

CHAPTER 227

FAILURE TO RETURN RENTED PROPERTY PROHIBITED

[History: Ord 2002-8, which repealed and replaced Ord 2002-7]

227.01 (1) It shall be unlawful to do any of the following, whether intentionally, negligently, or inadvertently, if the effect is to deprive the merchant of either possession of property, or the ability to rent the property for more than ten (10) days after the scheduled return date for said rental property:

(a) Intentionally retain possession of merchandise held to be rented to the public by a merchant for more than 10 days after the scheduled return date for said property.

(b) Negligently retain possession of merchandise held to be rented to the public by a merchant for more than 10 days after the scheduled return date for said property.

(c) Inadvertently retain possession of merchandise held to be rented to the public by a merchant for more than 10 days after the scheduled return date for said property.

(2) A violation of this Ordinance shall be initiated by a complaint being made to the Richland Center Police Department by the merchant, or his agent or representative.

(3) In the event a rental agreement executed by one individual permits others to rent merchandise under the name of the individual, then in that event, both the individual in whose name the account is titled, as well as any other person who is authorized to rent under the account shall be deemed to have violated this Ordinance, and either or both may be issued a citation for a violation of this Chapter, at the discretion of the City or its officers.

(4) The failure to return rented property within ten (10) days of its scheduled return date, shall be the sole issue which the City shall have the burden to prove, to show a violation of this ordinance.

(5) The fact that the rented property is later returned, or that restitution and late charges are paid to the merchant shall not constitute a defense to prosecution under this Chapter.

(6) Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof, forfeit to the city of Richland Center not less than \$10.00 nor more than \$100.00 as adjudged by the Court, plus the costs of prosecution as taxed and assessed by the Court, and any applicable penalty assessment. This penalty shall be in addition to any restitution for the rented property, or contractual late charges due to the merchant.