



**THE CORPORATION OF THE CITY OF MISSISSAUGA**  
**SHOPPING CART BY-LAW NUMBER 368-94**

**(Amended by By-law 473-95)**

**WHEREAS shopping carts which are disposed of or abandoned on City property constitute a public nuisance;**

**AND WHEREAS The Council of the Corporation of the City of Mississauga has the power to prohibit and abate public nuisances and to prohibit the use of any property within the municipality for the disposal of refuse;**

**AND WHEREAS The Council of the Corporation of the City of Mississauga has the power to perform things that are required to be done by others as a consequence of the contents of its By-laws and thereafter collect from such persons the costs associated with the performance of such tasks;**

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

- 1. For the purposes of this By-law,**
  - (a) the term ‘shopping cart’ shall refer to any devise made available by the owner or operator of a business, to the customers of that business, for the conveyance of goods purchased from the business while on the owner’s premises;**
  - (b) the term ‘owner’ shall refer to any person that operates a business from a premises at which shopping carts are provided; and**
  - (c) the term ‘person’ shall included a corporation.**
- 2. No person shall deposit any shopping cart on any private property without the permission of the owner of the property.**
- 3. No person shall deposit any shopping cart on any premises owned by the Corporation of the City of Mississauga**
- 4. (a) Upon discovery of any shopping cart, apparently abandon on any City property or private property, staff of the Corporation of the City of Mississauga may**

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remove the shopping cart to a facility for the storage of the shopping cart;

- (b) Once the shopping cart has been removed to the storage facility, City staff shall, if the owner's identity may be determined from a visual inspection of the shopping cart, contact the owner thereof and provide a reasonable period of time, not to exceed twenty-four hours for the owner to retrieve the shopping cart from the storage facility and return it to the owner's business premises;
- (c) For the purposes of this section, the owner may be contacted by facsimile transmission, telephone communication or in person, by leaving a copy of a written notice with a person apparently in charge of the business premises of the owner, and such notice shall include the municipal address of the storage facility and shall advise the owner that if the shopping cart is not retrieved to the owners premises by the end of the removal period, it will only be returned upon payment of the fee established by this by-law;
- (d) If, at the conclusion of the twenty-four hour period within which the shopping cart is to be collected from the storage facility, the storage facility is closed, the twenty-four hour collection period shall be automatically extended to 12 noon on the day upon which the storage facility is next open;
- (e) If the owner of any such shopping cart, having been provided with notice of the location of the shopping cart and directed to retrieve it, has not removed it from the storage facility by the end of the period provided for its removal, then the owner will be charged a fee as established in Schedule "A" to this by-law for the storage of the shopping cart;
- (f) If the City staff can not, from a visual inspection of the shopping cart, determine the identity of the owner of the shopping cart, the shopping cart may be disposed of the City staff at the end of the twenty-four hour period within which the owner is required to collect the shopping cart from the storage facility unless, within that period, the owner of the shopping cart contacts the storage facility and identifies the shopping cart as his property.
- (g) If the owner of the shopping cart contacts City staff, pursuant to subsection 4 (f), then the provisions of subsections 4 (b) to 4 (e), both inclusive shall apply to the disposal of the shopping cart;
- (h) If any shopping cart, for whom the owner has been identified either from a visual inspection or by contact with City staff, remains unclaimed from the storage facility after the passage of a period of thirty days the shopping cart may be disposed of pursuant to the provisions of the *Repair and Storage Liens Act*, R.S.O. 1990, c

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R.25, as amended.

5. No person shall allow shopping carts to be taken from the business premises for which they are provided such that the shopping carts become a nuisance.
6.
  - (a) Where the owner fails to take necessary steps to secure the shopping carts provided for the business premises, against removal from the business premises, the City shall give notice directing the owner to take steps to guard against the removal of the shopping carts.
  - (b) For the purposes of this section, the notice to be provided to the owner of the shopping cart, or premises for which it is provided, may be provided by prepaid registered mail or in person, by leaving a copy of the notice with a person apparently in charge of the business premises and the notice shall advise the owner that any further shopping carts from its premises, if found abandoned, will be seized without further notice being given and only returned upon payment of the fee established by this by-law.
7.
  - (a) Any shopping cart removed by City staff shall be returned to the owner thereof upon payment, by the owner of the appropriate fee associated with its removal and storage and in accordance with Schedule "A" to this by-law.
  - (b) Any fee, chargeable under this by-law that remains unpaid for a period of thirty (30) days from the date upon which they were incurred and communicated to the owner of the shopping cart, may be collected and recovered in accordance with Section 326 of the *Municipal Act*, R.S.O. 1990, c.M.45, as amended.
8.
  - (a) Every person who contravenes any provision of this by-law is guilty of an offence and upon conviction is liable to a fine of not more than \$5,000.00, for each offence, exclusive of costs. Each day that such offence is committed, or permitted to continue, shall constitute a separate offence and may be punishable as such. Such fines shall be recoverable under the *Provincial Offences Act*, R.S.O. 1990, c.P.33.
  - (b) Where a person has been convicted of an offence under this by-law the Court may, in addition to any other penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted, directed toward the cessation of the continuation or repetition of the offence.

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9. 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 in accordance with its term to the extent possible according to law.
10. This by-law shall be known as The Shopping Cart By-law.

**Signed by: Hazel McCallion, Mayor**

**Terence Julian, City Clerk**

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**SCHEDULE A**

**(Amended by By-law 473-95)**

**ITEM**

**FEE**

**Storage of shopping cart**

**\$50.00**