

Chapter 409 – Retail Fraud

Section 409.1 – Title

This Ordinance shall be known and cited as the “Lenox Township Retail Fraud Ordinance” and it shall be deemed sufficient, and any actions for the enforcement of the provisions hereof, to define the same by such short title, and by reference to the Ordinance number hereof.

Section 409.2 – Intent

It is the intention of this Ordinance to protect the public health, peace, and welfare of property and persons in Lenox Township from persons committing retail fraud. Any person who shall commit the crime of retail fraud within the terms of this Ordinance shall be punished as hereinafter provided.

Section 409.3 – Definitions

For application of this Ordinance, the following definitions shall apply:

Conceal – Although there may be some notice of its presence, that merchandise is not visible through ordinary observation.

Full Retail Value – The merchant’s stated or advertised price of the merchandise.

Merchandise – Any item of tangible personal property that is offered for sale.

Merchant – An owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of such operator or owner.

Officer – A member of the Macomb County Sheriff’s Department or the Township Police Department.

Premises of a Store – A retail store, and common use areas in shopping centers and all parking areas set aside by a merchant, or on behalf of a merchant, for the parking of vehicles for the convenience of the patrons of such retail store.

Retail Store – Any place where merchandise is displayed, held, stored, or offered for sale to the public.

Shopping Cart or Basket – Those push carts or carry baskets of the type or types which are commonly provided by grocery stores, drug stores, or other retail stores for the use of the public for transporting commodities in stores and markets, and incidentally, from the stores to a place outside the store.

Under-Ring – To cause a cash register or other sales recording device to reflect less than the full retail value of the merchandise.

Steal – The unlawful taking and carrying away of the property of another with the intent to permanently deprive that person of that property.

Retail fraud – Any of the following acts or conduct:

- a. While a retail store is open to the public, alter, transfer, remove and replace, conceal, or otherwise misrepresent the price at which merchandise is offered for sale, with the intent not to pay for the merchandise or to pay less than the full retail value.
- b. While a retail store is open to the public, steal merchandise of the store that is offered for sale.
- c. With intent to defraud, obtain or attempt to obtain money or property from a retail store as a refund or exchange for merchandise that was not paid for and belongs to the retail store.
- d. Under-rings with the intention of depriving the merchant of the full retail value of the merchandise.

Section 409.4 – Prohibited Acts

A. Retail Fraud.

1. The commission or act of retail fraud, as defined above and as described below, involving goods valued at less than two hundred dollars (\$200.00) shall be unlawful in a retail store or on the premises of a retail store within the Township.
2. While a retail store is open to the public, it shall be unlawful for a person to alter, transfer, remove and replace, conceal, or otherwise misrepresent the price at which property is

offered for sale, of any property having a value of less than two hundred dollars (\$200.00), with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.

3. It shall be unlawful for a person, with intent to defraud, to obtain, or attempt to obtain, money or property having a value of less than two hundred dollars (\$200.00), from a retail store, as a refund or exchange for property, having a value of less than two hundred dollars (\$200.00), that was not paid for and belongs to the store.

B. Unlawful Removal of Shopping Carts from a Retail Store.

1. It shall be unlawful for a person to remove a shopping cart or basket from the premises of a retail store without the consent of the merchant at the time of such removal with the intention of depriving the merchant permanently of the possession, use, or benefit of such cart or basket.

Section 409.5 – Penalty

Any person committing an act specified as being unlawful within this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, before a court of competent jurisdiction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) plus costs of prosecution, or by imprisonment in the Macomb County Jail, not to exceed ninety-three (93) days, or by both such fine and imprisonment, in the discretion of the court.

