



City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS

1000 Rochester Hills Dr.  
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[www.rochesterhills.org](http://www.rochesterhills.org)

Legislative File No: 2018-0221

**TO:** Mayor and City Council Members  
**FROM:** John D. Staran, City Attorney  
**DATE:** May 24, 2018  
**SUBJECT:** Add Section 46-65 to Article III, Litter – Second Reading

**REQUEST:**

City Council consider, for Second Reading and adoption, 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:**

We prepared a proposed amendment to the City’s Litter Ordinance, designating violations as municipal civil infractions. 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 adopt, on Second Reading, the proposed 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		