

Chapter 101**SHOPPING CARTS**

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[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 8-10-71 as L.L. No. 2-1971. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and Sidewalks - See Ch. 108.

§ 101-1. Legislative intent.

It is the intent of this chapter to eliminate danger and inconvenience to the public caused by the abandonment of shopping carts in public places, such as streets and sidewalks, within the Village of Cold Spring, where the abandoned carts may become an obstacle and hazard to pedestrian and vehicular traffic.

§ 101-2. Definitions and usage.

- A. Definitions. For the purpose of this chapter, the following definitions shall be included in the words or phrases used:

ABANDON - Includes leaving, discarding, dumping, throwing or placing of personal property in public places.

CART or SHOPPING CART - Includes any rolling or nonrolling basket or container, and any part or parts thereof, commonly used in supermarkets or self-service stores or merchandising establishments as a conveyor of goods, wares and merchandise.

OWNER - The merchant, purveyor of foods or other goods, establishment or corporation who or which provides patrons or customers with shopping carts and, as a result thereof, has the responsibility under this chapter of placing a tag identification upon such shopping carts.

PERSON - A natural person of either sex, a corporation, a partnership, association, joint-stock company, society and all other entities capable of being sued.

PUBLIC PLACE - Includes any street, avenue, road, alley, lane, highway, boulevard, concourse, driveway, culvert, crosswalk, thoroughfare, off-street parking area, parking field, commercial parking lot, municipal parking facility, park, parking place, sidewalk, vacant lot, plot, parcel of land and other spaces or places available to or used by the general public.

- B. Word usage. The words "or" and "and" as used herein may be construed interchangeably, with such meaning as necessary to effectuate the purpose of this chapter.

§ 101-3. Attachment of identification tag.

It shall be unlawful for any person to provide carts for the use of patrons on or in store or business premises within the Village of Cold Spring unless the cart has affixed permanently to it a sign, metallic tag or other means for clearly identifying the owner of the cart and the specific store location at which said cart is used.

§ 101-4. Violations.

It shall be unlawful and a violation of this chapter for any owner to suffer or permit any person to take any cart from the owner's premises or parking area and thereafter abandon, discard, leave or place said cart, or suffer or permit said cart to be left or placed, in a public place. It shall also be unlawful and a violation of this chapter for any person or customer to take any cart from an owner's store, store premises, mercantile establishment or any place and thereafter abandon, discard, leave or place said cart, or suffer or permit said cart to be left or placed, on a public place, as above defined.

§ 101-5. Removal of abandoned carts; disposition.

The Mayor and Board of Trustees, Village of Cold Spring Police, Village of Cold Spring Highway ~~Crew Chief~~~~Superintendent~~ and Highway Department employees, Village Clerk and anyone acting on their behalf or pursuant to their instructions are hereby authorized to seize and remove or cause to be removed, without notice, any abandoned shopping cart from any public place within the Village of Cold Spring, and such persons shall take such carts or cause the same to be taken to a facility within the Village of Cold Spring for redemption or disposition as hereinafter provided.

§ 101-6. Redemption procedures.

- A. Whenever any shopping cart having an identification of ownership thereon as required by this chapter is removed from any public place within the Village, notice of the removal shall be sent by certified mail, return receipt requested, advising the owner of the removal and the amount necessary to redeem same.
- B. Any shopping carts removed from public places within the Village may be redeemed by the owner thereof any time prior to the disposal by the Village, by tendering to the Village Clerk a redemption fee for each shopping cart redeemed, plus a storage fee the sum of twenty five dollars (\$25) each plus the sum of five dollars (\$5) for each day or part thereof that said property is held by the Village after the owner has been duly notified by certified mail. Fees can be found in the Master Fee Schedule. The Village Board of Trustees reserves the right to increase the fees in the Master Fee Schedule~~this section~~ from time to time by resolution of the Village Board.
- C. The Village Clerk shall require satisfactory proof of ownership or lawful right to possession of the property sought prior to release. Any return of property by the Village Clerk to an owner claiming the same, pursuant to this chapter, shall be an absolute defense to the Village against any other person claiming same.

§ 101-7. Public auctions.

- A. The Village Clerk may dispose of all articles of personal property held by the Village for a period in excess of fourteen (14) days at a public auction held pursuant to notice.

- B. Public notice of the auction shall be given by publication once in a newspaper designated by the Village Board as an official newspaper for village notices, at least five (5) days prior to the auction, and shall contain the time and place of said auction, together with a brief description of the articles offered for sale.
- C. In the event the property or part thereof remains unsold at the public auction, the Village Clerk may reoffer the same for sale at another public auction or may sell or otherwise dispose of any unsold articles in any manner by public sale or abandonment. Any sale or other disposition shall be without liability on the part of the Village to the owner of the property or other persons having an interest therein.
- D. All proceeds received from the redemption and sale of the personal property as herein provided are to be collected, applied and disbursed as damages to the Village of Cold Spring for the costs of administration of this chapter.

§ 101-8. Penalties for offenses. [Amended 3-27-79 by L.L. No. 1-1979]

Any person committing an offense against any of the provisions of this chapter or Article, as the case may be, shall be guilty of a violation under the Penal Law and, upon conviction thereof, shall be punishable by a fine of not more than two hundred fifty dollars (\$250) or by imprisonment for not more than fifteen (15) days, or both.