



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

1000 Rochester Hills Dr.
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Legislative File No: 2018-0221

TO: Mayor and City Council Members
FROM: John D. Staran, City Attorney
DATE: May 16, 2018
SUBJECT: Add Section 46-65 to Article III, Litter – First Reading

REQUEST:

City Council consider, for First Reading, an Ordinance to add new Section 46-65 to Article III, Litter, of Chapter 46, Environment, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to designate violations as Municipal Civil Infractions, to repeal conflicting or inconsistent Ordinances, and to prescribe a penalty for violations.

BACKGROUND:

As requested, attached is a proposed amendment to the City’s Litter Ordinance, designating violations as municipal civil infractions. Nothing else has been changed. Under the current Ordinance, violations are misdemeanors. The significance of designating as municipal civil infraction is:

- No criminal record or stigma
- No jail
- No right to jury trial nor right against self-incrimination.
- Lower standard of proof for prosecution (preponderance of the evidence, rather than beyond a reasonable doubt).
- For municipal civil infraction, district court is empowered to issue an enforcement order or injunction.

RECOMMENDATION:

It is recommended that City Council consider, for First Reading, an Ordinance to add new Section 46-65 to Article III, Litter, of Chapter 46, Environment.

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
Deputy Clerk		