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ORDINANCE NO. 3425

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 28, OFFENSES – MISCELLANEOUS, ARTICLE IV, OFFENSES AGAINST PROPERTY, BY AMENDING SECTION 28-57, PETIT LARCENY; AND PROVIDING FOR REPEALER AND SEVERABILITY.

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

ORDINANCE

Section 1. That the Midwest City Municipal Code, Chapter 28, Article IV, Section 28-57 is hereby amended to read as follows:

Sec. 28-57. - Petit larceny.

- (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 one thousand dollars (\$1,000.00) 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, 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 or 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.
- (e) For purposes of this sections, it shall also be deemed conclusive that petit larceny occurs when a person holds, conceals, destroys or takes mail, letters, postal cards, packages, bags or any other article or thing contained therein, or other sealed article addressed to a person from the mailbox or premises of another person or from a delivery vehicle at any

1 point throughout the delivery route without the effective consent of the addressee and
2 with the intent to deprive the addressee of the mail, letter, postal card, package, bag, or
3 other sealed article addressed to a person.
4

5 (f) Any person convicted of violating this section shall be punished by a fine or
6 imprisonment in accordance with section 1-15 of this Code, plus costs, or by both such
7 fine and imprisonment, and each article of merchandise concealed or stolen may
8 constitute a separate offense.
9

10 (g) The judge of the municipal court may also order any person convicted of violating this
11 section to make restitution to the victim of the offense, and any fine imposed under this
12 section may be reduced accordingly if the circumstances bear such reduction.
13

14 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
15 repealed.
16

17 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
18 any reason held to be invalid, such decision shall not affect the validity of the remaining
19 provisions of the ordinance.
20

21 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
22 Oklahoma, this 13 day of October, 2020.
23



24 THE CITY OF MIDWEST CITY, OKLAHOMA

25
26
27
28 Matthew D. Dukes, II
29 MATTHEW D. DUKES, II, Mayor

30 ATTEST:

31 Sara Hancock
32
33 SARA HANCOCK, City Clerk

34
35 Approved as to form and legality this 15 day of October, 2020.
36

37 Heather Poole
38
39 HEATHER POOLE, City Attorney
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