

ORDINANCE NO. 164

**AN ORDINANCE RELATING TO RETAIL THEFT IN THE  
VILLAGE OF DORCHESTER, WISCONSIN.**

BE IT, HEREBY, ORDAINED, by the Village Board of the Village of Dorchester, Clark County, Wisconsin, as follows:

Section 1.

A. "Merchant" includes any "merchant" as defined in Section 402.104(3) of the Wisconsin Statutes or any innkeeper, motelkeeper or hotelkeeper.

B. "Value of merchandise" means:

1. For property of the merchant, the value of the property; or
2. For merchandise held for resale, the merchant's stated price of the merchandise or, in the event of altering, transferring or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the merchant's stated price of the merchandise and the altered price.

Section 2.

Whoever intentionally alters indicia of price or value of merchandise or who takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant or property of the merchant without his or her consent and with intent to deprive the merchant permanently of possession, or the full purchase price, of the merchandise shall be subject to the forfeitures of this ordinance.

Section 3.

The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments 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 goods.

Section 4.

A merchant or merchant's adult employe who has probable cause for believing that a person has violated this ordinance in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Any merchant or merchant's adult employe who acts in good faith in any act authorized under this ordinance is immune from civil or ciminal liability for those acts.

Section 5.

If the value of the merchandise does not exceed \$100.00, then any person violating this ordinance shall forfeit not more than \$200.00 plus costs of prosecution. If the value of the merchandise exceeds \$100.00, then this ordinance shall not apply and the matter shall be referred to the Clark County District Attorney for criminal prosecution.

Section 6.

Any amendments, revisions, and modifications of Section 943.50 of the Wisconsin Statutes, applicable to the provisions of this ordinance, exclusive of any provisions herein relating to forfeitures to be imposed, are hereby adopted by reference.

Section 7.

All ordinances or parts of ordinances in conflict herewith are repealed.

Section 8.

This ordinance shall be in full force and effect upon passage and publication.

VILLAGE OF DORCHESTER

By Laurence Ehlers  
Laurence Ehlers, President

Attest Judy Robida  
Judy Robida, Clerk

Publication Date: 10-13-93