

VILLAGE OF FOREST VIEW

ORDINANCE NO. 25-23

**AN ORDINANCE PROHIBITING RETAIL THEFT AND AMENDING TITLE 6,
CHAPTER 5 OF THE MUNICIPAL CODE OF THE VILLAGE OF FOREST VIEW,
ILLINOIS**

**PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF FOREST VIEW,
COOK COUNTY, ILLINOIS, this 26th
day of August, 2025.**

**Published in pamphlet form
by authority of the President
and Board of Trustees of the
Village of Forest View, Cook
County, Illinois, this 26th day
of August, 2025.**

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AN ORDINANCE PROHIBITING RETAIL THEFT AND AMENDING TITLE 6, CHAPTER 5 OF THE MUNICIPAL CODE OF THE VILLAGE OF FOREST VIEW, ILLINOIS

WHEREAS, the Village of Forest View, Cook County, Illinois, is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “Home Rule Powers”); and

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be deemed proper; and

WHEREAS, under the Illinois Criminal Code, 720 ILCS 5/16-25(a), retail theft is a crime constituting a Class A misdemeanor, and, in some cases, a Class 4 felony for a second or subsequent offense; and

WHEREAS, retail theft is generally defined as knowingly taking control of merchandise from a retail establishment with the intent to deprive the merchant of its full value; and

WHEREAS, pursuant to its home rule powers, the Village of Forest View has the authority to regulate, by ordinance, such conduct within its boundaries; and

WHEREAS, the President and Board of Trustees (“Corporate Authorities”) of the Village of Forest View desire to prohibit, by ordinance, retail theft within the Village in accordance with state law;

WHEREAS, the Corporate Authorities have determined it is in the best interest of the Village of Forest View to prohibit retail theft within the Village, and provide penalties for violations thereof, in order to protect the public welfare, safety, and health of Village residents.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Forest View, Illinois as follows:

Section 1. Recitals. The foregoing recitals are adopted as express findings of the Corporate Authorities of the Village of Forest View and are incorporated herein by specific reference.

Section 2. Adoption. That Title 7, Chapter 5, of the Forest View Municipal Code is hereby amended by creating a new Section 6-5-37 (“Retail Theft”) as follows:

6-5-37: RETAIL THEFT:

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONCEAL. To ***CONCEAL*** merchandise means that, although there may be some notice of its presence, the merchandise is not visible through ordinary observation.

FULL RETAIL VALUE. The merchant's stated or advertised price of the merchandise.

MERCHANDISE. Any item of tangible personal property.

MERCHANT. An owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee or independent contractor of the owner or operator.

PREMISES OF A RETAIL MERCANTILE ESTABLISHMENT. Includes, but is not limited to, the retail mercantile establishment, any common use areas in shopping centers and all parking areas set aside by a merchant or on behalf of a merchant for the parking of vehicles for the convenience of the patrons of the retail mercantile establishment.

RETAIL MERCANTILE ESTABLISHMENT. Any place where merchandise is displayed, held, stored or offered for sale to the public.

SHOPPING CART. Those push carts of the type or types which are commonly provided by grocery stores, drugstores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and, incidentally, from the stores to a place outside the store.

UNDER-RING. To cause the cash register or other sales-recording device to reflect less than the full retail value of the merchandise.

- (B) *Retail theft prohibited.* No person shall commit retail theft. A person commits the offense of retail theft when he or she knowingly:
- (1) Takes possession of, carries away, transfers or causes to be carried away or transferred any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining the merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of the merchandise;
 - (2) Alters, transfers or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase the merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise;
 - (3) Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which the merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of the merchandise;
 - (4) Under-rings with the intention of depriving the merchant of the full retail value of the merchandise;
 - (5) Removes a shopping cart from the premises of a retail mercantile establishment without the consent of the merchant given at the time of the removal with the intention of depriving the merchant permanently of the possession, use or benefit of the cart;
 - (6) Represents to a merchant that he, she or another is the lawful owner of property, knowing that the representation is false, and conveys or attempts to convey that property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant; or
 - (7) Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using the device to deprive the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or

offered for sale in the retail mercantile establishment without paying the full retail value of the merchandise.

- (8) Obtains or exerts unauthorized control over property of the owner and thereby intends to deprive the owner permanently of the use or benefit of the property when a lessee of the personal property of another fails to return it to the owner, or if the lessee fails to pay the full retail value of such property to the lessor in satisfaction of any contractual provision requiring such, within 10 days after written demand from the owner for its return. A notice in writing, given after the expiration of the leasing agreement, by registered mail, to the lessee at the address given by the lessee and shown on the leasing agreement shall constitute proper demand.
- (C) *Attempted retail theft prohibited.* No person shall commit attempted retail theft. A person commits attempted retail theft when, with the intent to commit a theft, he or she does any act which constitutes a substantial step toward the commission of that offense.
- (D) If any person:
 - (1) Conceals upon his or her person or among his or her belongings, unpurchased merchandise displayed, held, stored or offered for sale in a retail mercantile establishment; and
 - (2) Removes that merchandise beyond the last known station for receiving payments for the merchandise in that retail mercantile establishment;

That person shall be presumed to have possessed, carried away or transferred the merchandise with the intention of retaining it or with the intention of depriving the merchant permanently of the possession, use or benefit of the merchandise.

- (E) Any person violating this section may be subject to certain fines and penalties, including but not limited to a maximum fine of \$750.

Section 3. Conflicts. This Ordinance supersedes all ordinances or parts of ordinances directly conflicting with the terms and provisions contained herein, but only to the extent of such conflict.

Section 4. Severability. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity shall not affect any other provision of this Ordinance.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED BY THE FOLLOWING ROLL CALL VOTE this 26th day of August, 2025.

AYES: Trustees Sudkamp, Nitka, Nevarez, Grossi, Hubacek, Castanuela

NAYS: NA

ABSENT: NA

APPROVED this 26th day of August, 2025.

David Liska
Village President

ATTEST:

Laura D. McGuffey
Village Clerk