

## CHAPTER FOUR

### ARTICLE I – Crimes Against Property

4.1.1 Trespass – No person shall enter without lawful authority upon the land of another. No person, being upon the land or premises of another, upon being notified to depart therefrom by the owner or occupant, or the agent or servant of either, shall without lawful authority neglect or refuse to depart therefrom.

4.1.2 Malicious Destruction or Injury of Properties – It shall be unlawful for any person maliciously to destroy, deface, defile, or injure property, public or private, not his own.

4.1.3 Larceny and Related Offenses; Petit Larceny – No person within the Town shall commit simple, petit larceny of money, goods, or chattels.

4.1.4 Receiving Stolen Property – No person shall buy or receive from another person, or aid in concealing, or transfer to a person other than the owner thereof, any stolen goods or other thing valuable, which he knows, or has reason to believe, has been stolen.

4.1.5 Larceny by Trick – No person shall obtain possession of, or title to, any thing of value, with the consent of the person from whom he obtained it, if he induced such consent by a false or fraudulent representation, pretense, or token of writing. Whoever violates this section is guilty of larceny by trick.

4.1.6 False Representation – No person shall obtain, or aid in obtaining, from another by false representation or pretense money, goods, or other property or

operate any confidence game whereby money or other thing of value is obtained by fraud, or engage in any swindle of another person.

**4.1.7 Town Property—Tampering With, etc., Generally**

(a) No person shall, without proper authority, knowingly use, tamper with, render inoperative, conceal, destroy, damage, remove, deface, molest, or otherwise interfere with any books, records, furniture, equipment, gear, apparatus, tools, or other items of personal property belonging to, leased to, or used by the Town or any agency thereof.

(b) No person shall without proper authority, knowingly destroy, deface, damage, molest, or otherwise interfere with, or trespass upon, any real property belonging to, leased to, or used by the Town or any agency thereof.

**4.1.8 Town Properties—Embezzlement and Larceny**

(a) No person shall embezzle, steal, hide, purloin, or carry away any money, property, or writing which is the property of the Town.

(b) No person shall receive, steal, or aid in stealing, or have in possession with intent to convert to his own use any money, property, or writing which is the property of the Town, knowing the same to have been embezzled, stolen, or purloined, from the Town by any other person.

**4.1.9 City Work Projects Not to be Interfered With – It shall be unlawful for any person to prevent, delay, enter, obstruct, or otherwise interfere with, directly or indirectly, any contractor, workman, or other person who is engaged upon any construction, improvement, repair, or other project or enterprise for, or on behalf of, the Town, or to impede the progress of any such project or enterprise in any manner.**

**4.1.10 Shoplifting—Prohibited and Defined**

(a) It shall be unlawful for any person to commit any act defined in this section as an act which constitutes shoplifting.

(b) For the purpose of this section the term “shoplifting” shall mean any one or more of the following acts:

(1) For any person to take possession of any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying the owner the value thereof.

(2) For any person to conceal upon his person or otherwise any merchandise offered for sale by any store with the intention of converting the same to the use of such person without paying the owner the value thereof.

(3) For any person to alter any label , price tag or marking upon any merchandise offered for sale by any store with the intention of depriving the owner of all or some part of the value thereof.

(4) For any person to transfer any merchandise offered for sale by any store from the container in or on which the same shall be displayed to any other container with intent to deprive the owner of all or some part of the value thereof.

(c) For the purposes of this section:

(1) "Store" shall mean any store or mercantile establishment in which merchandise is displayed for sale in such manner as to be readily accessible to persons shopping therein.

(2) "Merchandise" shall include goods and ware.

(3) "Owner of merchandise" shall include the owner and any other person, firm or corporation having the right to offer the same for sale as agent, consignee or in other capacity under any agreement with the owner of such merchandise.

(4) "Value of merchandise" shall mean the sale price of any merchandise which a person shall convert to his own use in committing an act of shoplifting defined in paragraphs (1) through (2) of subsection (b) of this section; or, in the event a person shall commit an act of shoplifting defined in either paragraphs (3) or (4) of subsection (b) of this section, then the "value of merchandise" shall mean the sale price of that part of the merchandise which the owner has been deprived in consequence of the commission of such act of shoplifting.

**4.1.11 Shoplifting – Presumption Arising by Reason of Concealment of Merchandise** – If any person shall conceal upon his person or otherwise merchandise belonging to any store and for which such person has not paid the purchase price in full, either upon or away from the store premises, there shall be a prima facie presumption that such person has concealed such merchandise with the intent of converting it to his own use within the meaning of the definition of shoplifting contained in Section 4.1.10.

**4.1.12 Shoplifting—Constitutes Breach of the Peace; Detention of**

**Suspects – An act of shoplifting as defined in Section 4.1.10 is hereby declared to constitute a breach of peace and any owner of merchandise, his agent or employee or any police officer of the Town who has reasonable ground to believe that a person has committed shoplifting, may detain such person in a reasonable manner and for a reasonable length of time not to exceed thirty minutes, for the purpose of investigating whether or not such person has committed or attempted to commit shoplifting. Such reasonable detention shall not constitute an arrest nor shall it render the owner of merchandise, his agent or employee, liable to the person detained.**