

**CITY OF FOLEY**

**ORDINANCE NO. \_\_\_\_\_**

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**AN ORDINANCE PROHIBITING THE POSSESSION, USE OR ATTEMPTED  
USE OF SHOPLIFTING DEVICES**

**WHEREAS**, the City Council of the City of Foley has determined that shoplifting and retail theft is a serious problem; and

**WHEREAS**, stores in the City of Foley have implemented inventory and theft prevention devices, however these devices can be circumvented with the use of so-called “Booster Bags” and other theft detection shielding devices that serve no legitimate purpose; and.

**WHEREAS** the City Council of the City of Foley desires to be a business friendly community and has determined that these particular items should be outlawed; and

**WHEREAS** the City Council of the City of Foley has determined that prohibiting such items is in the best interest of the public health, safety and welfare of the citizens of the City of Foley.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF FOLEY, ALABAMA AS FOLLOWS:**

1. That the following provisions are hereby adopted and passed and are to be codified in Chapter XI of the Code of the City of Foley in a new article, Article V – Shoplifting, in addition to the current provisions found therein:

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**SECTION I. DEFINITIONS**

For the purpose of this Article, the following words and phrases shall have the meaning respectively ascribed to them by this section unless taken specific exception to elsewhere in the ordinance.

- a. "Theft Detection Shielding Device" means any item or device which is designed, manufactured, modified, or altered to defeat any Theft Detection Device
- b. "Theft Detection Device" means a mechanism or other device designed and operated for the purpose of detecting the removal from a mercantile establishment or similar enclosure, or from a protected area within such an enclosure, of specifically marked or tagged merchandise.

**SECTION II. BAN ON THEFT DETECTION DEVICE SHIELDING**

It is unlawful to possess, use, or attempt to use any Theft Detection Shielding Device within any premise or place of business used for the purchase or sale of any merchandise.

### **SECTION III. PENALTY**

Violations of this Article are Class A misdemeanor, punishable by a \$500 fine and up to 180 days in municipal jail.

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2. That all ordinances and codes in direct conflict with one or more provisions of this ordinance are hereby repealed, but only to the extent of such direct conflict.

Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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PRESIDING OFFICER

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ATTEST