



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF COMMISSIONERS

NOTICE OF STUDY SESSION

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust.

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Enid Public Transportation Authority, a Public Trust will meet in regular session at 5:00 p.m. on the 22nd day of February, 2018 in the Lower Level Conference Room of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

REGULAR STUDY SESSION AGENDA

1. **CALL TO ORDER/ROLL CALL.**
2. **AT THE COMMISSIONERS' REQUEST, DISCUSS ANY ITEM OF CONCERN ON THE REGULAR SESSION AGENDA OF FEBRUARY 22, 2018.**
3. **PRESENT AND DISCUSS MEADOWLAKE TRAIL CROSSING.**
4. **DISCUSS THE VAN BUREN HIGHWAY 81 OVERPASS OKLAHOMA DEPARTMENT OF TRANSPORTATION ART DESIGN.**
5. **DISCUSS PETIT LARCENY ORDINANCE.**
6. **ADJOURN.**

City Commission Study Session

5.

Meeting Date: 02/22/2018

SUBJECT:

DISCUSS PETIT LARCENY ORDINANCE.

Attachments

Ordinance

ORDINANCE NO. 2018-____

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5, "PUBLIC SAFETY", CHAPTER 5, "GENERAL OFFENSES", ARTICLE C BY AMENDING 5-5C-1 "DEFINITIONS" TO INCLUDE SHOPLIFTING AND CHANGE DEFINITION OF PETIT LARCENY; 5-5C-5 "LARCENY" TO DISTINGUISH LARCENY FROM SHOPLIFTING; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section 1: That Title 5, Chapter 5, Sections 5-5C-1 and 5-5C-5 of the Enid Municipal Code, 2014, are hereby amended to read as follows:

5-5C-1: DEFINITIONS:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

PETIT LARCENY: The taking of personal property not exceeding ~~five hundred~~ one thousand dollars (\$~~500~~ 1000.00) in value, accomplished by fraud or stealth, with the intent to deprive another thereof.

PRIVATE PROPERTY: Any property other than public property.

PUBLIC PROPERTY: That property which is dedicated to the public use and over which the federal, state or municipal governments, or any political subdivision thereof, exercises control and dominion. (Ord. 2001-20, 8-7-2001)

SHOPLIFTING: the wrongful taking of merchandise or money, the value of which does not exceed one thousand dollars (\$1,000.00 from a retail or wholesale establishment.

5-5C-5: PETIT LARCENY AND SHOPLIFTING:

A. ~~Prohibition:~~ No person shall commit the offense of petit larceny.

B. ~~Definition:~~ Under this section, "petit larceny" shall be defined as the larceny of merchandise, the value of which is less than five hundred dollars (\$500.00) from a retail or wholesale establishment. No person shall commit the offense of shoplifting. Pursuant to 22 O.S. §1342 an officer may arrest without a warrant any person he has probable cause for believing has committed shoplifting, when the arrest is reasonable even if the offense occurred outside his presence.

C. Violation: The violation of this section shall be punishable by a fine of up to five hundred dollars (\$500.00) plus costs

Section 2: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section 5: Codification. This ordinance shall be codified as Title 5, Chapter 5, Article C, Sections 5-5C-1 and 5-5C-5 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this __ day of March, 2017.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney