

VILLAGE ORDINANCE

(Continued from Preceding Page)
Use of a vacant lot to be a single building or for the extension of a use...

and, which shall be adopted or issued pursuant to law, relating to building or premises, provided, however, that where this ordinance imposes a restriction upon the height of buildings or premises or upon the location of buildings or premises...

Protect Your Personal as well as Property Rights
Zoning Law Endangers Present Restrictions and Loans on Property.

Requires certificate from Village Manager and Health Officer before you can move. Jail penalties provided for violation of this law.

Would take corps of clerks and police to enforce.
Would cause endless litigation and expense.
Present laws sufficient.

Birmingham has attained the reputation of being the most desirable suburb of Detroit in which to live. Its residents naturally desire to preserve this prestige and to adopt such regulations as will assure the city of future development on the same high plane.

It is even questionable what effect this ordinance would have on land contracts and mortgages on such property. The restrictions that exist at the present time constitute part of the contract and if these restrictions are to be set aside and the property subjected to any regulations the commission sees fit with power to place the property owners in jail if they refuse to comply with the dictates of the commission, it is quite easy to see that the purchaser of such property is not receiving what he contracted for and might very likely have a good case in court to nullify the contract and demand a refund of such money as he had paid on it.

Under this proposed zoning ordinance the commission can place a business building any place it sees fit. It has the final say as to whether residential property shall be converted over to business purposes and also whether business property shall be changed into residential uses.

To enact the proposed ordinance would result in nothing less than the placing of your business and personal affairs under the control of a trusteeship. It takes away from the owner the right to say what shall be done with his property and places it in the hands of politicians and policemen.

Perhaps it may charitably be conceded that those who drafted the proposed zoning ordinance meant well, but how badly they erred can only be realized by analyzing just what this ordinance means.

It places both property and civil rights under the domination of the police power. It places control of purely business, industrial and personal affairs of law-abiding citizens under the domination of that branch of our law enforcing body which was devised for the purpose of dealing with criminals and those who endanger the public safety, health and welfare.

Such an absurd provision is an outrage to American citizenship. It originated in Prussia in 1869, when the German Imperial Government enacted a law giving it the control it exercised over business, industrial and private life in Germany up to the time of the Kaiser's hurried exit to Holland.

America helped relieve the Kaiser of his autocratic burdens, and yet we find a representative American community, such as Birmingham, being faced with the prospect of having the Prussian zoning system forced upon them.

To clear up once and for all any misunderstanding that may have enabled the advocates of the zoning law to deceive the public, every possible good that could be derived through even a good zoning ordinance is already provided for in laws, ordinances and building restrictions and regulations that are enforceable through the courts and other governing bodies that we now have.

There is no need of creating additional bodies, bureaus or departments with all their opportunities for inefficiency, delinquency and even graft.

If anyone has any doubt of the seriousness of this assertion let him turn to section seventeen of the ordinance and read for himself that in the future, "no vacant land and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever and no change of use shall hereafter be made on any land or in any 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 stating that the building and use complies with the provisions of this ordinance and other ordinances or state laws."

Do the people of Birmingham wish to bring the village manager and health officer into their homes before they are permitted to move out of them into new ones? Are they going to pass a law authorizing official snoops to pry into their most personal, intimate and even sacred private affairs?

And by authority of section nineteen, if any person "violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance," he "shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense or shall be punished by imprisonment in the Oakland County jail for a period of not to exceed ninety days or both such fine and imprisonment in the discretion of the court."

In a comic opera or moving picture comedy, such regulations might be laughable, but placing them on the statute books and giving the police power to enforce them is too much of a practical joke for intelligent people to perpetrate on themselves.

The people of Birmingham had better let well enough alone and before they make a move, see that they are not jumping from the frying pan into the fire. Regardless of how luring the bait might be they should not be foolish enough to bite the hook.

SECTION 15. Enforcement
The Village Manager shall enforce the provisions of this ordinance. No permit shall be issued for any building or part thereof unless the plans, specifications, or intended use indicate that the building would not conform in all respects with 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 site of the building to be erected, and such other information as may be deemed necessary to enable the Village Manager to determine whether or not the proposed building complies with the provisions of this ordinance and other ordinances or state laws.

SECTION 17. Occupancy Permits
No vacant land and no building hereafter erected or altered shall be occupied or used in whole or in part for any purpose whatsoever and no change of use shall hereafter be made on any land or in any 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, stating that the building and use complies with the provisions of this ordinance and other ordinances or state laws.

SECTION 18. Interpretation and Enforcement
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, property and general welfare. This ordinance shall not interfere with, abridge or annul any ordinance, rules, regulations or permits previously adopted or

SECTION 19. Repealed.
All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 20. Notice.
All notices required by this ordinance shall, unless otherwise expressly required by law, be given in writing to the person to whom the same shall apply at the time and place of hearing thereon, which publication shall occur seven days prior to the hearing.

SECTION 21. Validity.
This ordinance shall be valid and enforceable from the date of its adoption by the Village Commission of Birmingham this 1st day of July, 1926.

Signature: CHARLES J. SEAMAN, President; HAROLD J. LAWLER, Clerk.

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