ORDINANCE NO. 343
CITY OF BIRMINGHAM
RECREATION ORDINANCE

AN ORDINANCE TO PROVIDE FOR THE CREATION OF AND APPOINTMENT OF MEMBERS OF A RECREATION BOARD FOR THE CITY OF BIRMINGHAM, TO PRESCRIBE WITH DUTIES AND POWERS THEREOF, TO PROVIDE FOR CO-OPERATION WITH THE SCHOOL DISTRICT OF THE CITY OF BIRMINGHAM IN THE CARRYING OUT OF A RECREATIONAL PROGRAM AND FOR THE APPROPRIATION OF MONIES THEREFOR, TO PROVIDE FOR ADOPTION OF NECESSARY RULES GOVERNING A RECREATIONAL PROGRAM, AND PRESCRIBING PENALTIES FOR VIOLATIONS HEREOF.

THE CITY OF BIRMINGHAM ORDAINS:

Section 1. There is hereby created a RECREATION BOARD for the City of Birmingham, said Board to be composed of seven members, and to have the powers and duties hereinafter specified.

Section 2. Said Recreation Board shall consist of two members appointed by the City Commission of the City of Birmingham, two members appointed by the Board of Education of the School District of the City of Birmingham, The City Manager of the City of Birmingham, the Superintendent of Schools in the City of Birmingham, and one member to be appointed by the Mayor of the City of Birmingham as more particularly hereinafter provided.

The City Manager and the Superintendent of Schools shall be members of such Board by virtue of their respective offices; they shall have full voting powers, and both places on such Board may be filled from time to time by their duly authorized deputies. All members of said Board, except those appointed thereto as its original members, and except the City Manager and the Superintendent of Schools, shall hold office for a term of five years, and one member shall be appointed to said Board in each fiscal year thereof. In the formation of the original Board, the City shall appoint one member for a term of one year and one member for a term of three years; The Board of Education shall appoint one member for a term of two years and one member for a term of four years. In the selection of the fifth member, the Board of Education shall nominate not less than three persons, and shall present the list of such nominees to the Mayor of the City of Birmingham, and the latter shall select from such list a member to serve for a term of five years, PROVIDED that in the event the Mayor shall determine that none of the persons on such list are acceptable, he shall so notify the Board of Education, and that body shall submit a new list of nominees. At the expiration of the term of the members as above provided, and each five years thereafter, a successor shall be selected by the body making the original appointment, or by the Mayor in the manner hereinbefore provided in the case of the fifth member. If a vacancy occurs during the term of any member, such vacancy shall be filled by the body appointing such member in the first instance. Any member may succeed himself or herself.

Section 3. All members of such Board appointed thereto as provided in Section 2 of this Ordinance shall serve without compensation. No member of such Board shall be by it employed in the recreation system of the City of Birmingham, either during his or her term on said Board, or for a period of one year after he or she cease to be a member thereof.

Section 4. It shall be the duty of the Recreation Board to formulate a recreational program for residents of the City of Birmingham and of the School District of the City of Birmingham, and to carry out the program so formulated.

Section 5. Not later than the first day of April in each year, the Recreation Board shall prepare and submit to the Superintendent of Schools and to the City Manager, a tentative outline of its program for the ensuing fiscal year of such Recreation Board, together with its budget for such ensuing year, which said outline and budget shall serve as a guide in the appropriation of moneys by the City and the School District as provided in Section 11 of this Ordinance, Provided that nothing herein contained shall be interpreted to require either of said units to appropriate the amount required for such budget, and in the event the amounts appropriated shall be less than such budget requirements, and unless the Recreation Board is able to secure funds from other sources, it shall reduce its budget in accordance with appropriations.

Section 6. The Recreation Board shall have full control in the carrying out of such recreational program and may employ all necessary help and assistance in connection therewith, PROVIDED that such Board shall have no power to expend moneys in excess of those expressly appropriated to, or received by it for recreational purposes, and shall have no authority to incur any obligations whatever against the City of Birmingham or School District of the City of Birmingham in excess of monies appropriated and paid by such Boards.

Section 7. The Recreation Board may, from time to time, adopt such rules and regulations as it may deem advisable or necessary properly and effectively to carry out a recreational program, and such rules and regulations when approved by resolution of the City Commission and of the Board of Education shall have the effect of law, and all persons shall be bound thereby in the carrying out of the recreational program.

Section 8. The Recreation Board shall elect from its membership a Chairman and vice-Chairman, to preside at all meetings, and shall elect a Secretary who shall have the charge of all records of such Board, and who shall keep accurate and complete minutes of all meetings thereof. The Treasurer of the City of Birmingham shall be the Treasurer of such Board, and shall disburse all monies under its jurisdiction, upon presentation of a voucher signed by the Chairman or vice-Chairman and countersigned by the Secretary. Neither the City Manager nor the Superintendent of Schools may serve as Chairman or vice-Chairman. The Secretary need not, of necessity, be a member of the said Board.

Section 9. The fiscal year of such Recreation Board shall be from July 1st to June 30th of the following year, provided that the first fiscal year of the official Board to be organized hereunder shall end on June 30th, 1948. The term of each member appointed to such Board shall be for the fiscal year thereof, and not the calendar year.

Section 10. Regular meetings of such Board, shall be held at least once each month, on such date as shall be fixed by the Board, and special meetings shall be held as often as shall be by the Board deemed necessary, a quorum for the transaction of business at all regular and special meetings shall be five members, at least one of whom shall be the City Manager or the Superintendent of Schools, or their duly authorized deputies.

Section 11. The City of Birmingham and the Board of Education shall appropriate such monies as they shall respectively see fit for the carrying on of a recreational program hereunder. The Recreation Board may receive monies from other lawful sources, by contribution, gift, or otherwise, for recreational purposes. All money so appropriated or received by such Board shall be delivered to the Treasurer, or the City of Birmingham as Treasurer of such Board, and he shall deposit the same in an account separate from other city monies, in a bank in the City of Birmingham, said account to be designated "RECREATION BOARD ACCOUNT", and shall disburse said monies as provided in Section 7 of this Ordinance. Any money appropriated for recreational purposes by the City of Birmingham or by the School District, and paid over to said Recreation Board, shall not be returned to the said City or School without the mutual consent of both such bodies, and the consent of the Recreation Board. Not later than sixty days following the close of the fiscal year, the Recreation Board shall prepare and deliver to the Board of Education and the City Commission, a full and concise accounting of all monies received by it.

Section 12. The Recreation Board may use properties, buildings, and equipment of the City of Birmingham or of the said School District provided the owner thereof shall consent to such use. For purposes of the ordinance such consent on the part of the City may be given by the City Manager, and on the part of the School District, by the Superintendent of Schools. Any and all charges incurred by either public body in connection with any properties and equipment so used, for maintenance, upkeep or otherwise, shall be charged against the Recreation Board and shall be paid by the proper body out of funds under its control.

Section 13. If any person, firm or corporation shall violate any provisions of this ordinance, or any rule or regulation adopted in conformity with the provisions hereof, he shall be guilty of a misdemeanor, and upon conviction thereof before a court of competent jurisdiction, shall be punished by a fine of not to exceed $100.00, together with costs of prosecution, or by imprisonment in the Oakland County or Birmingham City Jail for not to exceed 90 days, or by both such fine and imprisonment in the discretion of the Court.

Section 14. This Ordinance is intended and designed to be co-operative undertaking for the effective carrying out of a recreational program between the City of Birmingham and School District of the City of Birmingham, and is enacted in pursuance of the authority granted under the provisions of Act 156 of the Public Acts of the State of Michigan for 1917, being Sections 2389 to 2392 inclusive of the 1929 Compiled Laws, and Michigan Statutes Annotated Sections 5.2421 to 5.2424, inclusive. This ordinance is enacted in pursuance of legislative power delegated to the City of Birmingham, and as such has full force of law. The Board of Education of the School District of the City of Birmingham, by ratifying the terms hereof, shall be deemed bound by the terms hereof, and shall stand in a contractual relationship with the City of Birmingham to carry out provisions hereof while the same remain in force. This Ordinance shall remain in force until June 30th, 1948, and from year to year thereafter unless either the City of Birmingham or the said School District shall, by resolution of its governing body adopted not less than 60 days prior to the termination of any fiscal year as herein defined, elect to terminate its co-operation hereunder.

Section 15. This Ordinance from time to time may be amended by the City of Birmingham, provided such amendment shall first be approved by resolution of the Board of Education of the School District of the City of Birmingham.

Section 16. The several sections hereof are hereby declared to be severable, and the holding invalid of any section or sections shall not, in itself, imperil remaining sections.

Section 17. This Ordinance shall become effective upon the adoption of a resolution by the Board of Education, approving the terms and conditions hereof, and upon the publication, following the passage hereof by the Commission of the City of Birmingham.

Section 18. The original Recreation Board hereby provided shall be appointed within 60 days next following the effective date of this Ordinance.

Adopted by the City of Birmingham this 31st day of March, A. D., 1947.

MILTON F. MALLENDER,
Mayor.
IRENE E. HANLEY,
Clerk.

Local Dentist to Participate in Convention Clinic

The Michigan State Dental Society's annual convention, to be held in the Hotel Statler, Detroit, April 14-16, will be well attended by Birmingham dentists, it was learned this week.

Covering most of the important new dental procedures, both in addresses by prominent dentists and in a large number of daily clinics, the convention will also include the election of officers for the new year.

Dr. G. E. Marin, 55 W. Maple, will participate in the partial denture section of a clinic put on by the Detroit Clinic Club, a study group, April 15. He will give a short informational talk at that clinic.

In addition to the discussion groups on the many new post-war discoveries in dentistry, a special session will be held on the control of cancer.

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COD FILLETS . . . . . Lb. 35c

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