





October 9, 2024

**FISCAL AND POLICY NOTE**

TO: Jennifer A. Jenkins  
Council Administrator

Colette R. Gresham, Esq.  
Deputy Council Administrator

THRU: Josh Hamlin   
Director of Budget and Policy Analysis

FROM: David Williams   
Legislative Budget and Policy Analyst

RE: Policy Analysis and Fiscal Impact Statement  
CB-098-2024 Shopping Cart Control

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**CB-098-2024** (*Proposed and introduced by:* Council Members Watson and Fisher)

Assigned to the Transportation, Infrastructure, Energy, and Environment (TIEE) Committee

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**AN ACT CONCERNING BUSINESSES AND LICENSES-SHOPPING CART CONTROL**  
for the purpose of keeping shopping carts out of communities by requiring the retail businesses to label and equip shopping carts with control devices; requiring timely retrieval of shopping carts removed from store premises; providing for the disposal of abandoned carts; imposing penalties on non-complaint businesses; providing for appeals of such penalties; and authorizing the promulgation of implementing regulations.

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**Fiscal Summary**

**Direct Impact:**

*Expenditures:* Minimal additional expenditures may be required.

*Revenues:* Increase in revenue due to increased penalty fees.

**Indirect Impact:**

Likely favorable.

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**Legislative Summary:**

CB-098-2024 sponsored by Councilmembers Watson and Fisher and was presented to the Council on September 24, 2024, and referred to the Transportation, Infrastructure, Energy, and Environment Committee. The Bill repeals and reenacts Sections 5-275 through 5-282 under Subtitle 5. Division 22. This Bill would require retail businesses to place durable weatherproof signs on all shopping carts that display the name, address, and working phone number of the business that may be used to return the shopping cart. Furthermore, it mandates that retail businesses implement anti-theft protocols for shopping carts prescribed in the legislation. Lastly, it empowers the Department of Permitting, Inspections, and Enforcement to promulgate and enforce the regulations contained within this Bill.

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**Resource Personnel:**

- Debra Carter, Senior Advisor, District 2
  - Eric Irving, Drafter
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**Current Law/Background:**

The Council has determined the abandoned shopping carts to be a public health and safety hazard by impeding access to public walkways, creating blight, and creating an eyesore that may contribute to lower property values over time. The County did not have legislation specifically addressing shopping carts prior to this Bill. The city of Salisbury, Maryland, enacted Ordinance 2878 in July of 2024, which is similar to CB-098-2024.<sup>1</sup> The Salisbury ordinance provides enforcement authority to the Housing and Community Development Department to issue citations, impound carts, and perform inspections. The County's law designates an enforcement agency, outlines citation protocols, prohibits abandonment, and mandates local businesses implement anti-theft devices and satisfactory identification of the business's shopping carts for retrieval, return, and compliance inspection.

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**Discussion/Policy Analysis:**

CB-098-2024<sup>2</sup> repeals and reenacts with amendments Subtitle 5. Businesses and Licenses. Divisions 22. Sections 5-275 through 5-282. This Bill expressly prohibits the abandonment of shopping carts on public and/or private property other than the retail business to which the shopping cart belongs. Any shopping cart located on public and/or private property other than the

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<sup>1</sup> City of Salisbury, MD- [Ordinance 2878](#)

<sup>2</sup> Prince George's County- [CB-098-2024](#)

retail business of ownership shall be presumed lost, stolen, or abandoned. Ownership of any cart found on public or private property will be assumed to be the property of the retail business located closest to the cart's present location based on its identification.

The Department of Permitting, Inspections, and Enforcement will be charged with notifying the owner of any cart it impounds within 24 hours of collecting the cart. Notifications may be via phone or writing. Each notification must be documented in writing and have the business's name, date and location of cart retrieval, and the associated fines. Abandoned shopping carts will be disposed of by the County 5 business days after impounding if not claimed by the associated business. The County may recover the costs of disposal. Unidentified carts will be disposed of by the County.

This Bill would mandate that local businesses have the following:

- *Shopping cart identification:* Retail firms must have a durable, weatherproof, and legible sign that shows the name, address, and telephone number of the business to which it belongs.
- *Anti-Theft Measure:* Retail firms must have a method to prevent the removal of shopping carts from the premises. These methods include but are not limited to an electronic device, security deposit, posting a security guard, or other means to be determined by the Director of the Department of Permitting, Inspections, and Enforcement.
- *Certification of compliance:* Retail firms must provide self-written compliance to the enforcement agency.

This Bill prescribes the following penalties for non-compliance:

- \$100 per shopping cart devoid of identification according to the requirements prescribed under Section 5-277.
- \$2,000 per day after an initial written notice for failure to implement anti-theft measures on carts in compliance with Section 5-278.
- \$1,000 per day for a failure to retrieve impounded carts in accordance with Section 5-280. Carts will be disposed of after 5 business days, allowing for a total citation of \$5,000 in addition to related disposal costs.

This Bill charges the Department of Permitting, Inspections, and Enforcement with compliance, inspection, and enforcement of the parameters outlined within this legislation. DPIE is responsible for issuing citations, assessing retail firms for compliance, making inspections, publishing regulations, notifying owners, and disposing of unclaimed carts. Any notice of violation may be appealed in writing to the Board of Appeals. All appeals must be filed within 10 days of the date of violation.

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**Items for Committee Consideration:**

Section 5-280 subsection c outlines the \$1,000 per day fine to the owner of an impounded shopping cart. Will the administrative penalty be levied per shopping cart that remains unretrieved or will the fine remain a flat \$1,000 regardless of the number of carts a business has impounded by the County?

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**Fiscal Summary:**

- *Direct Impact*

Enactment of CB-098-2024 is likely to have a favorable fiscal impact due to the increased penalty amounts levied for this offense. If the offense rate remains consistent with previous years, the County should anticipate increased citation revenue.

- *Indirect Impact*

Enactment of CB-098-2024 is likely to have a favorable indirect impact by encouraging businesses to reduce shopping cart theft and abandonment. Such adjustments will result in reduced blight and public thoroughfare obstructions.

- *Appropriated in the Current Fiscal Year Budget*

No.

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**Effective Date:**

CB-098-2024 shall be effective forty-five (45) calendar days after it becomes law.

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If you require additional information or have questions about this fiscal impact statement, please call me.