

ORDINANCE 06-08

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 10, OF THE BELLE ISLE CODE OF ORDINANCES TO ADD A NEW SECTION TO BE NUMBERED 10-2 TO PROVIDE FOR ON-SITE RETENTION OF SHOPPING CARTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the City Council of the City of Belle Isle, Florida as follows:

SECTION 1. Chapter 10 of the Belle Isle Code of Ordinances is hereby amended to add a new section which shall be numbered Section 10-2 as follows:

Sec. 10-2 Shopping Carts, On-Site Retention. All business establishments utilizing shopping carts and having more than 20 shopping carts on-site shall install and maintain a system to retain all shopping carts within the property boundaries of the business location. The business shall provide signage in a conspicuous location notifying shopping cart users of a retention system in place and how said system operates. Location, type of device and other pertinent information deemed necessary by the City Manager or his designee must be shown on the approved site or lot plan for the business.

(a) Permitted methods of retention shall include any one of the following methods:

(1) A physical barrier, such as bollards, restricting shopping carts to the front sidewalk or front portion of the business.

(2) Shopping carts equipped with a protruding vertical arm or similar device prohibiting the cart from being removed from the interior of the business.

(3) A system, which may be mechanical in nature, requiring a deposit to use a shopping cart; the deposit should be of a reasonable amount that would not deter the use of the cart, but would encourage the return of the cart.

(4) Shopping carts equipped with a wheel locking mechanism that is used in conjunction with an electronic barrier along the perimeter of the area shopping carts are allowed. The wheel locking mechanism will activate when the shopping cart crosses the electronic barrier.

(b) Any business that is nonconforming as to on-site shopping cart retention upon adoption of this section 10-2 shall comply within six months unless otherwise provided for by law.

(c) Any business establishment failing to install or properly maintain an approved on-site shopping cart retention system is in violation of this section. Each separate day of violation shall constitute a separate offense.

SECTION 2. SEVERABILITY. If any word, phrase, sentence, clause or other portion of this Ordinance is determined to be invalid, void, or unconstitutional, the remainder of this Ordinance shall remain in effect.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective as of January 1, 2007.

FIRST READING: held this ____ day of _____, 2006

SECOND READING: held this ____ day of _____, 2006

	YES	NO	ABSENT
Thomas G. Petruzzi	_____	_____	_____
Trudy Prince	_____	_____	_____
Charles Scott	_____	_____	_____
Larry Ady	_____	_____	_____
Harvey Readey	_____	_____	_____
Lydia Pisano	_____	_____	_____
Eric Spaulding	_____	_____	_____

William G. Brooks, Mayor

ATTEST:

Belinda Bateman, MMC, City Clerk

Approved as to form and legality
John F. Bennett, City Attorney

I, BELINDA L. BATEMAN, CITY CLERK, do hereby affirm that the above and foregoing ordinance was duly and legally adopted by the Belle Isle City Council, in session assembled on the 11th of July, 2006 at which session a quorum of its members were present.

Belinda L. Bateman, MMC