

AN ORDINANCE OF THE TOWN OF RESACA FOR THE PURPOSE OF **ADOPTION OF A SHOPLIFTING ORDINANCE; PROVIDING FOR DEFINITIONS; PROVIDED FOR VIOLATIONS; REPEALING CONFLICTING ORDINANCES;** AND FOR OTHER PURPOSES, ADOPTED AT THE REGUALR MEETING OF THE TOWN COUNCIL ON DECEMBER 17, 2013.

WHEREAS, the Town of Resaca has within its police power the power to regulate the commission of offences within the Town Limits; and

WHEREAS, the Sheriff of Gordon County, who contracts to provide police services to the Town, has requested the adoption of a shoplifting ordinance; and

WHERAS, the Town Council has determined that the adoption of the provisions set for below serves the public health, safety and welfare;

NOW THEREFORE, the Town Council of the Town of Resaca hereby ordains, and it is hereby ordained, that the Resaca Shoplifting Ordinance is adopted as follows:

I. RESACA SHOPLIFTING ORDINANCE

Section 1

A person commits the offense of theft by shoplifting when such person alone or in concert with another person, with the intent of appropriating merchandise to his or her own use without paying for the same or to deprive the owner of possession thereof or of the value thereof, in whole or in part, does any of the following:

- (1) Conceals or takes possession of the goods or merchandise of any store or retail establishment;
- (2) Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;
- (3) Transfers the goods or merchandise of any store or retail establishment from one container to another;
- (4) Interchanges the label or price tag from one item of merchandise with a label or price tag for another item of merchandise; or
- (5) Wrongfully causes the amount paid to be less than the merchant's stated price for the merchandise.

Section 2

In all cases involving theft by shoplifting, the term "value" means the actual retail price of the property at the time and place of the offense. The unaltered price tag or other marking on property, or duly identified photographs thereof, shall be prima-facie evidence of value and ownership of the property.

Section 3 Enforcement

A. This ordinance shall be enforced by the Sheriff.

B. Any citation written under this ordinance shall be personally served and shall command the violator to appear for trial in the municipal court for trial by the municipal court judge. Any violation of this ordinance shall subject the violator to a minimum fine of \$100 on a first violation and \$200 on a second and subsequent violation. Maximum fine shall be \$500 and maximum incarceration shall be 60 days in jail. The court may also sentence with restitution and probation.

II. The Council of the Town of Resaca further ordains, that the provisions of the foregoing ordinance are hereby declared to be severable and should any provision, section or part thereof be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall only affect the particular provision, section or part thereof involved in such decision and shall not affect or invalidate the remainder of such ordinance which shall continue in full force and effect.

III. The Council of the Town of Resaca further ordains that all Resolutions and Ordinances in conflict herewith are hereby repealed provided, however, that any portion of said Resolutions or Ordinances not in conflict herewith shall remain in full force and effect.

SO ORDAINED AND ADOPTED this 17th day of December, 2013, the public health, safety and welfare demanding, to be effective immediately.

ATTEST:

TOWN OF RESACA, GEORGIA

Town Clerk

Samuel Allen, Mayor