



# Memorandum

Corporate By-law Number BL 85/2021

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**TO:** Office of the City Clerk **FILE:**

**FROM:** Doug Vincent  
Development & Emergency Services - Licensing & Enforcement

**DATE:** 11/09/2021

**SUBJECT:** BL 85/2021 - Shopping Cart By-law

**MEETING DATE:** City Council - 11/22/2021 (mm/dd/yyyy)

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**By-law Description:** A By-law to manage abandoned shopping carts in the City of Thunder Bay.

**Authorization:** Report R 121/2021 (Development & Emergency Services/Licensing & Enforcement) - Committee of Whole - September 20, 2021.

**By-law Explanation:** The purpose of this by-law is to control the depositing, disposal and abandonment of Shopping Carts on land within the City of Thunder Bay.

**Schedules and Attachments:**

APPENDIX “A” – REQUIREMENTS OF SHOPPING CART IDENTIFICATION PLATE

APPENDIX “B” - REQUIREMENTS OF A SHOPPING CART MANAGEMENT PLAN

APPENDIX “C” – REQUIREMENTS OF A RECOVERY RECORD

APPENDIX “D” – GRADUATED RECOVERY FEE SCHEDULE

**Amended/Repealed By-law Number(s):**



THE CORPORATION OF THE CITY OF THUNDER BAY  
BY-LAW NUMBER BL 85/2021

A By-law to manage abandoned shopping carts in the City of Thunder Bay.

Recitals

1. A By-law relating to the depositing, disposal and abandonment of Shopping Carts on land within the City of Thunder Bay, and the disposal by the City of abandoned Shopping Carts.
2. Section 10(2), paragraph 6, of the *Municipal Act, 2001*, authorizes a municipality to pass by-laws for the health, safety and well-being of persons,
3. Section 63 of the *Municipal Act, 2001*, authorizes a municipality to pass a by-law to prohibit and to regulate the placing, stopping or standing of an object on or near a highway, and s. 27 of the Act further authorizes a municipality to pass by-laws in respect of a highway over which it has jurisdiction,
4. Section 127(c) of the *Municipal Act, 2001*, provides that the municipality may prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land;
5. Pursuant to Section 128 of the *Municipal Act, 2001*, The Council of the Corporation of the City of Thunder Bay has the power to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances, and that the opinion of council under this section, if arrived at in good faith, is not subject to review by any court;
6. City Council has determined that Shopping Carts which are deposited, disposed of or abandoned on land within the City of Thunder Bay, including but not limited to land owned or occupied by the City, constitute a public nuisance in that they may be a traffic hazard, impede sidewalks and street maintenance, and be a risk to public safety or become unsightly litter and debris;
7. Section 446 (1) of the *Municipal Act, 2001*, provides that if a municipality has authority by by-law or otherwise to direct or require that a matter or thing be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or required to do it, such matter or thing shall be done at the person's expense.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. **Definitions**

For the purposes of this By-law, the following terms shall have the definitions set out below:

“**Abandon**” shall mean any shopping cart that is not located on the owners property and is not under the direct control of any person, at the time it becomes relevant.

“**City**”, means The Corporation of the City of Thunder Bay.

“**City Property**”, any lands owned by the City or under the City’s control through a lease or other instrument.

“**City Staff**”, means any City employee who’s functions includes the clearing and maintenance of city lands and includes any agent of the city that recovers abandoned shopping carts.

“**Collection Fee**”, shall be the fee set out in the User Fee By-law for collecting a shopping cart from private lands or City lands, other than highway lands.

“**Current**”, means that the information displayed properly identifies the current owner of the cart and that the contact information, including phone number and/or e-mail is valid and can be used to communicate with the owner or the owners’ agent for reporting shopping cart issues.

“**Deposit**”, means to place, leave unattended, discard or abandon.

“**Designated Fee**”, shall be the fee set out by the City in the annual schedule of User Fees for the description requiring a fee.

“**User Fee By-law**”, shall be the annual schedule of user fees, approved by Council.

“**General Manager**”, shall mean the General Manager, Development and Emergency Services Department, City of Thunder Bay, or their designate(s).

“**Graduated Recovery and Return Fee**”, shall be the fee established for those owners who have an approved Shopping Cart Management Plan and are being notified by an Officer of abandoned shopping carts, in accordance with the schedules for Graduated Recovery and Return Fees.

“**Is Made Available**”, refers to any shopping carts that are available to persons, on the owners premises, either for a fee or without a fee, for the intended use on the premises whether or not they are subsequently removed from the premises.

**“Impoundment & Storage Fee”**, shall be the fee set out in the User fee By-law for both the impoundment fee and the subsequent daily storage fee for impounded shopping carts found on municipal highway lands.

**“Highway”**, for the purposes of this by-law, means a common and public highway or part of a highway, and includes the sidewalk and boulevard and any bridge, trestle, viaduct or other structure forming part of the highway, owned or under the jurisdiction of the City.

**“Manager”**, shall mean the Manager of Licensing and Enforcement Division, Development and Emergency Services Department, City of Thunder Bay, or their designate(s).

**“Notice of Abandoned Cart”**, shall mean the Notice delivered by an Officer to the owner of shopping carts, or named designate agent, regarding abandoned shopping carts that need to be recovered by the owner.

**“Occupant (lands)”**, shall be the person(s) who lawfully occupy a parcel of land and includes the registered owner(s) of said land.

**“Officer”**, shall include a Municipal Law Enforcement Officer or a Police Officer.

**“Owner”**, means a person or business who owns or makes shopping carts available to persons in connection with the business, and includes the owner of property where any shopping carts are provided thereon; and for the purposes of the retrieval of an impounded shopping cart(s) owner shall include an agent authorized in writing by the owner.

**“Owner (lands)”**, shall have the same meaning as “Registered 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 property area owned or used by an owner’s business, including the parking area and all common areas used by customers of businesses in a shopping area or complex of which the owner’s business is a part;

**“Property Owner”**, shall have the same meaning as Registered owner.

**“Private Property”**, shall be property other than the lands owned or under control of the City but shall exclude provincially-owned or federally-owned lands.

**“Recovery Record”**, shall mean the record of actions made by, or on behalf of the owner of shopping carts, that documents all activities associated with the searching, locating and recovery of the owners shopping carts.

“**Registered Owner**”, shall mean the actual owner or owners of the lands at issue, identified as having title to that land parcel, by the Ontario Land Registry.

“**Shopping Cart**”, means a non-motorized basket or tray, mounted on wheels, that is made available to anyone, by an owner, for the primary purpose of transporting a customer's goods while on the premises of the owner, but includes any shopping carts that are found off the owner's property.

“**Shopping Cart Identification Plate**”, shall mean an identification plate that is affixed to an owner's shopping cart that contains the required contact and owner information.

“**Shopping Cart Management System**”, shall mean any physical, mechanical or auditory system employed by the owner to educate the cart users as to the intended purpose of the shopping carts and to advise, restrict or retain shopping carts from inadvertently or intentionally being removed from the owner's premises, including signage, locking devices, monetary incentives or other security measures required.

“**Shopping Cart Management Plan**”, means a plan established by, or behalf of a business that uses or supplies shopping carts, that sets out the steps that a business will follow to most effectively prevent the shopping carts from being taken from the property and includes an actionable plan to recover errant shopping carts that are not on the business property on a regular basis or when reported by the public, police or the municipality.

“**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 User fee by-law.

“**Storage Fee**”, shall be the fee set out in the by-law for shopping carts collected from private lands or City lands, other than highway lands.

## GENERAL

### 2.0 Identification

2.1 Every owner of a shopping cart, that is made available for use, shall ensure that there is a Shopping Cart Identification Plate securely affixed to it and that it is located in a highly visible location to any user of the cart.

2.2 Every Shopping Cart Identification Plate shall be maintained or replaced as needed, to ensure the information displayed is clearly legible and current as to the required content, at anytime the shopping cart is made available for use.

2.3 Every owner shall provide on the Shopping Cart Identification Plate, the name of the business, address where cart is made available and a phone number and/or e-mail address where issues surrounding the owners' shopping carts, can be communicated to the owner and that is, in the case of a phone number, likely to be answered during normal business hours of the owner's business where the cart was made available or in the case of an e-mail address, an address that is monitored and responded to by the owner.

2.4 Every Shopping Cart Identification Plate shall conform to the standards set out in Appendix "A" of this by-law and any amendments to that standard that may be required from time to time.

2.5 Where any changes are made to the standards in Appendix "A", required on the Shopping Cart Identification Plate, unless otherwise stated, the owner shall have one year from the date the amendment is passed, to bring any carts with an existing Shopping Cart Identification plate, into conformance with the new standard.

2.6 Notwithstanding the requirements of every owner of carts to have a Shopping Cart Identification Plate affixed to all shopping carts made available, every owner shall have until May 15, 2022 to comply with this requirement, unless an alternate date has been approved by the Manager.

2.7 Every owner of shopping carts that are purchased, used or otherwise acquired after May 15, 2022, shall ensure that a Shopping Cart Identification Plate is affixed to each cart, before it is made available for use.

2.8 No owner shall cause any shopping cart to be made available after May 15, 2022, where there isn't an owner's Shopping Cart Identification Plate attached or that does not conform to the requirements for that Plate, as set out in the By-law.

### 3.0 **Shopping Cart Management Plan**

3.1 Every owner of shopping carts shall establish a Shopping Cart Management Plan for each premises that uses or makes shopping carts available for use.

3.2 Every Shopping Cart Management Plan shall contain information and responses to the requested information, as set out in Appendix "B" of the By-law (Contents of a Shopping Cart Management Plan) and any amendments that may be required from time to time.

3.3 Every owner of shopping carts shall submit to the Manager, for review and approval, a fully completed Shopping Cart Management Plan, that meets the requirements set out in Appendix "B", by May 31, 2022.

3.4 Every owner of shopping carts shall submit a fully completed plan for each premises owned or under control of the owner, where shopping carts are made available.

3.5 Every Shopping Cart Management Plan will be reviewed by the Manager and discussed with each owner to ensure that the proposed plan submitted will, if followed by the owner, reasonably address the prevention, retention and recovery of the owners shopping carts and thereby serve to minimize nuisances created by abandoned shopping carts that are removed off of the owners' business premises.

3.6 Where a Shopping Cart Management Plan is complete and a reasonable approach, in the opinion of the manager, has been proposed; the Manager will accept the plan and will then monitor its' effectiveness on an annual basis.

3.7 Every owner of Shopping Carts must maintain a permeant bound record book, called a Recovery Record as specified in Appendix "C" that will document all reports of owners' carts off-premises and all owner efforts to monitor owners' carts off-premises and record the actions and outcomes of those actions in recovering carts, both proactively and reactively.

3.8 Where a Shopping Cart Management Plan in incomplete or is vague or lacks sufficient details of how the owner will prevent, retain or recover their shopping carts, the Manager may reject the plan, in writing specifying the deficiencies and requiring that additional information be submitted and a timeframe for that submission.

3.9 Every owner of a Shopping Cart Management Plan, that has been rejected, shall re-submit a new plan, within the timeframe required by the Manager.

3.10 Where any owner of shopping carts, fails to resubmit any additional information required, to the satisfaction of the Manager, the owner shall be deemed to have not met the requirement of submitting a complete plan.

3.11 Where a Shopping Cart Management Plan has been submitted and approved by the Manager, the owner of shopping carts shall make every reasonable effort to adhere to the plan for prevention, retention and recovery.

3.12 Where a Shopping Cart Management Plan has been approved but the owner does not appear to be complying with other provisions of the by-law, the Manager may upon 30-days Notice, rescind the approval and deem the owner to not have met the requirements of an approved plan.

3.13 Where a plan has not be approved, or where a plan was approved but subsequently rescinded, no owner shall cause any shopping carts to be made available in respect of a premises where a plan has not been approved or has been rescinded, until a new plan has received approval.

#### 4.0 **Abandoning Cart Prohibited**

4.1 Every Owner shall take every reasonable effort to ensure that their Shopping Carts are not taken from the business premises or associated parking area for which it is provided, such that the Shopping Cart is not deposited, disposed of or abandoned on any land, including land owned or occupied by the City, without the consent of the occupant or registered owner of such land; proof of an on-going Shopping Cart Management System would be considered proof of such efforts if maintained.

4.2 No person shall deposit or cause a shopping cart to be deposited, or abandoned anywhere except on the premises of the owner that supplied the cart or as set out of the Shopping Cart Identification Plate.

#### 5.0 **Recovery- Notice from Public**

5.1 Every owner of a shopping cart, that has been notified by the public that a shopping cart bearing the owners' Shopping Cart Identification Plate, has been found abandoned off the owners premises, shall attempt to recover the cart within three (3) business days at the location identified

5.2 Where the owner of any shopping cart responds to a report from the public that the owners cart is abandoned and the owner or agent subsequently believe the cart to be located on private lands, other than the City lands, the owner must seek authorization from the owner or occupant of such private lands, before entering such lands to recover the owners shopping cart

#### 6.0 **Notice of Abandoned Shopping Carts - City Notification**

6.1 Where an Officer finds any shopping carts off the premises of the owner, either on City or private lands where express consent has not been obtained, the Officer may notify the owner of such times, dates and locations of each cart, by issuing a Notice of Abandoned Cart(s), and may invoice the administrative fee as prescribed in the Graduated Recovery Fee, Schedule "D", for each such Notice issued.

6.2 Where an Officer locates abandoned cart(s) off the premises of the owner, the owner of the shopping cart shall be deemed to be the person stated on the Shopping Cart Identification Plate affixed, and may be issue an Abandoned Cart Recovery Notice and may invoice the owner for every such Notice as set out in the Graduated Recovery Fee Schedule "D".

6.3 The preceding section does not apply where the owner has authorized the removal for the purposes of maintenance and repair, or where the carts have been impounded off City highway property or removed from other City or private property, by the City, and they are being held pending recovery by owner or awaiting disposal.



7.0 **Recovery- Notice from Police, Municipality**

7.1 Every owner of a shopping cart, that has been notified by the police or the municipality, that a shopping cart, bearing the owners' Shopping Cart Identification Plate, has been found abandoned off the owners premises, shall attempt to recover the cart within one (1) business day, at the location identified, unless otherwise directed or agreed and shall record such actions and outcomes of the response in the Recovery Record.

8.0 **Immediate Recovery- Hazard**

8.1 Every owner of a shopping cart, that has been notified by the police or a Municipal Law Enforcement Officer, that a shopping cart bearing the owners' Shopping Cart Identification Plate, has been found abandoned off the owners premises and is creating an immediate hazard to the safety of the public, shall immediately recover the cart(s), at the location identified, unless otherwise directed or agreed.

8.2 No owner of shopping carts shall fail to respond to the request to immediately action and remove carts, when requested by police or a Municipal Law Enforcement Officer.

8.3 No owner of shopping carts shall fail to respond to the request to remove carts in a time set out in any Notice or in the time frame requested by police or a Municipal Law Enforcement Officer

9.0 **Impoundment/Collection of Abandoned Shopping Carts**

9.1 Upon discovery of any Shopping Cart which has been removed from the business premises or associated parking area for which it is provided and is subsequently found deposited, disposed of or abandoned on any highway lands owned or occupied by the City, without the consent of the City or of the occupant of the land, as the case may be, City staff or an authorized agent of the City may impound and collect such Shopping Cart for recovery, at the expense of the Owner.

9.2 Upon discovery of any Shopping Cart which has been removed from the business premises or associated parking area for which it is provided and is subsequently found deposited, disposed of or abandoned on any other lands owned or occupied by the City, without the consent of the City or of the occupant of the land, as the case may be, City staff or an authorized agent of the City may collect and hold such Shopping Cart for recovery, at the expense of the Owner.

9.3 Upon discovery of any Shopping Cart which has been removed from the business premises or associated parking area for which it is provided and is subsequently found deposited, disposed of or abandoned on any land that is not owned or occupied by the City, without the consent of the occupant or registered owner of the land, City staff or an authorized agent of the City may, with the express consent of the registered owner or the occupant of the land, collect and hold such Shopping Cart for recovery, at the expense of the Owner.

9.4 The Owner of any Shopping Cart collected under Section 8.1, 9.1, 9.2, 9.3 or 10.3 shall be responsible for payment of the Collection Fee and of any Storage Fee, as set forth in User Fee By-law, The Administration, Impound or Collection Fee and Storage or Holding Fees may be collected as set out in that By-law.

#### 10.0 **Issue Order to Stop or Remedy**

10.1 Notwithstanding that a Shopping Cart Management Plan was submitted and subsequently approved, the Manager, in response to an potential public safety issue or growing nuisance created by the owners shopping carts, may Order any owner of shopping carts to take such steps to prevent, minimize or resolve the situation and the owner shall comply with that Order

10.2 Where the Manager has issued an Order to Remedy or, an Order to Stop or Discontinue an Activity, in the absence of the owner of shopping carts, complying with such Order(s); the municipality may take whatever steps that were required by the owner to resolve the issue(s) involving the owners shopping carts, including entering onto private property, to remove shopping carts that are off the owners' premises.

10.3 An Order may be served on the owner by delivering in person to the owner or by leaving it with the person whom appears to be in-charge at the premises where the shopping carts are made available or by delivery to the e-mail address stated on the Shopping Cart Identification Plate, or via registered mail to the address of the owner and shall be deemed to be delivered after five days.

10.4 Where the municipality has been required to action an Order that has not been complied with by the owner of shopping carts, the municipality may charge back all costs and expenditures, including prescribed administrative fees and it is a debt due the municipality. Where the owner does not reimburse those costs, the municipality may add those to the roll for the property and they may be collected in a manner like taxes

10.5 No person shall fail to comply with an Order made pursuant to this by-law that has been issued by a Municipal Law Enforcement Officer or the Manager.

10.6 No person shall interfere with or obstruct or attempt to obstruct an Officer in carrying out an Order that was not otherwise complied with.

#### 11.0 **Recovery Record- Required**

11.1 Every owner of shopping carts shall maintain in a binder, a copy of this By-law and a copy of the current approved Shopping Cart Management Plan as well as a "Recovery Record", containing information that is set out in Appendix "C" of the By-law, including all proactive recovery efforts as well as calls from the public or police and calls or Notices from the municipality and documents all responses and the outcome(s) of each notification.

11.2 Every owner of shopping carts that has an approved plan shall, upon request, provide an Officer access to the plan and the recovery records, for inspection.

## **12.0 Graduated Recovery and Return Fee Schedule**

12.1 Where the owner of shopping carts has an approved Shopping Cart Management Plan and has complied with the Shopping Cart Identification Plate requirements, the owner of shopping carts is entitled to the benefit of the “Graduated Recovery and Return Fee Schedule” set out in Appendix “D” of the By-law where an Officer chooses to provide a Noticed of Abandoned Shopping Cart, and the owner subsequently recovers the cart in accordance with this by-law.

12.2 Where the owner of shopping carts did not submit a Shopping Cart Management Plan, or did not receive approval, or such approval was subsequently rescinded, or where the owners shopping carts do not conform to the Shopping Cart Identification requirements, such owners are not entitled to benefit of the Graduated Recovery and Return Fee Schedule, set out in schedule “D” of the by-law, nor will any such owners be entitled to any automatic return programs that may be developed.

## **13.0 Cart Return- Approved Shopping Cart Management Plan**

13.1 If following collection of a Shopping Cart under Section 9 the Owner has been identified and there is an approved Shopping Cart Management Plan in place, the City staff or an authorized agent of the City will follow the terms of the “recovery & return plan” desired by the owner, this may include returning the Shopping Cart to the Owner and may either receive payment on behalf of the City at that time for each Shopping Cart returned in accordance with the Collection Fee or invoice the Owner on behalf of the City for the number of Shopping Carts returned in accordance with the Collection Fee schedule and recovery agreement.

13.2 Following the collection of a Shopping Cart under Section 9, and the Owner has been identified, and there is an approved Shopping Cart Management Plan in place, City staff or an authorized agent of the City may, instead of impounding the cart, return the Shopping Cart to the Owner for the designated fee. The owner may either provide payment immediately to the City, in the approved form at the time each Shopping Cart is returned or agree in writing that the City may invoice the Owner on behalf of the City for the number of Shopping Carts returned as.

## **14.0 Cart Return - Impounded without Approved Shopping Cart Management Plan**

14.1 If following collection of a Shopping Cart under Section 9, the Owner has been identified and there is NOT an approved Shopping Cart Management Plan in place, the City may impound or collect and store/hold the Shopping Cart at the expense of the Owner for the Storage Fee as set out in User Fee By-law, and immediately notify the owner from the Shopping Cart Identification Plate information found on the cart, that they have 5 business days to pay all fees and recover the cart(s). Carts held past 5 business days, where there isn’t a Shopping Cart management Plan approved, shall have an escalating daily fee assessed as set out in User Fee By-law. Unclaimed carts, where the owner has been notified and has not paid the fees and recovered the carts within 30 days, those cart will be deemed to be unwanted waste and disposed of in proper manner. The

accumulated costs (recovery and storage fees) are a debt due to the municipality and can be recovered as set out in the by-law.

14.2 If following collection of a Shopping Cart under Section 8 or 9, the identity of the Owner cannot be determined from a visual inspection of the Shopping Cart or the Owner cannot reasonably be located, City staff or an authorized agent of the City may impound or collect and store/hold the Shopping Cart at the expense of the Owner for the Impound and Storage Fee as set out in User Fee By-law. If the Owner claims the Shopping Cart from the storage location, the Shopping Cart shall be returned to the Owner or the Owner's agent when all outstanding fees have been paid. Where no person claims the shopping cart within 30 days, the City may dispose of such carts at their discretion.

#### **15.0 Entry on Private Lands- Identification**

15.1 A Municipal Law Enforcement Officer may enter onto any private lands, at a reasonable hour, to inspect any shopping carts that appear to be abandoned, to determine if the cart(s) bear a Shopping Cart Identification Plate and further, the Officer may impound and remove any shopping carts that are deemed by the Officer to be abandoned and located off the owners property unless the owner of property request that the Officer does not remove the cart(s); the Officer will not remove carts where the established owner, makes such a request.

15.2 An Officer, who enters onto private lands to inspect for abandoned carts, may be accompanied by any such person(s) as the Officer deems necessary for the purposes of identifying the proper ownership of the shopping cart and/or to assist in the recovery

15.3 Any Officer entering onto private lands with express purpose to inspect shopping carts to determine abandonment, will only inspect those carts that are visible in the external environment, and will not enter any building, including buildings used as a dwelling, while exclusively inspecting for shopping carts.

15.4 Nothing in section 15.3 above, should be interpreted as to diminish an Officer's powers to enter and inspect in regard to other by-laws or statutes, as is defined in those other by-laws and statutes, including powers defined in sections 435 through 439 of the Municipal Act, 2001.

15.5 No person shall interfere, impede, obstruct or refuse entry onto private lands of Municipal Law Enforcement Officer and those accompanying the Officer, while in the lawful execution of duties.

#### **16.0 Forms or Document Execution**

16.1 The General manager is authorized to approve, create and maintain, or change, from time-to-time the following: any forms, documents, notices or other required processes to ensure operational functionality for this by-law, including executing or approving any agreements that may be required.

## 17.0 **Review – 3 Years**

17.1 The manager shall commence a review after the third year, following the implementation of the requirements of the By-law and shall report back to Council. This review should include an assessment on the effectiveness of the by-law in addressing the abandoned shopping cart issues along with any recommendations for Council's consideration.

## 18.0 **Offences**

18.1 Any person who fails to comply with any requirement of this By-law is guilty of an offence, and shall upon conviction be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended from time to time, or any successor thereof.

## 19.0 **Fee/Debt Recovery**

19.1 Any requirement for any fee established in this by-law for notifications, impoundment and storage, or any works performed under any Order not complied with or where the municipality is authorized to act without notice under any by-law, concerning every shopping cart shall be a debt due and payable, by the owner.

19.2 Any Fees, due pursuant to this by-law that remain unpaid by the owner, constitutes a debt of the owner to the City and may be added to the tax roll for the property on which the business is located and collected by the City in the same manner as municipal taxes.

19.3 In addition to any other rights and remedies that the City may have, the City may collect any Collection or Storage Fees as a debt owing by the Owner to the City by way of an action in a court of competent jurisdiction.

## 20.0 **Service of Notice**

20.1 Any Notice, may be served on the owner by delivering it, verbally, in person to the owner or in writing by leaving it with the person whom appears to be in-charge at the premises where the shopping carts are made available or by delivery to the e-mail address stated on the Shopping Cart Identification Plate or specified in the Shopping Cart management Plan, or via registered mail to the address of the owner and shall be deemed to be delivered after five calendar days.

## 21.0 **Severability**

21.1 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 in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced to the extent possible according to law.

21.0 **Short Title**

21.1 This by-law may be cited as the “Shopping Cart By-law.”

22. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 22<sup>nd</sup> day of November, A.D. 2021 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Bill Mauro

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Mayor

Krista Power

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City Clerk