

CHAPTER 656

Offenses Relating to Property

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CROSS REFERENCES

Real estate generally - see M.C.L.A. Secs. 554.1 et seq.

Malicious destruction of property by minors - see M.C.L.A. Sec. 600.2913

Theft generally - see M.C.L.A. Secs. 750.356 et seq.

Retail Fraud generally – see M.C.L. Secs. 750.356c, 750.356d,

Retail Fraud civil damages – M.C.L. 600.2953

Malicious destruction of property - see M.C.L.A. Secs. 750.377a, 750.377b

Littering - see GEN. OFF. [Ch. 642](#)

Rental housing - see B.R. & T. [Ch. 842](#)

656.01 DEFINITIONS.

As used in this chapter:

(a) "Fixture" means any attachment to real property that would reasonably be considered part of the realty or its removal would cause damage to the property.

(b) "Occupant" means any person having immediate control of private or public premises.

(c) "Owner" means any person holding legal or equitable title to a property or to real improvements upon a property.

(d) "Personal property" means anything of value which is subject to ownership other than real property, including tangible and intangible personal property.

(e) "Premises" means any dwelling, building or other structure designed or used wholly or in part for residential purposes, whether inhabited or vacant, and its curtilage or part thereof.

(f) "Property" means anything of value which is subject to ownership, including real property and fixtures.

(g) "Real property" means land and whatever is erected upon, growing upon or affixed to it.

(h) "Retail store" or "store" means any and all mercantile establishments selling new or used goods, wares or merchandise at retail or wholesale except as otherwise specified in this Ordinance.

(Ord. 22-95. Passed 7-18-95.)

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656.08 RETAIL FRAUD.

(a) A person who does any of the following in a store or its immediate vicinity, if the property at issue has a value of less than \$200, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500:

(1) While a store is open to the public, alters, transfers, replaces, conceals or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay for the property or to pay less than the price at which the property is offered for sale.

(2) While a store is open to the public, steals property of the store that is offered for sale.

(3) With the intent to defraud, obtains or attempts to obtain money or property from the store as a refund of exchange for property that was not paid for and belongs to the store.

656.99 PENALTY.

(a) Unless otherwise provided, a person who violates or fails to comply with any of the provisions of this chapter shall be fined not more than one hundred dollars (\$100.00) or imprisoned not more than ninety days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) A person who violates Section [656.02](#) of this chapter shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than forty-five days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(c) In addition to any penal sanction, a person who commits an act for which he or she could be charged with the crime of retail fraud in the first or second degree, as defined in Sections 356c and 356d of the Michigan Penal Code, Act 328 of the Public Acts of 1931, being M.C.L.A. 750.356c and 750.356d, shall be liable to the merchant who is the victim of the act for the full

retail price of unrecovered property or recovered property that is not in salable condition, and responsible for a civil fine of ten times the retail price of the property, but not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00), as provided in Section 2953, Act 50 of the Public Acts of 1988, being M.C.L.A. 600.2953.

(d) A person who violates Section [656.03](#) [656.04](#) or 656.08 of this chapter shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than ninety-three days, or both, for each offense.