



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.
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Legislative File No: 2005-0282 and 2005-0283

TO: Mayor and City Council Members
FROM: Jeffrey S. Kragt, Assistant City Attorney
DATE: April 6, 2006
SUBJECT: Ordinance 98-61 Re-adoption (Michigan Vehicle Code)
Ordinance Amendment adding 70-117(15)(urinating in public)

REQUEST:

City Council is asked to re-adopt Section 98-61, which adopts the Michigan Vehicle Code by reference. City Council is also asked to adopt the proposed ordinance 70-117(15), which specifically prohibits urinating in public under the City's Disorderly Person Ordinance 70-117.

BACKGROUND:

Section 98-61: Adoption of the Michigan Vehicle Code by reference. Section 98-61 of the City Code adopts the Michigan Vehicle Code by reference. The language of this ordinance adopts the Vehicle Code by reference, and specifically any amendments to the Michigan Vehicle Code that may occur in the future. There was a decision by one of the Judges at the 52-3 District Court which interpreted another community's "adoption by reference" language to not be an adoption of future amendments and decided that an adoption by reference ordinance would only adopt those amendments to the Michigan Vehicle Code that were already enacted up to the point of the ordinance being adopted. As such, it was decided that we would re-adopt this section 98-61 periodically to make sure that all changes to the Michigan Vehicle Code are enforceable by the City of Rochester Hills.

New Section 70-117(15) - Urinating in Public. Urinating in public has continued to be an issue in the City of Rochester Hills. Previously, the Sheriff's Department issued citations under the general disorderly person ordinance (Section 70-117) or the City's indecent exposure ordinance (Section 70-232). As the language in these ordinances do not specifically address this situation of urinating in public, it is our office's recommendation that a specific provision be included in the disorderly person ordinance to assist in the prosecution of such cases by having direct and specific language to rely upon.

RECOMMENDATION:

The City Council is requested to re-adopt Section 98-61, which adopts the Michigan Vehicle Code by reference. The City Council is further requested to adopt a new Section 70-117(15) of the disorderly person ordinance to specifically prohibit urinating in public.

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		