

ORDINANCE No. 2026-06

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 26, ARTICLE III, “SHOPPING CARTS”; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Chapter 26, Article III, of the City of Doral’s (the “City”) Code of Ordinances provides for the regulation of shopping carts, that ensures that shopping carts are properly maintained by their owner, on site; and

WHEREAS, staff has identified several sections of the Ordinance that can be reinforced in order to achieve the Ordinance’s mission; and

WHEREAS, if adopted, the proposed changes will require retail establishments to maintain effective cart disabling device systems that will prevent carts from leaving the retail establishment’s premises; and

WHEREAS, if adopted, amendments would make it an enforceable penalty against retail establishments to allow shopping carts bearing their name to be left on or within public property; and

WHEREAS, if adopted, the amended Ordinance will enforce the City’s objective of maintaining Doral beautiful by protecting against blight; and

WHEREAS, the Mayor and City Council finds that adoption of this Ordinance is in the City’s best interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS

Section 1. Recitals. The foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Amending Chapter 26, Article III., “Shopping Carts”

ARTICLE III. SHOPPING CARTS

Sec. 26-52. Cart identification signs; Notice of penalties and control measures required for retail establishments.

- (a) Every retail sales establishment which utilizes shopping carts, as defined by state statutes, in the operation of its business shall affix an identification sign on the shopping cart providing the name, address and phone number of the retail establishment. ~~Failure to abide by this provision shall constitute a violation and result in a civil penalty of \$100.~~
- (b) Every retail sales establishment utilizing shopping carts shall implement and maintain effective cart disabling device system designed to prevent carts from leaving the property boundary.
- (c) Every retail sales establishment which utilizes shopping carts, as defined by F.S. § 506.502(10), in the operation of its business shall affix the following notice at the exits of the retail establishment which shall be clearly legible in the English and Spanish language and shall state the following:

WARNING

Any person who removes a shopping cart from the premises of the owner, or is in the possession of any shopping cart, shall be presumed to be in possession of stolen property and is guilty of a misdemeanor of the first degree, punishable by a term of imprisonment of up to one year as provided by F.S. § 506.509, as amended.

- (d) Failure to comply with the identification requirements or the required control measures set forth in this section shall constitute a violation and result in a civil penalty of \$100.00 per occurrence, as permitted through Florida Statutes Chapter 162.

Sec. 26-53. Procedure for handling identifiable carts found on public property.

- (a) It shall be unlawful for any business owner to allow a shopping cart bearing the business’s name, logo, or other identifying mark to be left on or within any public property, public right-of-way, or private property without the property owner’s consent. Employees and officers of the city shall be deemed agents of the city and any identifiable shopping carts found by them on public property during the course of their official duties shall be reported to the code enforcement division. ~~The code enforcement division shall collect the shopping carts and place them in storage.~~

- (b) ~~The code enforcement division shall provide reasonable notice within a reasonable period of time to the owner of the shopping cart as designated on the shopping cart's identification sign to retrieve the property. Said notice shall be sent by certified mail, return receipt requested. Any identifiable shopping cart found on public property shall constitute prima facie evidence that the cart owner failed to maintain adequate control measures to prevent the cart from leaving the business premises however, such presumption may be rebutted by evidence of compliance with this Article presented by the owner at a duly noticed hearing before the Special Magistrate.~~
- (c) ~~The owner of the shopping cart shall have five days from receipt of the notice to retrieve the property. Upon retrieval of the property, the owner shall pay all costs of removal and storage in the form of a fee as set forth in subsection (f) of this section. The city may immediately remove or cause the removal of any shopping cart found to be improperly placed on public property. Any removal costs may be assessed to the business owner. The city is not responsible for the retrieval, storage, or return of shopping carts found on public property.~~
- (d) ~~The owner's failure to retrieve the property within the time stated in the notice shall constitute a violation and result in a civil penalty of \$100.00. Each unclaimed shopping cart shall be deemed a separate violation. A business owner whose identifiable shopping cart is found on public property shall be subject to the following civil penalties within a calendar year:~~
- First violation: \$50.00 per cart
 - Second violation: \$100.00 per cart
 - Third and subsequent violations: \$250.00 per cart

Each shopping cart shall be considered a separate violation. Business owners may contest this violation by filing an appeal with the Special Magistrate as provided in Chapter 11, Article II of the City of Doral Code of Ordinances.

- (e) ~~The owner of the shopping cart who, after notice as provided in this article, does not retrieve such property within the specified period shall be liable to the code enforcement division for all costs of removal, storage and disposal of such property in the form of a fee as set forth in subsection (f) of this section. The city manager or their designee may establish administrative procedures as necessary to implement and enforce this section.~~
- (f) ~~The fees shall be in an amount to be determined by the city manager by administrative order and approved by the city council.~~
- (g) ~~If the shopping cart is not claimed by the owner within the time specified in this article, the title to such property shall vest in the city and shall be disposed of by the code enforcement division.~~

Sec. 26-54. Procedure for handling identifiable unidentifiable shopping carts found on public property.

All unidentifiable shopping carts found on public property shall be handled in accordance with F.S. ch. 705, as amended from time to time.

Sec. 26-55. Code enforcement authority.

- (a) The code enforcement division is delegated the authority to enforce this section article.
- (b) Effective date. This article amendment shall take effect and be enforceable on October 1, 2026.

~~Sec. 26-56. Notice of penalties; exemption procedure.~~

- ~~(a) Every retail sales establishment which utilizes shopping carts, as defined by F.S. § 506.501(10), in the operation of its business shall affix the following notice to all such carts and at the exits of the retail establishment which shall be clearly legible in the English and Spanish language and shall state the following:~~

~~WARNING~~

~~Any person who removes a shopping cart from the premises of the owner, or is in the possession of any shopping cart, shall be presumed to be in possession of stolen property and is guilty of a misdemeanor of the first degree, punishable by a term of imprisonment of up to one year as provided by F.S. §§ 506.509 and 506.513.~~

- ~~(b) Any establishment desiring an exemption from this article shall file a petition for exemption and enclose an appropriate application fee to be determined by the city manager. A petition for an exemption from the requirements of this article may be granted by the director of the code enforcement division to any retail establishment which:~~
 - ~~(1) Constructs barriers to prevent the removal of shopping carts;~~
 - ~~(2) Attaches alarm mechanisms to shopping carts to prevent their removal; or~~
 - ~~(3) Implements a policy of not allowing the customer to exit the store with shopping carts, provides an employee to carry or wheel the customer's merchandise to the customer's vehicle, and agrees to implement a program to collect their own carts that are illegally removed.~~

Section 3. Conflicts. All ordinances, or parts of ordinances in conflict herewith

be, and the same, are hereby repealed.

Section 4. **Severability.** If any section, subsection, clause of provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. **Incorporation into the Code.** It is the intention of the Mayor and the City Council, that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions.

Section 6. **Effective Date** This Ordinance shall be effective immediately upon passage by the City Council on second reading.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 13 day of May, 2026.

PASSED AND ADOPTED on SECOND READING this 10 day of June, 2026.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC
CITY ATTORNEY