Proposed New City Charter Published for Eccentric Readers

Editor's Note: Herewith is presented by The Eccentric, without cost to the village, the proposed new city charter for Birmingham. The only omission is that of the petition describing the city boundaries, which is left out to conserve space. It is suggested that you save this copy of the charter for further perusal, and for discussion at the public meeting Wednesday evening, Jan. 11.)

CHARTER

of the

CITY OF BIRMINGHAM

Michigan

We, the people of the City of Birmingham, County of Oakland and State of Michigan, pursuant to the authority granted by the Constitution and Statutes of the State of Michigan, do hereby ordain and establish this Charter for the City of Birmingham, Michigan.

CHAPTER I

Boundaries, Ward, Precincts

Section 1. The City of Birmingham shall include all the territory embraced within the former Village of Birmingham, which territory is more particularly described as follows:

(Omitted)

CHAPTER II.

General Powers

Section 1. The City of Birmingham shall be a body corporate and politic, shall have perpetual succession, shall have a corporate seal, may sue and be sued and may contract and be contracted with.

Section 2. The city shall have power:

(1) To acquire by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits and either within or without the corporate limits of the County of Oakland, the following improvements, including the necessary lands therefore, viz.: City hall, police station, fire station, boulevards, streets, alleys, public parks, cemetery grounds, library, museum, airport, city prison, hospital, water works plant and system, sewage disposal plant and system, garbage disposal plant, rubbish disposal plant, market places, public works and public buildings of all kinds; and to acquire by purchase, gift, condemnation, lease, or otherwise, private property, either within or without its corporate limits and either within or without the corporate limits of the County of Oakland, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not. All condemnation proceedings instituted for the acquisition of private property, either within or without the corporate limits of the city, may, at the option of the city commission, be taken in accordance with the provisions of Act No. 149 of the Public Acts of Michigan of 1911, entitled "An act to provide for the condemnation by state agencies and public corporations of private property for the use or benefit of the public and to define the terms 'public corporations,' 'state agencies' and 'private property' as used herein," and all acts amendatory thereof or supplemental thereto, or under the provisions of Act No. 124 of the Public Acts of Michigan of 1883, entitled "An act to authorize cities, villages and counties to take private property for the use or benefit of the public, and to repeal Act Number Twenty-six (26) of the Public Acts of eighteen hundred eighty-two (1882)," or any act amendatory thereof or supplemental thereto, or under such other appropriate general provisions of law therefor as are or shall be provided by the statutes of the State of Michigan for such condemnation and provided.

(2) To maintain, develop, operate, lease and dispose of its property subject to any restrictions placed thereupon by law or by this charter; provided that no property of a value in excess of Two Dollars ($2.00) per capita according to the last preceding United States census, or any park, cemetery, or any part thereof, or any property bordering on a water front shall be sold, nor shall any street or public place leading to a water front be vacated, nor shall the city engage in any business enterprise requiring an investment of money in excess of ten cents (10c) per capita, unless approved by a majority of the electors voting thereon.

(3) To make and enforce ordinances and resolutions for the protection and control of property belonging to the city located within its corporate limits, and to make and enforce such ordinances and resolutions as to such property located without its corporate limits as is permissible under the laws of the state.

Section 3. The city shall have power:

(1) To establish districts or zones within which the use of land and structures, the height, the area, the size and the location of buildings and required open spaces for light and ventilation of such buildings and the density of population may be regulated by ordinance, and such regulations in one or more districts may differ from those in other districts.

(2) To regulate and license the location, construction, size and height of billboards and the maintenance thereof; or to entirely prohibit the construction and maintenance of billboards in the city.

(3) To license, regulate, and restrict oil and gasoline stations and the location thereof.

(4) To establish and maintain definite fire limits and to prohibit within such limits the construction of buildings and other structures of wood and other materials easily inflammable.

(5) To enact and enforce ordinances in relation to the prevention and suppression of fires and to provide for the inspection of private property for the purpose of determining where a fire hazard exists.

(6) To enact a building and housing code; to regulate the erection and repair of buildings and to require building permits therefor; to prevent the erection of unsafe buildings and to provide for the removal of any such buildings; and to regulate the maintenance and occupancy of buildings insofar as the same affect health and safety.

(7) To prescribe by ordinance the limits or districts within which shall be prohibited the location of any trade or business which in the opinion of the commission will be detrimental to the peace, health or safety of the inhabitants in such district.

(8) To regulate the height, construction and location of fences; to provide for the building and maintenance of partition fences and all things in relation thereto; to determine all disputes between owners in relation to partition fences and to enforce such determinations.

Section 4. The city shall have power:

(1) To provide for the prevention, introduction and spreading of malignant, infectious or contagious diseases within the city and to remove persons having such diseases to such proper places either within or without the city limits as may be deemed necessary for the public health.

(2) To regulate and control the disposition and handling of garbage, ashes and any other thing detrimental to the public health or good sanitation; to provide for the collection and disposal of garbage, ashes and rubbish.

(3) To define, prohibit, abate, suppress or prevent all nuisances and all things detrimental to the health, safety and welfare of the inhabitants of the city and the causes thereof.

(4) To provide for the inspection and to regulate and license the manufacture, sale and keeping for sale of provisions, foods, food supplies and beverages.

Section 5. The city shall have power:

(1) To regulate and license hotels, rooming houses, boarding houses and restaurants.

(2) To prohibit or to regulate and license public billiard and pool tables, public billiard and pool rooms, and bowling alleys, and to restrict the location thereof.

(3) To regulate and license theaters, motion picture shows, public shows, exhibitions and other amusements.

(4) To regulate and license public dances and public dance halls, and to restrict the location thereof.

(5) To regulate and license auctioneers, pawnbrokers, hawkers, peddlers, solicitors, transient merchants, junk dealers and junk yards.

(6) To license dogs and other animals and to restrict or prevent their running at large.

(7) To license, regulate or prohibit hunting, trapping or the use of firearms within the corporate limits.

(8) To regulate trades, occupations and amusements within its boundaries in such manner as shall be consistent with state and federal laws, and to prohibit such trades, occupations and amusements as are detrimental to health, morals or welfare of its inhabitants.

(9) To regulate and license vehicles used for the conveyance of persons and property for hire, and to regulate and license the drivers thereof.

(10) To regulate and license the storing, handling, transportation, sale and disposition of combustible and explosive substances of every character, and to prohibit the same if not in conflict with the laws of the state.

(11) To prescribe the terms and conditions upon which licenses shall be granted; to require the payment of such license fees; to require the furnishing of such bond as the commission may deem reasonable and proper, and to provide that all licenses shall be subject to revocation by the commission in the manner provided in each particular ordinance.

Section 6. The city shall have power:

(1) To regulate the speed of motor vehicles, to prohibit the driving thereof while under the influence of liquor, to prevent the reckless driving of vehicles upon the streets, highways and alleys of the city, and to regulate pedestrian traffic upon the streets, highways and alleys of the city.

(2) To regulate traffic and the parking of automobiles and other vehicles; to prohibit such parking on designated highways, streets and alleys or parks thereof; to provide for the impounding of vehicles parked in violation of such regulations or prohibitions and of vehicles abandoned and left on the streets, highways and alleys of the city, and to provide for the sale of any impounded vehicle unless such vehicle shall be claimed and the impounding and other charges paid within sixty (60) days after the impounding of such vehicle.

(3) To regulate the operation of aircraft.

Section 7. The city shall have power:

(1) To provide for taking the census of the city.

(2) To regulate public utilities; to require that wires in streets, highways and alleys be placed underground; to regulate the location of all poles and other facilities used by public utilities.

(3) To establish, equip, operate, and maintain a fire department and a police department, and to make rules and regulations therefor.

(4) To contract with or arrange with any municipality, individual or corporation for furnishing the protection to the inhabitants.

(5) To inspect, regulate and control all weights and measures and the use thereof, and to seize and destroy inaccurate or fraudulent weights and measures.

(6) To make and enforce all such local, police, sanitary and other regulations as are not in conflict with the general laws.

Section 8. The city shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated of not; to do any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants; through its regularly constituted authority, to pass and enforce all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of the state and the provisions of this charter; and generally to do any act permitted by the provisions of Act No. 279 of the Public Acts of 1909 as amended or as may be amended, whether such act is specifically mentioned herein or not.

The enumeration of specific powers in this charter shall not be construed as a limitation upon the general powers granted by the provisions of this or any other section of this charter.

CHAPTER III.

Plan of Government

Section 1. All the powers of the city, except as otherwise provided by statute or this charter, shall be vested in a commission of seven (7) members, elected at large as hereinafter provided.

Section 2. The commission shall constitute the legislative and governing body of the city with power and authority to pass such ordinances and adopt such resolutions as it shall deem proper for the exercise of the powers possessed by the city.

Section 3. The members of the commission shall be elected on a non-partisan ticket from the city at large and shall be subject to recall as provided by the laws of the state. No person shall be eligible to the office of commissioner who shall not be an elector in the city and who shall not been a resident of the city for at least two (2) years immediately prior to his election. For the purpose of this section, residents in the Village of Birmingham shall be considered as residents in the City of Birmingham.

Section 4. At the election at which this charter shall be submitted there shall be elected seven (7) commissioners whose terms of office shall begin on the taking effect of this charter. The four (4) commissioners receiving the highest number of votes shall serve until eight o'clock P. M. on the first Monday following the regular election in the year 1937 and the remaining three (3) commissioners shall serve until eight o'clock P. M. on the first Monday following the regular election in the year 1935. At the regular election in the year 1933 and in each succeeding year thereafter there shall be elected commissioners equal in number to those commissioners whose terms will expire on the first Monday following such election, each of whom shall serve for a term of four (4) years, beginning at eight o'clock P. M. on the first Monday following such regular election.

The commission shall be the judge of the election and qualification of its own members, subject, however, to review by the courts in appropriate proceedings.

Section 5. At eight o'clock P. M. of the day upon which the charter shall take effect and on the first Monday following the regular municipal election in 1935 and each regular municipal election thereafter, the commission shall meet at the usual place for holding the meetings of the legislative body of the city for the purpose of organization. At each of said organization meetings the commission shall elect one of its members as mayor who shall be the presiding officer of the commission and chief executive head of the city and who shall have such other powers and perform such other duties as are or may be imposed or authorized by the laws of the state, by this charter or by the commission. He shall be the conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder. At each of said organization meetings the commission shall also elect another member of the commission as mayor pro tem, who during the absence or disability of the mayor to perform his duties, shall act in his stead and shall during the time of said absence or disability, exercise all of the duties and possess all of the powers of the mayor. In the absence or disability of the mayor pro tem, the commission may temporarily appoint one of its members to that office. The mayor as a member of the commission shall have the right to vote on all matters before the commission and shall possess all of the other rights and powers of members of that body. He shall not have the right of veto.

Section 6. Regular meetings of the commission shall be held at such times as may be prescribed by resolution, provided that it shall meet regularly not less than once a week. The mayor or any two commissioners may call special meetings of the commission upon at least ten hours' written notice to each member, served personally or left at his usual place of residence, provided, however, that any special meeting at which all members of the commission are present shall be a legal meeting for all purposes without such written notice. All meetings of the commission shall be public and any citizen may have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business. It shall keep a journal of its proceedings in English which shall be signed by the clerk.

Section 7. Four (4) members of the commission shall constitute a quorum, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, and all pending business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting or at the next regular meeting without further notice. The commission shall act only by ordinance or resolution. The word "resolution" as used in this charter shall include official action in form of a motion. The affirmative votes of a majority of the commission elect shall be required for the passage of any ordinance or resolution, unless in any given case a different number is required by this charter or by state law. All votes shall be by "yeas" and "nays." Each member present shall be required to vote unless disqualified or unless he shall state his reason for not voting, which shall be recorded in the minutes. Where a vote is unanimous it shall not be necessary to include in the minutes the names of the members voting but the vote shall be designated by the number of votes for or against the pending matter.

Section 8. The commission shall appoint a city manager who shall be responsible to the commission and who shall, in addition to the powers and duties specified in this charter, have such executive and administrative powers and duties as shall be delegated to him by ordinance or resolution of the commission. He shall be a citizen of the United States and shall be chosen by the commission solely on the basis of his fitness to perform the duties of his office, and shall hold office at the will of the commission under the direction and management of the commission, he shall be the chief administrative officer of the city government, he shall be present at all meetings of the commission and shall be entitled to be present at all meetings of its committees. He may take part in all discussions but shall have no vote. The commission may provide that the powers and duties of any appointed officer other than the clerk or treasurer shall be exercised and performed by the manager, or it may appoint the manager to any office other than that of clerk or treasurer. The commission may appoint an acting manager to act in the event of the disability or absence of the appointed manager, or pending the appointment of a manager at any time.

Section 9. The commission shall within thirty (30) days after this charter takes effect, and from time to time thereafter whenever a vacancy shall occur, appoint a clerk, a treasurer, an assessor, and two members of the board of review. The manager may, with the advice and consent of the commission, appoint a health officer, a city attorney, an engineer, a chief of police, a chief of fire department, and such other officers as may be deemed advisable, and provide for their powers and duties. Unless otherwise provided in this charter or by statute, all appointees of the commission shall hold office during the pleasure of the commission, and all other appointive officers shall hold office during the pleasure of the manager. One person may be appointed to two or more offices except that the offices of clerk and treasurer shall not be filled by the same person.

Section 10. The city clerk, in addition to the powers and duties elsewhere specified in this charter, shall keep the corporate seal and have the custody of all books, official bonds, records, papers and documents which are not by this charter or the ordinances of the city, entrusted to some other officer; he shall be clerk of the commission, shall attend all of its meetings and shall keep a record of all of its proceedings; he shall issue all licenses as authorized by the commission or by ordinance, and shall keep a record thereof; he shall, upon request, make certified copies of any papers or documents in his custody, and such copies shall be evidence in all places or proceedings of the matters therein contained to the same extent as the original would be, and he may charge therefor such fees as shall be prescribed by the commission; and he shall keep a record of all property belonging to the city.

Section 11. The city treasurer in addition to the powers and duties elsewhere specified in this charter, shall have the custody of all moneys, bonds (other than official), mortgages, notes and securities belonging to the city. He shall give bond in such amount and with such sureties as are satisfactory to the commission.

Section 12. The city assessor shall perform such duties in relation to the assessing of property and levying of taxes and special assessments as are prescribed by this charter and the laws of the state.

Section 13. The city assessor, and two qualified freeholders and electors of the city who shall be appointed by the city commission as hereinbefore provided, shall constitute the board of review of the city in relation to assessments made for general taxation purposes, whether under the provisions of this charter or the general laws of the state. The members of the board of review shall receive such compensation as shall be fixed by the commission.

Section 14. The chief of police shall be charged with the enforcement within the city, of the laws of the United States, the state and the charter and ordinances of the city, unless it is otherwise provided in such laws, charter or ordinances. He shall be in charge of the police force of the city. Members of the police force shall have power and it shall be their duty to enforce the penal laws of the United States, the penal laws of the state, the penal ordinances of the city, and the penal provisions of this charter; to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice; in compliance with the laws of the state to apprehend persons guilty or suspected of being guilty of violation of the laws of the United States, the state, the ordinances of the city, or the provisions of this charter; to make complaints before the proper officer or magistrate against any person known or believed by them to be guilty of any violation of the laws of the United States, the state, the ordinances of the city or the provisions of this charter; to serve all processes that may be delivered to them in criminal, charter and ordinance cases. When any person has committed or is suspected of having committed any crime or misdemeanor within the city or has escaped from the city prison or from custody of the police, officers of the city who shall be appointed by the city commission as hereinbefore provided, shall constitute the board of review of the city in relation to assessments made for general taxation purposes, whether under the provisions of this charter or the general laws of the state. The members of the board of review shall receive such compensation as shall be fixed by the commission.

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Section 15. The chief of the fire department or in his absence, the officer in charge, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the preservation of life or property thereat. If any person willfully disobeys any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a misdemeanor. Such officer may cause any building to be razed or destroyed when deemed necessary in order to arrest the progress of a fire and no action shall be maintained against any person or against the city therefor.

Section 16. The health officer shall have power, subject to the laws of the state, to prevent, remove or abate nuisances dangerous to life or health. He may require the owner or occupant of any premises to remove any such nuisance or to correct any condition on such premises which causes a nuisance. If such owner or occupant shall refuse or neglect to comply with any such requirement, the health officer may cause such nuisance to be removed or such condition corrected, and the expense thereof may be recovered in a suit against such owner or occupant, or a special assessment may be levied against such owner or occupant and upon the premises. The health officer shall have charge of food inspection and matters of sanitation.

Section 17. The commission shall appoint such number of supervisors to represent the city on the Board of Supervisors of Oakland County as the city shall from time to time be entitled by law to have, and members of the commission, officers and employees of the city shall be eligible to such appointment, provided, that supervisors who are also either members of the commission or officers or employees of the city shall at no time constitute a majority of the supervisors representing the city. The representatives of the city, aforesaid, shall be endowed with all of the rights, powers, and duties conferred upon members of the Board of Supervisors by the general laws of this state. Any members of the city commission or officers or employees of the city who shall from time to time be members of the Board of Supervisors from this city, shall be entitled to retain any compensation paid to them as members of the Board of Supervisors.

Section 18. Subject to the provisions of this charter, the commission shall fix the salary or compensation of all officers and employees of the city. The members of the commission shall each receive the sum of Five Dollars ($5.00) for each regular commission meeting attended. Members of the commission shall receive no further compensation from the city.

Section 19. All officers of the city shall perform such duties and possess such powers as are or may be prescribed by this charter, by the general laws of the state or by the commission.

Section 20. Relatives by blood or marriage of the mayor, any commissioner or the manager, within the second degree of consanguinity or affinity are hereby disqualified from holding any appointive office or from being employed by the city, during the term of the mayor or commissioner was elected, or during the tenure of office of such manager.

Section 21. The commission may require any officer or employee to give a bond for the faithful performance of his duties, in such amount as it may determine, and the premium thereof shall be paid by the city. Any officer or employee required by the provisions of this charter, the general laws of the state, any ordinance of the city, or by the commission, to give a bond, shall not enter upon the duties of his office or employment until such bond shall be duly filed and approved. All such bonds except as herein otherwise provided, shall be approved by the commission and filed with the clerk, excepting the bond of the clerk, if any, which shall be filed with the treasurer.

Section 22. All bonds required by the provisions of this charter shall be the bonds of surety companies authorized to do business in the State of Michigan, or in lieu of said bonds there may be deposited, in such manner and subject to such regulations and limitations as the commission shall prescribe, cash in an amount equal to the penalty required in such bond.

Section 23. Except as otherwise specifically provided in this charter, no elective officer shall hold any office except that to which he was elected, nor shall he be elected or appointed to any office which was created or the compensation of which was fixed or increased by the commission while he was a member of such commission, until the expiration of one year from the date when he ceased to be a member of the commission.

Section 24. All elective officers shall hold office until their successors shall have been elected and shall have qualified.

Section 25. In addition to other provisions herein contained, a vacancy shall exist in any elective office when an elected officer fails to qualify as in this charter provided, dies, resigns, is removed from office, removes from the city, or is convicted of a felony.

Section 26. A vacancy in any elective office shall within thirty days after such vacancy occurs be filled by appointment by a majority of the members of the commission, or of the remaining members of the commission when the vacancy is in the commission. Such appointee shall hold office until the next regular municipal election, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs. When a vacancy occurs in any office to which a person has been appointed for a definite term, such vacancy shall within thirty days be filled for the unexpired term, by appointment made in the manner provided for full term appointment to such office.

Section 27. No member of the commission, the manager or other officer or employee of the city shall knowingly accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm, or corporation operating a public utility within the city, or from any person known to him to have or to be endeavoring to secure a contract with the city.

Section 28. Within five (5) days after the commission shall have met and determined, as provided in this charter, the election of any person or persons, the clerk shall notify in writing each elected person of his election, and he shall, also, within five (5) days after the appointment of any person to any office, in like manner notify such person of his appointment.

Section 29. No person who has been convicted of defalcation from the city or from any other governmental corporation, or who has been convicted of felony shall be elected or appointed to any office of the city. All votes for any appointment of such person shall be void.

Section 30. Every officer elected or appointed to any city office, before entering upon the duties of his office shall take and subscribe to an oath of office, which shall be filed and kept in the office of the city clerk, to support the Constitution of the United States, and the Constitution of the State of Michigan; to endeavor to secure and maintain an honest and efficient administration of the affairs of the City of Birmingham, free from partisan distinction or control, and to perform the duties of his office to the best of his ability. In case of his failure to do so, within ten (10) days after the time fixed for taking office, he shall be deemed to have declined the office unless the time therefor shall be extended by the commission. The oath of office hereinbefore in this Section mentioned shall be as follows:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States of America and the constitution of this state and endeavor to secure and maintain an honest and efficient administration of the affairs of Birmingham, free from partisan distinction or control, and to perform the duties of the office of.....

according to the best of my ability."

Section 31. The clerk and the treasurer or either of them may deputize a member of his office as deputy clerk or deputy treasurer, as the case may be, subject to the confirmation of the commission. The clerk and the treasurer, or either of them, may remove his deputy at pleasure. Each deputy shall possess all the powers and authorities of his superior officer except as the same may be from time to time limited by the commission.

Section 32. If, for any reason, any appointment shall not be made by the commission within the time provided in this charter, it may be made at any subsequent regular or special meeting.

CHAPTER IV.

Registrations, Nominations and Elections

Registrations

Section 1. The registration and re-registration of electors in the City of Birmingham shall be conducted as provided for in the general laws of the State of Michigan.

Nominations

Section 2. Candidates for any elective office to be filled at any municipal election under the provisions of this charter shall be nominated by petition in the manner hereinafter prescribed, and the names of the candidates so nominated for any such office and no others shall be printed on the election ballot to be voted for at the next regular municipal election.

Section 3. Such petition for nomination shall be in substantially the following form:

We, the undersigned, being duly qualified electors of the City of Birmingham, Michigan, and residing at the places set opposite our respective signatures hereto, do hereby request that the name of (name of candidate) who resides on ..... in the City of Birmingham, Michigan, be placed on the ballot as a candidate for (name of office) at the election to be held in said city on the ..... day of ....., 19..... We further state that we know him to be a qualified elector of said city and a person of good moral character and qualified in our judgment for the duties of such office.

Names of qualified electors	Street No.	Date

Such petitions shall be without any mark or designation showing the party affiliation of the person being so nominated.

It shall be unlawful for any person to sign more than one such nominating petition for the same office, except where two or more candidates are to be elected for the same office; then he may sign as many petitions as there are persons to be elected to said office.

The person circulating a nominating petition shall, before the acceptance of such petition by the city clerk, subscribe to the following oath:

STATE OF MICHIGAN,
County of Oakland, ss:

..... being duly sworn, deposes and says that he is the circulator of the foregoing petition containing ..... signatures, that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be, and that all of said signers are qualified electors of said city to the best of his knowledge and belief.

Signed .....

Subscribed and sworn to before me this ..... day of ..... 19.....

..... Notary Public, Oakland County, Michigan
My commission expires: .....

Section 4. No person shall be deemed to be nominated as a candidate for any office unless a petition therefor, signed by not less than twenty-five nor more than fifty qualified electors, shall be filed with the city clerk on or before four o'clock P. M. on the fourth Saturday prior to the election at which such office is to be filled.

Section 5. The city clerk shall forthwith examine the petition or petitions filed for each candidate and if satisfied that the required number of electors have signed the same, he shall endorse thereon the word "APPROVED" with the date of filing the same; but should he find that the petition or petitions for any candidate do not contain the required number of names of electors as herein provided, he shall immediately notify such candidate of the additional number of names of electors required; provided that nothing herein contained shall extend the time for filing nominating petitions as provided in the preceding section.

Section 6. When the petitions for nomination of any candidate shall be found to contain the required number of names of electors, the city clerk shall forthwith notify the person thereby placed in nomination. Any person desiring to become a candidate for any elective office shall, on or before the third Saturday prior to such election, file with the clerk an acceptance of such nomination in substantially the following form:

I, ..., ..., hereby accept the nomination for the office of ..... in the City of Birmingham.

Dated .....

Signature

Section 7. Regular municipal elections shall be held for the City of Birmingham on the first Monday in April in the year 1935 and on the first Monday in April in each odd numbered year thereafter for the election of officers of the city in accordance with the provisions of this charter.

Section 8. Special elections may, subject to the general laws of the state, be held at such times as the commission may by resolution determine, the purpose of which shall be set forth in the resolution calling such election.

Section 9. Any matter, which by the terms of this charter shall be submitted to the electors of the city, may be submitted at any municipal election or at any state or county primary or election.

Section 10. Notice of the time and place of holding any election and of the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the clerk in the same manner and at the same times as provided in the state election laws for the giving of notices by city clerks in state elections. The commission

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