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Signed— CHARLES J. SHAIN, President. HAZEL E. LAWLER, Clerk.

David C. Bliesath

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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 regu-lations as will assure the city of future development on the

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

It places both property and civil rights under the domina-It places both property and civil rights under the domina-tion 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 buramerica neipeu relieve the scatter of his autocratic bur-dens, 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

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

The village commission could not possibly put into effect all the regulations necessary to administer the many foolish and useless provisions of this zoning ordinance. They would have to employ a whole corps of clerks, creating endless red tape and expense which the people of Birmingham would have to

regulations and restrictions would be subject to countless in-terpretations and disputes and it would be a course of continual trouble and ill-will. It would involve the city in thousands of dollars of expenses that would inevitably result through the law suits that would follow in its wake. There is an old say ing that everybody loses in a law suit, even the winner.

If the people of Birmingham will simply study the protec-tion they already have they will find there is no need for this ordinance in the first place, let alone the placing of their per-son and property under the control of the police.

If, for example, anyone fears that a laundry or some other industry might be placed in his neighborhood in a high class restricted subdivision like Quarton Lakes, he is very much mistaken, for the present restrictions on property absolutely prevent it and these restrictions are recorded at the Oakland County seat and can quickly be enforced at small expense through the courts.

Instead of giving the property owners additional protection, it will take away the protection they already have for, according to section twenty-one of the proposed ordinance, this zoning law can be changed and amended at any time the vilzoning law can be changed and amended at any time the vir-lage commission sees fit. If twenty per cent of the property owners affected, object to the action of the commission, the commission can, after receiving the complaint pass any regu-lations it sees fit by a vote of three-quarters of its members. Only the commission can propose a change, so that the people would make themselves helpless victims of incompetent or

The passing of this zoning law would jeopardize every usive residence district in Birmingham and ruin its desira-

bility. 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 juil if they refuse with power to place the property owners in hall it new retuse 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. The security of banks, mortgage or trust companies or others having loans on the property uld be seriously damaged if not altogether destroyed. The passing of this law would make everyone who has money loaned on property in Birmingham fear his security and very likely result in the recall of many loans as soon as it could be done. It is quite certain that no financial institution would ney on property under such circumstances.

Under this proposed zoning ordinance the complace 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. At the present time these things are regulated by land restrictions that are ironclad and things are regulated by land restrictions must are unclear and cannot be broken in any court. Not only that, but property in the city is protected by law which prevents nuisances from be-ing established in a neighborhood and this law is enforceable through the courts and the authority already vested in the police power.

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 tives what shall be done with his property and places it in the hands of politicians and policemen. The only people whose affairs are placed under the control of trustees and the police are those who are mentally incompetent or who have violated the law and forfeited their right to freedom. The pro-posed zoning law asks the citizens of Birmingham to place themselves in the class with imbeciles and criminals, or in the position of public wards.

If anyone has any doubt of the seriousness of this assertion It anyone nas any locust or the seriousness of that 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 whateever and no change of use shall hereafter be made on any land or in any building or part thereof until a certificate of occupancy or 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 nindteen, if any person "vio-lates, disobeys, omits, neglects or refuses to comply with or re-sists the enforcement of any of the provisions of this ordi-nance," 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 punished by impresonment in the Oskiand County jair for a period of not to exceed ninety days or both auch fine and im-prisonment in the discretion of the court." It also states that "each day that a violation is permitted to exist shall constitute a separate offense." In such a case the whole family might have to be placed in jail—and if many demur additional jails will have to be built to accommodate those who refuse to obey

In a comic opera or moving picture comedy, such regula-tions 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 them-selves. If anyone should think that such regulations might not be enforced, he had at least better not be foolish enough to give others who may be political, social or business enemies the power to enforce them if they wish either to embarrass or get revenge against any citizen.

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 turing the bait might be they should not be foolish enough to bite the hook.

Birmingham Citizens Protective Association