

## CHAPTER 221

### THEFT PROHIBITED

[History: Ord 221, 1992-12]

**221.01 (1) ACTS.** Whoever does any of the following may be penalized as provided in sub. (3):

(a) Intentionally takes and carries away, uses, transfers, conceals, or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of such property.

(b) By virtue of his office, business or employment, or as trustee or bailee, having possession or custody of money or of a negotiable security, instrument, paper or other negotiable writing of another, intentionally uses, transfers, conceals, or retains possession of such money, security, instrument, paper or writing without the owner's consent, contrary to his authority, and with intent to convert to his own use or to the use of any other person except the owner. A refusal to deliver any money or a negotiable security, instrument, paper, or other negotiable writing, which is in his possession or custody by virtue of his office, business or employment, or as a trustee or bailee, upon demand of the person entitled to received it, or as required by law, prima facie evidence of an intent to convert to his own use within the meaning of this paragraph.

(c) Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or of other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of such property.

(d) Obtains title to property of another by intentionally deceiving him with false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes a promise made with intent not to perform it if it is a part of a false and fraudulent scheme.

(e) Intentionally fails to return any personal property which is in his possession or under his control by virtue of a written lease or written rental agreement, within 10 days after the lease or rental agreement has expired.

**(2) DEFINITIONS.** In this Chapter:

(a) "Property" means all forms of tangible property, whether real or personal, without limitation including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

(b) "Movable property" is property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found in land.

(c) "Property of another" includes property in which the actor is a co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It also

includes property owned by the City of Richland Center or any of its agencies, as well as property maintained for the use of the public by the City of Richland Center or any of its agencies.

(d) "Value" means the market value at the time of the theft or the cost to the victim of replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value means either the market value of the chose in action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of such consideration or value of such interest shall be deducted from the total value of the property.

**(3) PENALTIES FOR VIOLATION.** 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 \$25.00 nor more than \$400.00, as adjudged by the Court, plus the costs of prosecution as taxed and assessed by the Court, and any applicable penalty assessment, and in default of payment of said forfeiture and costs and penalty assessment shall be imprisoned in the County Jail of Richland County for such period of time by not to exceed 90 days as shall be adjudged by the Court unless said forfeiture, costs and penalty assessment are sooner paid.