



Shelton City Council  
Study Session Agenda  
August 13, 2024 – 6:00 p.m.  
Civic Center & Virtual Platform

**A. Call to Order**

**B. Roll Call**

**C. Study Agenda**

1. Height Limit Ordinance – Presented by Community & Economic Development Director  
Jae Hill
2. Shopping Cart Regulations – Presented by Community & Economic Development Director  
Jae Hill

**D. New Items for Discussion**

**E. Adjourn**



# 2024 Looking Ahead

(Items and dates are subject to change)

<p>Tues. 8/20 6:00 p.m.</p>	<p>Regular Meeting</p>	<p>Consent Agenda</p> <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> <p>Presentations</p> <ul style="list-style-type: none"> <li>• Forest Festival LTAC Report</li> <li>• Shelton-Mason County Chamber Q2 LTAC Report</li> <li>• June Financial Status Report</li> </ul> <p>Business Agenda</p> <ul style="list-style-type: none"> <li>• Resolution No. 1343-0824 Acceptance of Systemic Pedestrian Improvement Projects Grant</li> <li>• Resolution No. 1344-0824 Acceptance of Railway Crossing Removal Grant</li> </ul> <p>Action Agenda</p> <ul style="list-style-type: none"> <li>• Civic Center Rotating Art Gallery</li> <li>• Resolution No. 1342-0724 Contract Amendment No. 3 with Aspect Consulting for C Street Landfill Post-Construction Monitoring</li> <li>• Resolution No. 1345-0824 Contract with Flock Safety for Security Cameras</li> <li>• Resolution No. 1346-0824 Use of PUD Poles for License Plate Recognition (LPR) Cameras</li> </ul> <p>Administration Report</p> <ul style="list-style-type: none"> <li>•</li> </ul>	<p>Packet Items Due: 8/9 @ 5:00 p.m.</p>
<p>Tues. 8/27 6:00 p.m.</p>	<p>Study Session</p>	<p>Study Agenda</p> <ul style="list-style-type: none"> <li>• Preliminary 2025 Budget Presentation</li> </ul>	<p>Packet Items Due: 8/23 @ noon</p>
<p>Tues. 9/3 6:00 p.m.</p>	<p>Regular Meeting</p>	<p>Consent Agenda</p> <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes</li> <li>• Resolution No. 1343-0824 Acceptance of Systemic Pedestrian Improvement Projects Grant</li> <li>• Resolution No. 1344-0824 Acceptance of Railway Crossing Removal Grant</li> </ul> <p>Presentations</p> <ul style="list-style-type: none"> <li>• MCHS Museum Q2 LTAC Report</li> <li>• MCHS Museum Cruisin' Through Time Car Show LTAC Report</li> </ul> <p>Business Agenda</p> <ul style="list-style-type: none"> <li>• Public Hearing Ordinance No. 2021-0824 Height Limit Removal</li> <li>• Public Hearing Ordinance No. 2022-0824 Shopping Cart Regulations</li> </ul>	<p>Packet Items Due: 8/23 @ 5:00 p.m.</p>

		<ul style="list-style-type: none"> <li>Resolution No. 1336-0624 Acceptance of Commerce Funds for Cross-town Trail Design</li> <li>Resolution No. 1338-0624 Acceptance of WSDOT SWCC Grant for Cross-town Trail Design</li> <li>On-Call Building Code Services</li> <li>Resolution No. 1340-0624 Water Meter Upgrades Installation (AMI) Project Award</li> </ul> Action Agenda <ul style="list-style-type: none"> <li></li> </ul> Administration Report <ul style="list-style-type: none"> <li></li> </ul>	
Tues. 9/10 6:00 p.m.	Study Session	Study Agenda <ul style="list-style-type: none"> <li>2025 Capital Improvement Projects (CIP)</li> </ul>	Packet Items Due: 9/6 @ noon
Tues. 9/17 5:45 p.m.	SMPD Meeting	Consent Agenda <ul style="list-style-type: none"> <li>Vouchers/Meeting Minutes</li> </ul> Business Agenda <ul style="list-style-type: none"> <li></li> </ul> Action Agenda <ul style="list-style-type: none"> <li></li> </ul> Administration Report <ul style="list-style-type: none"> <li></li> </ul>	Packet Items Due: 9/6 @ 5:00 p.m.
Tues. 9/17 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>Vouchers/Payroll Warrants/Meeting Minutes</li> <li>Resolution No. 1336-0624 Acceptance of Commerce Funds for Cross-town Trail Design</li> <li>Resolution No. 1338-0624 Acceptance of WSDOT SWCC Grant for Cross-town Trail Design</li> </ul> Presentations <ul style="list-style-type: none"> <li>July Financial Status Report</li> </ul> Business Agenda <ul style="list-style-type: none"> <li></li> </ul> Action Agenda <ul style="list-style-type: none"> <li>Ordinance No. 2021-0824 Height Limit Removal</li> <li>Ordinance No. 2022-0824 Shopping Cart Regulations</li> <li>On-Call Building Code Services</li> <li>Resolution No. 1340-0624 Water Meter Upgrades Installation (AMI) Project Award</li> </ul> Administration Report <ul style="list-style-type: none"> <li></li> </ul>	Packet Items Due: 9/6 @ 5:00 p.m.
Tues. 9/24 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 9/20 @ noon
Tues. 10/1 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> Presentations <ul style="list-style-type: none"> <li></li> </ul> Business Agenda <ul style="list-style-type: none"> <li></li> </ul> Action Agenda <ul style="list-style-type: none"> <li></li> </ul>	Packet Items Due: 9/20 @ 5:00 p.m.

		<ul style="list-style-type: none"> <li>• Administration Report</li> <li>•</li> </ul>	
Tues. 10/8 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 10/4 @ noon
Tues. 10/15 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> Presentations <ul style="list-style-type: none"> <li>• August Financial Status Report</li> </ul> Business Agenda <ul style="list-style-type: none"> <li>•</li> </ul> Action Agenda <ul style="list-style-type: none"> <li>•</li> </ul> Administration Report <ul style="list-style-type: none"> <li>•</li> </ul>	Packet Items Due: 10/4 @ 5:00 p.m.
Tues. 10/22 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 10/18 @ noon
Tues. 11/5 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> Presentations <ul style="list-style-type: none"> <li>•</li> </ul> Business Agenda <ul style="list-style-type: none"> <li>•</li> </ul> Action Agenda <ul style="list-style-type: none"> <li>•</li> </ul> Administration Report <ul style="list-style-type: none"> <li>•</li> </ul>	Packet Items Due: 10/25 @ 5:00 p.m.
Tues. 11/12 6:00 p.m.	Study Session	Study Agenda	Packet Items Due: 11/7 @ noon
Tues. 11/19 6:00 p.m.	Regular Meeting	Consent Agenda <ul style="list-style-type: none"> <li>• Vouchers/Payroll Warrants/Meeting Minutes</li> </ul> Presentations <ul style="list-style-type: none"> <li>• September Financial Status Report</li> </ul> Business Agenda <ul style="list-style-type: none"> <li>•</li> </ul> Action Agenda <ul style="list-style-type: none"> <li>•</li> </ul> Administration Report <ul style="list-style-type: none"> <li>•</li> </ul>	Packet Items Due: 11/7 @ 5:00 p.m.

Other – TBD

- Resolution No. 1316-0124 ILA with Mason County for Reimbursable Work, Supplies and Services
- International Property Maintenance Code

**ORDINANCE NO. 2021-0824**

**AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, AMENDING TITLE 20 OF THE SHELTON MUNICIPAL CODE FOR THE PURPOSE OF ABOLISHING BUILDING HEIGHT LIMITS**

WHEREAS, the development regulations in the Shelton Municipal Code (SMC) have long established height limits by zoning district; and

WHEREAS, current height limits are not tied by building code regulation to the applicable zoning codes; and

WHEREAS, the City Council desires to increase the production of affordable and multifamily housing in the City of Shelton; and

WHEREAS, the City Council also desires to increase the feasibility and viability of development projects throughout City limits for the purposes of economic development; and

WHEREAS, applicable building codes will still regulate the materials and safety of buildings based on height and method of construction; and

WHEREAS, height limits will remain in place in the Airport Industrial (AI) Zone to protect the utility of Sanderson Field; and

WHEREAS, height for properties located in the Airport Overlay Zone will still be regulated by the applicable flight path contours; and

WHEREAS, height limits for wireless facilities, freestanding signs, and accessory uses or structures shall still be regulated by the specific content of each applicable zoning district or supplementary regulations;

NOW THEREFORE, the City Council of the City of Shelton ordains as follows:

**Section 1.** Table 20.06.030(A) of the Shelton Municipal Code, pertaining to dimensional standards by zoning district, is amended as follows:

**Table 20.06.030**

**A. General Considerations: Lot Size, Setbacks, Building Height and Size.**

		ZONES:												
		NR	AI	PS	MU	ME	CR-V	CR-G	DT	GC	CI	I	LI-C	PR-A
<b>General:</b>	<b>Units:</b>													
Design review?	yes or no	by use	yes <sup>4</sup>	yes <sup>5</sup>	y	n	y	y	y	yes <sup>3</sup>	n	n	yes, where indicated	yes
Minimum lot size	square feet	varies	none	6,000	6,000	none	6,000	varies	none	none	none	none	6,000	6,000
Front yard, minimum	feet	10	0	10	15	10	10	10	0	0	0	0	10	10
Front yard, maximum	feet	none	none	none	none	none	none	none	10	none	none	none	none	none
Side yard	feet	5	0	10	10	5	5	5	0	0	0	0	5	5
Side yard on R-O-W	feet	7	0	10	10	10	10	10	0	0	0	0	7	7
Rear yard	feet	15	0	10	n/a	10	n/a	5	0	0	0	0	15	12
Rear yard, alley	feet	2	0	3	n/a	n/a	n/a	2	0	0	0	0	n/a	5
Building ground floor, maximum	square feet	n/a	none	none	6,000	n/a	6,000	n/a	none	none	none	none	3,000 <sup>1</sup>	3,000
Building size, maximum <sup>2</sup>	square feet	n/a	none	none	9,000	n/a	15,000	n/a	none	none	none	none	12,000	12,000
Building height	feet/floor	30/2 none	45	60 none	35 none	35 none	35 none	n/a none	35/3 none	35/2 none	35/2 none	35/2 none	35/3 none	35/2 none
Building coverage	%	35	n/a	60	35/55	35	35/55	45	n/a	n/a	n/a	n/a	35/55	35/55
Development coverage	%	45	n/a	80	60/80	65	60/80	65	n/a	n/a	n/a	n/a	60/80	70
Outside storage?	yes or no	n/a	y	n	n	n	n	n/a	n	y	y	y	conditional use where specifically indicated	n

1. Buildings up to 6,000 square feet ground floor may be allowed as a conditional use. See Section [20.44.330](#).
2. For purposes of calculating maximum building size, floor area in basements used for storage, mechanical equipment, and/or noncommercial or nonresidential uses shall not be included.
3. Design review required only in portions of the GC zone within a designated gateway corridor per the comprehensive plan. For purposes of this section, the gateway corridor shall include all property within 100 feet of the public right-of-way concerned.
4. Design standards shall be required for the gateway and neighborhood commercial districts of the Sanderson Field master plan. See Section [20.64.110](#).
5. Site plan review required for all new projects within the PS zoning district, with additional consideration given to ensure the project is sensitive to existing residences and commercial uses, reinforces the character of surrounding properties, and incorporates traditional forms and materials into the development. See Chapter [20.49](#).

**Section 2.** Table 20.09.050, pertaining to dimensional standards in the LI-C LOW INTENSITY COMMERCIAL DISTRICT, is amended as follows:

**Table 20.09.050**

Minimum Standards	With Alleys	Without Alleys
Lot area	4500 sq. ft.	6000 sq. ft.
Front yard	10 feet	10 feet
Side yard*	5 feet	5 feet
Flanking street	7 feet	7 feet
Rear yard	15 feet (2 for garage)	15 feet
Building coverage**	35—55%	35—55%
Building height	<del>35 feet</del> none	<del>35 feet</del> none
Development coverage**	60—80%	60—80%
<p>* Side yards are measured from perimeter, not interior, lot lines in cases of multilot projects.  ** Increased coverage permitted if through block access provided.</p>		

**Section 2.** SMC Section 20.09.080, pertaining to dimensional standards in the LI-C LOW INTENSITY COMMERCIAL DISTRICT, is amended as follows:

### **20.09.080 Development standards for commercial uses in LI-C district.**

Low-intensity commercial uses shall be allowed in all low-intensity commercial (LI-C) zones subject to the following conditions:

- A. Allowed uses within low-intensity commercial areas: see chart at Section [20.06.030](#) LI-C zone.
  1. Uses similar to uses listed may be approved by the site plan review committee upon finding the use is consistent with the intent of this chapter and in the best interests of the surrounding neighborhood. Uses shall only be considered similar if they have similar noise, traffic, and artificial light impacts.
  2. Uses other than those identified or described in subsection (A)(1) of this section are prohibited.
- B. Community Environmental Performance Standards.
  1. General Character. Developments in this district shall generally be characterized by small buildings, low traffic generation, considerable walk-in trade, moderate interior and exterior lighting, quiet operations, and little or no night activity. Operating hours shall be limited to the hours between six a.m. and ten p.m.
  2. Storage. Outdoor storage shall be permitted only as a conditional use and shall meet the standards of notes 15(a), (b), and (c) in the matrix at Table 20.06.030.
- C. Site Area. The size and shape of the sites shall be as follows:
  1. Minimum lot size from the development of a site in this classification shall be six thousand square feet except that three-thousand-square-foot lots existing at the time of adoption of this chapter shall be legal building lots;
  2. Where open space is provided, commercial uses shall be arranged around that open space. Where open space is not provided, arrangement of commercial uses around an intersection is required where possible or shall face each other across a street (strip development along one side of a street is strongly discouraged). Other configurations may be deemed appropriate by the site plan review committee upon finding that the overall design fits the intent of this section.
- D. Building Size Dimensions. The size height, setbacks, and other dimensional standards of the buildings shall be as follows: provided in Table 20.06.030(A)
  1. Maximum gross floor area of building for single use: twelve thousand square feet; with a maximum of three thousand square feet being on the ground floor unless a larger amount is permitted as a conditional use per this chapter and Section [20.44.330](#). In no case shall a second floor exceed the area of the ground floor;
  2. ~~Maximum building coverage: thirty five to fifty five percent;~~
  3. ~~Maximum development coverage: sixty to eighty percent;~~
  4. ~~Maximum building height: thirty five feet;~~
  5. ~~Setbacks:~~
    - a. ~~Front: minimum ten feet,~~



- b. ~~Rear: minimum fifteen feet,~~
- c. ~~Side: minimum five feet, seven on a flanking street.~~

**Section 3.** SMC Section 20.10.070, pertaining to dimensional standards in the MU LOW INTENSITY MIXED USE DISTRICT, is amended as follows:

**20.10.070 Lot, yard, and open space requirements.**

- A. Minimum lot size: six thousand square feet. Lots may contain more than one use and will be a shape and design appropriate to the zone and intended uses as determined by the city.
- B. Front yard: minimum fifteen feet.
- C. Side yard: minimum ten feet.
- D. Rear yard: zero feet, except when property adjoins a land use district with greater setbacks, the setback of the adjacent use shall apply.
- E. Maximum building coverage: thirty-five percent, however, this may be increased up to a maximum of fifty-five percent if the following bonus is used:
  - 1. Projects providing a corridor that facilitates pedestrian access through the block or along a creek, lake, or other natural amenity: twenty percent bonus;

Note: This bonus is to be added to the base allowable building coverage.

- F. Maximum development coverage: Maximum coverage by impervious surfaces shall be sixty percent, unless increased up to a maximum of eighty percent if the following bonus is used:
  - 1. Projects providing a corridor that facilitates pedestrian access through the block or along a creek, lake, or other natural amenity: twenty percent bonus;

Note: This bonus is to be added to the base allowable impervious surface coverage. The provisions of the Shelton Municipal Code regarding stormwater runoff, parking, landscaping, and design requirements may further limit impervious surfaces.

- G. Building height: ~~not more than thirty-five feet.~~ Building height requirements shall be as provided in Table 20.06.030(A).

**Section 4.** SMC Section 20.12.060, pertaining to dimensional standards in the CR-V VALLEY COMMERCIAL/RESIDENTIAL MIX DISTRICT, is amended as follows:

**20.12.060 Building height.**

- A. ~~Building height: not more than thirty-five feet.~~ Building height requirements shall be as provided in Table 20.06.030(A).

**Section 5.** SMC Section 20.14.060, pertaining to dimensional standards in the CR-G GOOSE LAKE COMMERCIAL/RESIDENTIAL MIX DISTRICT, is amended as follows:

20.14.060 Building height.

~~Building height: not more than thirty-five feet. Building height requirements shall be as provided in Table 20.06.030(A).~~

**Section 6.** SMC Section 20.16.050, pertaining to dimensional standards in the PS—PUBLIC SERVICES DISTRICT, is amended as follows:

20.16.050 Building height.

~~A. Maximum building height: sixty feet. Exception: when buildings abut the public services overlay district boundary and/or residential uses, buildings shall not exceed thirty-five feet unless a buffer between the building and the required setback from the adjoining property line equivalent to or greater than the building height exceeding thirty-five feet is provided. Construction of buildings in excess of two stories and/or thirty-five feet in height may trigger nonconventional building and/or fire safety requirements. Any structures constructed within the overlay district are required to conform to the building and construction provisions within Title 18. Building height requirements shall be as provided in Table 20.06.030(A).~~

**Section 7.** SMC Section 20.20.060, pertaining to dimensional standards in the DT DOWNTOWN DISTRICT, is amended as follows:

20.20.060 Building height.

~~Maximum height for the DT district shall be as follows: three stories, but not to exceed forty feet for buildings, structures, and appurtenant facilities. Exception: If the DT zoned property directly abuts a less intense zoned property, the maximum building height shall not exceed thirty-five feet in height. Building height requirements shall be as provided in Table 20.06.030(A).~~

**Section 8.** SMC Section 20.22.050, pertaining to dimensional standards in the ME MEDICAL/EDUCATIONAL DISTRICT, is amended as follows:

20.22.050 Maximum height.

~~Maximum height for the ME district shall be as follows: thirty-five feet for buildings, structures, and appurtenant facilities. Building height requirements shall be as provided in Table 20.06.030(A).~~

**Section 9.** SMC Section 20.26.050, pertaining to dimensional standards in the GC GENERAL COMMERCIAL DISTRICT, is amended as follows:

20.26.050 Maximum height.

~~Maximum height for the GC district shall be as follows: not to exceed forty-five feet for buildings, structures, and appurtenant facilities. Exception: If the GC zoned property directly abuts a less intense zoned property, the maximum building height shall not exceed thirty-five feet in height. Building height requirements shall be as provided in Table 20.06.030(A).~~

**Section 10.** SMC Section 20.28.050, pertaining to dimensional standards in the CI COMMERCIAL—INDUSTRIAL DISTRICT, is amended as follows:

20.28.050 Maximum height.

~~Maximum height for the CI district shall be as follows: none required, except when adjoining a more restrictive use district, the height required shall apply. Building height requirements shall be as provided in Table 20.06.030(A).~~

**Section 11.** SMC Section 20.30,040, pertaining to dimensional standards in the I INDUSTRIAL DISTRICT, is amended as follows:

20.30.040 Maximum height.

~~Maximum height for the industrial district shall be as follows: none required, except when adjoining a more restrictive use district, the height required shall apply. Building height requirements shall be as provided in Table 20.06.030(A).~~

**Section 12.** SMC Section 20.44.170, pertaining to dimensional standards in the CU CONDITIONAL USES, is amended as follows:

**20.44.170 Churches.**

~~E. The height limitations of the pertinent use district need not be observed; however, if the height limitation of such use district is exceeded, then each side yard shall be equal in width to at least fifty percent of the height of the building, spires and towers excluded.~~

**Section 13.** This Ordinance shall take effect five days after approval and publication, as required by law.

Passed by the City Council at its regular meeting held on the XX day of September 2024.

---

Mayor Eric Onisko

ATTEST:

---

City Clerk Donna Nault

**ORDINANCE NO. 2022-0824**

**AN ORDINANCE OF THE CITY OF SHELTON, WASHINGTON, ADDING CHAPTER 8.30 TO THE SHELTON MUNICIPAL CODE RELATING TO REGULATION OF SHOPPING CARTS**

WHEREAS, shopping carts that are removed from the premises of a business and left abandoned on public or private property throughout the City can create conditions of blight in the community, obstruct free access to sidewalks, streets and other rights-of-way, interfere with pedestrian and vehicular traffic on pathways, driveways, public and private streets, impede emergency services, or pose other dangers; and

WHEREAS, many jurisdictions located in the State of Washington have adopted regulations pertaining to shopping carts; and

WHEREAS, the City of Shelton regulates Public Health and Sanitation, including nuisances and littering, in Title 8 of the City's Municipal Code; and

WHEREAS, the City Council has requested adoption of regulations to prevent the theft and removal of shopping carts in the community;

NOW THEREFORE, the City Council of the City of Shelton ordains as follows:

**Section 1.** A new Chapter 8.30 of the Shelton Municipal Code, Shopping Cart Regulation, is added as follows:

**Chapter 8.30 SHOPPING CART REGULATION**

**8.30.010 Purpose.**

The primary purpose of this chapter is to promote public safety and improve the image and appearance of the City by preventing: the illegal removal of shopping carts from business premises; the continued possession of illegally removed carts; and the accumulation of illegally removed carts on public or private properties. This chapter is also intended to motivate the owners and operators of businesses that utilize shopping carts to use the means available to them to deter, prevent, and mitigate the removal of shopping carts from their business premises, and to provide for the prompt retrieval of lost, stolen or abandoned shopping carts that may be removed despite these efforts.

**8.30.020 Declaration of nuisance.**

Retail establishments sometimes provide shopping carts for the convenience of their customers. However, shopping carts that are removed from the premises of a business and left abandoned on public or private property throughout the City can create conditions of blight in the community, obstruct free access to sidewalks, streets and other rights-of-way, interfere with pedestrian and vehicular traffic on pathways, driveways, public and private streets, impede emergency services, or pose other

dangers. It is for these reasons that lost, stolen, or abandoned shopping carts are hereby declared to be a public nuisance and a potential hazard to the health and safety of the public, and shall be subject to abatement in the manner set forth in this chapter, or in any other manner provided by law. Each shopping cart that has been removed from the premises of the business and left abandoned on public or private property throughout the City constitutes a public nuisance in violation of this chapter.

For purposes of this chapter, any shopping cart located on any public or private property other than the premises of the retail establishment from which such shopping cart was removed shall be presumed lost, stolen, or abandoned, even if in the possession of any person, unless such person in possession thereof is:

- A. An authorized agent; or
- B. Retail establishment personnel; or
- C. Enforcement personnel; or
- D. An authorized customer.

**8.30.030 Definitions.**

Except as otherwise expressly set forth herein, the following words and terms as used in this chapter shall have the following meanings:

- A. "Director" means the Director of the Community and Economic Development Department.
- B. "Authorized agent" means the owner, or an employee or authorized agent of the owner, entitled to possession of the shopping cart.
- C. "Authorized customer" means a customer of the retail establishment that provides the shopping cart, having the written permission of the owner or owner's agent to remove the shopping cart from the owner's premises.
- D. "Cart patrol and retrieval company" means a contracted agent who recovers shopping carts on behalf of retail establishments within a 1-mile radius of the contracting retail establishment(s).
- E. "Enforcement personnel" means any code enforcement officer, police officer, or other designated staff employed by the City of Shelton.
- F. "Identification sign" or "cart sign" means a clearly visible sign fastened to each cart that provides ownership information required by this chapter.
- G. "Lost, stolen, or abandoned shopping cart" means a shopping cart that is either:

1. Removed from the premises of a retail establishment by any person without the written permission or consent of the owner of the shopping cart or the retailer otherwise entitled to possession of such cart; or
2. Left unattended, discarded or abandoned upon any public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with permission of the owner;
3. For purposes of this chapter, any shopping cart located on any public or private property other than the premises of the retail establishment from which such shopping cart was removed shall be presumed lost, stolen, or abandoned, even if in the possession of any person, unless such person in possession thereof is either:
  - a. The owner, or an employee or authorized agent of the owner, entitled to possession of said shopping cart; or
  - b. An officer, employee or agent of a cart patrol and retrieval service hired by the owner to retrieve such carts; or
  - c. City enforcement personnel retrieving, storing or disposing of said cart pursuant to the provisions of this code; or
  - d. An authorized customer with written permission from the owner or agent of the owner to take the cart off premises.

H. "Owner" means any person or entity that owns, leases, possesses, or makes shopping carts available to customers or the public in connection with the conduct of a retail establishment.

I. "Parking area" means a parking lot or other property provided by a retail establishment for the use of customers of said retail establishment for the parking of customer vehicles. The parking area of a retail establishment located in a multistore complex or a shopping center shall include the entire parking area used by the multistore complex or shopping center.

J. "Premises" means any building, property, or other area upon which any retail establishment conducts or operates business in the City of Shelton, including the parking area provided for customers in such retail establishment.

K. "Retail establishment" means any business located in the City of Shelton which offers or provides shopping carts for the use of the customers of such business regardless of whether such business is advertised or operated as a retail or wholesale business, and regardless of whether such business is open to the general public, is a private club or business, or is a membership store.

L. "Security measures" means physical impediments or methods to prevent removal of shopping carts from the premises of the retail establishment including, but not limited to:

1. Electronically activated self-braking wheels;
2. Poles mounted to shopping carts, which prevent their removal from the interior of the retail establishment;
3. Bollards, chains, or other devices meant to prevent carts from leaving the retail establishment;
4. Utilization of a cart patrol and retrieval company;
5. Dedicated security personnel; and/or
6. Other measures deemed appropriate and effective by the Director.

M. "Shopping cart" or "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.

#### **8.30.040 Exemptions.**

The requirements of this chapter shall not apply to any retail establishment which provides a total of 15 or fewer shopping carts for use by customers of such business, or businesses containing less than 3000 square feet of retail area. This chapter shall not apply to carts that are removed for repair or maintenance by an owner or authorized agent entitled to possession of the shopping cart.

**Commented [JH1]:** 15 carts from Issaquah, 3000sf from previous discussion

#### **8.30.050 Shopping cart containment and retrieval required.**

Every owner who provides shopping carts to customers for use on the premises of any retail establishment shall be responsible for the containment of such shopping carts to the premises of the business establishment and for the immediate retrieval of any lost, stolen, or abandoned shopping carts which have been removed from the premises of the retail establishment.

Businesses which are not exempt from the provisions of this chapter shall institute the following control measures to contain shopping carts on the site of the business.

A. *Employee Training.* The owner of the retail establishment shall ensure employees are aware of the requirements of this chapter and the provisions of state law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment.

B. *Measures to Contain Shopping Carts On Site.* The owner of the retail establishment must utilize security measures, as defined in this chapter, to contain shopping carts on business premises.

### **8.30.060 Shopping cart signage.**

A. *Shopping Cart Identification Signs Required.* Each shopping cart made available for use by customers shall have a cart sign permanently affixed to it that includes the following information in accordance with RCW [9A.56.270](#), as now enacted or hereafter amended:

1. Identifies the owner of the shopping cart or the name of the business establishment, or both;
2. Notifies the public of the procedure to be utilized for authorized removal of the cart from the premises;
3. Notifies the public that the unauthorized removal of the cart from the premises of the business or parking area of the retail establishment, or the unauthorized possession of the cart, is unlawful; and
4. Lists a current telephone number or address for returning carts removed from the premises or parking area to the owner or retailer.

B. *Notice to Customers.* Conspicuous signs warning customers that removal of shopping carts from the premises is prohibited by state and City law must be placed and maintained on the premises near all customer entrances and exits and throughout the premises, including the parking area.

### **8.30.070 Notification and retrieval.**

The City shall utilize the required cart sign to notify the owner that a lost, stolen, or abandoned shopping cart that has been found outside the premises or parking area of a retail establishment and the location of such cart(s). The owner or owner's agent must retrieve any lost, stolen, or abandoned shopping cart(s) within 24 hours of the City providing such notice.

### **8.30.080 Return by City.**

A lost, stolen, or abandoned cart with the required identification sign affixed thereto that is not retrieved by the owner or the owner's agent within 24 hours of the notification provided pursuant to this chapter may be picked up by the City or an agent thereof and returned to the premises from which it was taken. A shopping cart may be immediately picked up by the City without notice under the following circumstances:

A. *Hazardous Location.* If a shopping cart will impede emergency services, or the normal flow of vehicular or pedestrian traffic, City enforcement personnel are authorized to immediately retrieve the shopping cart from public or private property and return it to the premises from which it was taken; or



B. *Private Property*. If a shopping cart is on private property and the owner of such property requests removal, City enforcement personnel are authorized to immediately retrieve the shopping cart from the property and return it to the premises from which it was taken; or

C. *Lack of Identification*. If a shopping cart does not have the required identification sign affixed thereto, City enforcement personnel are authorized to immediately retrieve the shopping cart from the public or private property and dispose of it without notice.

#### **8.30.090 Fees.**

A. *Return Fees*. The owner of a lost, stolen, or abandoned shopping cart picked up and returned pursuant to this chapter shall be responsible for reimbursing the City for the actual costs of pick-up and return by City staff or by contractors working on the City's behalf. Return fees for returns conducted by City staff will be charged at the hourly rate of the staff member(s) conducting the return, inclusive of wages and benefits, with a 1-hour minimum charge and additional time billed in 30-minute increments thereafter. Return fees for returns conducted by City contractors will be set by the Director based on the actual costs of such services to the City. An administrative fee in the amount of 10 percent of actual costs will be added to all return fee invoices. No fees will be charged for the first 3 returns to an owner. Fees must be paid within 60 days of the date of the invoice provided by the City. Fees that are not timely paid may be referred to a collection agency.

B. *Fee Deferral or Waivers*. The City may defer or waive, in whole or part, fees owed pursuant to this section when the following conditions are met:

1. Shopping cart(s) belonging to the owner have been picked up and returned pursuant to this chapter no more than 3 times in the preceding 12 months;
2. The required indemnification sign is affixed to each cart; and
3. The owner has implemented security measures, as defined in this chapter, to prevent removal of shopping carts from the business's property.

C. The City's shopping cart pick-up and return services are provided on a limited basis only and are not intended to supplant a cart owner's obligation to contain and retrieve shopping carts as required by this chapter. Nothing contained herein shall be interpreted or construed as placing an affirmative obligation on the City to pick up and return lost, stolen, or abandoned shopping carts.

#### **8.30.110 Illegal possession or accumulation of carts.**

There is a rebuttable presumption that a shopping cart found abandoned somewhere off the premises was removed from the premises without the cart owner's consent.

**Commented [JH2]:** It's either bill and charge for actual time, or make violation of this ordinance an Infraction, per the Master Fee Schedule.

A. Any person removing a shopping cart from the premises of an owner, without the written permission of the owner or the owner's authorized agent, shall be guilty of shopping cart theft, which is a misdemeanor pursuant to RCW [9A.56.270](#).

B. Anyone who knowingly possesses a shopping cart without the written permission of the owner is guilty of possession of stolen property in the third degree, which is a gross misdemeanor.

**8.30.120 Additional relief authorized.**

The City may seek other legal or equitable relief to enjoin any acts or practices or to abate any conditions that violate this chapter. All costs and expenses incurred by the City during abatement of such violations shall be assessed to the person(s) responsible for the condition, and responsibility for all costs and expenses is joint and several.

**Section 2.** This Ordinance shall take effect January 1, 2025.

Passed by the City Council at its regular meeting held on the XX day of September 2024.

---

Mayor Eric Onisko

ATTEST:

---

City Clerk Donna Nault