

ORDINANCE NO. 939

AN ORDINANCE AMENDING SECTIONS 22-47 AND 22-48 OF THE CODE OF THE CITY OF ROSWELL, NEW MEXICO 1962; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH; PROVIDING FOR SEVERABILITY AND, FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL OF ROSWELL, NEW MEXICO:

1. That Sections 22-47 and 22-48 of the Code of the City of Roswell, New Mexico 1962 respectively, be, and the same hereby are amended to read as follows:

Section 22-47. Shoplifting - Definitions.

As used in Sections 22-48 through 22-50:

(a) Store means a place where merchandise is sold or offered to the public for sale at retail.

(b) Merchandise means chattels of any type or description offered for sale in or about a store when the value of the merchandise shoplifted is not more than One Hundred (\$100) Dollars.

(c) Merchant means any owner or proprietor of any store, or any agent, servant or employee of the owner or proprietor.

Section 22-48. Same - Prohibited.

A. It shall be unlawful for any person to commit shoplifting, consisting of any one or more of the following acts:

(1) Willfully taking possession of any merchandise with the intention of converting it without paying for it.

(2) Willfully concealing any merchandise with the intention of converting it without paying for it.

(3) Willfully altering any label, price tag or marking upon any merchandise with the intention of depriving the merchant of all or some part of the value of it.

(4) Willfully transferring any merchandise from the container in or on which it is displayed to any other container with the intention of depriving the merchant of all or some part of the value of it.

B. Any person charged with a violation of this section shall not be charged with a separate or additional offense arising out of the same transaction.

2. Repealer. All ordinances or parts of ordinances in conflict or inconsistent herewith be, and the same hereby are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

