shopping cart from the premises of any business establishment within the city. It shall be an affirmative defense to prosecution under this subsection that the business establishment involved has failed to comply with the provisions of subsection (b) hereof.

(2) REMOVAL FROM PREMISES PROHIBITED; OBLIGATION OF PROPRIETOR. IT SHALL FURTHER BE UNLAWFUL FOR ANY PROPRIETOR OR OWNER OF ANY ESTABLISHMENT MAKING SHOPPING CARTS OR RELATED DEVICES AVAILABLE TO CUSTOMERS TO ALLOW THE REMOVAL OF SUCH CARTS FROM THE ESTABLISHMENT PREMISES IN SUCH A WAY AS TO CONSTITUTE AN ABANDONMENT, AS DESCRIBED IN SUBSECTION (d) HEREOF.

(d) *Presumption of abandonment; transportation and storage; charges for storage.* For purposes of this section, shopping carts found on any street, sidewalk or other public property and not under the direct control of any person shall be presumed to be abandoned. All such shopping carts shall be transported by the department of public works to a suitable place for storage. The owners thereof may retrieve said carts upon payment of all storage and retrieval charges for which they are liable. A storage charge of two dollars (\$2.00) per week, but not exceeding fifty dollars (\$50.00) shall be imposed together with a retrieval charge of ten dollars (\$10.00) for the return of each such shopping cart. If the owners thereof fail to retrieve said carts for a period of six (6) months a notice of sale shall be published in a newspaper having a general circulation in the City of Danbury. If the owners do not retrieve said carts within one (1) month following said notice, all such carts may be sold at public auction under the supervision of the sheriff or deputy sheriff of Fairfield County and the proceeds of the sale shall be deposited with the treasurer of the City of Danbury.

(e) *Penalty for violation.* Any person failing to comply with the provisions of subsection (c) 1 HEREOF SHALL BE SUBJECT TO A FINE OF TWENTY-FIVE DOLLARS (\$25.00). ANY BUSINESS OR PERSON FAILING TO COMPLY WITH THE PROVISION OF SUBSECTION (c) 2 HEREOF SHALL BE SUBJECT TO A FINE OF FIFTY DOLLARS (\$50.00). ~~(b) hereof shall be subject to a fine of fifty dollars (\$50.00). Any person failing to comply with the provision of subsection (c) hereof shall be subject to a fine of fifteen dollars (\$15.00).~~

(f) *ENFORCEMENT.* ENFORCEMENT OF THE FOREGOING PROVISIONS SHALL, IN ADDITION TO OTHER AUTHORIZED MEANS, OCCUR THROUGH THE UNIFIED NEIGHBORHOOD INSPECTION TEAM ("UNIT") PURSUANT TO AUTHORITY AND CITATION PROCEDURES SET FORTH IN SECTION 12-34 OF THE CODE OF THE CITY OF DANBURY.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parenthesis which indicate subsections.

Deleted language is indicated ~~strikeouts~~.