




THE CITY OF  
NOVATO  
CALIFORNIA

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## STAFF REPORT

### MEETING

DATE: September 26, 2017

FROM: Robert Brown, Community Development Director

PRESENTER: Robert Brown, Community Development Director

SUBJECT: **HOLD A PUBLIC HEARING AND INTRODUCE AN ORDINANCE AMENDING CHAPTER 7 OF THE MUNICIPAL CODE TO ADD NEW SECTION 7-10 SHOPPING CART CONTAINMENT AND RETRIEVAL, TO RELOCATE SECTION 1-7 GRAFFITI PREVENTION AND ABATEMENT TO NEW SECTION 7-9 AND AN AMENDMENT TO CHAPTER 19 OF THE MUNICIPAL CODE TO MODIFY TABLE 2-7 ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL/INDUSTRIAL ZONING DISTRICTS TO REMOVE REQUIREMENT FOR GROCERY STORES TO OBTAIN A USE PERMIT TO PROVIDE SHOPPING CARTS, ESTABLISHING A FEE FOR ADMINISTRATIVE COSTS FOR CITY RETRIEVAL AND DISPOSAL OF ABANDONED SHOPPING CARTS AND FINDING THAT ADOPTION THEREOF IS EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)**

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## REQUEST

Hold a public hearing and introduce an ordinance amending the Novato Municipal Code to add new Section 7-9 (Shopping Cart Containment and Retrieval), relocate existing Section 1-7 (Graffiti Prevention and Abatement) to new Section 7-9, and modify Table 2-7 of the Zoning Code to remove a requirement for grocery stores to obtain a Use Permit to provide shopping carts, establishing a fee for administrative costs for City retrieval and disposal of abandoned shopping carts and finding that adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(B)(3).

## BACKGROUND AND ANALYSIS

At its meeting of June 21, 2016, the City Council directed staff to analyze the issue of abandoned shopping carts and to propose enforcement options. Numerous California communities have adopted enforcement ordinances consistent with Sections 22435-22435.8 of the California Business and Professions Code which provides for the impoundment, retrieval and disposal of shopping carts that have been abandoned or removed from the owners' premises without authorization. Visual surveys of areas around grocery stores and pharmacies identified dozens of abandoned carts present each day in Novato, particularly at bus stops. The City spends considerable time dealing with abandoned carts.

Novato has 26 retail businesses which provide rolling shopping carts for the convenience of customers – 8 grocery stores, 4 pharmacies, 3 pet food stores, Target, Costco, 8 retailers, and two garden centers (see Attachment 2). The majority of these stores have outdoor corrals to contain carts near their entrances and in the parking lots to collect used carts. Some stores have locking, radio-controlled security devices affixed to wheels to prevent carts from being removed beyond the perimeter of their site, but the great majority of these devices are inoperable.

Staff surveyed numerous Novato stores providing shopping carts (see Attachment 3). The survey found:

- Most stores do not have a defined protocol, either local or corporate, for inventorying, collecting, retrieving or replacing shopping carts.
- Most stores have employees periodically collect used carts from parking areas, but do not go beyond property perimeters to retrieve carts.
- Some smaller stores bring carts indoors at night, but most leave carts unsecured in corrals overnight.
- No stores have identification on their carts which provide the store name, address, phone contact number for retrieval, and a statement that removal from the premises is a violation of state law – all of which are required by state law.
- Some stores contract with a cart retrieval service, and fewer actually provide the contract phone number for the retrieval service on their carts.
- No stores document the number of lost carts. One store manager reported 100% annual turnover in carts.

Staff has experimented with contacting cart retrieval services and store managers directly to report abandoned carts. In many cases the carts were not retrieved for several days after notification, and in some cases not retrieved at all.

### Current City Requirements

The Zoning Code currently requires new grocery stores to obtain a Use Permit if shopping carts are provided to customers. No such requirement exists for other types of businesses that provide shopping carts such as pharmacies and major retailers. City nuisance codes place responsibility on a property owner for removal of abandoned materials located on their property.

### Proposed Shopping Cart Requirements

According to the California Grocers Association, approximately 120 jurisdictions in California have adopted regulations specifically addressing abandoned shopping carts. Staff proposes to adopt new regulations very similar to the majority of these existing ordinance to be located in Chapter VII (Health) of the Municipal Code. Staff also proposes a modification to Table 4-2 of the Zoning Code (Chapter XIX) that would eliminate the Use Permit requirement for grocery stores which provide shopping carts since new, more comprehensive regulations would supersede the need for Use Permit control.

The proposed regulations would:

- Require signage on all carts identifying the owner, business address, a phone number to report an abandoned cart and that unauthorized removal is a violation of state and local law
- Makes removal or possession of a cart beyond the business property a violation of Novato law

- Requires any business that provides more than 10 carts, except garden centers, prepare a Prevention Plan for Director approval that addresses:
  - Signage near store/parking lot exits stating unauthorized cart removal is illegal
  - Physical methods to prevent cart removal
  - Daily survey and retrieval of carts within at least a quarter-mile of the store and retrieval elsewhere within 72 hours of notification, and
  - Provision of a contact phone number for store management for notification of abandoned cart location(s)

The Prevention Plan must be submitted by each business within 60 days of ordinance adoption for those currently operating, or within 60 days of new businesses opening, and approved by the Community Development Director. Most ordinances from other California cities require annual resubmittal and recertification of the Prevention Plan, but staff has not recommended this provision. Either the Community Development Director or the business operator may propose to modify the Plan at any time if it has been proven ineffective in preventing cart removal.

In terms of financial penalties for failure of businesses to retrieve their abandoned shopping carts, the California Business and Professions Code limits fines to \$50 for each occurrence where businesses failed to retrieve carts three or more times over a six month period. However, the state law allows cities to collect reasonable fees to reimburse City expenditures when City personnel retrieve abandoned carts which are not collected by owners after 72 hours from notification. Staff proposes that the City Council establish a fee of \$635 for City collection, retention, notification and return of an abandoned cart. If the cart is not ultimately retrieved from the City by the business a fee of \$773 is proposed to pay for both collection and disposal of the cart. Attachment 4 provides an itemization of City staff costs that form the basis of the proposed fee.

## **ENVIRONMENTAL ASSESSMENT**

The proposed Zoning Ordinance changes are not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because there is no possibility that the proposed amendments which are minor regulatory changes will have a significant effect on the environment.

## **PLANNING COMMISSION**

At its meeting of August 7, 2017 the Planning Commission recommended approval of the proposed Zoning Ordinance amendment to Table 4-2.

## **PUBLIC OUTREACH**

Staff surveyed managers of 16 local businesses and sent letters outlining the intended ordinance provisions to all managers of the 24 affected retail businesses and their corporate headquarters, including the offer of a group meeting to discuss the proposals. Notices of the hearing were sent to the local store managers, corporate ownership and property owners. To date staff has been contacted by the manager of Costco, which was supportive of the proposals, and by the owner of Pini Hardware. Mr. Young, owner of Pini Hardware, suggests that the Prevention Plan also be required to be retained on-site by the business operator and that there be an appeal option for the approval or denial of the Prevention Plan, both of which have been incorporated. Mr. Young also

suggested a graduated scale for the financial penalty if City staff retrieve an abandoned cart after the 72-hour notification of a business. Staff recommends full cost recovery for staff time devoted to retrieval/disposal of collected carts (see Attachment 4 for itemized breakdown of staff costs). Staff does not intend to charge businesses for initial retrieval efforts after adoption of the ordinance, and will waive potential fees if the business retrieves the City-collected cart(s), providing a warning rather than the allowable fee. The California Grocers Association has reached out to staff with relatively minor comments on the proposed ordinance which have been incorporated.

## **FISCAL IMPACTS**

Regulating businesses with shopping carts will result in increased staff time devoted to fielding complaints and actively monitoring and collecting abandoned carts. State law allows cities to charge administrative costs for collection of abandoned carts, so staff time will be reimbursed for carts that are not retrieved by stores after 72 hours from notification. It is likely that the volume of abandoned carts and City enforcement will diminish after levying initial warnings and subsequently financial penalties if warnings prove ineffectual.

## **RECOMMENDATION**

Conduct the public hearing and introduce the ordinance amending the Novato Municipal Code to add new Section 7-9 (Shopping Cart Containment and Retrieval), relocate existing Section 1-7 (Graffiti Prevention and Abatement) to new Section 7-9, and modify Table 2-7 of the Zoning Code to remove a requirement for grocery stores to obtain a Use Permit to provide shopping carts, establishing a fee for administrative costs for City retrieval and disposal of abandoned shopping carts and find that adoption thereof is exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(B)(3).

## **ALTERNATIVES**

1. Adopt the attached ordinance.
2. Request additional information or analysis from staff.
3. Modify the draft ordinance and adopt alternative regulations.
4. Do not adopt the attached ordinance, recommending no change to the Zoning Code.

## **ATTACHMENTS**

1. Draft Ordinance
2. List of Businesses Providing Shopping Carts
3. Store Survey re: Shopping Cart Retention
4. Staff Cost Breakdown for Cart Retrieval and Disposal

ATTACHMENT 1

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO AMENDING THE NOVATO MUNICIPAL CODE BY ADDING NEW SECTION 7-10 SHOPPING CART CONTAINMENT AND RETRIEVAL, RELOCATING SECTION 1-7 GRAFFITI PREVENTION AND ABATEMENT TO NEW SECTION 7-9 AND AMENDING SECTION 19.12.030 TABLE 2-7 ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL/INDUSTRIAL ZONING DISTRICTS RELATING TO REGULATION OF GROCERY STORES WHICH PROVIDE SHOPPING CARTS TO PATRONS AND FINDING THE ADOPTION THEREOF EXEMPT FROM THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO CEQA GUIDELINES SECTION 15061 (b)(3)

WHEREAS, on June 21, 2016 the Novato City Council directed staff to consider means of addressing the abandonment of shopping carts throughout the community; and

WHEREAS, shopping carts are provided by grocery stores, pharmacies and some retail establishments for the convenience of customers while shopping on the premises of such businesses; and

WHEREAS, Sections 22435-22435.8 of the California Business and Professions Code provide for the impoundment, retrieval and disposal of shopping carts that have been abandoned or removed from the owner's premises without authorization; and

WHEREAS, abandoned shopping carts on public and private property contribute to blight, lowered property values and threaten the health and safety of the public by obstructing public sidewalks, streets, traffic visibility, bicycle lanes and bus stops; and

WHEREAS, the City Council wishes to impose regulations to prevent the unlawful removal of carts from business premises and to require prompt retrieval of abandoned carts; and

WHEREAS, the Record of Proceedings ("Record") upon which the City Council bases its decision on the proposed amendment to the Municipal Code includes, but is not limited to: (1) the staff reports, City files and records and other documents, prepared or and/or submitted to the City relating to the proposed amendment; (2) all documentary and oral evidence received at public meeting and hearings or submitted to the City during the comment period relating to this amendment; (3) the City of Novato 1996 General Plan and its EIR; and (4) all other matters of common knowledge to the City including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Novato and its surrounding areas. The custodian of records is the City Clerk of the City of Novato, 922 Machin Avenue, Novato, CA 94945.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF NOVATO DOES FIND AND ORDAIN AS FOLLOWS:

**SECTION 1.**

The City Council hereby finds that the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3) Section 15061 (b)(3). The ordinance is being adopted in accordance with the requirements of California Business and Professions Code Sections 22435-22435.8 authorizing local agencies to adopt reasonable zoning and land use requirements for businesses which provide shopping carts to patrons. This ordinance does not result in additional development but requires retrieval of abandoned carts from the built and natural environment. It can therefore be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment.

**SECTION 2.**

The City Council hereby amends the Novato Municipal Code, re-numbering Section 1-7 Graffiti Abatement and Prevention and all of the subsections thereof to Section 7-9. In all other respects, Section 1-7 shall remain the same.

**SECTION 3.**

The City Council hereby amends the Novato Municipal Code to add new Section 7-10 Shopping Cart Containment and Retrieval as set forth in *Exhibit A*, attached hereto and incorporated herein by reference.

**SECTION 4.**

The City Council hereby amends, Subsection 19.12.030, **Table 2-7, Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts** of the Novato Municipal Code to read as set forth in *Exhibit B*, attached hereto and incorporated herein by reference; the remainder of **Table 2-7** shall remain unchanged.

**SECTION 5.**

**Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

**SECTION 6.**

**Effective date.** This ordinance shall become effective 30 days after the date of adoption.

**SECTION 7.**

**Posting.** This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption; or, publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

\* \* \* \* \*

THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 26<sup>th</sup> day of September, 2017, and was passed and adopted at a regular meeting of the Novato City Council on the \_\_\_\_ day of \_\_\_\_\_, 2017.

AYES: Councilmembers  
NOES: Councilmembers  
ABSTAIN: Councilmembers  
ABSENT: Councilmembers

\_\_\_\_\_  
Mayor of the City of Novato

Attest:

\_\_\_\_\_  
City Clerk of the City of Novato

Approved as to form:

\_\_\_\_\_  
City Attorney of the City of Novato

## EXHIBIT A

### 7-10 – Shopping Cart Containment and Retrieval.

7-9.1 *Definitions.* For purposes of this section, the following definitions shall apply:

- a. "Shopping Cart" means a basket which is mounted on wheels or a similar device provided by a business establishment for use by a customer for the purpose of transporting goods of any kind, including but not limited to grocery store shopping carts, but excluding a laundry cart used in a coin-operated laundry or dry cleaning retail establishment or a cart for transporting plants at a garden center.
- b. "Owner" means any person or entity, who in connection with the conduct of a business, owns, possesses, or makes any shopping cart available to customers or the public. For purposes of this section, owner shall also include the Owner's on-site or designated agent that provides the carts for use by its customers.
- c. "Premises" means the entire area owned and utilized by the business establishment that provides carts for use by customers, including any parking lot or other property provided by the owner for customer parking.
- d. "Abandoned shopping cart" means any shopping cart that has been removed from the premises of the business establishment without written permission of the Owner or on-duty manager, regardless of whether it has been left on either private or public property. This provision shall not apply to shopping carts that are removed for purposes of repair or maintenance of the carts as authorized by the owner.

7-9.2 *Required Signs on Shopping Carts.* Every shopping cart owned or provided by any business establishment in the City of Novato must have a sign permanently affixed to it that contains the following information:

- a. Identifies the owner of the shopping cart or the name of the business establishment, or both;
- b. Notifies the public that the unauthorized removal of the cart from the premises or parking area of the business establishment is a violation of State and City of Novato law;
- c. Notifies the public of the procedure to be utilized for authorized removal of the cart from the business premises; and
- d. Lists a telephone number to contact to report the location of the cart if abandoned and lists an address for returning the cart to the owner or business establishment.

7-9.3 *Prohibiting Removal or Possession of Abandoned Shopping Cart.*

- a. It is unlawful to either temporarily or permanently remove a shopping cart from the premises or parking area of a business establishment without the express prior written approval of the owner or on-duty manager of the business establishment. Written permission shall be valid for a period not to exceed 72 hours.
- b. It is unlawful to be in possession of a shopping cart that has been removed from the premises or parking area of a business establishment without the written permission described in (a) above unless it is in the process of being immediately returned to the owner or business establishment.
- c. This section shall not apply to shopping carts that are removed for the purposes of repair or maintenance of the carts as authorized by the owner.

7-9.4 *Mandatory Plan to Prevent Cart Removal.*

- a. *Prevention Plan.* Every Owner who maintains more than 10 shopping carts for use by customers shall develop and implement a specific plan to prevent customers from removing carts from the business premises. The plan must include the following elements:



1. **Notice to Customers.** Written notification shall be provided to customers that removal of carts from the premises and parking lots are prohibited and a violation of state and local law. This notice may be provided by signage placed in pertinent places near door exits, near parking lot exits or near shopping cart corrals, in printed handouts or by other effective means.
  2. **Physical Measures.** Specific physical measures which shall be implemented to prevent shopping cart removal from the business premises. These measures may include, but are not limited to, installation and maintenance of geographic disabling devices on all shopping carts, posting of a security guard to deter and stop customers who attempt to remove carts from the business premises, bollards and chains around business premises to prevent cart removal, or security deposits for shopping cart use.
  3. **Mandatory Cart Retrieval.** A plan for patrol and retrieval of abandoned shopping carts by the owner within a radius of one-quarter mile of the business location, or greater if necessary to include locations of frequent cart abandonment, every 24 hours at a minimum, and for retrieval of abandoned shopping carts in any location within 72 hours of notification by a member of the public or a City representative.
  4. **Contact for Owner for Shopping Cart Retrieval.** A contact phone number for notification by the City of the location of an abandoned shopping cart to the owner to initiate the retrieval process.
- b. **Prevention Plan Approval.** The proposed plan for preventing shopping cart removal shall be submitted to the Community Development Director for review and approval within sixty (60) days after adoption of this ordinance or within sixty (60) days of the opening of a new business which provides more than ten shopping carts for use by customers. The Director may approve, approve with modifications or deny the proposed plan and notify the Owner of such decision within thirty (30) days of receipt. If approved, the abandoned shopping cart prevention plan shall be implemented by the Owner no later than thirty (30) days from the date of approval and on a continuous basis thereafter.
  - c. **Prevention Plan Modification.** At any time after the Director's approval of a prevention plan, the Owner may submit to the Director a modification of the previously approved plan to address a change in circumstances, address an unanticipated physical or economic impact of the plan or modify an inadequate or ineffective plan. The Director may also modify a previously approved plan which has been demonstrated to be ineffective or inadequately implemented. Grounds for Director modification include, but are not limited to, a high number of abandoned shopping carts. The Director may require the owner to install and maintain electronic or other geographic disabling devices to prevent carts from being removed from the premises. The Director shall notify the Owner of a proposed modification of a previously approved plan and provide the Owner an opportunity to respond within a 10-day period prior to the Director's decision.
  - d. **Prevention Plan Appeal.** The Director's decision to approve or deny a Prevention Plan may be appealed for determination by the Planning Commission in accordance with the provisions of Division 19.54.

**7-9.5 Penalties for Failing to Submit or Implement a Prevention Plan.** Any Owner that fails to submit a plan or implement the approved plan measures shall be subject to a \$1,000 civil penalty, plus an additional penalty of \$50.00 for each day of non-compliance.

**7-9.6 Notification for Retrieval of Abandoned Shopping Carts.** Pursuant to Business and Professions Code Section 22435.7, the City shall provide written notification of the Owner of an abandoned shopping cart by e-mail or facsimile using the contact provided in the prevention plan or by written notice to the owner at the address in the prevention plan.

**7-9.7 Administrative Costs and Fines.** Pursuant to Business and Professions Code Section 22435.7, any Owner that fails to retrieve its abandoned shopping cart(s) within 72 hours of receiving notification from the City shall pay the City's actual costs for retrieving the cart(s) and providing notification to the

Owner, as established from time to time by City Council resolution. In addition, any Owner who fails to retrieve abandoned carts in accordance with this section in excess of three times during a specified six-month period, shall be subject to a fine of \$50.00 for each occurrence. An occurrence includes all carts owned by the Owner that are impounded by the City in a one-day period.

*7-9.8 Disposition of Shopping Carts Impounded by City.* In accordance with State law, any shopping cart not reclaimed from the City within thirty (30) days after notification to the Owner shall be sold or otherwise disposed of by the City.

*7-9.9 No Conflict with Federal or State Law.* Nothing in this section is intended to create any requirement, power or duty that is in conflict with any federal or state law.

**EXHIBIT B**

(revisions shown in underline for text additions and ~~STRIKEOUT~~ for text deletions)

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed							
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations	
	BPO	CN	CG	CDR	CDB	CI	LIO		
<b>MANUFACTURING &amp; PROCESSING USES</b>									
Assembly of products from parts produced off-site	—	—	—	—	—	P	P		
Electronics, equipment, and appliance manufacturing	—	—	—	—	—	P	P		
Food and beverage product manufacturing	—	—	UP	—	—	P	P		
Furniture/fixtures manufacturing, cabinet shops	—	—	—	—	—	P	P		
Handcraft industries, small-scale manufacturing	—	—	UP	—	—	P	P		
Laundries and dry cleaning plants	—	—	—	—	—	P	P		
Metal products fabrication, machine/welding shops	—	—	—	—	—	P	P		
Printing and publishing	—	—	UP	—	—	P	P		
Quarry materials storage and processing	—	—	—	—	—	UP	UP		
Recycling facilities - Large collection facilities	—	—	—	—	—	UP	UP	19.34.150	
Recycling facilities - Processing, light	—	—	—	—	—	—	UP	19.34.150	

Recycling facilities - Reverse vending machines	P	P	P	P	P	P	P	19.34.150
Recycling facilities - Scrap and dismantling yards	—	—	—	—	—	—	UP	19.34.150
Recycling facilities - Small collection facilities	—	UP	UP	—	—	P	P	19.34.150
R&D (Research and development)	P	—	P	—	—	P	P	
R&D - Biotechnology, chemical, pharmaceutical	UP	—	UP	—	—	UP	UP	
Storage or use of hazardous materials as accessory use	UP (4)	—	UP (4)	—	—	UP (4)	UP (4)	
Warehouses, wholesaling and distribution	—	—	—	—	>—	P	P	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial
CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other local, state and federal laws and regulations

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BPO	CN	CG	CDR	CDB	CI	LIO	
RECREATION, EDUCATION & ASSEMBLY USES								
Adult-oriented businesses	—	—	—	—	—	—	UP (6)	19.23
Clubs, lodges and membership meeting halls	—	UP	UP	UP(5)	UP	—	—	
Community centers	—	UP	UP	UP	UP	—	—	
Health/fitness facilities	UP	P	P	UP	P	P	P	
Indoor amusement/entertainment facilities	—	UP	UP	UP	UP	UP	UP	
Libraries, museums, galleries	UP	UP	UP	UP	UP	UP	UP	
Outdoor recreation facilities, active	—	UP	UP	—	—	—	UP	
Outdoor recreation facilities, passive	P	P	P	P	P	P	P	
Parks and playgrounds	—	—	—	P	P	—	—	
Religious Facilities	—	UP	UP	UP(5)	UP	—	—	
Schools - Private	UP	UP	UP	UP (5)	UP	—	UP	
Schools - Specialized education and training	UP	UP	UP	UP (5)	UP	—	P	
Studios - Art, dance, martial arts, music, etc.	UP	UP	P	UP (5)	UP	P	P	
Theaters and auditoriums	—	—	UP	UP	UP	—	—	
RESIDENTIAL USES								

Caretaker quarters	UP	—	UP	—	—	UP	UP	
Emergency Shelter	—	—	—	—	—	—	—	19.34.072
Residential shelters	—	—	UP	—	—	—	—	
Home occupations	P	P	P	P	P	—	—	19.34.080
Live/work projects	P	—	P	P	P	P	P	19.34.090
Multi-family dwellings and duplexes, in a mixed use project	—	UP	—	UP (5)	UP (5)	—	—	19.34.100
Single family dwellings	—	—	—	—	—	—	—	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
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Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) Use allowed only on upper floors or rear of site, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (6) Permit requirement established by Division 19.23 (Adult-Oriented Businesses).

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts				P Permitted Use (2) UP Use Permit required (3) — Use not allowed				
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BPO	CN	CG	CDR	CDB	CI	LIO	
RETAIL USES								
Accessory retail and service uses	P	P	P	P	P	P	P	19.34.034
Alcoholic beverage sales, on or off-site (15)	UP	UP	UP	UP	UP	UP	UP	19.34.050
Art, antique, collectible, and gift stores	—	P	P	P	P	P	—	
Auto parts sales	—	P	P	P	P	P	P	
Auto sales and rental	—	—	UP	—	—	UP	P	
Bars and night clubs	—	—	UP	UP	UP	—	UP	
Book stores	—	P	P	P	P	P	P	
Building material stores	—	—	UP	—	—	UP	P	
Construction/heavy equipment sales and rental	—	—	—	—	—	UP	UP	
Convenience stores	—	UP	UP	UP	UP	—	—	
Drive-in and drive-through sales	—	UP	UP	—	—	—	UP	
Equipment rental	—	—	UP	UP	UP	P	P	
Extended hour businesses (11 p.m. to 6 a.m.)	P (98)	UP	P (98)	P (98)	P (98)	P (98)	P (98)	

Florists	—	P	P	P	P	P	P	
Furniture, furnishings & appliance stores	—	—	P	P	P	—	—	
General retail	—	P	P	P ( <del>109</del> )	P ( <del>109</del> )	P	P	<u>7-10</u>
Grocery stores	—	UP	P	P ( <del>7</del> )	P ( <del>7</del> )	—	—	<u>7-10</u>
Gun sales	—	—	UP	—	—	UP	—	
Marijuana Dispensaries	—	—	—	—	—	—	—	
Mobile home, RV, and boat sales	—	—	—	—	—	UP	P	
Outdoor displays retail sales, temporary	—	P	P	P ( <del>1110</del> )	P ( <del>1110</del> )	P	P	19.34.130
Outdoor displays retail sales, permanent	—	UP	UP	UP	UP	UP	UP	19.34.130
Plant nurseries and garden supply stores	—	UP	P	UP	UP	P	P	
Restaurants and outdoor dining areas, including incidental on-site alcohol sales	UP	P	P	P ( <del>89</del> )( <del>1110</del> )	P ( <del>89</del> )( <del>1110</del> )	UP	UP	19.34.050 19.34.130
Tobacco product shops	—	—	—	UP	UP	—	—	19.34.166
Warehouse retail	—	—	UP	—	—	—	—	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
CN	Neighborhood Commercial	CI	Commercial/Industrial



CG	General Commercial	LIO	Light Industrial/Office
CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- ~~(7) Use Permit required if shopping carts are proposed.~~
- ~~(87)~~ Permitted if in compliance with the design standards of the Downtown Specific Plan.
- ~~(98)~~ Use Permit required if located within 300 feet of a residential zone.
- ~~(409)~~ Related uses are permitted which meet all of the following criteria: open during weekdays 10 a.m. to 5 p.m. and Saturday; provides window displays which are changed monthly; and has two-hour customer turnover.
- ~~(4410)~~ Also permitted in the public right-of-way with a license agreement pursuant to Section 15-4 of the Municipal Code.
- ~~(4514)~~ Except for restaurants with incidental on-site alcohol.

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		P Permitted Use (2) UP Use Permit required (3) — Use not allowed						
LAND USE (1)	PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
	BPO	CN	CG	CDR	CDB	CI	LIO	
SERVICE USES								
Animal Grooming	—	UP	UP	UP (5)	UP	UP	UP	
Auto repair and maintenance - Major	—	—	—	—	—	UP	UP	
Auto repair and maintenance - Minor	—	—	UP	—	—	P	P	

Automated teller machines (ATMs) (non-drive through)	P	P	P	P	P	P	P	
Banks	P	P	P	UP ( <del>1413</del> )	P( <del>1413</del> )	—	P	
Business support services	P	P	P	P (5)	UP (5)	P	P	
Car wash	—	—	UP	—	—	—	UP	
Check Cashing	—	—	UP	—	—	—	—	
Child/adult day care centers	UP	UP	UP	UP (5)	UP	—	UP	19.34.070
Congregate care/group facilities	UP	—	UP	—	—	—	—	
Contractor storage yard	—	—	—	—	—	UP	UP	
Drive-in and drive-through services, including ATM	—	UP	UP	UP	UP ( <del>1211</del> )	—	—	
Financial Services	P	P	P	P (5)	P ( <del>1312</del> )	—	P	
Gas stations	—	UP	UP	—	—	—	UP	19.34.050.F
Hotels and motels	UP	UP	UP	UP	UP	UP	UP	
Kennels & boarding	—	—	UP	—	—	UP	UP	
Massage Establishments	UP	UP	UP	UP	UP	UP	UP	19.34.190 see also Sec. 8-4
Massage establishments - small	P	P	P	P	P	P	P	see also Sec. 8-4

Medical - Clinics, offices, and laboratories	P	P	P	P (5)	P (6)	—	—	
Medical - Extended care	UP	—	UP	—	—	—	—	
Medical - Hospitals	UP	—	UP	—	—	—	—	
Mortuaries & funeral homes	UP(1615)	—	UP(1615)	—	—	—	UP(1615)	
Offices	P	P	P	P (5)	P (6)	P	P	
Pawn Shops	—	—	UP	—	—	—	—	
Personal services	P	P	P	P	P	P	P	
Public utility facilities	UP	UP	UP	UP	UP	UP	UP	
Residential care facility for the elderly (RCFE)	—	UP	—	—	—	—	—	19.34.160
Real Estate Offices	P	P	P	P	P	P	P	
Storage Facilities - Indoor	—	—	UP	—	—	UP	UP	
Storage - Outdoor	—	—	UP	—	—	UP	UP	
Tattoo Parlor	—	—	—	—	—	—	UP	19.34.168
Travel Agency	P	P	P	P	P	P	P	
Upholstering shops	—	—	—	—	UP	P	P	
Veterinary clinics, outpatient treatment only	—	UP	UP	—	UP	UP	UP	
Veterinary clinics, animal hospitals	—	—	UP	—	UP	UP	UP	

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
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CDR	Downtown Core Retail		

Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (5) Use allowed only on upper floor or rear of site, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (4211) Drive-through banking services only.
- (4312) See Section 19.030.040, Table 3-7 for parking requirements of ground floor offices, medical, business and financial services in the Downtown Business Core.
- (4413) Use allowed only on upper floors and up to a maximum of 25% of the ground floor in rear of a building, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (4615) Crematories are only allowed in the LIO District, and must be located a minimum of 1,000 feet from residential uses, schools and day care centers.

TABLE 2-7 Allowed Uses and Permit Requirements for Commercial/Industrial Zoning Districts		PERMIT REQUIRED BY DISTRICT							Specific Use Regulations
LAND USE (1)		BPO	CN	CG	CDR	CDB	CI	LIO	
TRANSPORTATION & COMMUNICATIONS USES									
Broadcasting studios	UP	—	UP	UP (5)	UP (5)	P	P		

Heliports	UP	—	—	—	—	—	—	19.34.074
Parking facilities	—	—	P	P(1716)	P(1716)	P	P	
Telecommunications facilities	UP	UP	UP	UP	UP	UP	UP	19.38
Truck and freight terminals	—	—	—	—	—	UP	UP	
Vehicle storage	—	—	—	—	—	UP	UP	
Wireless communication facilities: New towers or monopoles or new building-mounted facilities	UP	UP	UP	UP	UP	UP	UP	19.38
Wireless communication facilities: New facilities co-located on existing towers, monopoles or buildings with existing permitted antennas	P (2)	P (2)	P (2)	P (2)	P (2)	P (2)	P(2)	19.38

KEY TO ZONING DISTRICT SYMBOLS

BPO	Business and Professional Office	CDB	Downtown Core Business
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Notes: (Only the notes that apply to this page are shown. A full list of notes is provided at the end of Table 2-7.)

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.

- (5) For properties with building frontage on Grant Avenue or Redwood Boulevard: Use allowed only on upper floor or rear of building, with ground floor street frontage reserved for retail, entertainment and personal service uses.

(4716) Parking facilities shall not front on Grant Avenue or Redwood Boulevard.

COMPLETE LIST OF NOTES FOR TABLE 2-7 (Reflects all revised notes above and highlighted as new additions to Ordinance).

- (1) See Article VI for land use definitions. See Section 19.02.020.F regarding uses not listed.
- (2) Zoning Clearance required (Section 19.42.020). Design Review may also be required; see 19.42.030.
- (3) See Section 19.42.050 for Use Permit processing requirements.
- (4) Accessory use may be allowed in accordance with standards as promulgated by the Novato Fire Protection District and all other local, state and federal laws and regulations.
- (5) For properties with building frontage on Grant Avenue or Redwood Boulevard: Use allowed only on upper floor or rear of building, with ground floor street frontage reserved for retail, entertainment and personal service uses.
- (6) Permit requirements established by Division 19.23 (Adult-oriented Businesses).
- ~~(7) Use Permit required if shopping carts are proposed.~~
- (87) Permitted if in compliance with the design standards of the Downtown Specific Plan.
- (98) Use Permit required if located within 300 feet of a residential zone.
- (409) Related uses are permitted which meet all of the following criteria: open during weekdays 10 a.m. to 5 p.m. and Saturday; provides window displays which are changed monthly; and has two-hour customer turnover.
- (4410) Also permitted in the public right-of-way with a license agreement pursuant to Section 15-4 of the Municipal Code.
- (4211) Drive-through banking services only.
- (4312) Ground floor offices, medical, business and financial services in the Downtown Business Core shall provide required parking at 1 space per 250 sq. ft. of gross floor area.
- (4413) Use allowed only on upper floors and up to a maximum of 25% of the ground floor in rear of a building, with ground floor street frontage reserved for predominantly retail, entertainment and personal service uses.
- (4514) Except for restaurants with incidental on-site alcohol sales.
- (4615) Crematories are only allowed in the LIO District, and must be located a minimum of 1,000 feet from residential uses, schools and day care centers.
- (4716) Parking facilities shall not front on Grant Avenue or Redwood Boulevard.

**Businesses Providing Shopping Carts**

<b>Store Name</b>	<b>Local Address</b>
Safeway	5720 Nave Dr. 94949
Safeway	900 Diablo Ave. 94945
Nugget Market	470 Ignacio Blvd. 94949
Luckys	1761 Grant Ave. 94945
Grocery Outlet	1535 S. Novato Blvd. 94947
Harvest Market	155 San Marin Dr. 94945
Trader Joes	7514 Redwood Blvd. 94945
Whole Foods	790 DeLong Ave. 94945
Rite Aid	910 Diablo Ave. 94945
CVS Pharmacy	2035 Novato Blvd. 94947
CVS Pharmacy	1707 Grant Ave. 94945
Costco	300 Vintage Way 949
Target	200 Vintage Way
Nordstrom Rack	212 Vintage Way 94945
Ross Dress for Less	104 Vintage Way 94945
Marshalls	204 Vintage Way 94945
Old Navy	228 Vintage Way 94945
BevMo	104 Vintage Way 94945
Party City	208 Vintage Way 94945
Petco	208 Vintage Way 94945
Pet Food Express	5880 Nave Dr. 94949
Pet Food Express	912 Diablo Ave. 94945
Pini Hardware	1535 S. Novato Blvd. 94947
Tuesday Morning	191 San Marin Dr. 94945
Armstrong Garden	1430 S. Novato Blvd. 94947
Sloat Garden	2000 Novato Blvd 94947

## ATTACHMENT 3

## SHOPPING CART SURVEY

Questions to ask local merchants using shopping carts as part of their business:

1. Do you have an internal protocol for shopping carts? If yes, what is it? Is your protocol a corporate policy or is it store specific?
2. What measures does your business take to ensure shopping carts are secured during non-business hours?
3. Are all of your shopping carts marked with your business name and contact information. If no, why not?
4. How does your business take inventory of shopping carts?
5. Reference outstanding carts, what steps do you take to retrieve them?
6. If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?

Stores included in this survey were selected randomly via web search of Novato grocery stores, also included are some non-grocery stores which were identified through searches of shopping centers.

RESPONSES:

*LUCKY (Joe Lombardo)*

- 1. Do you have an internal protocol for shopping carts? If yes, what is it? Is your protocol a corporate policy or is it store specific?**  
Corporate policy, every hour an employee is sent to retrieve carts.
- 2. What measures does your business take to ensure shopping carts are secured during non-business hours?**  
The carts are kept outside of the front of the store, there is no security measures in place during non-business hours.
- 3. Are all of your shopping carts marked with your business name and contact information. If no, why not?**  
Only the business name is displayed on the cart, no contact information.
- 4. How does your business take inventory of shopping carts?**  
Inventory is performed semi-regularly, they have an estimate of 150 shopping carts.
- 5. Reference outstanding carts, what steps do you take to retrieve them?**  
Every Saturday a retrieval company is paid to retrieve abandoned shopping carts throughout the city.
- 6. If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?**  
No comment.



***GROCERY OUTLET – Mitchell Kim (Supervisor)***

- 1. Do you have an internal protocol for shopping carts? If yes, what is it? Is your protocol a corporate policy or is it store specific?**  
Store specific retrieval, there is no corporate policy they were aware of.
- 2. What measures does your business take to ensure shopping carts are secured during non-business hours?**  
During non-business hours the shopping carts are stored in corrals in front of the store. There are no additional security measures.
- 3. Are all of your shopping carts marked with your business name and contact information. If no, why not?**  
Carts only have the name of the business on them, no contact information.
- 4. How does your business take inventory of shopping carts?**  
They do inventory monthly, 50 carts are lost to theft annually. They have approximately 50 carts.
- 5. Reference outstanding carts, what steps do you take to retrieve them?**  
The owner of the business and an employee goes out for cart retrieval weekly.
- 6. If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?**  
They want support from police, feels un-prioritized despite the store's support for the community.

***PET FOOD EXPRESS (Supervisor)***

- 1. Do you have an internal protocol for shopping carts? If yes, what is it? Is your protocol a corporate policy or is it store specific?**  
Corporate requires them to call their maintenance facility when someone locates a shopping cart throughout the city, or one of the coworkers sees an abandoned shopping cart. This happens irregularly.
- 2. What measures does your business take to ensure shopping carts are secured during non-business hours?**  
They do not have corrals on-site, so they inventory and keep the carts inside the business during non-business hours.
- 3. Are all of your shopping carts marked with your business name and contact information. If no, why not?**  
The carts have the business's name on them, they do not have contact information on them; the supervisor was unsure as to why they did not.
- 4. How does your business take inventory of shopping carts?**  
The employees collect the carts at the end of the day, they also have help from their security guard to collect the carts throughout the shopping center.
- 5. Reference outstanding carts, what steps do you take to retrieve them?**

A maintenance facility is called to pick up the carts when they are abandoned throughout the city, this is not a common occurrence.

**6. If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?**

No comment.

***HARVEST MARKET (Supervisor)***

**1. Do you have an internal protocol for shopping carts? If yes, what is it? Is your protocol a corporate policy or is it store specific?**

Yes, they have two (2) corrals that are tended to when needed. This is not a corporate policy.

**2. What measures does your business take to ensure shopping carts are secured during non-business hours?**

Carts are collected and kept in the corrals outside during non-business hours, they are not locked.

**3. Are all of your shopping carts marked with your business name and contact information. If no, why not?**

Only the businesses name is located on the cart, no contact information is located, supervisor was unsure as to why not.

**4. How does your business take inventory of shopping carts?**

Inventory is done through rough guess/estimates. 100 large carts and 50 smaller carts that are monitored (no security device, coworkers keep an eye on carts).

**5. Reference outstanding carts, what steps do you take to retrieve them?**

Coworkers keep an eye on the carts, if they spot them around the city they ask a coworker with a truck to help retrieve the cart.

**6. If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?**

No comment. I asked the supervisor about security devices, they responded by saying “the cost of security devices may be detrimental to a smaller business, considering they are ~\$100 in addition to the cost of carts”.

***TRADER JOES (Store Manager)***

**1. Do you have an internal protocol for shopping carts? If yes, what is it? Is your protocol a corporate policy or is it store specific?**

Corporate policy requires employees to retrieve carts every hour; sometimes this can be more or less (depending on cart availability for shoppers).

**2. What measures does your business take to ensure shopping carts are secured during non-business hours?**

They have 2 corrals inside and 2 corrals outside, all of the employees put the carts in the 4 corrals at store closing; the carts are not secured.

3. **Are all of your shopping carts marked with your business name and contact information. If no, why not?**  
Shopping carts only have the name of the business on them, they do not have contact information.
4. **How does your business take inventory of shopping carts?**  
Inventory is done through estimation/guessing. Total of 75 shopping carts are supposed to be on site.
5. **Reference outstanding carts, what steps do you take to retrieve them?**  
Company comes to retrieve shopping carts found throughout the city at least once a month.
6. **If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?**  
No comment. Unsure of what to include.

*NUGGET MARKETS (Supervisor)*

1. **Do you have an internal protocol for shopping carts? If yes, what is it? Is your protocol a corporate policy or is it store specific?**  
An associate goes out sporadically to collect carts as needed, corporate has employees for on-site retrieval.
2. **What measures does your business take to ensure shopping carts are secured during non-business hours?**  
Located outside store front during non-business hours, they are not locked.
3. **Are all of your shopping carts marked with your business name and contact information. If no, why not?**  
Store name, as well as 1-800 number for a retrieval company is located on cart.
4. **How does your business take inventory of shopping carts?**  
She was unsure, says they take an estimate.
5. **Reference outstanding carts, what steps do you take to retrieve them?**  
There is a company that comes in to retrieve carts, no timeframe given.
6. **If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?**  
No comment.

*TARGET (Supervisor)*

1. **Do you have an internal protocol for shopping carts? If yes, what is it? Is your protocol a corporate policy or is it store specific?**  
Corporate, they have an employee collect carts every hour from the center.
2. **What measures does your business take to ensure shopping carts are secured during non-business hours?**  
They are kept at the store front, not kept inside store, but within enclosed corrals.

3. **Are all of your shopping carts marked with your business name and contact information. If no, why not?**  
Just the business's name, no contact information on cart.
4. **How does your business take inventory of shopping carts?**  
Unsure, they have 400+ shopping carts, with more stored away.
5. **Reference outstanding carts, what steps do you take to retrieve them?**  
Company comes to retrieve carts twice a month, more if they are called with complaints.
6. **If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?**  
No comment.

### *COSTCO*

1. **Do you have an internal protocol for shopping carts? If yes, what is it? Is your protocol a corporate policy or is it store specific?**  
Corporate, they have an employee collect carts every hour from the center.
2. **What measures does your business take to ensure shopping carts are secured during non-business hours?**  
They are kept at the store front, not kept inside store, but within enclosed corrals.
3. **Are all of your shopping carts marked with your business name and contact information. If no, why not?**  
Just the business's name, no contact information on cart.
4. **How does your business take inventory of shopping carts?**  
Unsure, they have 400+ shopping carts, with more stored away.
5. **Reference outstanding carts, what steps do you take to retrieve them?**  
Company comes to retrieve carts twice a month, more if they are called with complaints.
6. **If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?**  
No comment.

### **Safeway (900 Diablo Ave; 415-898-1503) Felicia Fisher**

1. ***Do you have an internal protocol for shopping carts? If yes, what is it?***  
There is a locking mechanism in place that when outside a perimeter it kicks in place. The problem is that people know how to disable the mechanism.
2. ***Is your protocol a corporate policy or is it store specific?***  
Since there are two Safeways in town if the cart is within a certain distance with store it.
3. ***What measures does your business take to ensure shopping carts are secured during non-business hours?*** Put in cart corral at night.

4. ***Are all of your shopping carts marked with your business name and contact information. If no, why not?*** Safeway only. Since there are two Safeways in town if the cart is within a certain distance with store it.
5. ***How does your business take inventory of shopping carts?***  
No formal inventory done.
6. ***Reference outstanding carts, what steps do you take to retrieve them?***  
Once a week there is a cart collection service that combs the neighborhoods. In addition Safeway will get calls from people when carts are found and the cart collection people are notified.
7. ***If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?*** Fine or citation for person having cart. Carts are filthy when they come back and there is often not enough carts for customers.

**CVS (2035 Novato Blvd.; 415-897-9917) Larry Lugauer**

1. ***Do you have an internal protocol for shopping carts? If yes, what is it?***  
Periodically pull them in from parking lot.
2. ***Is your protocol a corporate policy or is it store specific?***  
Store specific - they don't have much of a problem with losing carts.
3. ***What measures does your business take to ensure shopping carts are secured during non-business hours?***  
Gathered from the parking lot and stored at front of store.
4. ***Are all of your shopping carts marked with your business name and contact information. If no, why not?***  
CVS but not sure about number of number or address
5. ***How does your business take inventory of shopping carts?***  
*Informal counts taken.*
6. ***Reference outstanding carts, what steps do you take to retrieve them?***  
*Nothing is done.*
7. ***If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?***  
*He doesn't feel the need for an ordinance and felt like it was up to the city council to decide.*

**CVS (1707 Grant Ave.; 415-897-4171) Kitty**

1. ***Do you have an internal protocol for shopping carts? If yes, what is it?***  
20-30 carts are available. Periodic retrieval by employees when needed.

2. ***Is your protocol a corporate policy or is it store specific?***  
Store specific
3. ***What measures does your business take to ensure shopping carts are secured during non-business hours?***  
Pulled in close to the store.
4. ***Are all of your shopping carts marked with your business name and contact information. If no, why not?***  
*No just says CVS*
5. ***How does your business take inventory of shopping carts?***  
No inventory standard.
6. ***Reference outstanding carts, what steps do you take to retrieve them?***  
If they are seen outside of property a retrieval company is called. Will also throw one in back of car.
7. ***If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?***  
Fine or citation for person removing cart from property.

**Rite Aid (910 Diablo Ave.; 415-898-1905) Sherri Low**

1. ***Do you have an internal protocol for shopping carts? If yes, what is it?***No particular protocol.  
With only 26 carts total when these are depleted they send someone out to pull in carts.
2. ***Is your protocol a corporate policy or is it store specific?***  
Store specific
3. ***What measures does your business take to ensure shopping carts are secured during non-business hours?***  
Pulled in close to the store.
4. ***Are all of your shopping carts marked with your business name and contact information. If no, why not?***  
Only the name.
5. ***How does your business take inventory of shopping carts?***  
Counts are taken periodically, there is no formal inventory method.
6. ***Reference outstanding carts, what steps do you take to retrieve them?***  
Once a week a company drives around the neighborhood to collect them.
7. ***If the City of Novato was to pass a shopping cart ordinance, what would you like included? What do you think would be fair?***

The store loses about 20 of their 26 carts a year. Sherri would like to see a fine handed out to the person that removes the cart from their property.

## TIME AND COST RECOVERY RATE FOR SHOPPING CART RETRIEVAL AND DISPOSAL

Action		Staff Member	Time	Fully Burdened Rate Per Hour	TOTAL
<b><i>Receipt and Verification of Complaint &amp; Notification to Owner</i></b>					
1a.	Complaint Received OR Viewed by Staff	CE Officer	.25	\$183.58	\$45.90
1b.	Creation Of CE Case	CE Officer	.25	\$183.58	\$45.90
2.	Inspection to Verify	CE Officer	.5	\$183.58	\$91.80
3a.	Notification to owner (phone)	CE Officer	.25	\$183.58	\$45.90
3b.	Notification to owner (written)	CE Officer	.25	\$183.58	\$45.90
4.	Re-inspect (after 72 hours from notice)	CE Officer	.5	\$183.58	\$91.80
<b><i>Retrieval and Storage of Cart</i></b>					
5.	Notification of PW and update of case file	CE Officer	.25	\$183.58	\$45.90
6a.	PW pick-up of cart	PW Office Asst. II	.25	\$85.05	\$21.26
6b.		PW Maintenance Worker	.5	\$93.47	\$46.74
6c.		PW Vehicle Fee			\$20.00
6.	Notification of Owner (written)	CE Officer	.25	\$183.58	\$45.90
7a.	Response of Owner for p/u	CE Officer	.25	\$183.58	\$45.90
7b.		PW Office Asst. II	.25	\$85.05	\$21.26
8a.	Meet for p/u	PW Office Asst. II	.25	\$85.05	\$21.26
8b.					
<b>TOTAL (if cart picked up prior to disposal)</b>					<b>\$635</b>
<b><i>Disposal of Cart</i></b>					
9.	Disposal of cart	PW Maintenance Worker	.5	\$93.47	\$46.74
10.	Notification of Disposal and fee invoice (written)	CE Officer	.5	\$183.58	\$91.80
<b>TOTAL (if cart is not picked up and disposed of)</b>					<b>\$773</b>

Code Enforcement Cost Recovery Rate at \$183.58 per hour (Supervising Code Enforcement Officer rate)

Public Works Cost Recovery Rate at \$93.47 per hour (Maintenance Worker rate) and \$85.05 per hour (Office Assistant II)