SUMMARY OF PROPOSED COMMITTEE DRAFT:

Bill 53 (2026)
RELATING TO SHOPPING CARTS.

The PROPOSED CD1 makes the following amendments:

A. In SECTION 2 of the bill:

1. Combines proposed new ROH Section 13-__.3(a)(1) and (2) for clarity and removes references to the exposure for use of a shopping cart to another person (formerly in proposed new ROH Section 13-__.3(a)(2));

2. Adds a new subsection (c) in proposed new ROH Section 13-__.3 that it is an affirmative defense to prosecution under proposed new Chapter 13, Article ___ in SECTION 2 of the bill (specifically proposed new ROH Section 13-___.3(c)), if a person possessed, used, or offered for use an identified shopping cart off the premises that the owner of the identified shopping cart owns or otherwise has a legal interest in, with the written authorization from the owner or a person authorized by the owner; and

3. Deletes proposed new ROH Section 13-___.5, relating to severability, since the Revised Ordinances of Honolulu 2021 already contains a severability section that applies to all of the Revised Ordinances of Honolulu 2021 (See ROH Section 1-6.1).

B. Makes miscellaneous technical and nonsubstantive amendments.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **53 (2026), CD1**

PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO SHOPPING CARTS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to regulate the possession and abandonment of shopping carts in order to reduce the threat they pose to the health, safety, and welfare of the public.

SECTION 2. Chapter 13, Revised Ordinances of Honolulu 2021 ("Streets, Sidewalks, Malls, and Other Public Places"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"ARTICLE ___: REGULATION OF SHOPPING CARTS

§ 13-__.1 Council findings.

The council finds that both the possession and abandonment of shopping carts have resulted in a serious threat to the health, safety, and welfare of the public. The city's efforts to provide safe streets, sidewalks, malls, parks, and waterways are hampered by persons possessing, using, and abandoning shopping carts in ways that are detrimental to the right of the public to use and enjoy these public facilities.

It is in the city's interest to ensure that the city's sidewalks and parks are usable, healthy, and safe for the public. The inappropriate use and abandonment of shopping carts endanger the general public by creating unsafe conditions on sidewalks and within parks, or portions thereof. Obstructions on sidewalks force pedestrians to walk onto the adjacent roads and streets, which creates hazardous situations for both pedestrians and users of roads and streets. Persons with disabilities are especially put at risk when they are unable to utilize sidewalks due to insufficient clearance for their wheelchairs. The public is also harmed as a result of bus stops that cannot be utilized when access to the bus stops is blocked by shopping carts. Park users, often children, are also placed at risk of injuries and loss caused by shopping carts in public parks, rendering the public park unsafe or unusable. There have also been instances where the flow of water in the city's waterways has become obstructed by abandoned shopping carts, potentially resulting in the overflow of the waterway. The city must be able to ensure the safety of members of the public when they are using sidewalks, roads and streets, bus stops, parks, waterways, and other public spaces as well as the public's ability to use these accommodations freely.

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§ 13-__.2 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

Identified Shopping Cart. A shopping cart that has securely affixed to it a conspicuous sign or marking identifying its owner and further visibly marked so that it is uniquely identifiable and distinguishable from shopping carts owned by other persons.

Owner. A person or legally formed entity that has a legal right, title, or interest in an identified shopping cart. The term does not include a person who is using or in possession of a shopping cart to which the person does not have a legal right or title, or interest therein.

Shopping Cart. A metal or plastic handcart on three or more wheels. The term does not include handcarts that are made out of at least 90 percent material that is not metal or plastic, handcarts that have no sides (i.e., flatbed carts, panel carts), and handcarts with a total carrying capacity of less than 1.41 cubic feet or 40 liters.

§ 13-__.3 Prohibition.

(a) Except as otherwise provided in this article, it is unlawful for a person to possess, use, or offer for use to another person, a shopping cart at any time within the city; provided that an owner, or a person authorized by the owner, may possess, use, or offer for use to another person, the owner's identified shopping cart upon a premises that the owner owns, or otherwise has a legal interest in.

(b) This article does not apply to any shopping cart owned by or under the jurisdiction of the federal government or owned by and being used by the State of Hawaii.

(c) In cases where a person possessed, used, or offered for use an identified shopping cart off a premises that the owner of the identified shopping cart owns or otherwise has a legal interest in, it is an affirmative defense to prosecution under this article that the person did so with written authorization from the owner of the premises or a person authorized by the owner.

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§ 13-__.4 Penalty.

(a) For each violation of this article, the violator shall be punished by a fine of up to $2,000 or by imprisonment for a period not to exceed 30 days, or both.

(b) Any person violating any provision of this article shall also forfeit the shopping cart to the city.

(c) Each shopping cart found in the possession of a person violating any provision of this article constitutes a separate violation."

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SECTION 3. This ordinance takes effect upon its approval; provided that the owners of shopping carts will have 180 days from the effective date of this ordinance to convert their shopping carts into identified shopping carts as defined in SECTION 2 of this ordinance. No arrest or citation may be issued under this ordinance until after 180 days from the effective date of this ordinance.

INTRODUCED BY:

Tommy Waters

DATE OF INTRODUCTION:

July 27, 2026
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___ .

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Shopping Carts; Pollution; Public Nuisance; Criminal Penalties; Fines; Business Regulation

Description:
Generally prohibits possession and use of shopping carts on O'ahu unless the shopping cart is identified by the legal owner and used on a premises under the legal control of the owner. Establishes penalties and an affirmative defense. Defines shopping cart to include metal or plastic handcarts on three or more wheels, and to exclude handcarts made out of other materials, without sides (flatbeds), or with a carrying capacity of less than 1.41 cubic feet or 40 liters (baskets with wheels).

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