

**TOWN OF GIBRALTAR  
ORDINANCE 2022-12  
THEFT**

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**Ordinance 2022-12 Identified in the code of ordinances as 10.22 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.**

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

**Purpose**

**State Statutes Adopted – Authority**

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

**General Provisions**

**Petty theft.**

(1) No person shall take and carry away, use, transfer, conceal, alter indicia of price or value or retain possession of moveable property of another, the value of which does not exceed \$200.00, without his/her consent and with the intent to deprive the owner permanently of possession or the full purchase price of such property.

(2) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payment in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of such person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such merchandise.

(3) No person shall intentionally fail to return any personal property, the value of which does not exceed \$200.00, which is in his or her possession or under his or her control by virtue of a written lease or written rental agreement, within ten days after the lease or rental agreement has expired. This section is not applicable to leases of real estate.

**Penalty**

a. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00 Together with the costs of prosecution and in

rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days.

b. Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.

#### **Enforcement**

a. Enforcement shall be by citation

b. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be stated above or such amount that the Circuit Court of Door County hereafter affixes.

#### **Reference to Statutes**

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

#### **Severability**

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.