

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING CHAPTER 9 ARTICLE 31 SECTION 9-3104 OF
THE FRESNO MUNICIPAL CODE, RELATING UNLAWFUL
POSSESSION AND ABANDONMENT OF CARTS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9-3104 of the Fresno Municipal Code is amended to read:

SECTION 9-3104. – UNLAWFUL POSSESSION AND ABANDONMENT
OF CARTS.

Any person who violates any prohibition of this section is guilty of a misdemeanor as provided in California Business and Professions Code Section 22435.3. This section shall not apply to Carts removed as authorized by the Cart Owner, pursuant to Business and Professions Code Section 22435.4, including for the purposes of maintenance, repair or disposal.

[The Cart should have a permanently affixed sign providing the following information: (i) identify the owner or retailer, (ii) notify the public of the procedure for authorized removal of the cart from the premises, (iii) warn that unauthorized removal or possession is a violation of state law, and (iv) provide a valid telephone number or address for returning the cart as provided in Business and Professions Code Section 22435.1.]

1 of 3

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No. _____

It is unlawful to do any of the following acts, if a Cart has a permanently affixed sign provided in Business and Professions Code Section 22435.1:

(a) To remove a Cart from the Business Premises of a retail or commercial establishment with the intent to temporarily or permanently deprive the Cart Owner of possession of the Cart.

(b) To be in possession of any Cart that has been removed from the Business Premises of a retail or commercial establishment with the intent to temporarily or permanently deprive the Cart Owner of possession of the Cart.

(c) To be in possession of any Cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the Cart Owner of possession of the Cart.

(d) To leave or abandon a Cart at a location other than the Business Premises of the retail or commercial establishment with the intent to temporarily or permanently deprive the Cart Owner of possession of the Cart.

(e) To alter, convert, or tamper with a Cart or to remove any part or portion thereof or to remove, obliterate or alter serial numbers on a Cart, with the intent to temporarily or permanently deprive the Cart Owner or retailer of the possession of the Cart.

(f) To be in possession of any Cart while that Cart is not located on the Business Premises of the retail or commercial establishment which

owns the Cart, with the intent to temporarily or permanently deprive the Cart
Owner or retailer of possession of the Cart.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01
a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing
ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on
the _____ day of _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, MMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Senior Deputy City Attorney