

564-A
ORDINANCE NO. ~~364-A~~

Introduced by Commissioner

Kenneth E. Ostgard

AN ORDINANCE DEFINING SHOPLIFTING AS AN OFFENSE AGAINST THE PUBLIC PEACE, SAFETY, MORALS AND GENERAL WELFARE, PROVIDING FOR REASONABLE DETENTION AND INTERROGATION AND DEFENSES TO CERTAIN CIVIL ACTIONS BY THOSE SO DETAINED OR INTERROGATED, AMENDING ORDINANCE NO. 199-A AND DECLARING AN EMERGENCY.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. That Ordinance No. 199-A be amended to add thereto as Section 74 the following:

"Section 74. Shoplifting.

(a) No person shall wilfully conceal or take possession of goods offered for sale by a retail or wholesale store or other mercantile establishment with the intent to convert the goods to his own use without paying the purchase price thereof. It shall be prima facie evidence of an intent to convert the goods to his own use if such goods are taken from the premises of such retail or wholesale store or other mercantile establishment without having paid for the same or without having made arrangements with the owner, manager or one of his agents.

(b) Notwithstanding ORS 133.550 and ORS 133.560(2), a peace officer, merchant or merchant's employe who has reasonable cause to believe that a person has committed the crime of shoplifting may detain and interrogate the person in a reasonable manner and for a reasonable time.


(c) Where a peace officer, merchant or merchant's employe, with reasonable cause to believe that a person has committed the crime of shoplifting detains and interrogates him, and the person thereafter brings a civil or criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon the detention and interrogation against the peace officer, merchant, or merchant's employe, such reasonable cause shall be a defense to the action if the detention and interrogation were done in a reasonable manner and for a reasonable time.

(d) An emergency is hereby declared to exist for the reason that the City of Warrenton and its citizens are without legislation or power to arrest and/or convict and/or protect themselves and the public peace, safety, morals and general welfare against the offenses outlined herein, and therefore, this ordinance shall go into force and effect immediately upon its passage and approval.

Section 2. That Section 71 Penalties of Ordinance 199-A
be and the same is hereby amended by deleting and striking
therefrom the words "in the city jail."

Passed by the City Commission of the City of Warrenton
this 20th day of September, 1971.

Approved by the acting Mayor of the City of Warrenton
in the absence of the Mayor this 20th day of September, 1971.



Acting Mayor

ATTEST:



Auditor and Police Judge