

Legislation Text

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Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” to require certain businesses to implement and enforce shopping cart containment systems, under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to add a new Chapter as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS

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*CHAPTER 9-4500. SHOPPING CART CONTAINMENT SYSTEMS*

*§ 9-4501. Definitions.*

*“Parking area” means a lot or other property provided by a retail establishment for the use of customers to park automobiles or other vehicles while doing business in that establishment.*

*“Retail establishment” means any place of business where goods are exposed or offered for sale to members of the public.*

*“Shopping cart” means a basket which is mounted on wheels, or a similar device, generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.*

*“Unauthorized person” means a person in violation of 18 Pa.C.S.A. § 6712(f).*

*§ 9-4502. Shopping cart containment system requirement.*

*(1) Any retail establishment with ten or more shopping carts shall implement and enforce, on an ongoing basis and at all times, a shopping cart containment system of its choice. The shopping cart containment system shall be sufficient to prevent any unauthorized person from removing one or more shopping carts from the retail establishment or its parking area.*

*(2) Permitted shopping cart containment systems include, but are not limited to, the following:*

*(a) A wheel locking mechanism installed on all shopping carts and used in conjunction with an electronic barrier along the perimeter of the retail establishment or its parking area, which is activated when a shopping cart crosses the electronic barrier;*

*(b) A physical barrier, such as bollards, restricting shopping carts to a specific area of the*

*retail establishment or its parking area;*

(c) *A mechanical system requiring a reasonable deposit to use a shopping cart;*

(d) *Shopping carts equipped with a protruding arm or similar device preventing a cart from being removed from the interior of a retail establishment; or*

(e) *Any other similar method that prevents the removal of shopping carts from the retail establishment or its parking area.*

§ 9-4503. *Enforcement and Penalties.*

(1) *Notices of violations shall be issued in accordance with Section 1-112 of this Code.*

(2) *A violation of any provision of this Chapter shall constitute a Class II offense under Section 1-109. Each day of operation in violation of this Chapter shall constitute a separate offense.*

SECTION 2. This Ordinance shall be effective January 1, 2021.

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**Explanation:**

*Italics* indicate new matter added.