

Advertisement.

Property and Civil Rights Endangered In Birmingham

Police to Imprison Citizens for Slightest Violations of Building Regulations

Starting Appeal Made to Residents of Birmingham to Prevent Passage of Outrageous Law

By J. H. McBRIDE

Former President of the Village of Birmingham and President of the Birmingham Citizens Protective Association

The people of Birmingham are called upon to make a decision that not only affects the future of Birmingham, but it involves the surrender of their property rights to a party of three men who are elected to office through the accident of politics.

In their just pride of their city and their desire to make it a place of beauty in which to live, the people of Birmingham are leaving foisted on them a plan that has within it the power absolutely to destroy their property values.

The tremendous danger back of the whole proposition is due to the fact that at first thought one thinks it is merely a question of whether to zone Birmingham or not. The people want proper restrictions of property that will prevent Birmingham from deteriorating into a mongrel settlement. Their purposes are laudable and certainly will have the overwhelming support of practically everyone in Birmingham. Because of this fact they should not let the desirability of the objects proposed to bring about these benefits.

The Birmingham Citizens Protective Association was formed and is composed by people who are in favor of anything that will make Birmingham the high type of community that its citizens want, but who after analyzing the proposed zoning ordinance, awakened to the alarming nature of this proposed law, that if put into effect by the people will actually take away from them every guarantee of property rights made to them in the constitution of both the United States and the State of Michigan. They will place their property in the hands of three people who are elected to office by political preference, and who cannot by any possibility have the necessary knowledge to put into effect the necessary and just provisions of a zoning law that is so fundamentally wrong.

This is not an attack either on the present commissioners of the Village of Birmingham, nor on those who may be elected to the commission in the future. It is merely a statement of fact that no person or group of persons is endowed with vision to foresee either the nature of the future or what the future will bring about, let alone having the power to decree what the future shall be—a prerogative that is reserved irrevocably by Destiny itself.

The proposed zoning law submitted to Birmingham is fraught with enough dangers in the hands of honest and capable men who certainly have the welfare of the community and its citizens at heart; but if, as often happens in politics, a group of corrupt and conniving politicians should get into office, the people of Birmingham will be absolutely at the mercy of politicians who can overnight destroy the value of any citizen's property by declaring it shall not be used in a certain way. The ease it is being used in this decree by placing the owner in jail if he refuses to obey their dictates, however unjust and unreasonable they may be.

Section 19 of the ordinance states that "any firm or corporation that violates, disobeys, or refuses to comply with or resists the enforcement of any provision of this ordinance 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 at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense for thirty days, and if a man should violate this ordinance for thirty days, he would be subject to a fine of six thousand dollars or imprisonment for twenty-seven hundred days or more than eight years, or both, if the court should so decree.

Are the citizens of Birmingham, a thoroughly representative American city, to throw away every protection of their property, and in addition throw away their rights and liberty with it?

The question is so absolutely absurd that a man's sanity would be questioned for asking it, were it not for the fact that the people of Birmingham are actually called upon to answer it in an election on October 19th.

If zoning would bring about the desired ends the people of Birmingham want, the proposed ordinance is not the one that will do it, and before a zoning law is passed one must be drafted that will not jeopardize the property and actual liberty of every person who lives in the city. Every person who votes for the ordinance as at present proposed is deliberately and blindly putting his head in a noose.

By Section 21, property of an individual can be changed from the purpose that it is being used and changed to any other use the village commission may determine without paying the property owner one cent for damages and if he demure a policeman will be sent to place the owner in jail. And the change can be passed on the protest of any public hearing. Even if the present provisions for the protection of Birmingham against undesirable developments are not all they should be, they at least provide all the protection of restrictions on property that can be enforced through the courts and they provide for condemnation of property and compensation to its owner when he is called upon to sacrifice his property for the public interest. This latter method is fair and honest and in accordance with American ideals, but the former method as incorporated in the proposed zoning ordinance, is nothing more than feudalism or brigandage, that it is doubtful if it exists even in Soviet Russia. The zoning law originated in 1869 in the Prussian empire in Germany, and in the last two years or so in the main to Europeanize America, there has been a great clamor for zoning. Many cities that rushed into it were forced to resort to the highest courts of law to prevent the harm from being done that they blindly rushed into through the fact that they confused zoning with city planning.

Briefly, the difference between city planning and zoning is this:

In city PLANNING, plans are adopted embodying the needs of a community and providing means for putting them into effect through perfectly lawful methods in civil courts. Owners are compensated for the damage done to their property. In city ZONING, the plans adopted are enforced through police power and consequently through criminal courts. Persons whose property is damaged suffer the entire loss while other property owners derive all the benefit.

Certainly the people of Birmingham will not transfer questions of their equity in property from courts of civil law to those of criminal law. Certainly the people of Birmingham do not want to place themselves liable to criminal procedure through any question of property rights and ownership.

The only recourse left to citizens of Birmingham to appeal from the decrees of the city commissioners is a so-called Board of Appeal. As this Board is appointed by the city commissioners and subject to their control it certainly is reasonable to suppose that any relief could be expected from it.

This proposed zoning law was drafted by a man who does

not live in Birmingham and who evidently knows nothing of the city or its needs. It is to be hoped that the election will prove that he knows even less of the temper of the people of Birmingham.

To bring the evils of this proposed zoning law right home to your very door, here are some of the things that it will do. By Section 17, not only determines where residences can be built and defines their types, but it also states where rooms may be rented. It also determines where private garages may be rented out. For example, if you should have a little extra room in your own garage, you would not be permitted to rent the extra space to a neighbor who might not have a garage, or if you had someone who was either related to you or a close friend whom you desired to have live with you, you would not be permitted to rent a room for this purpose, without getting a permit from village manager and board of health.

If you should wish to leave your home for a few months to spend the winter in the South or to go away for the summer, you would not be permitted to rent your home during your absence.

You would not be permitted to conduct any form of business in your home or engage in any occupation whatsoever. You would not be permitted to do any sewing or fancy work for remuneration. You would not be permitted to do any hair dressing or manicuring.

Even for the simplest little things that might be done in a home to net the women of the household a little extra money, you would have to rent another place for this purpose or be subject to arrest by the police. In fact you place the smallest and most personal privileges of your home under the domination of the police. And the Colonies decided to place a policeman in their homes! Are we to regard so lightly the liberties that were bought for us at so dear a price?

By the power to change and amend in Section 21, under the proposed zoning plan, the commissioners who have the sole power to propose and pass regulations can determine that a residence even in the most exclusive section shall become either a store, a garage, a railway station, a picture show or theatre or whatever they see fit. People who have beautiful homes next to such property would have to suffer financial losses through the consequent deterioration in value of their property without any chance whatever of recompense for the damages sustained.

Many people have bought beautiful homes in Birmingham because of the restrictions made on the property they purchased. The proposed zoning law will wipe out all these restrictions and the protection they provide.

If a group of mercenary individuals should be elected to office, they could get together and decide on locations that would be converted over to their own use, and knowing in advance what these locations would be they could secretly buy them up at a low price, and then demand an exorbitant price from the person who desired to go into business. The person would have to pay the price asked or not go into business, for according to the zoning ordinance he would have to buy the property through the village commission directed him to.

These evils are bad enough; but even if the people were to adjust themselves to these ridiculous provisions, they would still have no assurance that either the same commission or the next commission would not change their rulings on a moment's notice and force the owners to change their plans accordingly or be subject to arrest by the police and subsequent imprisonment.

Every type of home or business structure would be determined by the commissioners and obviously their duties would have to be delegated to small salaried clerks and it would be these small salaried clerks who would dictate to the business men of the city and to the owners of beautiful homes and to individuals in the most exclusive section that they could or could not do, and these small calibred bureaucrats would have the power to enforce their decrees through the police.

Building restrictions by competent engineers are all right, but they should not be imposed by incompetent and unequalled people elected to or appointed to office through accident of political preference.

These examples could be cited almost indefinitely, but a careful study of the whole proposition will disclose to every resident in Birmingham the danger not only to his property, but to his own person and liberty.

If an individual should incur the ill will of a particular clique that might get into power he could be victimized and made bankrupt and even thrown into jail by the commissioners. There is enough political corruption without making it possible for more. To put such a law into effect would kill the value of property in Birmingham, and would make it practically impossible to sell or dispose of such property or to borrow money on it. What might be a good investment could be charged into a worthless one overnight, simply by the decree of the village commission.

There isn't a person in Birmingham whose life or fortune is guaranteed against loss or reverses. A change of plans through business adversities or loss of health may occur to any one at any time, and if regulations are such that people will not buy property and as a look to the owner, it will be in the case of death and where it is necessary for the heirs to dispose of the property they will find it practically impossible to do so.

It is a well known fact that things either go forward or backward. Property values either increase or decrease. By no possibility can any body of men decree that Birmingham shall have but twenty-five thousand or twenty thousand or a hundred thousand population. These things are determined by economic law and no king, however great his authority, has ever been able to overcome them by his dictates.

Only the development of a city can determine where business buildings are needed, and what kind of business is needed in a particular section, or what salaried clerk can determine this in advance. In determining the location of new stores great systems like Woolworth, the Atlantic and Pacific Tea Company, and others send trained specialists to determine the locations. The proposed zoning law would permit an insignificant clerk to pass on all the business locations of a city like Birmingham. Citizens Protective Association, the FIRST DOOR NORTH OF THE FIRST STATE SAVINGS BANK, where any phase of the proposed ordinance will be explained in detail as to just how it affects the individual concerned.

By decreasing who shall and who shall not conduct stores in the village commission, the competition and bookkeepers can get together and charge the residents any price that they see fit.

Under the plan as shown in the map putting into effect the decrees of the proposed zoning law, people will be forced to walk as much as a half mile and more to the nearest store. The store locations are also placed in front of and on both sides of the school house located between South and Second and Clawson, and extending back of Edgewood Avenue. Stores should never be located surrounding school property because they increase the traffic and its attendant dangers to children at play who are likely to dart out thoughtlessly in front of motor trucks and automobiles. Stores opposite schools are temptations for children to cross the streets and buy candy and other things. They are an unnecessary distraction to the pupils to take them away from their school work. In future issues of the Birmingham Eccentric this association will point out other injustices and absurdities of the proposed zoning law. You are urged to visit the headquarters of the Birmingham Citizens Protective Association, the FIRST DOOR NORTH OF THE FIRST STATE SAVINGS BANK, where any phase of the proposed ordinance will be explained in detail as to just how it affects the individual concerned.

By the Health Officer, stating that the building code is in compliance with the provisions of this ordinance and other ordinances or state laws. The Village Commissioner and other officers or state laws. The Village Commissioner and other officers or state laws. The Village Commissioner and other officers or state laws.

VILLAGE ORDINANCE. (Continued from preceding page) SECTION 16. All applications for building permits shall be accompanied by a plan in duplicate, drawn by a licensed architect or engineer, showing the actual dimensions of the building to be erected, and such other information as may be necessary for the enforcement of these regulations. The Village Manager, and in the case of dwellings and buildings accessory to dwellings, also regulations shall apply as well as a yard and other regulations. SECTION 17. No house, shed and no building hereafter erected or altered shall be occupied or used for any other purpose than that for which it was erected, and no change of use shall hereafter be made in any building or structure, unless a certificate of occupancy be first obtained from the Village Manager, and in the case of dwellings and buildings accessory to dwellings, also

upon be construed as the district boundary. SECTION 21. Changes and Amendments. The Village Commissioner may, after notice and hearing as provided by law, amend or repeal any ordinance or regulation heretofore established. When a written application for such proposed amendment, supplement or change shall be filed with the Village Manager, the Village Commissioner shall be notified in writing that the application has been received. A record of all certificates shall be kept in the office of the Village Manager and copies shall be furnished on request to any person. SECTION 22. Issuance of a regular certificate, a temporary certificate or a permit for a period not exceeding six months or a partial occupancy of a building pending the completion of alterations or repairs shall not be issued except under such conditions and provisions as will adequately insure the safety of the occupants. The temporary certificate shall be issued only to its completion, the building shall conform to the provisions of the building ordinance and state laws or of this ordinance to such extent as to consider it usable for the occupancy proposed. SECTION 23. Interpretation and Purpose. In interpreting and applying the provisions of this ordinance they shall be held to be reasonable and just, for the promotion of the public safety, health, convenience, and general welfare. This ordinance shall not interfere with, abrogate or annul any ordinance, regulation or permit previously adopted or issued by any authority having jurisdiction over buildings or premises, provided, however, that where this ordinance is in conflict with any ordinance, regulation or permit, the provisions of this ordinance shall prevail. SECTION 19. Violation; Penalties. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of any of the provisions of this ordinance shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both such fine and imprisonment at 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 extension thereof, and where the districts designated on the map approximate and made a part of this ordinance are approximately bounded by lot lines, streets or alleys, the lot lines or center lines of such streets or alleys or the extension thereof, shall be construed to be the district boundaries. Where the district boundaries are not shown as being either lot lines, streets or alleys or the extension thereof, unless otherwise indicated, they shall be construed to be the center lines of the streets or alleys nearest the street, provided that if a lot line or an alley shall hereafter be platted and recorded paralleling and within thirty feet of such other boundary, such line or the center line of such alley shall there-

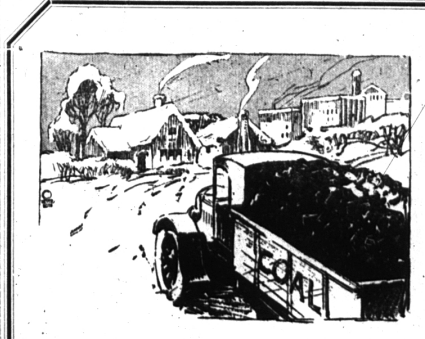
SECTION 24. Changes and Amendments. The Village Commissioner may, after notice and hearing as provided by law, amend or repeal any ordinance or regulation heretofore established. When a written application for such proposed amendment, supplement or change shall be filed with the Village Manager, the Village Commissioner shall be notified in writing that the application has been received. A record of all certificates shall be kept in the office of the Village Manager and copies shall be furnished on request to any person. SECTION 22. Issuance of a regular certificate, a temporary certificate or a permit for a period not exceeding six months or a partial occupancy of a building pending the completion of alterations or repairs shall not be issued except under such conditions and provisions as will adequately insure the safety of the occupants. The temporary certificate shall be issued only to its completion, the building shall conform to the provisions of the building ordinance and state laws or of this ordinance to such extent as to consider it usable for the occupancy proposed. SECTION 23. Interpretation and Purpose. In interpreting and applying the provisions of this ordinance they shall be held to be reasonable and just, for the promotion of the public safety, health, convenience, and general welfare. This ordinance shall not interfere with, abrogate or annul any ordinance, regulation or permit previously adopted or issued by any authority having jurisdiction over buildings or premises, provided, however, that where this ordinance is in conflict with any ordinance, regulation or permit, the provisions of this ordinance shall prevail. SECTION 19. Violation; Penalties. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with any provision of any of the provisions of this ordinance shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than ninety days, or both such fine and imprisonment at the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense.

Land Investments

Well Offer These Unusual Land Investment Opportunities

- 130 ACRES, only 16 miles from Detroit City Hall, on East Maple Avenue, between Dequindre and Ryan Roads. Priced \$500 less than land adjacent. One of the best investments possible.
- 160 ACRE country place, out Wider Woodward Avenue, in Oakland County, in a most attractive countryside. Borders proposed state road, to be built next spring. Well timbered, rolling terrain, large colonial farm home set amid a picturesque old orchard, complete out-buildings. Priced well below adjacent land values. Price \$20,000.00, small down payment, interest payments only for two years, and a long term contract.

Bingham, Sparks & Bingham
REAL ESTATE AND INSURANCE
132 S. Woodward Ave. Telephone 985



When are You Going to Place Your Coal Order ?

Decide right now to Order Your Winter's Coal Today from R. C. MOULTHROP LUMBER COMPANY

WHEN you stop to think of it, there's really no reason why you shouldn't fill up your Coal bin right now. You'll get better delivery, better service—and your fuel worries will be over.

Call us up today! Get our prices! Then let us fill your bin now!

R.C. Moulthrop Lumber Co.
LUMBER BUILDERS' SUPPLIES
COAL AND IRON SUPPLIES
BIRMINGHAM, MICHIGAN



PHONE 312
Our cleaning ways they did not know Back in the days of long ago. —Mr. Before and After.
Careful handling of garments by modern methods —perfect cleaning, fast colorings — non-injurious processes. —"Spotless Cleaning—Permanent Dyeing — Tailored Pressing"

JEWELL A. B. C. CLEANERS
Cleaners and Dyers
412 S. WOODWARD AVENUE
Work Called For and Delivered