

ORDINANCE NO. 1370

AN ORDINANCE OF THE CITY OF DEL CITY, OKLAHOMA, AMENDING THE DEL CITY CODE OF ORDINANCES, CHAPTER 13, ARTICLE III, SEC. 13-66 PETIT LARCENY; DEFINING PETIT LARCENY, DESCRIBING TYPES OF ACTS CONSTITUTING PETIT LARCENY AND PROVISIONS RELATED THERETO; PROVIDING PENALTY; DECLARING REPEALER; PROVIDING SEVERALIBILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEL CITY, OKLAHOMA:

SECTION 1: THAT THE DEL CITY CODE OF ORDINANCES, CHAPTER 13, ARTICLE III, SEC. 13-66 IS HEREBY AMENDED TO READ AS FOLLOWS:

- (a) It shall be unlawful for any person to commit the crime of petit larceny within the city.
- (b) For the purposes of this section, the term "petit larceny" shall mean the taking of personal property not exceeding five hundred dollars (\$500.00) in value, accomplished by fraud or stealth, with intent to deprive another thereof.
- (c) Any person concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of this section. Such concealment or the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be deemed conclusive evidence of reasonable grounds and probable cause for the detention of such person in a reasonable manner and for a reasonable period of time.
- (d) For purposes of this section, and in addition to the other provisions of this section and not in limitation thereof, it shall also be deemed conclusive that petit larceny occurs when a person:
 - (1) Alters the price tag of merchandise or exchanges a price tag of an item of merchandise with a price tag from a lower value item;
 - (2) Removes the packaging or material from an item of merchandise containing any security tag or apparatus;
 - (3) Removes a security tag or apparatus from the merchandise;

- (4) Places an item of merchandise underneath or within an article of clothing or within a pocket, purse backpack or other conveyance at any time while on the premises of a merchant.
- (d) Any person convicted of violating this section shall be punished by a fine or deferral fee in lieu of a fine of not more than seven hundred fifty dollars (\$750.00) and costs and/or imprisonment of not more than sixty (60) days and costs.
- (e) The judge of the municipal court may also order any person convicted of violating this section to make restitution to the victim of the offense, and any fine imposed under this section may be reduced accordingly if the circumstances bear such reduction.

SECTION 2: REPEALER. All former ordinances or parts of ordinances conflicting or inconsistent with the provision of this ordinance are hereby repealed.

SECTION 3: SEVERALIBILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4: EMERGENCY. It being immediately necessary for the preservation of the public health, peace and safety of the City of Del City, and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof; this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED and APPROVED and the emergency clause voted upon separately and passed and approved this 21st day of OCTOBER 2013.


BRIAN E. LINLEY, MAYOR

ATTEST:

Carol Noble
CAROL NOBLE, CITY CLERK

(SEAL)

Reviewed this 22 day of October, 2013, by:

Jack Fried
JACK FRIED, CITY ATTORNEY