

MEETING DATE
AGENDA ITEM

01/09/06

Adoption of 1) Ordinance Amending Subchapter 3 04 300, *et seq* of the Culver City Municipal Code, "Disposition of Unclaimed Property," by Adding Section 3 04 320 Relating to Abandoned Property, and 2) Ordinance Repealing and Replacing Section 13 02 015 of the Culver City Municipal Code Relating to Removal of Shopping Carts

ATTACHMENTS

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ORDINANCE NO 2006-

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA,
AMENDING SUBCHAPTER 3 04 300, *et seq* OF THE CULVER CITY
MUNICIPAL CODE, "DISPOSITION OF UNCLAIMED PROPERTY," BY
ADDING SECTION 3 04 320 RELATING TO ABANDONED PROPERTY

WHEREAS, Sections 2080, *et seq* of the California Civil Code set forth
procedures related to lost and unclaimed property, and

WHEREAS Section 2080 4 of the California Civil Code authorizes local
agencies to adopt their own procedures related to lost and unclaimed property which are
not inconsistent with State law, and

WHEREAS, the City of Culver City has adopted such procedures as set forth
in subchapter 3 04 300, *et seq* of the Culver City Municipal Code and

WHEREAS, the provisions of subchapter 3 04 300, *et seq* of the Culver City
Municipal Code do not distinguish between unclaimed and abandoned property, and

WHEREAS, Section 2080 7 of the California Civil Code states that the
obligations relating to lost and unclaimed property do not apply to property that has been
intentionally abandoned by its owner, and

WHEREAS, consistent with State law, it is the intent of the City Council of the
City of Culver City that the provisions of subchapter 3 04 300, *et seq* of the Culver City
Municipal Code not be applicable to property that has been intentionally abandoned by its
owner

NOW THEREFORE, the City Council of the City of Culver City, California
DOES HEREBY ORDAIN as follows

SECTION 1 Section 3 04 320 of the Culver City Municipal Code is hereby
added as follows

§ 3 04 320 ABANDONED PROPERTY

The provisions of this subchapter shall have no application to
property which has been intentionally abandoned by its owner

1 **SECTION 2** Pursuant to Section 514 of the City Charter this Ordinance
2 shall take effect thirty (30) days after the date of its adoption Pursuant to Sections 512
3 and 517 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
4 the City Clerk shall cause this Ordinance or a summary thereof to be published in the
5 Culver City News and shall post this Ordinance or a summary thereof in at least three
6 places within the City

7 **SECTION 3** The City Council hereby declares that, if any provision, section,
8 subsection paragraph, sentence phrase or word of this ordinance is rendered or declared
9 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
10 reason of any preemptive legislation, then the City Council would have independently
11 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases
12 or words of this ordinance and as such they shall remain in full force and effect

13
14 APPROVED AND ADOPTED this _____ day of _____, 2006

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16 _____
17 ALBERT M VERA, Mayor
 City of Culver City, California

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19 ATTEST

20 APPROVED AS TO FORM

21 _____
22 CHRISTOPHER ARMENTA City Clerk

23 _____
24 CAROL A SCHWAB, City Attorney

ORDINANCE NO 2006-

AN ORDINANCE OF THE CITY OF CULVER CITY, CALIFORNIA, REPEALING AND REPLACING SECTION 13 02 015 OF THE CULVER CITY MUNICIPAL CODE RELATING TO REMOVAL OF SHOPPING CARTS

WHEREAS, the City of Culver City has experienced an increase in complaints regarding the removal of shopping carts from retail establishments the abandonment of shopping carts on public streets and rights-of-way throughout the City, and individuals using shopping carts that belong to City businesses for the storage and transportation of personal property and

WHEREAS, these issues relating to shopping carts have caused the City and the community concerns regarding visual blight and safety, including the potential for carts to roll into traffic causing injury and property damage, and

WHEREAS, the current provisions of Section 13 02 015 of the Culver City Municipal Code, which prohibit the removal of shopping carts from retail establishments, provide the City with limited enforcement capabilities and

WHEREAS, current State law, as set forth in Sections 22435 through 22435 5 of the California Business and Professions Code, provides for a more comprehensive regulatory scheme relating to the removal and possession of shopping carts and

WHEREAS violations of the California Business and Professions Code are prosecuted by the Los Angeles County District Attorney s Office, and

WHEREAS, the City's adoption of these State regulations would allow for City prosecution and provide the City with additional options and flexibility when pursuing these types of violations

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1 NOW THEREFORE, the City Council of the City of Culver City, California,
2 DOES HEREBY ORDAIN as follows

3 **SECTION 1** Section 13 02 015 of the Culver City Municipal Code is hereby
4 repealed and replaced with the following new Section 13 02 015

5 A *Definitions* For purposes of this Section, the following
6 definitions shall apply

7 1 *Shopping cart* means a basket which is mounted on
8 wheels or a similar device generally used in a retail establishment by a customer for
9 the purpose of transporting goods of any kind

10 2 *Laundry cart* means a basket which is mounted on
11 wheels and used in a coin-operated laundry or dry cleaning retail establishment by a
12 customer or an attendant for the purpose of transporting fabrics and the supplies
13 necessary to process them

14 3 *Parking area* means a parking lot or other property
15 provided by a retailer for use by a customer for parking an automobile or other
16 vehicle

17 B *Application* The provisions of this section shall apply when a
18 shopping cart or a laundry cart has a sign permanently affixed to it that identifies the
19 owner of the cart or the retailer or both notifies the public of the procedure to be
20 utilized for authorized removal of the cart from the premises, notifies the public that
21 the unauthorized removal of the cart from the premises or parking area of the retail
22 establishment or the unauthorized possession of the cart, is a violation of state law,
23 and lists a valid telephone number or address for returning the cart removed from
24 the premises or parking area to the owner or retailer

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1 C *Prohibitions* It is unlawful to do any of the following acts if a
2 shopping cart or laundry cart has a permanently affixed sign as provided in Section
3 13 02 015 (B)

4 1 To remove a shopping cart or laundry cart from the
5 premises or parking area of a retail establishment with the intent to temporarily or
6 permanently deprive the owner or retailer of possession of the cart

7 2 To be in possession of any shopping cart or laundry cart
8 that has been removed from the premises or the parking area of a retail
9 establishment, with the intent to temporarily or permanently deprive the owner or
10 retailer of possession of the cart

11 3 To be in possession of any shopping cart or laundry cart
12 with serial numbers removed obliterated, or altered, with the intent to temporarily or
13 permanently deprive the owner or retailer of possession of the cart

14 4 To leave or abandon a shopping cart or laundry cart at a
15 location other than the premises or parking area of the retail establishment with the
16 intent to temporarily or permanently deprive the owner or retailer of possession of
17 the cart

18 5 To alter, convert, or tamper with a shopping cart or
19 laundry cart or to remove any part or portion thereof or to remove obliterate or alter
20 serial numbers on a cart, with the intent to temporarily or permanently deprive the
21 owner or retailer of possession of the cart

22 6 To be in possession of any shopping cart or laundry cart
23 while that cart is not located on the premises or parking lot of a retail establishment,
24 with the intent to temporarily or permanently deprive the owner or retailer of
25 possession of the cart

26 D *Consent* The provisions of this Section shall not apply to the
27 owner of a shopping cart or laundry cart or to a retailer, or their agents or
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1 employees or to a customer of a retail establishment who has written consent from
2 the owner of a shopping cart or laundry cart or a retailer to be in possession of the
3 shopping cart or laundry cart, or to remove the shopping cart or laundry cart from
4 the premises or the parking area of the retail establishment, or to do any of the acts
5 specified in Section 13 02 015 (C)

6 E *Cart ownership* In any criminal proceeding, it may be inferred
7 that any shopping cart or laundry cart which has a sign affixed to it pursuant to
8 Section 13 02 015 (B) is the property of the person or business named in the sign
9 and has not been abandoned by the person or business named in the sign

10 F *Violations* Any person who violates any of the provisions of this
11 section is guilty of a misdemeanor

12 G *Application of other laws* The provisions of this section are not
13 intended to preclude the application of any other laws relating to prosecution for
14 theft

15 **SECTION 2** Pursuant to Section 514 of the City Charter, this Ordinance
16 shall take effect thirty (30) days after the date of its adoption Pursuant to Sections 512
17 and 517 of the City Charter prior to the expiration of fifteen (15) days after the adoption,
18 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
19 Culver City News and shall post this Ordinance or a summary thereof in at least three
20 places within the City

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SECTION 3 The City Council hereby declares that if any provision, section subsection paragraph sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect

APPROVED AND ADOPTED this _____ day of _____, 2006

ALBERT M VERA, Mayor
City of Culver City, California

ATTEST

~~APPROVED AS TO FORM.~~

CHRISTOPHER ARMENTA, City Clerk

~~CAROL A SCHWAB, City Attorney~~