

City of Lowell - Law Department

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City Solicitor

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July 23, 2009

City Manager Bernard F. Lynch
Mayor Edward "Bud" Caulfield
Members of the City Council

David J. Fenton
Thomas E. Sweeney
Brian W. Leahey
Maria Sheehy
R. Eric Slagle

RE: Shopping carts and utilization of the new wheel lock system

Dear Mr. Manager, Mayor Caulfield and Members of the City Council:

I write in response to a request that the City contact local stores regarding shopping carts and utilization of the new wheel lock system. The Law Department has contacted the headquarters of local grocery stores such as Hannaford Bros. and DeMoulas/Market Basket. Both sides have stated that they do require some of their stores to install the new wheel lock system on shopping carts in an attempt to prevent theft. Both businesses have claimed that wheel locks appear to be effective, but that the locks are not infallible. A representative from the Hannaford Bros. headquarters stated that the use of the new wheel lock system has "sharply curbed the loss" of shopping carts in establishments where they are used.

The use of the wheel lock system appears to have been effective in grocery stores in western states, such as California. Safeway stores have stated that typically a store would lose 50 to 100 carts every six months due to theft. After the installation of CAPS (Cart Anti-Theft Protection System) on 150 of the 200 carts, not one of the protected carts has disappeared, and 35 of the 50 unprotected carts have been stolen. Similarly, Pak'n Save Foods have stated that their cart thefts are enough to necessitate both a locking system in the parking lot and the use of a retrieval service paid to drive through the city on the prowl for abandoned carts. Gardner, Christopher. "Wheels of Fortune". *Metroactive News & Issues* (Silicon Valley's Weekly Newspaper), June 3-9, 1999.

Both the Cities of Somerville and Worcester have enacted ordinances to prevent shopping carts from leaving the business premises in an attempt to reduce the amount of shopping carts that are abandoned on streets and public property. City of Somerville Code of Ordinances, Article V, §§ 12-89 – 12-99; City of Worcester Code of Ordinances, Chapter 9, § 15. Neither of the ordinances in Somerville and Worcester mandates that the method of prevention must be a wheel lock, but instead, lists it as one of the available options for prevention. A new ordinance for the City of Lowell would likely be more effective if establishments are not required to install the wheel lock system, but required to propose a plan for the containment of shopping carts, which may be subject to approval by the Zoning Board or the authority designated for such purpose.

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In the event that the Council wishes to further pursue this issue, the Law Department, in conjunction with the City Manager's office, will work to develop an Ordinance for review by the City Council.

Very truly yours,

A handwritten signature in cursive script that reads "Christine P. O'Connor". The signature is written in black ink and is positioned above the typed name.

Christine P. O'Connor
City Solicitor

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