

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

December 16, 2024

FLOOR AMENDMENT NO. 1 TO O-24-57

AMENDMENT SPONSORED BY COUNCILOR Fiebelkorn

On page 2, starting at line 32, amend the definition of ABANDONED CART as follows:

ABANDONED CART. A shopping cart that has been removed from a retail establishment's premises without authorization and left unattended [for a period of at least 8 hours.]

Explanation: This amendment specifies that an abandoned cart is one that has been left alone for at least 8 hours. This allows the user of a cart the opportunity to take advantage of essential services including even the use of the bathroom, without the risk of the City immediately confiscating their belongings.

THIS AMENDMENT FAILED ON A 4-5 VOTE.
For: Baca, Fiebelkorn, Peña, Rogers
Against: Bassan, Champine, Grout, Lewis, Sanchez

CITY COUNCIL
of the
CITY OF ALBUQUERQUE

December 16, 2024

FLOOR AMENDMENT NO. 2 TO O-24-57

AMENDMENT SPONSORED BY COUNCILOR: Fiebelkorn

On Page 3, starting on line 22, amend Section 13-22-1-5(B) as follows:

(B) Notice to the public that the unauthorized removal of the cart from the premises
[OR the unauthorized possession of the cart is a petty misdemeanor and shall be
subject to the penalty provisions set forth in § 1-1-99 of this code of ordinances].

On page 5, beginning on line 23, remove §13-22-1-10 and §13-22-1-11 in their entirety:

[§ 13-22-1-10 Off-premises possession of shopping carts.

It shall be unlawful for any individual to:

(A) Remove a shopping cart from the retail premises where it is used
for shopping; or

(B) Possess an off-site shopping cart not subject to an exception identified in this
section; or

(C) Abandon an off-site shopping cart; or

(D) Alter, convert, or tamper with a shopping cart, or remove any part or portion
thereof or remove, obliterate, or alter an identifying sign, mark, or serial number on
a shopping cart.

(E) Exceptions:

1. Shopping carts may be removed from retail premises for the purposes
of maintenance, repair, or any other service, with the written permission of the business
owner or their designee.

2. Shopping carts may be temporarily removed from the premises with
the permission of the business owner or their designee for the purpose of transporting
goods to access public transportation, as long as the shopping cart is immediately
retrieved by an employee of the business and returned to the premises.

3. Shopping carts may be collected by City employees or contractors
under the provisions of § 13-22-1-6 above.

§ 13-22-1-11 Enforcement.

~~Violation of § 13-22-1-9 is subject to prosecution as a petty misdemeanor and, upon conviction, shall be subject to the penalty provisions set forth in § 1-1-99 of this code of ordinances. In lieu of jail time and/or fine, the sentencing judge may order that the person perform community service and/or undergo treatment for substance use disorders and/or mental health treatment.]~~

Explanation: This amendment removes the section of the bill that would penalize individuals in possession of a shopping cart away from its home location. This section criminalizes behavior that stems from a systemic issue rather than addressing the root cause of the action. Enforcement of this provision would consume public resources, such as police and judicial time, while offering limited benefit to businesses or the community at large.

THIS AMENDMENT PASSED ON A 9-0 VOTE.

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

December 16, 2024

FLOOR AMENDMENT NO. 3 TO O-24-57

AMENDMENT SPONSORED BY COUNCILOR: Fiebelkorn

On page 3, beginning on line 7, amend R-24-57 as follows:

[§ 13-22-1-4 DIRECTING ~~[THE PLANNING DEPARTMENT]~~ ~~[THE SOLID WASTE MANAGEMENT DEPARTMENT]~~ TO CREATE AN ONLINE SHOPPING CART SHOPPING CART ABANDONMENT PREVENTION PLAN FORM]

The ~~[Planning Department]~~ ~~[Solid Waste Management Department]~~ shall create a fillable electronic form linked to its website that Cart Owners may use to submit their Shopping Cart Abandonment Prevention Plans. The form should include fields for:

Explanation: This amendment proposes to remove references to the Planning Department in this ordinance. The Planning Department does not coordinate shopping cart pick-up – the Solid Waste Department manages this.

THIS AMENDMENT PASSED ON A 6-3 VOTE.
For: Baca, Bassan, Champine, Fiebelkorn, Grout, Rogers
Against: Lewis, Peña, Sanchez

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

December 16, 2024

FLOOR AMENDMENT NO. 4 TO O-24-57

AMENDMENT SPONSORED BY COUNCILOR Bassan

1. Beginning on page 3, line 7, amend the title of Section 13-22-1-4 as follows:

**§ 13-22-1-4 DIRECTING THE PLANNING DEPARTMENT TO CREATE AN
ONLINE SHOPPING CART ~~[SHOPPING CART]~~ ABANDONMENT
PREVENTION PLAN FORM**

2. On page 5, line 2 change ~~[FORFEITTED]~~ to ~~[FORFEITED]~~
3. On Page 5, amend Section 13-22-1-8 by striking lines 3-14 and replacing with new language as follows:

**§ 13-22-1-8 FEES FOR COLLECTION AND STORAGE OF ABANDONED CARTS;
FORFEITED CARTS**

~~[The City shall assess the following fees:~~

- ~~(A) The cart owner will be charged \$20 per cart retrieved.~~
- ~~(B) The cart owner must retrieve the abandoned cart from the City storage facility within seven calendar days of the City confirming collection.~~
 - ~~i. An additional fee of \$5 per day will be assessed for each calendar day the abandoned cart remains unclaimed beyond this period until such a time that:
 - ~~(a) A total of 30 calendar days have passed, at which point the abandoned cart will be considered forfeited; or~~
 - ~~(b) The cart owner notifies the City that it will not collect the abandoned cart(s), at which point the abandoned cart will be considered forfeited.]~~~~

[The City shall assess no fees for the collection or storage of shopping carts. The City shall notify the cart owner identified on the cart within three business days of retrieving a shopping cart. If cart owner notifies the City they will not retrieve their cart or if the cart is not retrieved within 30 days after receiving notice that the City is in possession of their cart, the cart will be deemed forfeited.]

Explanation:

This amendment proposes to:

1. Remove duplicative language (“shopping cart” is included twice)
2. Prohibit the City from charging fees for retrieving and storing shopping carts.
The purpose of the amendment is to prevent property owners from being charged a fee for having their property stolen.
3. Correct a typographical error (“forfeited” was spelled incorrectly)

THIS AMENDMENT PASSED ON A 6-3 VOTE.
For: Baca, Bassan, Champine, Fiebelkorn, Grout, Rogers
Against: Lewis, Peña, Sanchez

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

December 16, 2024

FLOOR AMENDMENT NO. 5 TO O-24-57

AMENDMENT SPONSORED BY COUNCILOR Bassan

1. Beginning on page 3, line 7, amend Section 13-22-1-4 to delete subsections 3 and 4 as follows:

**§ 13-22-1-4 DIRECTING THE PLANNING DEPARTMENT TO CREATE AN
ONLINE SHOPPING CART ABANDONMENT PREVENTION PLAN FORM**

The Planning Department shall create a fillable electronic form linked to its website that Cart Owners may use to submit their Shopping Cart Abandonment Prevention Plans. The form should include fields for:

- 1. Cart inventory**
- 2. Description of after-hours storage**
- ~~3. Description of loss prevention measures~~**
- ~~4. Description of employee training on shopping cart loss prevention.]~~**

Explanation:

This amendment proposes to strike the requirements that Cart Owners provide a description of loss prevention measures and a description of employee training on shopping cart loss prevention on the form provided to the Planning Department.

THIS AMENDMENT PASSED ON A 6-3 VOTE.
For: Baca, Bassan, Fiebelkorn, Grout, Lewis, Rogers
Against: Champine, Peña, Sanchez

**CITY COUNCIL
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December 16, 2024

FLOOR AMENDMENT NO. 6 TO O-24-57

AMENDMENT SPONSORED BY COUNCILOR Bassan

1. On page 3, line 17, strike Section 13-22-1-5 in its entirety and renumber subsequent subsections accordingly.

~~§ 13-22-1-5 SHOPPING CART IDENTIFICATION SIGNS.~~

~~Business owners shall have a sign and/or engraved marker permanently affixed to each shopping cart in a prominent and clearly visible location. The sign and/or engraved marker shall include all of the following information:~~

~~(A) The name, address and phone number of the cart owner.~~

~~(B) Notice to the public that the unauthorized removal of the cart from the premises OR the unauthorized possession of the cart is a petty misdemeanor and shall be subject to the penalty provisions set forth in § 1-1-99 of this code of ordinances.~~

~~(C) Instructions for reporting abandoned shopping carts.~~

~~i. The City shall make available on its website the instructions to be provided on each cart.]~~

2. On page 5, line 21 strike the reference to Section 13-22-1-5 in Section 13-22-1-9(B):

(B) Donate the cart: Donate the carts to local organizations. Donated carts are subject to the provisions of § 13-22-1-4 ~~[and § 13-22-1-5]~~.

Explanation: This amendment proposes to eliminate the requirement that business owners affix signs/engravings on their carts. The amendment also deletes an internal cross-reference to the deleted section.

THIS AMENDMENT PASSED ON A 7-2 VOTE.
For: Baca, Bassan, Champine, Fiebelkorn, Grout, Lewis, Rogers
Against: Peña, Sanchez

**CITY COUNCIL
of the
CITY OF ALBUQUERQUE**

December 16, 2024

FLOOR AMENDMENT NO. 7 TO O-24-57

AMENDMENT SPONSORED BY COUNCILOR Bassan

1. On page 3, line 29, strike Section 13-22-1-6 in its entirety and renumber subsequent subsections accordingly.

~~**[§ 13-22-1-6 SHOPPING CART ABANDONMENT PREVENTION PLAN.**~~

~~**(A) Each owner of a business shall effectively implement a shopping cart abandonment prevention plan in accordance with this article and submit the plan to the City's Code Enforcement Division for approval. Each shopping cart plan shall be conspicuously posted at the place of business. A shopping cart plan shall include, but is not limited to:**~~

- ~~**1. Cart inventory**~~
- ~~**2. Description of after-hours storage**~~
- ~~**3. Description of loss prevention measures**~~
- ~~**4. Description of employee training on shopping cart loss prevention.**~~

~~**(B) Exemptions: A business owner is exempt from this article for two years at a time if the owner submits an exemption request and meets the following requirements:**~~

~~**1. The business has effective restraints that prohibit any carts from exiting the premises or from operating off the premises. Examples of such restraints include but are not limited to: poles attached to carts to keep them from passing a certain point; electronic wheel locks on all carts that prevent wheels from rolling past the perimeter of the premises; physical constraints such as bollards; or continuous use of courtesy clerks to accompany customers and return the carts to the store; and**~~

~~**2. The business secures all shopping carts during the hours the business is closed by storing carts inside. Carts may be locked outside on the condition that they be immobilized or secured in such a manner that the carts are not accessible to the public.]**~~

2. On page 6, line 10 strike the reference to Section 13-22-1-6 in Section 13-22-1-10(E)(3) OFF-PREMISES POSSESSION OF SHOPPING CARTS.

(E) Exceptions:

3. Shopping carts may be collected by City employees or contractors [~~under the provisions of § 13-22-1-6 above~~].

Explanation: This amendment proposes to eliminate the requirement that business owners prepare a Shopping Cart Abandonment Prevention Plan to submit to the City's Code Enforcement Division. Business owners would also not be required to post their plans at their place of business. The amendment also deletes an internal cross-reference to the deleted section.