



City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS

1000 Rochester Hills Dr.
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Legislative File No: 2012-0089

TO: Mayor and City Council Members
FROM: Captain Michael Johnson Rochester Hills Substation 248-537-3501
DATE: March 28, 2012
SUBJECT: Adoption of Ordinance Super Drunk

REQUEST:

Sheriff's Office is requesting City Council approval for the second reading of the proposed ordinance amendment to allow high blood alcohol offenses to be cited and prosecuted under city ordinance.

BACKGROUND:

On October 31, 2010, Michigan enacted an amendment to the Michigan Vehicle Code making operation of a motor vehicle with a high blood alcohol content of .17% or more a misdemeanor with enhanced penalties, also known as Super Drunk. This law has been enforceable only as a state law offense because the enhanced penalties exceeded the maximum penalties that could be imposed under local ordinance.

On February 15, 2012 Governor Snyder signed into law Public Act 7 of 2012. This amended the Home Rule Cities Act to authorize the cities to adopt local ordinances prohibiting operation of a vehicle with high blood alcohol content of .17% or higher and to prosecute those violations under local ordinances with the same enhanced penalties available under state law. 40% of the OWI arrests in Rochester Hills have a blood alcohol content of .17% or higher.

RECOMMENDATION:

Sheriff's office recommends that the ordinance be approved for second reading and adopted at the regular City Council meeting of April 2, 2012.

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