



**THE CORPORATION OF THE CITY OF MISSISSAUGA  
SHOPPING CART BY-LAW 49-09**

**WHEREAS** under Section 9 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, The Corporation of the City of Mississauga has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** under Section 11 (1) of the *Municipal Act, 2001*, The Council of The Corporation of the City of Mississauga may provide any service or thing that it considers necessary for the public;

**AND WHEREAS** under Section 128 (1) of the *Municipal Act, 2001*, The Council of The Corporation of the City of Mississauga may prohibit and regulate with respect to matters that in the opinion of Council are or could become a public nuisance.

**AND WHEREAS** shopping carts that are disposed of or abandoned on or near highways and on City property constitute a public nuisance;

**AND WHEREAS** under Section 63 of the *Municipal Act, 2001*, The Council of The Corporation of the City of Mississauga has the authority to prohibit the abandonment or disposal of an object on or near a highway;

**AND WHEREAS** under Section 391 of the *Municipal Act, 2001*, The Council of The Corporation of the City of Mississauga has the authority to impose fees or charges on persons for services or activities provided by the municipality;

**NOW THEREFORE**, the Council of The Corporation of the City of Mississauga enacts as follows:

**PART I – SHORT TITLE**

1. This By-law shall be known as the Shopping Cart By-law.

**PART II – DEFINITIONS**

2. For the purposes of this By-law,

“**abandon**” means to place, leave, park, stand or deposit a shopping cart, unattended, on any public or private property outside of the premises of the business that owns or uses the shopping cart;

**“Commissioner”** means the Commissioner of the Transportation and Works Department;

**“highway”** means a common and public highway, street, road, avenue, parkway, lane, driveway, boulevard, sidewalk, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles or persons and includes the area between the lateral property lines of any highway or road allowance including any curbs, gutters, culverts and retaining walls.

**“owner”** means a person or business who owns or provides shopping carts to its customers, and for the purposes of the retrieval of an impounded shopping cart(s) owner shall include an agent authorized in writing by the owner;

**“parking area”** means a parking lot or other property provided by a business for use by a customer of the business to park a vehicle;

**“person”** shall include a corporation;

**“premises”** means the entire area owned or otherwise utilized by a business, including any parking area. For a business that is part of a shopping centre or shopping complex, “premises” shall include all business establishments in the shopping centre or complex and all areas used by the customers of those businesses in common, including all parking areas designated for use by the customers of the shopping centre or complex;

**“shopping cart”** means a non-motorized basket which is mounted on wheels, or a similar device, which includes anything that is attached thereon, generally used by a customer of a business for the purpose of transporting goods on the business premises;

**“Shopping Cart Retrieval Fee”** means the fee that must be paid to the City by an owner of an impounded shopping cart prior to the release of the shopping cart, in the amount set in the City’s Fee and Charges - Transportation and Works By-law.

### **PART III – REMOVAL OR ABANDONMENT PROHIBITED**

3. No owner shall allow or otherwise permit a shopping cart owned or used by the business to be removed from the premises of the business.
4. No person shall remove a shopping cart from the premises of the business that owns or uses the shopping cart.
5. No owner shall abandon a shopping cart on or near any highway or on any City property.
6. No owner shall allow or otherwise permit a shopping cart owned or used by the business to be abandoned on or near any highway or on any City property.

7. No person shall abandon any shopping cart on or near any highway or on any City property.
8. Sections 3 and 4 of this By-law shall not apply to an owner, or any person authorized in writing by an owner, where a shopping cart is removed from the premises of a business for the purposes of a transfer to a different location, sale, repair, maintenance or proper disposal.

#### **PART IV – DISPOSAL OF ABANDONED SHOPPING CARTS**

9. City staff may remove and impound any abandoned shopping cart that is found on or near any highway or on any City property. The shopping carts may be impounded in any City storage facility.
10. If the owner's identity can be determined from a visual inspection of an impounded shopping cart, City staff shall notify the owner by way of a written notice that the City has impounded the owner's shopping cart(s) and provide a reasonable period of time for the owner to retrieve the shopping cart from the storage facility
11. For the purposes of subsection 10, the written notice may be sent to the owner by facsimile transmission, regular letter mail or by leaving a copy of the notice at the owner's place of business. The City may send the written notice to any corporate head office or any local business address that may be available for the owner of an impounded shopping cart.
12. A Shopping Cart Retrieval Fee shall apply to each shopping cart impounded pursuant to this By-law. The Shopping Cart Retrieval Fee shall become due and payable by the owner of the shopping cart on the date the shopping cart is impounded.
13. The City shall release an impounded shopping cart to an owner after the owner has paid the Shopping Cart Retrieval Fee to the City pursuant to section 12 of this By-law.

#### **PART IV – DISPOSAL OF ABANDONED SHOPPING CARTS**

14. If the owner of an impounded shopping cart cannot be determined by City staff through a visual inspection of the shopping cart and the City has not been contacted by the owner of an impounded shopping cart where ownership cannot be determined by City staff, the shopping cart may be disposed of by the City after the passage of a period of 60 days from the date the shopping cart is impounded.
15. If an impounded shopping cart, for whom the owner has been identified either through a visual inspection by City staff or by contact from the owner, remains unclaimed from the storage facility after the passage of 60 days from the date the shopping cart is impounded, the shopping cart may be disposed of pursuant to the provisions of the *Repair and Storage Liens Act*, R.S.O. 1990, c.R.25, as amended.

**PART V – ENFORCEMENT**

16. Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to the penalties specified in accordance with the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such.

**PART VI – GENERAL**

17. If a Court of competent jurisdiction declares any provision or part of any provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Council for The Corporation of the City of Mississauga in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its term to the extent possible according to law.
18. The Commissioner shall prescribe all notices and forms necessary to administer this By-law and may amend such forms from time to time as the Commissioner deems necessary
19. By-law 368-94, as amended is hereby repealed.

**ENACTED and PASSED this 11<sup>th</sup> day of February, 2009.**

**Signed by: Maja Prentice, Acting Mayor and Crystal Greer, City Clerk**