

**CITY OF ALBION  
ORDINANCE #2012-1**

AN ORDINANCE TO CREATE THE OFFENSE OF RETAIL FRAUD, 58-37.

**Purpose and Finding:**

Michigan law provides for the crime of retail fraud, formerly known as shoplifting, in MCL 257.356d. The City of Albion does not currently have an ordinance specific to this offense, and to date offenses of this type have been referred to the county for prosecution, or in some circumstances, have been prosecuted under the ordinance for larceny. Given that this is an offense that occurs with a degree of regularity, it is in the interests of the City of Albion to have an ordinance for this offense to protect the various retail businesses and the public at large. This ordinance would allow the City of Albion to enforce retail fraud offenses where the value of the property taken has a value of \$200.00 or less.

THE CITY OF ALBION ORDAINS:

**Sec. 58-37. RETAIL FRAUD**

- (a) A person who does any of the following in a store or in its immediate vicinity is guilty of retail fraud:
- (1) While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale, if the resulting difference in price is less than \$200.00.
  - (2) While a store is open to the public, steals property of the store that is offered for sale at a price of less than \$200.00.
  - (3) With intent to defraud, obtains or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for and belongs to the store, if the amount of money, or the value of the property, obtained or attempted to be obtained is less than \$200.00.
- (b) Evidence that the property or money taken or attempted to be taken has a value equal to or greater than \$200.00 shall not be a defense to this offense.

(c) A person who violates this section is guilty of a misdemeanor punishable by jail for not more than 93 days or a fine of not more than \$500.00, or both jail and a fine.

(State Law Reference MCL 750.356d)

This Ordinance shall take effect after publication in the ~~Albion~~ Recorder and on February 3, 2012.

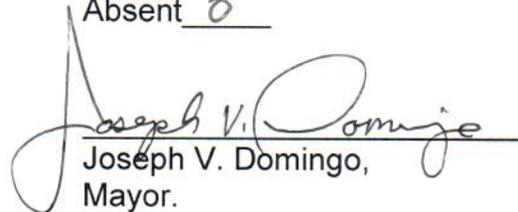
First Reading:  
December 19, 2011

Ayes 7  
Nays 0  
Absent 0

  
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Kerry Helmick,  
City Clerk

Second Reading & Adoption:  
January 3, 2012

Ayes 7  
Nays 0  
Absent 0

  
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Joseph V. Domingo,  
Mayor.