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April 1, 2005

Mayor Pat Somerville  
City of Rochester Hills  
1000 Rochester Hills Dr.  
Rochester Hills, MI 48309

Re: Ordinance Section 98-61 (Readoption of Motor Vehicle Code) and  
Ordinance Section 70-117 (Disorderly Person Prohibited Conduct)

Dear Mayor Somerville:

In early 2004, we presented you an ordinance amendment to Section 98-61, which is the ordinance adopting the Michigan Vehicle Code by reference. This ordinance was approved and became effective on August 12, 2004. At that time, we indicated to you that due to a decision at the 52-3 District Court, which interpreted another community's "adoption by reference" to not be an adoption of future amendments, it was our recommendation to periodically re-adopt the Michigan Vehicle Code to insure continuity. At this time, it is our recommendation that Section 98-61 be readopted at this time.

The other ordinance that we are requesting be adopted concerns prohibiting urinating in public. It is our recommendation to add this prohibition under the disorderly person ordinance, and specifically as Subsection (15) under Section 70-117, which describes the prohibited conduct constituting disorderly person. Up to this point, the Sheriff's Deputies have written persons citations under the general disorderly person ordinance or under the City's indecent exposure ordinance, that being Section 70-232. It is this office's recommendation that a specific provision be included in the City Code prohibiting urinating in public. Urinating in public is a problem and it is of such a frequency that it would warrant adding the additional language. While we have successfully prosecuted cases for urinating in public under the other two ordinances, it would be easier to do so with this additional language. Further, the indecent exposure ordinance may have sex

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offender registry requirements associated with it, when it may not necessary be warranted.

I would request that these ordinances be given to the City Council for adoption at their earliest convenience. Should you have any questions or concerns regarding the ordinances, I would be happy to discuss them further with you.

Very truly yours,

BEIER HOWLETT, P.C.

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Jeffrey S. Kragt

JSK/jmh

Enclosures

cc: Melinda Hill, City Council President  
Susan Galeczka  
John D. Staran, Esq.