

TOWN OF AMSTERDAM
PROPOSED LOCAL LAW NO. 3 OF 2025

AMENDMENT TO AMSTERDAM TOWN CODE
TO ADD SECTION ON
GOVERNINGSHOPPING CARTS OWNED OR CONTROLLED BY
RETAIL ESTABLISHMENTS OR OTHER BUSINESSES

Section 1. The Town Board of the Town of Amsterdam finds that abandoned shopping carts in the Town create hazards to the health and safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance. To help alleviate these conditions, the Town Board hereby enacts Chapter ___ of the Amsterdam Town Code. Chapter ___ of the Town Code is intended to ensure that the owners of shopping carts that are used retail establishments or other businesses take measures to prevent the removal of the shopping carts from the shopping cart owner’s premises, and to facilitate the retrieval of abandoned shopping carts in a manner consistent with state law.

Section 2. The Amsterdam Town Code is amended to add Chapter ___ follows:

Chapter ___ Shopping Carts

§ _____ Legislative findings and intent.

The Town Board of the Town of Amsterdam finds that abandoned shopping carts in the Town create hazards to the health and safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance. The accumulation of abandoned shopping carts, sometimes wrecked and/or dismantled, on public and private property, also tends to create conditions that reduce property values and promote blight and deterioration. The Town Board therefore determines that it is appropriate that the Town of Amsterdam develop and implement procedures so that shopping carts remain on the premises of the shopping cart owner. This Chapter ___ is intended to ensure that the owners of shopping carts that are used retail establishments or other businesses take measures to prevent the removal of the shopping carts from the shopping cart owner’s premises, and to facilitate the retrieval of abandoned shopping carts in a manner consistent with state law.

§ ___ Definitions.

As used in this Chapter, the following terms have the meanings indicated:

Shopping Cart

A wheeled device designed for the transport of goods or the collection of merchandise by customers when shopping.

Shopping Cart Owner

A person or entity that owns or controls a retail establishment or other business that uses or makes shopping carts available for use in connection with the business purposes of the retail establishment or other business.

Shopping Cart Owner Premises

The premises owned or controlled by the Shopping Cart Owner and on which Shopping Carts are used, including the entire parking area set aside by or on behalf of the Shopping Cart Owner for the parking of cars.

§ ___ Responsibilities of Shopping Cart Owners within the Town.

- A.** Shopping Cart Owners shall implement measures to prevent the unauthorized removal of Shopping Carts from the Shopping Cart Owner Premises.
- B.** The Shopping Cart Owner shall be responsible to retrieve and collect Shopping Carts owned by them that have been removed from the Shopping Cart Owner Premises.
- C.** At each Shopping Cart storage location, Shopping Cart Owners shall prominently and conspicuously display, or cause to be prominently and conspicuously displayed, notice that clearly and unambiguously states that removal of Shopping Carts from the Shopping Cart Owner's premises is prohibited.
- D.** Shopping Cart Owners shall mark and identify each Shopping Cart, or cause each Shopping Cart to be marked and identified, conspicuously with a notice that provides, at a minimum, the following: "Property of (name and address of Shopping Cart Owner). If found, please call (telephone number)."
- E.** Shopping Cart Owners shall secure all Shopping Carts in such a fashion as to prohibit public access other than during hours of its business operations.

_____ Penalties for offenses; authority to move Shopping Carts.

A. Any Shopping Cart Owner found in violation of § _____ shall be punished by a fine of \$100 for the first offense, and \$250 for the second and each subsequent offense. Each Shopping Cart shall be a separate violation. Each day a Shopping Cart is off the Shopping Cart Owner Premises shall constitute a separate violation.

B. In emergency situations, and where public safety is or may be endangered, the Town has the authority to move the Shopping Cart in its reasonable discretion in order to alleviate such emergency or danger, without incurring any liability to the Shopping Cart Owner.

Section 3. The provisions of this local law are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, clauses or part of this local law.

Section 4. This Local Law shall take effect immediately upon filing with the New York Secretary of State.