

jstaran@beierhowlett.com

August 10, 2004

VIA E-MAIL AND U. S. MAIL

Mayor Pat Somerville
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Re: ***Open Burning Ordinance***

Dear Mayor Somerville:

I have prepared and enclose for your and the City Council's consideration a proposed ordinance to amend City Code Section 58-58 (i.e., the Open Burning Ordinance) relative to recovery of restitution for violations of the open burning regulations under Section 1102.6.8. City Council has deliberated and has heard concerns about the existing provisions of Section 1102.6.8 which have been construed to require mandatory restitution when open burning regulations, including leaf burning restrictions, are violated. The proposed amendment would soften the language of Section 1102.6.8 and permit, but not mandate, recovery of restitution for violations.

I am forwarding a copy of this letter and the proposed ordinance amendment to Fire Chief Walterhouse for his review. If satisfactory, the proposed ordinance may be introduced to the City Council.

Very truly yours,

BEIER HOWLETT, P.C.

John D. Staran

JDS/lh

Enclosure

cc: Mr. Greg Walterhouse, Fire Chief (w/enc)
Ms. Susan Galeczka, Clerk's Office (w/enc)