

**CITY OF CLAWSON  
OAKLAND COUNTY, MICHIGAN  
ORDINANCE NO 768 – FINANCIAL TRANSACTION DEVICES**

**AN ORDINANCE TO GOVERN CRIMES RELATED TO FINANCIAL  
TRANSACTION DEVICES, POSSESSION OF FRAUDULENT OR  
ALTERED FINANCIAL TRANSACTION DEVICE AND ENACT  
SANCTIONS FOR VIOLATIONS THEREIN**

NOW THEREFORE, THE CITY OF CLAWSON ORDAINS:

**Sec. 46.94: Stealing, Taking Title or Removing Financial Transaction Device.**

- (a) No person shall knowingly take, or knowingly remove a financial transaction device from the person or possession of a device holder, nor shall knowingly retain, possess, secrete, or use a financial transaction device without the consent of the device holder.
- (b) No person shall knowingly possess a fraudulent or altered financial transaction device.
- (c) No person shall have in his or her possession, or under his or her control, or receive from another person a financial transaction device with the intent to use, deliver, circulate, or sell the financial transaction device, or to permit, cause, or procure the financial transaction device to be used, delivered, circulated, or sold, or knowingly possesses, controls, receives, use, deliver, circulate, or sell without the consent of the device holder.
- (d) No person shall deliver, circulate, or sell a financial transaction device which was obtained or held by that person under circumstances proscribed under subsection (a), (b), or (c), or uses, permit, cause, or procure the financial transaction device to be used, delivered, circulated, or sold, knowing the device to have been obtained or held under circumstances proscribed under subsection (a), (b) or (c).
- (e) No person shall, with intent to defraud, forge, materially alter, simulate, or counterfeit a financial transaction device.
- (f) Any person who violates this Ordinance is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or by a fine of not more than five hundred dollars (\$500.00)

**Sec. 46.95: Causing Financial Transaction Device Holder to be Charged or Overcharged**

- (a) No person shall, for the purpose of obtaining goods, property, services, or anything of value, knowingly and with intent to defraud uses one or more financial transaction devices that

have been revoked or canceled by the issuer of the device or devices, as distinguished from expired, and has received notice of the revocation or cancellation.

- (b) Any person who violates this Ordinance is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or by a fine of not more than five hundred dollars (\$500.00)

**Sec. 46.96: False Statement of Identity for Purpose of Procuring Issuance of Financial Transaction Device.**

- (a) No person shall knowingly and with the intent to defraud, make or cause to be made, directly or indirectly, a false statement in writing regarding his or her identity or that of any other person for the purpose of procuring the issuance of a financial transaction device.
- (b) Any person who violates this Ordinance is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or by a fine of not more than five hundred dollars (\$500.00)

**Sec. 46.97: Fraudulent Use of Financial Transaction Device to Withdraw or Transfer Funds in Violation of Limitations**

- (a) No person shall knowingly and with the intent to defraud, use a financial transaction device to withdraw or transfer funds from a deposit account in violation of the contractual limitations imposed on the amount or frequency of withdrawals or transfers or in an amount exceeding the funds then on deposit in the account.
- (b) Any person who violates this Ordinance is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or by a fine of not more than five hundred dollars (\$500.00)

**Sec. 46.98: Intent to Defraud for Services**

- (a) No person shall knowingly and with the intent to commit an illegal act or to defraud, provide any other person's identity such as their name, address, phone number, financial account numbers, financial transaction device(s) or device numbers, date of birth, Social Security number or any other part of a person's identity, with the intent to cause another to provide to that person telephone services, utility services, insurance or insurance policies, or any other type of service regardless of financial loss or to use such identifying information to commit an illegal act.

- (b) Any person who violates this Ordinance is guilty of a misdemeanor punishable by imprisonment for not more than ninety-three (93) days or by a fine of not more than five hundred dollars (\$500.00)

**Sections 46-99 – 46-120. – Reserved.**

**DATE OF EFFECT.**

The Clawson City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take full force and effect ten (10) days after the date of publication.

This ordinance was adopted by the City Council of the City of Clawson at a meeting duly called and held on the 17th day of January 2023 and ordered to be published as prescribed by the law.

STATE OF MICHIGAN     )  
  )  
COUNTY OF OAKLAND    )

I, August Gitschlag, the undersigned, the duly qualified and active City Clerk of the City of Clawson, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an ordinance made, passed, and adopted by the Council of said City at a regular meeting held in the Council Chambers, 425 N. Main Street, Michigan, on the 17th day of January 2023 at 7:30 p.m., further this Ordinance was duly published in the January 27, 2023 edition of the Daily Tribune, a newspaper of general circulation in the City of Clawson.

\_\_\_\_\_  
Paula Millan, Mayor

\_\_\_\_\_  
August Gitschlag, City Clerk

Date: \_\_\_\_\_

Dated: \_\_\_\_\_