

ORDINANCE NO. 125

(Continued from Page 10)

1. Ammonia, bleaching powder or chlorine manufacture or refining.
2. Asphalt manufacture or refining.
3. Blast furnaces.
4. Boiler works, forges, works, aluminum, brass, copper, iron or steel foundry.
5. Brick, tile or terra cotta manufacture.
6. Celluloid manufacture or treatment.
7. Cressole treatment or manufacture.
8. Dyeing at wholesale.
9. Fat rendering.
10. Fertilizer manufacture.
11. Gas (heating or illuminating) manufacture or storage in excess of one thousand cubic feet.
12. Glue, gelatin or size manufacture.
13. Gun powder manufacture or storage.
14. Fire works or explosive manufacture or storage.
15. Incineration or reduction of dead animals, garbage, offal or refuse, either accumulated and consumed on the same premises.
16. Lampblack manufacture.
17. Lime, cement or plaster of Paris manufacture or storage.
18. Oilcloth or linoleum manufacture.
19. Paint, oil, turpentine or varnish manufacture.
20. Pickle, sardines, sausage or viscous manufacture.
21. Storage of petroleum or its derivatives in excess of five thousand gallons or refining of petroleum.
22. Rubber crushing.
23. Rolling mill.
24. Rubber manufacture from crude material.
25. Sals Works.
26. Slaughtering of animals, or wool smelting of iron.
27. Soap manufacture.
28. Stock yards.
29. Sinter mill or quarry.
30. Sulphuric, sulphurous, nitric or hydrochloric acid manufacture.
31. Tallow, grease or lard manufacture or refining.
32. Tanning or curing of leather, raw hides or skins, or erected or altered to be closer to the street line than the minimum front yard line of existing buildings.
33. Tar roofing and waterproofing manufacture.
34. Tobacco (chewing) manufacture.
35. Manufacturing of any description employing more than ten persons in a productive labor.
36. Any other trade, industry or use of any kind, not conforming with the provisions hereof, which is offensive by reason of the emission of odor, fumes, dust, smoke or noise.

SECTION 8

Non-Conforming Uses

The lawful use of buildings and premises at the time of the adoption of this ordinance may be continued, although such use does not conform with the provisions hereof. In the case of a building, such use may be extended through the expiration of the term of the lease, provided no structural alterations are made therein, except those required by law or ordinance. If no structural alterations are made, a non-conforming use may be changed to any use permitted by this ordinance where such non-conforming use would be permitted.

No non-conforming building which has been damaged by fire, explosion, act of God or by the willful act of the owner or tenant in possession, or act of public enemy to the extent of more than fifty per cent of its assessed value, shall be restored or reconstructed in conformity with the regulations of this ordinance.

SECTION 9

Height and Bulk District

In order to regulate and limit the height and bulk of buildings, the area of yards and other open spaces, the percentage of lot occupancy and the maximum number of families which may be housed, the Village of Birmingham is hereby divided into the following districts:

**THIRTY-FIVE FOOT HEIGHT AND BULK DISTRICT.** The area of a building shall not exceed fifty-five per cent of the area of the lot if it is a corner lot or sixty-five per cent if a corner lot.

**REAR YARDS:** There shall be a rear yard on every lot, the area of which shall be not less than ten per cent of the area of the lot, which shall be increased by four feet for each additional story of the building above one story. On corner lots the above rear yard depth may be decreased by not more than six feet.

**FRONT YARD:** In a "C" dwelling district in a fifty foot height and bulk district and in any adjacent district on lots fronting on one side of a street between two intersecting streets, the minimum front yard line shall be increased by four feet for each additional story of the building above one story, and shall be further increased six feet for every foot of fraction thereof that the length of the side yard exceeds fifty feet, provided that the rear yard front of a building shall not be greater than fifteen feet in any case.

**NUMBER OF FAMILIES HOUSED:** No dwelling shall hereafter be erected or reconstructed, or made or make provision for more than eight families on any acre of land, nor for more than a proportionate number of families on a fractional part of any acre of land.

**BUILDING AREA:** The area of a building shall not exceed fifty-five per cent of the area of the lot if it is a corner lot or sixty-five per cent if a corner lot.

**HEIGHT:** No building shall exceed fifty feet or four stories in height.

**HEIGHT AND BULK DISTRICT:** In a fifty foot height and bulk district and in any adjacent district on lots fronting on one side of a street between two intersecting streets, the minimum front yard line shall be increased by four feet for each additional story of the building above one story, and shall be further increased six feet for every foot of fraction thereof that the length of the side yard exceeds fifty feet, provided that the rear yard front of a building shall not be greater than fifteen feet in any case.

**FRONT YARD:** In a "C" dwelling district in a fifty foot height and bulk district and in any adjacent district on lots fronting on one side of a street between two intersecting streets, the minimum front yard line shall be increased by four feet for each additional story of the building above one story, and shall be further increased six feet for every foot of fraction thereof that the length of the side yard exceeds fifty feet, provided that the rear yard front of a building shall not be greater than fifteen feet in any case.

**FRONT YARD:** In a thirty-five foot height and bulk district on lots fronting on one side of a street between two intersecting streets, no building shall hereafter be erected or altered to be closer to the street line than the minimum front yard of existing buildings within such limits, provided that the rear yard of a building shall not be greater than thirty-five feet in any case. If no buildings exist on such lots at the time of the adoption of this ordinance, no building shall hereafter be erected within such limits closer to the street line than twenty-five feet. Houses built crosswise of a lot shall conform to same yard restrictions as other houses on the same street.

**BUILDING AREA:** The area of a dwelling shall not exceed twenty-five percent of the area of the lot if it is a corner lot or thirty-five percent if a corner lot. The area of a building other than a dwelling shall not exceed forty percent of the area of the lot if an interior lot or fifty percent if a corner lot.

**SECTION 10**  
**Fifty Foot Height and Bulk "C" Dwelling District**  
In a fifty foot height and bulk "C" dwelling district:  
**HEIGHT:** No building shall exceed fifty feet or four stories in height.

**REAR YARDS:** On interior lots there shall be a rear yard having a minimum depth of sixteen feet, which shall be increased by four feet for each additional story of the building above one story. On corner lots the above rear yard depth may be decreased by not more than six feet.

**SIDE YARDS:** There shall be a side yard on each side of every building, other than an accessory building, in a "C" dwelling district. The minimum width of any side yard provided in a fifty foot height and bulk district shall be eight feet, which shall be increased one foot for each additional story of the building above one story and shall be further increased six feet for every foot of fraction thereof that the length of the side yard exceeds fifty feet, provided that the buildings other than multiple dwellings the width may be reduced one foot.

**FRONT YARD:** In a "C" dwelling district in a fifty foot height and bulk district and in any adjacent district on lots fronting on one side of a street between two intersecting streets, the minimum front yard line shall be increased by four feet for each additional story of the building above one story, and shall be further increased six feet for every foot of fraction thereof that the length of the side yard exceeds fifty feet, provided that the rear yard front of a building shall not be greater than fifteen feet in any case.

**NUMBER OF FAMILIES HOUSED:** No dwelling shall hereafter be erected or reconstructed, or made or make provision for more than eight families on any acre of land, nor for more than a proportionate number of families on a fractional part of any acre of land.

**BUILDING AREA:** The area of a building shall not exceed fifty-five per cent of the area of the lot if it is a corner lot or sixty-five per cent if a corner lot.

**SECTION 12**  
**Fifty Foot Height and Bulk Commercial and Industrial Districts**  
In a fifty foot height and bulk commercial and industrial district:  
**HEIGHT:** No building shall exceed fifty feet or four stories in height.

**SECTION 13**  
**Height and Bulk District Extension**  
The foregoing requirements in the height and bulk districts shall be extended to the following exceptions and regulations:

**HEIGHT**  
1. In a residential or fifty foot height and bulk district where allowed, a church, hospital, sanitarium, institution, or a building of a religious or philanthropic character may be built to a height of seventy feet, but no more than one hundred feet above the bottom of such yard, and except for each foot of such height in excess of the height limit, and in no case less than ten feet.

2. Parapet walls not exceeding four feet in height, chimneys, ventilators, towers, gas holders, petcocks, stacks, tanks, water towers, ornamental towers, monuments, cupolas, domes and spires may be erected above the roof of a building, but no such structure shall exceed the height limit herein established by not more than ten feet.

**AREA**  
3. Where there is an alley at the rear of a lot, the full width of the alley shall be included in the measurement of depth of rear yard for all buildings on the lot, and the center line of such alley.

4. Every part of a required yard shall be unobstructed except for the projections of sky-lights above the bottom of such yard, and except for the ordinary projections of window sills, belt courses, and other architectural features, the height of not more than four inches. Cornices may not extend more than four inches above the roof line, and no cornice shall exceed eighteen inches into any yard. Open or lattice-enclosed iron fire escapes, fire-proof stairways, or solid floored balconies opening upon fire towers shall not project into the rear yard a distance of more than four feet, provided the exact location thereof receives the approval of the Village Manager.

5. In measuring building area, the area occupied by a building on a street, alley or yard of the required size shall not be included as building area in computing the maximum percentage of area of a lot which may be built upon.

6. A rear yard or other open space not less than eight feet high and on the same lot with a building to which it is accessory, or a rear yard and occupy not more than thirty per cent of the rear yard of such building, shall be included as building area in computing the percentage of lot occupancy.

7. Chimneys or flues may be erected within the limits prescribed by this ordinance, provided they do not exceed five square feet in total horizontal area, and do not obstruct ventilation.

**SECTION 14**  
**Board of Appeals**  
The Board of Appeals, as established in accordance with law, may in specific cases, after public notice and hearing, order that this ordinance shall be applied to a building which is not in conformity with the provisions of this ordinance, provided that such building was erected prior to the date of the adoption of this ordinance, and that the building was not in violation of any ordinance in effect at the time of its erection.

status and subject to appropriate conditions and subject to the use and vary the application of the use and height and bulk district regulations herein provided, and subject to the same general purpose and intent as follows:

1. Grant a permit where the boundary line of a use district divides a lot in a single ownership at the time of the creation of such use district, for the extension of a use authorized on the less restricted portion of the lot, for a distance of not more than fifty feet.

2. Grant a permit for the erection of additional buildings or for the enlargement of existing buildings on a lot, or for one directly across an alley therefrom, each in the same single ownership at the time of the adoption of this ordinance, for a trade, business or industry located in a district restricted to such use, where the enlargement or expansion of such trade, business or industry will not be detrimental to or tend to alter the character of the neighborhood.

3. Grant a permit for the reconstruction within twelve months of a non-conforming building destroyed by fire, explosion, act of God or act of public enemy, when such building is located in a district restricted against its use.

4. Grant a permit for the erection and use of a building or the use of premises in a district restricted to public service, corporation or for public utility purposes, and make exceptions to the height and bulk district requirements herein established, which the Board considers reasonable in the public convenience or welfare.

5. Grant a permit in a residence district for a temporary building or use incidental to the residential development, such permit to be issued for an initial period of not more than two years, and in the case of a building only upon application accompanied by a bond and bill of sale.

6. Grant a permit in a residence district for a cemetery.

7. Grant a permit in any "C" residence district for a public garage or stable, or in a residence thirty-five foot height and bulk district, if any such garage or stable shall not be located within fifty feet of the front line of the lot, and such permit shall be issued until due notice of time, place, purpose and nature of hearing has been given to the owners of abutting property within the following limits, and at least ten days before the date of such hearing has been allowed for the filing of protests therefrom. The limits shall be:

(a) The frontage of every lot within three hundred feet of such portion of a lot of line of the lot in the above limits, a length of frontage equal to the width of such portion of a lot, and on a corner lot the frontage shall be measured on its shortest side, provided that the frontage of a lot on a street to which the garage or stable is to have vehicular access, the frontage of such side shall be substituted.

(b) The frontage of all additional lots abutting on any street or alley to which the garage or stable is to have vehicular access as far in both directions as such street or alley, but in any case not more than five hundred feet from the lot for which the permit is sought, provided that for portions of lots or for corner lots within such limits frontage shall be lawfully used as herebefore provided. In computing the percentage of consents required under this provision the frontage of lots already used for public garages or stables shall be counted as consented to, provided that the consent of the owners of lots containing public garages or stables.

8. Grant a permit in a commercial district for a gasoline filling station, public garage or stable after notification of the time and place of hearing on the petition therefore to owners of frontage on both sides of every street to which the filling station, garage or stable is to have vehicular access as far in both directions as such street or alley.

9. Interpret the provisions of this ordinance in such a way as to carry out the intent of the USE AND HEIGHT AND BULK DISTRICT MAP accompanying and made part of this ordinance, where the street or alley layout actually on the ground varies from the layout as shown on said map.

10. Adopt from time to time such rules and regulations as may be deemed necessary to carry out the effect the provisions of this ordinance.

**SECTION 15**  
**Enforcement**  
The Village Manager shall enforce the provisions of this ordinance. No permit shall be issued for excavation or for the construction or alteration of any building or part thereof where the plans, specifications, or intended use indicate that the building is to be constructed in violation of the provisions of this ordinance.

**SECTION 16**  
**Plans**  
All applications for building permits shall be accompanied by a plan, in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, and such other information as may be deemed necessary to enforce the provisions of these regulations. No yard, court, or other open space provided above and below a building for the purpose of complying with the provisions of these regulations shall again be used as a rear yard or other open space for another building.

**SECTION 17**  
**Occupancy Permits.**  
No vacant land and no building hereafter erected or altered shall be occupied or used for any purpose for any purpose whatsoever, and no change of use shall hereafter be made on any land or building, or part thereof until a certificate of occupancy and compliance shall have been issued by the Village Manager, and in the case of dwellings and buildings accessory to dwellings, also by the Health Officer, that the building and use complies with the provisions of this ordinance and other ordinances or laws herebefore enacted.

Applications for certificates of occupancy and compliance shall be made on forms to be supplied by the Village Manager.

**SECTION 18**  
**Conflicting Provisions Repealed.**  
All ordinances or parts of ordinances heretofore enacted which are hereby repealed.

**SECTION 19**  
**Validity.**  
Should any section, clause or provision of this ordinance be declared by any court to be invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not so declared to be invalid.

for building permits and shall be kept on file in the office of the Village Manager and copies shall be furnished on request to any person having a proprietary or other interest in the property. Buildings accessory to dwellings when completed at the time shall not require a separate certificate of occupancy.

Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six months during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. No temporary certificate shall be issued if, prior to its completion, the building fails to conform to the provisions of the building ordinances and state laws or of this ordinance to such a degree as to render it unsafe for the occupancy proposed.

**Interpretation and Purpose.**  
In interpreting and applying the provisions of this ordinance, they shall be held to be reasonable requirements for the promotion of the public safety, health, convenience, comfort and general welfare. This ordinance shall not interfere with, abrogate or annul any ordinance, rule, regulation or permit previously adopted or issued, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open space than are imposed or required by such ordinance, rule, regulation or permit, the provisions of this ordinance shall control.

**SECTION 19**  
**Violation: Penalty.**  
Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of any of the provisions of this ordinance shall be fined not less than twenty-five (\$25.00) Dollars nor more than two hundred (\$200.00) Dollars for each day for a period not to exceed thirty days or both such fine and imprisonment in the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 20**  
**Boundaries of Districts.**  
Unless otherwise shown, the district boundaries are either lot lines, the center lines of streets or alleys or the extensions thereof, and where the districts designated on the map are not bounded by such lines, the boundaries of such districts as shown on this ordinance are approximately bounded by lot lines, streets or alleys, and where the boundaries are not shown as being either lot lines, streets or alleys, the boundaries thereof, unless otherwise indicated, shall be construed to be parallel to a one hundred foot street, from the nearest street, provided that if a lot line or an alley shall hereafter be platted and recorded parcelling out within thirty feet of such district boundary such lot line or the center line of such alley shall thereupon be construed as the district boundary.

**SECTION 21**  
**Change of Amendments.**  
The Village Commission may, after public notice and hearing as provided by law amend or supplement or change the district boundaries or the regulations herein established. Whenever a written petition for such proposed amendment, supplement or change, signed by the owners of twenty per cent of the frontage proposed to be altered, or by the owners of twenty per cent of the frontage immediately adjacent to or thereof, or by the owners of twenty per cent of the frontage directly opposite the proposed alteration, shall have been presented to the Village Commission, the ordinance providing for such proposed amendment, supplement or change shall not be adopted except by the affirmative vote of a majority of the members of the Village Commission. If any area is hereafter transferred to another jurisdiction, a change in district boundaries by an amendment, as above provided, the provisions of this ordinance regarding buildings or premises existing at the time of the adoption of this ordinance shall apply to such buildings or premises existing at the time of the adoption of such amendment in such transfer.

**SECTION 22**  
**Completion and Restoration of Existing Buildings.**  
Nothing herein contained shall require any change in the plans, construction or intended use of a building for which a building permit has been issued prior to the date this ordinance is in effect, and no condition in any such permit shall be unduly and unreasonably insisted upon, and no condition in any such permit shall be unduly and unreasonably insisted upon, and no condition in any such permit shall be unduly and unreasonably insisted upon, and no condition in any such permit shall be unduly and unreasonably insisted upon.

**SECTION 23**  
**Conflicting Provisions Repealed.**  
All ordinances or parts of ordinances heretofore enacted which are hereby repealed.

**SECTION 24**  
**Validity.**  
Should any section, clause or provision of this ordinance be declared by any court to be invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not so declared to be invalid.

**SECTION 25**  
**All notices required by this ordinance shall, unless otherwise expressly required by law, consist of at least one publication in the official newspaper of the Village of Birmingham of the substance of the proposed change, and the time and place of hearing thereon, which publication shall occur seven days prior to the hearing.**

**SECTION 26.**  
This ordinance shall take effect immediately after its official approval by the Mayor and Commissioners of the Village of Birmingham and publication thereof. No. 6-7-8-9.

Telephone your Classified Ads to The Eccentric before Wednesday evening.

**Oakland Maternity Hospital**  
Crooks Road, Birmingham  
PHONE 710-F22

**On that fishing-trip remember the family use long distance**

Long Distance will prove an added convenience on your fishing trip—especially in calling your family. In a few minutes you can have your wife on the telephone. You hear her voice. You talk with her. You know immediately how everything is. There is no waiting for a reply. It's just as good as being there for those few minutes.

Long Distance rates are remarkably low. And on "Anyone" calls, after 30 or a night they are approximately half the day rate.

**"DON'T KILL YOUR WIFE—LET US DO YOUR DIRTY WORK"**

**Our Wagons are in Birmingham Tuesdays, Thursdays and Saturdays**  
Rough Dry 10c lb. - All Flat Work Ironed

**First State Savings Bank**  
BIRMINGHAM, MICH.

**Pontiac Laundry Co.**  
We Use Only Pure Filtered Soft Water  
30 - 32 - 34 Patterson Street  
347 - Phone Pontiac - 1200

**Mass Production Cuts Truck Costs**

Sales of Graham Brothers Trucks have reached such enormous figures that buyers profit by unequalled low initial costs.

Note the price of the G-BOY, the new one-ton truck.

Only mass production, unapproached building and buying power, plus years of experience, could produce a truck so staunch and sturdy at so low a figure.

**Evans-Jackson Motor Co.**  
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