




Lashway, Lisa

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**From:** NJLM - Municipal Clerks [njlm-clerks@cityconnections.com]  
**Sent:** Wednesday, September 03, 2008 4:29 PM  
**To:** Lashway, Lisa  
**Subject:** Municipal Clerks from NJLM

		
<b>LEAGUE ALERT</b>		
Municipal Clerk: Please forward to Mayor and Governing Body.		
September 3, 2008		
<b>Re: New Law Limits Power of Municipality to Impound Shopping Carts</b>		
Dear Mayor:		
<p>A new law went into effect in April of 2008 that limits the conditions under which a municipality may impound shopping carts as well as the fines that may be charged for release of the carts. <i>NJSA 40:48-2.65</i> limits the power of a municipality to impound a shopping cart "that has a sign or notice identifying the owner of the cart, or the retailer who has written consent from the owner to use the cart, and listing a valid telephone number or address through which the owner or retailer can be contacted".</p>		
<p>The municipality can only act to seize the cart if it is outside the limits of a retail store and its parking lot and the municipality notifies the owner or retailer and allows three business days for the owner or retailer to retrieve the cart, unless public safety requires immediate removal. If the cart is then impounded, the owner or retailer must be informed of its location and it must be held somewhere that is open for business six hours of every business day and is reasonably convenient to the owner or retailer. Five business days must then be allowed for retrieval before the municipality disposes of the cart. Fines for impoundment cannot exceed \$50.00.</p>		
<p>There is an exception to these conditions in the law if the municipality notifies the owner/retailer within 24 hours of the impoundment and does not impose a</p>		

fine or fee if the cart is retrieved within five business days after notification. This law does not affect the impoundment of carts that do not identify the owner or retailer and/or do not have a valid address and telephone number for the owner/retailer.

If you have any questions or concerns with this communication, please contact Deborah M. Kole, Staff Attorney, at the League, extension 137, or at [dkole@njslom.com](mailto:dkole@njslom.com)

Very truly yours,

William G. Dressel  
Executive Director

NJLM  
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