

CITY OF GENOA  
DEKALB COUNTY, ILLINOIS

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ORDINANCE NO. 2017 - 20

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ADOPTED BY  
THE MAYOR AND  
CITY COUNCIL  
OF THE  
CITY OF GENOA

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AN ORDINANCE AMENDING THE CITY CODE  
TITLE 5, CHAPTER 4, SECTION 17

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Adopted June 6, 2017, by the Mayor and City Council of the City of Genoa  
DeKalb County, Illinois, and approved and published in pamphlet form  
this 6<sup>th</sup> day of June 2017.

ORDINANCE NO. 2017-20

**AN ORDINANCE AMENDING THE CITY CODE OF  
THE CITY OF GENOA TITLE 5, CHAPTER 4, SECTION 17**

BE IT ORDAINED by the Mayor and City Council of the CITY OF GENOA, DeKalb County, Illinois, as follows:

WHEREAS, it is necessary from time to time to amend the City Code to remain up-to-date with changing practices and community standards; and

WHEREAS, it is the desire and intention of the Council of the City of Genoa to more adequately address the needs of the citizens of Genoa; and

WHEREAS, The City of Genoa has heretofore adopted an ordinance relating to the offense of retail theft of property valued at \$300.00 or less;

NOW, THEREFORE, the Municipal Code of the City of Genoa be amended as follows:

SECTION 1: That Title 5, Chapter 4, Section 17 read:

**5-4-17 RETAIL THEFT:**

A. Offense of Retail Theft: An act of retail theft is committed when a person knowingly commits one or more of the following acts enumerated herein and the value of the property does not exceed three hundred dollars (\$300.00) and one hundred and fifty dollars (\$150.00) for motor fuel:

1. Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or
2. Alters, transfers, or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or
3. Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is

displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or

4. Causes the cash register or other sales recording device to reflect less than the full retail value of the merchandise; or
  5. Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart; or
  6. Represents to a merchant that he or another is the lawful owner of property knowing that such representation is false, and transfers or attempts to transfer that property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant; or
- B. Presumptions. If any person conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment and removes that merchandise beyond the last known station for receiving payments for that merchandise in that retail mercantile establishment, such person shall be presumed to have possessed, carried away or transferred such merchandise with the intention of retaining it or with the intention of depriving the merchant of the merchandise without paying the full retail value of the merchandise.
- C. Any person who violates this section and has been issued a citation, signed by a City Law Enforcement Officer, shall be required to make restitution to the retail mercantile establishment for the full retail of the merchandise that is subject of the retail theft and shall also be fined in accordance with section 1-4-1.
- D. Any minor under the age of eighteen (18) years of age who violates this section and has been issued a citation, signed by a City Law Enforcement Officer, is required to attend a mandatory court appearance in accordance with section 1-4-1.

SECTION 2: That Title 1, Chapter 4, Section 1 shall be amended to add the following:

5-4-17-C Retail Theft	\$100
5-4-17-D Retail Theft Committed by a Minor	Mandatory

SECTION 3: This ordinance shall be in full force and effect from and following its passage and approval.

AYES: 8 - DiGuido, Stevenson, Winter, Cravatta, Brust, Lang, Wesner, Carro.

NAYES: ~~0~~

ABSTAINED: ~~0~~

ABSENT: ~~0~~


PASSED by the City Council of the City of Genoa, DeKalb County, Illinois this 6<sup>th</sup> day of June, 2017.

Approved by me this 6<sup>th</sup> day of June, 2017.



(SEAL)

ATTESTED and filed in my office this 6<sup>th</sup> day of June, 2017.

  
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Mark Vicary, Mayor

  
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Kim Winker, City Clerk