

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5892

AN ORDINANCE amending Sections 20.10.440 and 20.25D.070 of the Land Use Code relating to Shopping Cart Containment Areas required for wholesale and retail uses; providing for severability; and establishing an effective date.

WHEREAS, by adoption of the regulations contained herein, the Bellevue City Council seeks to prohibit shopping cart abandonment and otherwise require the designation of Shopping Cart Containment Areas for wholesale and retail uses; and

WHEREAS, the City of Bellevue has complied with the State Environmental Procedures Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, Chapter 22.02 BCC; and

WHEREAS, the Planning Commission held a public hearing on July 8, 2009, with regard to proposed Land Use Code amendments contained herein; and WHEREAS, the Planning Commission recommends that the City Council approve such proposed amendments, now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chart 20.10.440 of the Bellevue Land Use Code Relating to Wholesale and Retail Districts is hereby amended to add reference to Note (39) to Standard Land Use Code Reference line 5 and new Note (39) text which shall read as follows:

(39) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a Shopping Cart Containment Area as defined in 9.10.010 of the Bellevue City Code; (b) display signage around shopping cart corrals and at the perimeter of the Shopping Cart Containment Area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a Shopping Cart Containment Area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.

Section 2. Chart 20.25D.070 of the Bellevue Land Use Code Relating to Wholesale and Retail Districts in Bel-Red is hereby amended to add reference to Note (15) to Standard Land Use Code Reference line 5 and new Note (15) text which shall read as follows:

(15) All wholesale and retail uses, which offer shopping carts to customers, shall (a) designate a Shopping Cart Containment Area as defined in 9.10.010 of the Bellevue City Code; (b) display signage around shopping cart corrals and at the perimeter of the Shopping Cart Containment Area that provides notice that unauthorized removal of a shopping cart from the premises constitutes theft under RCW 9A.56.270 and unauthorized abandonment of a shopping cart more than 100 feet away from the parking area of a retail establishment or shopping cart containment area is a Class 3 civil infraction as defined in RCW 7.80.120; and (c) display information on each shopping cart that is consistent with the labeling requirements of RCW 9A.56.270 and includes a 24-hour toll-free phone number to report abandoned shopping carts. Abandoned shopping carts or shopping carts located outside of a Shopping Cart Containment Area constitute a public nuisance under BCC 9.10.030(H) and may be abated through the provisions of Chapter 1.18 BCC.

Section 3. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. The provisions of Sections 1 and 2 of this ordinance shall take effect October 1, 2009.

Section 5. This ordinance shall take effect and be in force five (5) days after legal publication.

Passed by the City Council this 20th day of July, 2009
and signed in authentication of its passage this 20th day of July,
2009.

(SEAL)



Grant S. Degginger, Mayor

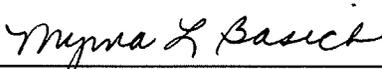
Approved as to form:

Lori M. Riordan, City Attorney



Lacey L. Mache, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published July 23, 2009