PROPOSED CHARTER
of the
CITY OF BIRMINGHAM, MICHIGAN

(Continued from Preceding Page)

feet any and all of such proposals and may in its discretion make such improvement by the proper officers and agents of the city.

Section 26. Should any lot or parcel of land be divided after a special assessment thereon has been confirmed and before the collection of such assessment, the commission may require the assessor to apportion the uncollected amounts upon the several parts of such lot or parcel of land so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties and all assessments thereafter made upon such lots shall be according to such division.

Section 27. Whenever any portion of the cost of any improvement shall be assessed by or charged to the city at large and the balance of such cost assessed to the property benefited, then the commission may provide for the payment of the city's portion of such cost in installments in the manner and method provided for the payment of the portion assessed to the benefited property.

CHAPTER XI
Streets and Sidewalks

Section 1. The city shall have reasonable control of all the streets, alleys and public highways within its limits and may use and enjoy the same for proper purposes and to the full extent thereof. The city may adopt a plan of streets, alleys and public highways within its limits and so far beyond its limits as may be permitted by law.

Section 2. The commission shall have power to improve streets, alleys and public highways in the city, by grading, graveling, curbing, paving, repaving, repaving, illuminating, maintaining the same free from dust and nuisance; by constructing, reconstructing and repairing sidewalks or otherwise. It shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any street, alley or public highway or part thereof in the city, except as herein otherwise provided, whenever it shall deem such action to be a public improvement; provided that it shall not vacate any state or county highway designated as such.

Section 3. When the commission shall deem it advisable to vacate or abolish any street, alley or other public highway or any part thereof, it shall by resolution adopted by at least five-sevenths (5/7) of the commission declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when it shall meet and hear objections thereto. Notice of such meeting, with a copy of said resolution, shall be published two successive weeks before the appointed time for such meeting, in a newspaper circulating in the city.

Section 4. The commission shall have authority to establish and alter the grades of streets, alleys, public highways, sidewalks, curbs and public grounds within the city. Whenever a grade shall be established or altered a record and diagram thereof shall be kept on file in the proper office of the city.

Section 5. Whenever any sidewalk has been built in conformity to a grade established by the city and the cost thereof paid for by the abutting property owner by special assessment or otherwise, then such owner or his successor in title shall not be required to reconstruct such sidewalk nor shall the abutting property be subject to a special assessment therefor, in event a reconstruction is made necessary by a change in grade made by the city, provided such sidewalk is in good condition.

Section 6. The city shall have control of all sidewalks in the streets, alleys, public highways of the city and may require the abutting property owners to construct and repair such sidewalks. If any abutting property owner shall fail to construct, reconstruct or repair the sidewalk in the street adjacent to his premises after being required to do so by resolution of the commission and upon such notice as the commission shall provide, then the city may construct, reconstruct or repair such sidewalk and collect the costs thereof from the abutting property owner, or may make a special assessment against such owner and such abutting property in the same manner as herein provided for the making of special assessments where any expense has been incurred by the city upon or in respect to any particular lot or parcel of land.

Section 7. The commission shall have power to change the name of any street or highway, but before doing so shall set a date for hearing any objections thereto and shall give notice thereof at least once by publication in a newspaper circulating in the city, not less than ten days prior to such hearing.

Section 8. The commission may provide for and regulate the planting of ornamental trees and shrubbery in the streets and public grounds of the city and may provide for the care and maintenance thereof.

Section 9. The commission may by ordinance require abutting property owners to remove snow, ice, filth and other obstructions from sidewalks in front of their respective properties, and in event of the failure or refusal of any person to do so, such ordinance may provide that the city may cause such work and charge the cost thereof to such property and assess him and his property therefor as in this charter provided.

CHAPTER XII
Sewers and Drains

Section 1. The commission may establish, construct and maintain a sewage system, sewage disposal system, sewers and drains whenever deemed necessary. Such systems, sewers and drains may be constructed either within or without the city or partly within and partly without the city. The commission may contract with any other governmental unit or units for sewerage and drainage facilities, provided that such contract be approved by two-thirds of the electors voting thereon at a general or special election.

Section 2. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the city sewers and drains, under such rules and regulations as the commission shall prescribe.

Section 3. Whenever the commission shall deem it necessary for sanitary reasons, it may require the owners and occupants of lots and premises to construct private drains therefrom, to connect with some sewer or drain, and thereby to drain such lots and premises; and may require such private drains to be repaired and maintained in good condition; and if such private drains are not constructed and maintained according to such requirement, the commission may cause the work to be done at the expense of such owner or occupant and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Section 4. The city may acquire, establish, operate, extend and improve a sewage disposal system, sewers and plants either within or without its corporate limits, as a utility, and may fix and collect charges for service covering the cost of such service, the proceeds whereof shall be exclusively used for the purpose of such sewage disposal system, and such charges may include a return on the fair value of the property devoted to the service, excluding from such valuations such portions of the system as may have been paid for by special assessment, and which charge may be a lien upon the property served, and if not paid when due, may be collected in the same manner as other city taxes.

CHAPTER XIII
Water Supply

Section 1. The commission may provide for a water system and obtain a supply of water for the use of the city and its inhabitants, when the same is approved by two-thirds of the electors voting thereon at a general or special election. Such water supply may be secured from any other municipality or by the establishment and maintenance of water works pumping station. If water is furnished by the city to inhabitants thereof, the commission shall have power by ordinance to provide for water rates and the enforcement of the payment thereof, and may provide that such water rates shall be a lien upon the property. The commission may also make such rules and regulations in respect to the water works system and the use of water, as may be deemed expedient.

Section 2. The commission may provide reasonable regulations to prevent waste in an unreasonable manner of water from artesian wells, or causing the depletion or lowering of the head or reservoir supply to the detriment or damage of other wells supplied from the same source.

CHAPTER XIV
Franchises

Section 1. No franchise shall be granted by the city which shall extend for more than thirty years, renewable at the will of the city, and all franchises granted by the city shall be revocable.

Section 2. No exclusive franchise shall ever be granted to any person or corporation.

Section 3. The grant of every franchise shall be subject to the right of the city, whether in terms reserved or not, to make and enforce such regulations as shall be deemed by the commission reasonably necessary to the safety, welfare and accommodation of the public, and the right to make and enforce all such regulations shall be reasonably necessary to secure adequate, sufficient and convenient service, and reasonable accommodations for the people and for the comfort and convenience.

Section 4. The commission may grant permit and license in any of the streets, alleys, or public places, provided such permit shall be revocable by the commission at its pleasure, whether such right to revoke be expressly reserved in said permit or not.

Section 5. All contracts, granting or authorizing the granting of any franchise or extending any franchise, shall be made by ordinance and not otherwise. If the proposition for granting an original franchise, or of extending, amending or renewing any existing franchise is to be submitted to a vote of the electors of the city, the cost of such election shall be first paid by the grantee to the city and the acceptance of such franchise, or extension, renewal or amendment shall be filed by the grantee with the city clerk within such election shall be held within sixty (60) days from the effective date of the ordinance. Any non-compliance with this section shall automatically annul such franchise, extension, renewal or amendment.

Section 6. If any grantee shall continue to operate any public utility after the term of its franchise has expired, it shall have and exercise the right to do so, but nevertheless be subject to all of the terms and conditions of the franchise so long as it continues to operate, but the term of the franchise shall not be thereby extended, and such franchise shall at all times after the expiration of its term be revocable at the will of the commission.

Section 7. The commission may by ordinance provide for efficient inspection and regulation of the public utilities operating in the city. It is the intention of this section to provide means for securing the city efficient service from all public utilities operating in the city and the proper observance by such operators of the conditions imposed by their respective franchises, the ordinances of the city and laws of the state.

CHAPTER XV
Justice Courts

Section 1. There shall be one justice of the peace and one associate justice of the peace for the City of Birmingham. Such justices of the peace shall possess such qualifications as are prescribed in this charter for elective officers. At the election at which this charter shall be submitted, there shall be elected a justice of the peace and an associate justice of the peace, who shall each hold office until the fourth day of July in the year 1935. At the regular election in the year 1935, there shall be elected a justice of the peace and an associate justice of the peace, who shall each hold office from the fourth day of July, 1935, until the fourth day of July, 1939. At the regular municipal election in the year 1939, and in each fourth year thereafter, there shall be elected a justice of the peace and an associate justice of the peace, who shall each hold office for a term of four years from and after the fourth day of July following his election.

Section 2. Except as otherwise provided in this charter or the laws of the state, the provisions of the general laws of the state applying to the election and qualification of justices of the peace in townships, shall apply to the election and qualification of justices of the peace of the city.

Section 3. Except as otherwise provided in this charter or the laws of the state, said justices of the peace shall have and exercise the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace under the general laws of the state; provided, however, that in all civil matters, causes, suits and proceedings, ex contractu and ex delicto, said justices of the peace shall have concurrent jurisdiction to the amount of Five Hundred Dollars ($500.00), with such exceptions and restrictions as are or may be provided by law.

Section 4. The justices of the peace before whom any civil cause shall have been tried shall upon legal application shown therefor have the same power and authority as the circuit court of the state possessed to set aside the verdict or judgment and grant a new trial therein whenever a motion in writing is made and filed with such justice within five days after the rendition of the verdict or judgment in said cause, which said motion shall briefly and plainly set forth the reasons and grounds upon which it is made and shall be supported by affidavit or affidavits setting forth the facts relied upon and filed at the time of filing said motion, and a notice of the hearing of such motion with a copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party or his attorney at least two days before the hearing thereof. Such motion shall be determined within two days after the same shall have been heard and submitted, and such motion shall be submitted and heard within one week after the same shall have been filed. The time for taking an appeal from judgment in case such motion be not granted, shall begin to run from the time when such motion shall be overruled. In case shall the pendency of such motion stay the issuing and levy of an execution in such cause, but in case of a levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion.

Section 5. Said justices of the peace shall also have authority and it shall be their duty to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by the charter and ordinances of the City of Birmingham, and to punish offenders for the violation of said charter and ordinances as therein prescribed and directed. The jurisdiction herein granted to the justices of the peace of the city shall not be deemed to be exclusive in event that jurisdiction in such causes be granted to other justices of state laws.

Section 6. The proceedings in all suits and actions before the said justices of the peace and in the exercise of the powers and duties conferred upon and required of them, shall be according to and be governed by the general laws applicable to justice courts and to proceedings before such courts; and in all suits and prosecutions arising under the charter and ordinances of the city, the right of appeal from said justice courts to the circuit court for the County of Oakland, or to any other court having jurisdiction, shall be allowed to the parties or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in case of appeal from justices' courts in analogous cases.

Section 7. Said justices of the peace shall enter in the dockets kept by them the titles of all suits and prosecutions commenced or prosecuted before them for violations of the charter and ordinances of the city, and all the proceedings and the judgment rendered in such causes, and shall itemize all costs taxed or allowed therein. They shall also enter the amounts and dates of payment of all fines, penalties, forfeitures, moneys and costs received by them on account of such suits or proceedings. Such dockets shall be submitted by the justices at all reasonable times to the examination of any person desiring to examine the same, and shall be produced by the justices to the commission whenever required.

Section 8. All the provisions of the general laws of the state in relation to fees chargeable in the several proceedings in justice courts, shall apply to the justice courts of this city.

Section 9. Unless otherwise changed by ordinance, the justice of the peace shall receive a salary of $2500.00 per annum, and shall be required to devote his entire time during office hours to the duties of his office. The associate justice of the peace shall receive a salary of $300.00 per annum and shall be required to devote not more than thirty full days or sixty half days per year to the duties of his office provided, however, that if the work of the justice courts shall require, the commission may provide that he shall sit any number of additional days, for which he shall be paid at the rate of $8.00 per day. The associate justice of the peace shall hear all cases in which the justice of the peace is disqualified, and shall hold court in the absence from the city or the disability of the justice of the peace.

The salary of the associate justice for one full or half days he may sit in the place of the justice, in excess of thirty full or sixty half days (as the case may be) shall be deducted from the salary of the justice.

The commission may by ordinance change the salaries of the justice of the peace and the associate justice of the peace, and also the provisions as to the time required of each to be devoted to the duties of his office.

Section 10. The salaries herein provided for the justice of the peace and the associate justice of the peace shall be in lieu of all fees, costs and charges to which said justices would be entitled but for the provisions of this section, except fees for the performance of marriage ceremonies, and for administering oaths in matters not connected with suits or proceedings in the justice courts in said city.

Section 10. In cases or proceedings involving the violation of this charter or the ordinances of the city, the justices of the peace shall collect and receive for the account of the city the same fees as in the proceedings before a justice of the peace for violation of the criminal laws of the state.

Section 11. All fines, penalties, forfeitures and costs collected or received by the justices of the peace for or on account of violations of the penal laws of the state, shall be paid over by such justices to the county authorities as provided by law. All fines, penalties, forfeitures and costs collected or received by the justices of the peace for or on account of violations of the charter and ordinances of the city, and all fees collected and received by the justices in civil causes, shall be paid over by the justices to the city treasurer on or before the 5th day of the next month after the collection or receipt thereof, and an itemized statement of the same shall, at the time of payment, be filed with the city treasurer and a duplicate with the city clerk. The justices shall take the treasurer's receipt for such money, in duplicate, file one of such with the city clerk and retain the other.

Section 12. In addition to any security required by law to be given for the performance of his official duties, the justice shall give a bond to the city in the sum of One Thousand Dollars ($1,000.00), and the associate justice shall likewise give a bond to the city in the sum of Five Hundred Dollars ($500.00). Said bonds shall be approved by the commission before such justice or associate justice shall enter upon the duties of his office, and shall be conditioned upon the payment to the city of all moneys collected or received by such justice or associate justice, which by the provisions of the general laws of the state or of this charter, shall be required to be paid into the treasury of the city. The premiums of such bonds shall be paid by the city.

Section 13. The commission shall furnish suitable quarters for the justice courts. It shall have power and authority by ordinance or resolution to regulate the office hours of said justice courts, and to make all other necessary and proper rules for the regulation of said courts which are not inconsistent with the provisions of this charter and the general laws of this state.

Section 14. There shall be one constable in and for the City of Birmingham. Except as in this charter otherwise provided, all the provisions of the general laws applying to the election, qualifications and suspension of constables in the townships shall apply to said constable. Such constable shall be elected at the election at which this charter is submitted and at each regular municipal election thereafter, and shall hold office until his successor is elected and qualified. He may collect for his own use such fees for his services as are provided by law.

Section 15. Said constable shall have like powers and authority in matters of a civil and criminal nature and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. He shall also have power to serve all processes issued for such of ordinances of the city but such processes may be given a police officer of the city to serve.

CHAPTER XVI
Library

Section 1. The city commission shall maintain the public library and reading room, now known as "Baldwin Library," as a free public library for the use and benefit of the inhabitants of the city, in all respects in accordance with the conditions of the Donation Deed of Birmingham Library Association to the Village of Birmingham, bearing date the eighteenth day of June, A. D. 1907, and recorded in the office of the Register of Deeds for Oakland County, Michigan, in Liber 224 of Deeds on pages 150, 151 and 152, and in accordance with the statutes of the State of Michigan, relating to the establishment and maintenance of free public libraries and reading rooms by cities, and to that end, the commission shall levy a tax of not less than one-half (½) mill and not to exceed one (1) mill on the dollar annually on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of said city, and to be known as the "Library Fund."

Section 2. The taxes so levied shall, when collected and received, be deposited in the treasury of the city to the credit of the library fund, and shall be kept separate and apart from other moneys of the city, and drawn upon by the proper officers of the city, upon the properly authenticated vouchers of the library board.

Section 3. The library board shall be constituted and chosen in accordance with the statutes of the State of Michigan, in such case made and provided, and shall have such powers and perform such duties as are either given or required therein.

CHAPTER XVII
Miscellaneous

Section 1. Wherever used in this charter, the word "state" shall mean the "State of Michigan;" the word "city" shall mean the "City of Birmingham;" the word "commission" shall mean the "city commission;" words referring to the several offices where not preceded by the word "the" shall be deemed to mean such offices in the city unless the context implies otherwise; the terms "commission" and "city commission" shall be construed as meaning "council" or "common council" for the purpose of such general laws of the state as use one or the other of such latter terms in referring to the legislative body of the city; words imparting the singular number only may extend to and embrace the plural number, and words imparting the plural number may be applied and limited to the singular number; words imparting the masculine gender only may extend and be applied to those of the feminine or neuter gender.

Section 2. Eastern standard time shall be the official time of the city until otherwise changed by the commission. Any reference herein to time shall be construed to be according to the official time of the city; except that if the law of the state shall fix a different time for the opening and closing of the polls, the state law shall prevail.

Section 3. Words purporting to give joint authority to two or more public officers or other persons either as a board or otherwise shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared.

Section 4. The word "person" may extend and be applied to bodies corporate as well as individuals. The words "written" and "in writing" may be construed to include printing, engraving, typewriting and lithographing; except that this rule shall not apply to provisions requiring petitioners signatures, unless it be otherwise expressly herein provided.

Section 5. Should any provision or section of this charter be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining portion of such section or of this charter, it being the intent that this charter shall not be invalidated by reason of the invalidity of any provision or section.

Section 6. All records of the city shall be public and open to inspection at all reasonable times. All books, papers, records and accounts of any officer elected or appointed, or of any office or department of the city, shall be the property of the city, and shall at all times be subject to audit, examination, or inspection by any member of the commission, or by any person employed or designated by the commission for that purpose. All such books, papers, records, files and accounts shall be kept in the place as may be designated by the commission.

Section 7. When, by the provisions of this charter, or the laws of the state, notice of any matter or proceedings is required to be published in a newspaper or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice be required to be by publication in a newspaper, or by the person posting the same when required to be by posting, shall be prima facie evidence of the facts therein contained. Such affidavit of publication or posting shall be filed with the city clerk.

Section 8. The commission shall have the power to hold hearings and to compel by subpoena the attendance of witnesses and the production of books, papers and data in any proceeding or hearing pending before it. Any person who, having been personally served with subpoena, wilfully disobeys same, shall be guilty of a misdemeanor. Such subpoena may be served by any person of legal age. Each witness shall be entitled to receive the same fees for attendance as is provided by law for the payment of witness fees in the circuit courts of this state. The commission shall by ordinance prescribe the method to more effectually carry into the foregoing provisions.

Section 9. The city shall not be liable for unliquidated damages for personal or other injuries, unless the person suffering the injury or sustaining the damage, or someone in his behalf, shall serve a notice in writing upon the city within sixty (60) days after such injury shall have occurred. Such notice shall specify the location and the nature of the defect or other basis of the claim, the injury sustained and the names of the witnesses to the accident which are known at that time by said claimant. The failure to so notify the city within the time and in the manner specified herein shall exonerate, excuse and exempt the city from any and all liability on account of such injury. Service of all notices of claims for unliquidated damages against the city shall be made on the mayor or the clerk.

Section 10. Whenever in this charter or in any ordinance passed hereunder, a residence in the City of Birmingham for a set time shall be required, in determining the time of such residence, residence in the Village of Birmingham shall be included.

Section 11. Unless otherwise changed by the commission, the seal of the City of Birmingham shall be in circular form with the words "City of Birmingham, Michigan, 1933" around the outer edge and the words "Corporate Seal" across the center.

Section 12. The City of Birmingham, upon the taking effect of this charter, shall succeed to and be vested with all the property, real and personal, moneys, contracts, rights, credits, effects, records, files, books and papers, and all other property of every name and nature belonging to the municipal corporation styled and designated as the Village of Birmingham to which municipal corporation the City of Birmingham is successor, and no rights or liabilities either in favor of or against said Village of Birmingham existing at the time this charter shall become effective, and no suit or prosecution of any kind or other legal proceedings, shall be in any manner affected by the incorporation of the territory comprised within the limits of the Village of Birmingham, as the City of Birmingham, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former Village of Birmingham shall be deemed to be the debts and liabilities of the City of Birmingham, and all taxes and special assessments levied and uncollected at the time of such change shall be collected the same as if such change had not been made, provided, that when a different remedy is given in this charter or in any ordinance pursuant thereto, which can be made available to any rights existing at the time this charter becomes effective, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Section 13. All ordinances of said Village of Birmingham, and all rules, regulations and resolutions of the commission of said village, in force at the time this charter takes effect, and not inconsistent with the provisions of this charter, shall remain in full force and effect after the adoption of this charter, and shall be valid and binding, and be enforced by virtue of and under the powers conferred by this charter until altered, amended or repealed by the commission.

Section 14. All licenses and franchises granted by said Village of Birmingham and in force when this charter takes effect, shall remain in full force and virtue until the expiration of the time for which they were respectively granted.

Section 15. Wherever in this charter any reference is made to any action or proceeding which has been taken, unless the context would otherwise imply, it shall be deemed to include any action or proceeding taken by the Village of Birmingham and all provisions of this charter, except where otherwise expressly or impliedly provided, shall be construed as if this charter were a general revision of an existing charter and no change had been made from a village to a city form of government.

Section 16. The president and six (6) commissioners constituting the village commission under the charter of the Village of Birmingham, in office at the time this charter shall take effect, shall have and exercise the same powers and duties of the mayor and commissioners, respectively, until such time as the mayor and commissioners, respectively, under this charter are duly elected and qualified. All officers of the Village of Birmingham, whether elected or appointed, and their deputies, if any, shall perform the duties of their respective offices under the provisions of this charter until they are removed or their successors shall be elected or appointed and shall have qualified.

Section 17. All offenses in this charter declared to be misdemeanors shall be punishable by fine not exceeding Five Hundred Dollars ($500.00) or imprisonment for a period not exceeding ninety (90) days or both in the discretion of the court, and the court may provide in any case that in event the fine shall not be paid, the offender shall be imprisoned until the payment thereof, provided that no person shall be imprisoned for a single violation for a longer period than ninety (90) days.

CHAPTER XVIII
Submission and Election

Section 1. This charter shall be submitted to the electors of the City of Birmingham for their approval or rejection at an election to be held on Monday, the third day of April, 1933, at which election the several city officers provided under this charter shall officially be elected.

Section 2. Prior to the submission of this charter, it shall be published at least once in the Birmingham Eccentric, a newspaper published and in general circulation in the City of Birmingham, not less than two weeks nor more than four weeks preceding said election, together with a notice of said election, which said notice shall state that at said election the question of adopting the proposed charter will be voted on, and the elective officers provided for therein will be elected, and shall also state the location of the polling places for said election, and such other matters as may be required by law. Notice of such election shall be posted in at least ten (10) public places within the City, not less than ten (10) days prior to said election.

Section 3. Candidates for the several elective offices provided for in this charter, at the first election held for their selection, shall be nominated by petition, signed by not less than twenty-five (25) nor more than fifty (50) qualified electors of the city, and shall be filed in the office of the clerk of the City of Birmingham on or before the eighteenth day of March, 1933, and prior to the close of the said office on that day. The city clerk shall forthwith, upon demand, turn any such petition over to the secretary of the charter commission, which shall meet and determine the sufficiency of such petition. Such petitions shall be substantially in the same form as provided in Chapter IV for nominating petitions. At the said first election, only the names of those candidates who have filed nominating petitions shall be printed on the ballot.

Section 4. The election districts for said election shall be the same as those last established by the Village of Birmingham, and the polling places for said election shall be the same as those last designated by said village. The ballots for the elective officers at said election shall be in the form provided in this charter for the election of officers, and the form of the ballot for the adoption or rejection of this charter shall be substantially as follows:

Election to be held in the City of Birmingham on the third day of April, 1933.
Instructions: Place a cross (X) in the square after the word "Yes" if in favor of the charter, and a cross (X) in the square after the word "No" if against the charter.
"Shall the proposed charter for the City of Birmingham drafted by the charter commission elected on the 6th day of September, 1932, be adopted?"
Yes ☐
"Shall the proposed charter for the City of Birmingham drafted by the charter commission elected on the 6th day of September, 1932, be adopted?"
No ☐

Section 5. The polls for said election shall be open at seven o'clock A.M., eastern standard time, or as soon thereafter as may be, and shall be continued open until eight o'clock P. M., eastern standard time, of the same day. Said election shall be conducted by such inspectors and clerks as shall be hereafter designated by the resolution of this charter commission. The votes cast at said election shall be canvassed by a canvassing board of three (3) electors to be hereafter designated by the resolution of this charter commission.

Section 6. The secretary of this charter commission shall cause the ballots for said election to be printed and delivered to the polling places prior to the opening of the polls on said election day. The returns of the election boards as to the results of said election in the several election precincts shall be made to the canvassing board designated by this charter commission at the office of the city clerk immediately after the counting of the ballots is completed. The canvassing board appointed to canvass the vote at said election to be held on the said third day of April, 1933, shall meet on Thursday, the sixth day of April, 1933, to determine the results of said election.

Section 7. The registration of electors shall be conducted by the clerk of the city of Birmingham in the manner provided by law, and the said election shall be conducted by the charter commission in the manner provided in this charter, so far as the provisions thereof are applicable, and in conformity with the general election laws of the state.

Section 8. If this charter be approved at said election, then two (2) printed copies thereof, with the vote for and against the same, duly certified by the city clerk, shall, within thirty (30) days after the vote is taken thereon, be filed with each the Secretary of State of the State of Michigan and the Clerk of Oakland County, and upon the filing and approval thereof, this charter shall become effective.

HARRY ALLEN,
Chairman,
GEORGE R. AVERILL,
Secretary,
RALPH I. CORYELL,
HAROLD T. ELLERBY,
LAWRENCE HULBERT,
ERNEST W. OSBORNE,
FRANK S. PACKARD,
CHARLES J. SHAIN,
LEE A. WHITE,
Members of Charter Commission.

By Commissioner Ellerby,
Supported by Commissioner Osborne.

RESOLVED, That the charter commission of the City of Birmingham does hereby adopt the foregoing charter and the secretary is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of the statute, for his approval.

Yeas: Commissioners Allen, Averill, Coryell, Ellerby, Hulbert, Osborne, Packard, Shain and White.

Nays: None.

I, George R. Averill, secretary of the charter commission elected to frame a charter for the City of Birmingham, do hereby certify that the above charter was adopted by said charter commission at a session thereof held on the ninth day of February, 1933, and that the foregoing is a true and correct copy of the resolution and vote thereon, by which said charter was adopted.

Dated: Feb. 28, 1933.

GEORGE R. AVERILL,
Secretary of Charter Commission.

APPROVED: March 7, 1933.
WILLIAM A. COMSTOCK
Governor of the State of Michigan