

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2024 Legislative Session**

Bill No. CB-098-2024

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Watson

Introduced by \_\_\_\_\_

Co-Sponsors \_\_\_\_\_

Date of Introduction \_\_\_\_\_

**BILL**

1 AN ACT concerning

2 Businesses and Licenses – Shopping Cart Control

3 For the purpose of keeping shopping carts out of communities by requiring retail businesses to  
4 label and equip shopping carts with control devices; requiring timely retrieval of shopping carts  
5 removed from store premises; providing for the disposal of abandoned carts; imposing penalties  
6 on non-complaint businesses; providing for appeals of such penalties; and authorizing the  
7 promulgation of implementing regulations.

8 BY repealing and reenacting with amendments:

9 SUBTITLE 5. BUSINESSES AND LICENSES.

10 Sections 5-275, 5-276, 5-277, 5-278, 5-279, 5-280,  
11 5-281 and 5-282

12 The Prince George's County Code  
13 (2023 Edition).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
15 Maryland, that Sections 5-275, 5-276, 5-277, 5-278, 5-279, 5-280, 5-281 and 5-282 of the Prince  
16 George's County Code be and the same are hereby repealed and reenacted with the following  
17 amendments:

18 **SUBTITLE 5. BUSINESSES AND LICENSES.**

19 **DIVISION 22. [RESERVED] SHOPPING CART CONTROL.**

20 **Sec. 5-275. [Reserved] Findings and Purpose.**

21 (a) The Prince George’s County Council finds and declares that abandoned shopping carts

1 constitute a nuisance, creating potential hazards to the health and safety of the public. These  
 2 abandoned carts create conditions of blight in the community, obstructing free access to  
 3 sidewalks, streets and other public rights-of-way, impede emergency services as well as promote  
 4 deterioration of County communities thereby reducing property values.

5 (b) It is the purpose of this Division to ensure that retail business owners take reasonable  
 6 steps to prevent the removal of shopping carts from business premises, and when removed, to  
 7 provide for prompt retrieval of such shopping carts.

8 **Sec. 5-276. [Reserved] Definitions.**

9 The definitions set forth in this section shall govern the application and interpretation of this  
 10 Division.

11 **Department** means the Department of Permitting, Inspections and Enforcement.

12 **Owner** means any person or entity, who in connection with the conduct of a retail business,  
 13 owns, leases, possesses, or makes a shopping cart available to customers or the public. For the  
 14 purposes of this Division, owner shall also include store owner, manager, on-site manager, on-  
 15 duty manager or other designated agent of the retail business.

16 **Premises** means the entire area owned and utilized by the retail business that provides carts for  
 17 use by customers, including any parking lot or other property provided by the cart owner for  
 18 customer parking.

19 **Retail Business** means any business located in Prince George’s County which offers or provides  
 20 twenty (20) or more shopping carts for the use of the customers of such business regardless of  
 21 whether such business is advertised or operated as a retail or wholesale business, and regardless  
 22 of whether such business is open to the public, is a private club or business, or is a membership  
 23 store.

24 **Shopping Cart** means a basket mounted on wheels or a similar device which is generally used in  
 25 a retail business by a customer to transport goods of any kind.

26 **Sec. 5-277. [Reserved] Shopping Cart Identification.**

27 (a) **Required identification.** Every shopping cart made available for use by customers of a  
 28 retail business in Prince George’s County must have a durable, weatherproof, and legible sign or  
 29 marking that identifies the following information:

- 30 (1) the name of the retail business;
- 31 (2) the address of the retail business;

1           (3) working telephone number that may be used to return the shopping cart removed  
2 from the premises to the owner or retail business.

3           (b) **Authority to inspect.** The Department shall have the authority to inspect shopping  
4 carts provided by retail businesses in the County to determine compliance with this Division.

5           (c) **Fines for violation.** The Department may fine the owner or provider of a non-  
6 compliant shopping cart one hundred dollars (\$100) for violating the requirements of this  
7 section. Each shopping cart lacking the identification set forth in this section shall constitute a  
8 separate violation.

9           (d) **Compliance date and certification.** Each retail business shall comply with the  
10 requirements of this section by May 31, 2025. Each such business shall provide written self-  
11 certification of compliance to the Department in a manner set forth in regulations implementing  
12 this Division.

13 **Sec. 5-278. [Reserved] Preventing Cart Removal.**

14           (a) **Preventative measures required.** Each retail business owner or manager shall  
15 implement one or more of the following measures to prevent the removal of shopping carts from  
16 the premises:

17                   (1) **Placing electronic or other disabling devices on all shopping carts;**

18                   (2) **Requiring security deposits for shopping cart use;**

19                   (3) **Posting a security guard to prevent customers from removing shopping carts from**  
20 the premises;

21                   (4) **Utilizing a cart control and retrieval company;**

22                   (5) **Other measures deemed appropriate and effective by the Department Director as**  
23 set forth in published regulations.

24           (b) **Penalty for non-compliance.** The Department shall have the authority to fine retail  
25 businesses that fail to comply with the requirements of this section two thousand dollars (\$2,000)  
26 per day after an initial written warning of non-compliance.

27           (c) **Compliance date and certification.** Each retail business shall comply with the  
28 requirements of this section by May 31, 2025. Each such business shall provide written self-  
29 certification of compliance to the Department in a manner set forth in regulations implementing  
30 this Division.

31 **Sec. 5-279. [Reserved] Abandonment Prohibited.**

1        (a) **Unlawful abandonment.** It is unlawful to discard or abandon upon any public or  
 2 private property other than the premises of the retail business from which the shopping cart was  
 3 removed, regardless of whether such cart was removed from the premises with permission of the  
 4 shopping cart owner.

5        (b) **Presumption upon locating shopping carts.** For the purposes of this Division, any  
 6 shopping cart located on any public or private property other than the premises of the retail  
 7 business from which such shopping cart was removed shall be presumed lost, stolen, or  
 8 abandoned.

9        (c) **Presumed ownership based on geography.** Abandoned shopping carts will be  
 10 assumed to be the property of the retail business geographically closest to the cart's collection  
 11 point based on logos, branding, retailer's name, or other identifying features.

12 **Sec. 5-280. [Reserved] Retrieval of Abandoned Shopping Carts.**

13        (a) **Notifying identifiable owners.** The Department shall notify the owner of an  
 14 impounded shopping cart within twenty-four (24) hours of the collecting the cart. The  
 15 Department may notify the owner in writing or by telephone, as designated on the shopping  
 16 cart's identification sign. Each notification must be documented in writing and clearly state:

17            (1) The location from which the cart(s) may be retrieved;

18            (2) The date by which the cart(s) must be retrieved; and

19            (3) The fine(s) incurred should the abandoned carts remain after the retrieval deadline.

20        (b) **Time to retrieve.** The owner of an abandoned cart must retrieve the abandoned cart  
 21 within three (3) business days of receiving notice as set forth in subsection (a) above.

22        (c) **Penalty for failure to retrieve.** Upon reinspection after the retrieval period, the  
 23 Department shall provide notice of violation of this section and impose an administrative penalty  
 24 of one thousand dollars (\$1,000) per day on the owner of an unretrieved shopping cart.

25        (d) **Disposal of unretrieved carts.** Shopping carts which have not been removed within  
 26 five (5) business days after the retrieval period may be disposed of by the County. The County  
 27 may recover actual costs in disposing of the unretrieved shopping cart.

28        (d) **Unidentifiable ownership.** Carts which are unidentifiable as to ownership after  
 29 reasonable inspection shall be deemed abandoned and may be disposed of by the County.

30 **Sec. 5-281. [Reserved] Enforcement Regulations.**

31        (a) **Authority to promulgate regulations.** The Department is authorized to develop

1 regulations to carry out the requirements of this Division.

2 (b) **Publishing regulations.** Regulations developed to carry out the requirements of this  
3 Division shall be posted on Prince George’s County Government website.

4 **Sec. 5-282. [Reserved] Appeals.**

5 Any notice of violation issued pursuant to this Division may be appealed in writing to the Board  
6 of Appeals of the County within ten (10) days of the date of the violation notice or such period as  
7 may be specified in the violation notice.

8 \* \* \* \* \*

9 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
10 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
11 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
12 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
13 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
14 Act, since the same would have been enacted without the incorporation in this Act of any such  
15 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
16 or section.

17 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
18 calendar days after it becomes law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Jolene Ivey  
Chair

ATTEST:

\_\_\_\_\_  
Donna J. Brown  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
Angela D. Alsobrooks  
County Executive

KEY:  
Underscoring indicates language added to existing law.  
[Brackets] indicate language deleted from existing law.  
Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.

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