

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 12/19/05		Item Number: <u> A-2 </u>	
AGENDA ITEM: Introduction of: 1) Ordinance Amending Subchapter 3.04.300, <i>et seq.</i> 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.			
Contact Person/Dept.: Heather Iker/City Attorney		Phone Number: (310) 253-5660	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List (12/14/05)			
Department Approval: Carol Schwab, City Attorney (12/13/05)		CAO Approval: Martin Cole for Jerry Fulwood 12/14/05	
City Controller Approval: N/A			
<u>RECOMMENDATION:</u> Staff recommends the City Council introduce: 1) An Ordinance amending subchapter 3.04.300, <i>et seq.</i> of the Culver City Municipal Code, "Disposition Of Unclaimed Property," by adding Section 3.04.320 relating to abandoned property (Attachment 1); and 2) An Ordinance repealing and replacing Section 13.02.015 of the Culver City Municipal Code relating to the removal of shopping carts (Attachment 2). <u>BACKGROUND:</u> The proposed Ordinances, relating to abandoned property and shopping carts, are part of an overall package of proposed amendments to the Culver City Municipal Code ("CCMC"), which were discussed and recommended by the Homelessness Subcommittee (Council Member Gross and Vice Mayor Silbiger) and Task Force (consisting of City staff from various Departments, including CAO; City Attorney; Community Development; Parks, Recreation and Community Services; Police and Fire), as a result of the direction of the City Council at its meeting of July 26, 2004. At that time, the City Council took a number of specific actions to address community concerns relating to these issues, including directing staff to review various provisions of the City's Municipal Code to determine whether certain			

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sections should be amended in order to improve enforceability of current City regulations relating to nuisance activity occurring in the City. Other recommended amendments, which related to park regulations, were presented to the Parks and Recreation Commission at its November 16, 2005 meeting and the City Council at its December 12, 2005 meeting.

DISCUSSION:

Ordinance Relating to Abandoned Property:

Sections 2080, *et seq.* of the California Civil Code set forth procedures related to lost and unclaimed property, and authorize local agencies to adopt their own such procedures (Section 2080.4), which are not inconsistent with State law. Currently, the Culver City Municipal Code includes such procedures, as set forth in subchapter 3.04.300, *et seq.* (Attachment 3); however, the application of such provisions does not distinguish between unclaimed and abandoned property. California Civil Code Section 2080.7 states that the obligations relating to lost and unclaimed property do not apply to property that has been intentionally abandoned by its owner. The proposed Ordinance will add similar language to subchapter 3.04.300, *et seq.* of the CCMC to be consistent with State law.

Ordinance Relating to Shopping Carts:

The 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. These issues 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.

The current provisions of Section 13.02.015 of the Culver City Municipal Code (Attachment 4), which prohibit the removal of shopping carts from retail establishments, provide the City with limited enforcement capabilities. 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; however, violations of the California Business and Professions Code are prosecuted by the Los Angeles County District Attorney's Office, which already has a very heavy caseload. 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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The amendments contained in the proposed Ordinances have been discussed and recommended by the Homelessness Subcommittee, Task Force and Ad Hoc Committee, and are now before Council for consideration.

FISCAL ANALYSIS:

Adoption of the proposed Ordinances may require increased enforcement activity by the Police Department. These costs cannot be easily quantified.

ATTACHMENTS:

1. Proposed Ordinance relating to abandoned property.
2. Proposed Ordinance relating to shopping carts.
3. CCMC §§ 3.04.300, *et seq.* (existing provisions).
4. CCMC § 13.02.015 (existing provisions).

MOTION:

That the City Council:

1. Introduce the 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. Introduce the Ordinance repealing and replacing Section 13.02.015 of the Culver City Municipal Code relating to the removal of shopping carts.