

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

2024 Legislative Session

Bill No. CB-098-2024

Chapter No. 84

Proposed and Presented by Council Member Watson

Introduced by Council Members Watson, Hawkins, Ivey, Dernoga, Fisher, Olson,

Burroughs, Harrison, Oriadha and Blegay

Co-Sponsors _____

Date of Introduction October 22, 2024

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; imposing penalties on non-complaint
5 businesses; providing for appeals of such penalties; and authorizing the promulgation of
6 implementing regulations.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 5. BUSINESSES AND LICENSES.

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

11 The Prince George's County Code

12 (2023 Edition).

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15 George's County Code be and the same are hereby repealed and reenacted with the following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

17 SUBTITLE 5. BUSINESSES AND LICENSES.

18 DIVISION 22. [RESERVED] SHOPPING CART CONTROL.

19 Sec. 5-275. [Reserved] Findings and Purpose.

20 (a) The Prince George's County Council finds and declares that discarded shopping carts

1 constitute a nuisance, creating potential hazards to the health and safety of the public. These
 2 discarded 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 **County** means the Prince George's County Government.

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. Retail business does not include a business operated by either a cooperative organized
 24 under the laws of the State of Maryland or a nonprofit organization exempt from taxation under
 25 Section 501(c)(3) of the Internal Revenue Code.

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

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

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

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

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

(c) **Compliance date and certification.** Each retail business shall comply with the requirements of this section by August 1, 2025. Each such business shall provide written self-certification of compliance to the County in a manner set forth in regulations implementing this Division.

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

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

- (1) Placing electronic or other disabling devices on all shopping carts;
- (2) Requiring coin deposits (for example, twenty-five cents) for shopping cart use;
- (3) Posting a security guard to prevent customers from removing shopping carts from the premises;
- (4) Utilizing a cart control and retrieval company;
- (5) Utilizing an in-house cart retrieval system;
- (6) Other measures deemed appropriate and effective by the County as set forth in published regulations.

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

(c) **Compliance date and certification.** Each retail business shall comply with the requirements of this section by August 1, 2025. Each such business shall provide written self-certification of compliance to the County in a manner set forth in regulations implementing this Division.

Sec. 5-279. [Reserved] Discardment Prohibited.

(a) **Unlawful discardment.** It is unlawful to discard upon any public or private property

1 other than the premises of the retail business from which the shopping cart was removed,
 2 regardless of whether such cart was removed from the premises with permission of the shopping
 3 cart owner.

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

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

11 **Sec. 5-280. [Reserved] Enforcement Regulations.**

12 (a) **Authority to promulgate regulations.** The County is authorized to develop regulations
 13 to carry out the requirements of this Division.

14 (b) **Publishing regulations.** Regulations developed to carry out the requirements of this
 15 Division shall be published.

16 **Sec. 5-281. [Reserved] Appeals.**

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

20 * * * * *

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

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

Adopted this 19th day of November, 2024.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: Jolene Ivey
Jolene Ivey
Chair

ATTEST:

Donna J. Brown
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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THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER HER
APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO
HER, THIS BILL BECAME LAW ON DECEMBER 20, 2024.