

ORDINANCE NO. 29
(Continued from Preceding Page)

Ordinance, and be constructed so as to conform with the surrounding uses in so far as possible.

Section 7.13. EASEMENT.
It shall be unlawful for any person to install, erect or cause or permit the installation of a permanent structure (garage, building or large tree) on or across of record which will pre-empt or interfere with the free right or opportunity to use or make accessible such easement for its proper use. Where public utilities now exist a six (6) foot easement shall be maintained.

Section 7.14. REGULATION OF NUISANCE ACTIVITIES.
No activity or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, noise or disposal of waste is a nuisance or which interferes with the health, safety or enjoyment of the neighborhood or with the general character of the Zone District or if obnoxious or offensive to uses permitted in neighboring Zone Districts.

ARTICLE 8. NON-CONFORMING BUILDING AND USES

Section 8.01. LIMITATIONS.

Any non-conforming building or use existing at the time of enactment or amendment of this Ordinance may be continued if maintained in good condition, but:

- A. The use shall not be changed to another non-conforming use except as permitted by the Zoning Board of Appeals.
- B. The use shall not be re-established after discontinuance for six (6) months.
- C. The use or building shall not be extended or enlarged.
- D. Whenever in the opinion of the Village Council an area will be improved by the removal of a non-conforming building, the Village Council may by resolution determine to cause such removal by purchase or condemnation or otherwise proceed in accordance with the Village Charter or laws and statutes of the State of Michigan made and provided and may pay the cost and expense thereof by special assessment against the area especially benefited in accordance with the assessment ordinance of the Village which may be applicable.

Section 8.02. NON-CONFORMANCE WITH PRIOR ORDINANCE.
A building or use which was not legal, non-conforming or in violation of the Ordinance No. 21, and all amendments thereto, shall not be a non-conforming building or use permitted by the provisions of this Ordinance.

ARTICLE 9. ADMINISTRATION

Section 9.01. ESTABLISHMENT OF ADMINISTRATIVE OFFICER.
The provisions of this Ordinance shall be administered by the Building Inspector or other official designated by the Village Council. The Building Inspector shall have the power to:

- A. Grant certificates of occupancy.
- B. Make inspections of buildings and premises necessary to carry out the duties of the enforcement of this Ordinance.
- C. Issue building permits.

Section 9.02. BUILDING PERMIT APPLICATION, ETC.

No building or structure within the Village of Beverly Hills shall be erected, moved, repaired, altered or raised, nor shall any work be started on such building, nor shall any building be erected or raised until a building permit has been obtained from the Village Building Inspector, nor shall any change be made in the use of a building, nor shall any building be altered or repaired until a building permit has been obtained from the Building Inspector, except that no building permit shall be required for non-structural alterations costing less than fifty (\$50.00) dollars. No building permit shall be issued to erect a building or structure, or make any changes of use of a building or of land unless they are in conformity with the provisions of this Ordinance and all amendments hereto. Unless construction is started within ninety (90) days after the date of issuance of the building permit, the building permit shall become void. A change shall be made for the issuance of any building permit in accordance with the rates established by the Village Council.

Every application for a building permit shall be accompanied by a plot showing accurate dimension of the building to be erected, its location on the lot, and such other information as may be necessary for the enforcement of this Ordinance. Such applications shall be kept in the office of the Village Building Inspector.

Section 9.03. CERTIFICATE OF OCCUPANCY AND NON-CONFORMING BUILDINGS.

No building hereafter erected, altered or moved shall be occupied until a certificate of occupancy has been issued therefor, nor shall the use or occupancy of any building be changed until a certificate of occupancy has been issued therefor. A certificate of occupancy shall be issued for any building unless all provisions of this Ordinance are fully complied with. A certificate of occupancy shall be issued upon written request there shall be issued a certificate of occupancy for any building or land for the use, classification as existing on the effective date of this Ordinance, or for any building or land for use conforming use or a non-conforming use; provided such application for said occupancy permit is made within one (1) year after the effective date of this Ordinance, and such application is made within one (1) year after the adoption date of this Ordinance and which do not comply with the provisions of this Ordinance, shall be considered as an illegal non-conforming use unless the applicant has secured an occupancy permit within said one (1) year period as stated above, for such use.

ARTICLE 10. ZONING BOARD OF APPEALS

Section 10.01. CREATION OF ZONING BOARD OF APPEALS

There shall be established and appointed by the Village Council of the Village of Beverly Hills, in conformity with Act 207 of the Public Acts of 1921, as amended, a Zoning Board of Appeals consisting of nine (9) members, each to be appointed for a term of three (3) years, provided that those persons serving on the Board of Appeals prior to the adoption hereof are hereby appointed to the Zoning Board of Appeals for the balance of their respective terms on the Board.

Section 10.02. PROCEDURE OF ZONING BOARD OF APPEALS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board may determine. Such Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. The Zoning Board of Appeals shall adopt rules and procedures and shall keep records or applications and the action thereon, which shall be a public record. The minutes charged for appeals shall be set by resolution of the Village Council.

Section 10.03. APPEALS, HOW TAKEN

An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken, by any person, firm or corporation aggrieved, or by any governmental officer, department, board or bureau affected, by any decision of the Building Inspector. Such appeal shall be taken by filing a notice of appeal with the Zoning Board of Appeals on appropriate forms provided by the Building Inspector. The notice of appeal shall specify the grounds for such appeal. The Building Inspector shall transmit all papers constituting the record of such appeal to the Zoning Board of Appeals. Upon a hearing before the Zoning Board of Appeals, any person or party may appear in person, or by agent, or by attorney. The Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, including all owners of record of property within three hundred (300) feet of the premises in question, such notice to be delivered personally or by mail addressed to the respective owners at the addresses given in the last assessment roll, and shall decide the same within a reasonable time. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that land shall have all the powers of the officer from whom the appeal is taken. The concurring vote of two-thirds (2/3) of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to under this Ordinance or to effect any variation in this Ordinance.

Section 10.04. POWER OF ZONING BOARD OF APPEALS

The Zoning Board of Appeals is authorized in those cases where, owing to special conditions a literal enforcement of the provisions hereof results in undue hardship, to approve issuance of a permit containing such variations or such special requirements or conditions as said Board may impose. The Zoning Board of Appeals shall have the power to allow special exceptions for a fixed period of time where undue hardship exists, and which are not contrary to the public interest, nor inconsistent with the spirit and intent of this Ordinance, and not injurious to the surrounding neighborhood or to the general public safety. The decision of the Zoning Board of Appeals shall, in absence of any showing of mistake, fraud, misrepresentation or undue influence, be final. The Zoning Board of Appeals shall not have the power to change the Zone District classification of any property, nor to make any change in the term of this Ordinance, but to act on those matters where this Ordinance provides for an administrative review, interpretation, exception or special case, or to authorize a variance as defined in this section and the laws of the State of Michigan. Said powers include:

- A. ADMINISTRATIVE REVIEW
To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Building Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
- B. SPECIAL EXCEPTIONS.
To hear and decide in accordance with the provisions of this Ordinance requests for special exceptions, for interpretation of

the Zoning Map, and for decisions on other special questions on which this Ordinance specifically authorized the Zoning Board of Appeals to pass. Any special exception permit shall be subject to such conditions as the Zoning Board of Appeals may require to preserve and promote the character of the Zone District in question and otherwise promote the purpose of this Ordinance.

C. VARIANCE.
To authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance, where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property, or the time of enactment of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional or undue hardship upon, the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance. In granting a variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.

D. RECONSTRUCTION OF A NON-CONFORMING USE.

The Zoning Board of Appeals shall have the power to grant permits for the reconstruction within a period not to exceed twelve (12) months of a non-conforming use which has been destroyed by fire or other calamity to the extent of not more than fifty (50) percent of its true market value immediately prior to its destruction. No building shall be rebuilt or replaced after damage exceeding fifty (50) percent of the true market value of the use immediately prior to damage.

The Zoning Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in a Zone District to a greater height or larger area than the Zone District requirements herein established, and permit the location in any residential Zone District of a non-commercial public utility building or use if the Board shall find such use, building or structure reasonably necessary for public convenience and service, and provided such building or structure is in conformity with the general character and plan of such residential Zone District.

ARTICLE 11. ENFORCEMENT, PENALTIES AND OTHER REMEDIES

Section 11.01. VIOLATIONS.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed in violation, and upon conviction therefor, shall be fined not less than Twenty-five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars for each such violation, or shall be imprisoned for a period not less than ten (10) days nor to exceed ninety (90) days for each offense, or by both fine and imprisonment in the discretion of the court, together with the costs of prosecution.

Section 11.02. PUBLIC NUISANCE PER SE.

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or continued in violation of any of the provisions thereof is hereby declared to be a public nuisance per se.

Section 11.03. FINES, IMPRISONMENT, ETC.

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist, shall be created, and any person who has assisted knowingly in the commission of such violation shall be liable to the fines and imprisonment hereon provided.

Section 11.04. EACH DAY A SEPARATE OFFENSE.

A separate offense shall be deemed committed upon each day during or on when a violation occurs or continues.

Section 11.05. RIGHTS AND REMEDIES ARE CUMULATIVE.

The right and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE 12. CHANGES AND AMENDMENTS

Section 12.01.

The Village Council may, by ordinance, amend, supplement, modify or change this Ordinance; provided, however, that a public hearing shall be held before any such amendment, supplement, modification or change shall be made. Notice of such hearing shall be given by publication in a newspaper circulated in the Village of Beverly Hills; provided that notice shall be given by publication in a newspaper, supplement, modification or change may be adjourned after the original hearing thereon without further notice other than the adjournment of such hearing. A hearing shall be held and a hearing shall be granted to any person interested at the time and place specified.

In case of protest against a proposed amendment, modification, supplement or change be presented, duly signed by the owners, or part owners, of twenty (20) per cent or more of the frontage proposed to be altered or by the owners of twenty (20) per cent or more of the frontage immediately in the rear thereof, or by the owners of twenty (20) per cent or more of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed except by the three-fourths (3/4) vote of the Village Council.

To determine the percentage of the owners of the frontages owned by each of the above classifications, the sum of the frontages owned by each of the above classifications, respectively, if a parcel owned by the same person, shall be divided by the sum of all the frontages in each classification, respectively. If a parcel is owned by the same person, by joint tenants, by tenants in common or by legal and equitable owners, any one of such owners may sign the protest for the parcel. The term "frontage" as used in this Ordinance shall mean the property immediately adjoining the area proposed to be changed whether in the rear or at the side thereof and whether the frontage proposed to be changed is to be changed. The term "frontage" as used herein shall mean frontage on the street; provided, however, that a corner lot shall not be considered to have frontage on both streets, but only on the street where the lot has the smaller number of feet frontage. In determining abutting property, there shall be included all the property in a common ownership, as a single unit.

Section 12.02.

All amendments to this Ordinance shall be on file in the Village Clerk's office. The ordinance or provision hereof to be declared by the Map shall include the written description of the property that has been zoned or re-zoned.

ARTICLE 13. REPEAL OF EXISTING ZONING ORDINANCE

An ordinance adopted by the Village Council of the Village of Westwood on the 12th day of June A.D. 1958, entitled "Village of Westwood Zoning Ordinance" and being Ordinance No. 1, and any and all amendments thereto are hereby repealed. The repeal of the above ordinances does not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

ARTICLE 14. INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, morals, safety, order and general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance, other than the above described Zoning Ordinance or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

ARTICLE 15. SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, sub-section or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 16. VESTED RIGHT

It is hereby expressly declared that nothing in this Ordinance shall be held or construed to give or grant to any person, firm or corporation any vested right, license, privilege or permit.

ARTICLE 17. EFFECTIVE DATE

Public hearing having been had hereon August 31, 1959, this Ordinance is hereby declared to be an emergency ordinance, which is immediately effective upon the presentation of the Ordinance to the Mayor and shall become effective immediately upon publication.

Made and passed and enacted by the Village Council of the Village of Beverly Hills, this 31st day of August, A.D. 1959.

Marvin B. Cline, Village President
Alice M. Spencer, Village Clerk

GARAGES PORCHES - ADDITIONS

Aluminum Combination Windows and Doors
F.H.A. Terms - No Money Down

STUART E. SHELL CO.

SINCE 1947

"Here Tomorrow To Guarantee Today's Job" MI 4-3713

859 Rockaway Rd.

BUSINESS BRIEFS



Among the Top Ten

Nino Genna, 7221 Holiday, Bloomfield township, well-known hair dresser and stylist who operates beauty salons at 7405 W. McNichols and at 19137 W. Seven Mile, was among the men and women chosen as the "World's Ten Top Hair Stylists" last night in the first annual "Beauty Show Case." He received his trophy from actress Janet Blair at the event, which took place at the Moulin Rouge. Genna was among the top ten stylists who were chosen as a result of a poll conducted among Los Angeles and Hollywood hair stylists, fashion and beauty authorities, hair dressers, and beauty editors.



Attends Meeting

The appointment of Arthur F. Bernthal to the position of Managing Director of Bundy Tubing Company's research and development laboratories was announced today by Wendell Anderson, Jr., vice-president and general manager. Bernthal succeeds Dr. R. H. Hobrock, 4200 Beach, and G. S. Wiley, 504 Willets, both of Birmingham, former director and associate director, respectively, both of whom have retired. The appointment became effective Aug. 1, 1959.

Bernthal, with Bundy Tubing for over 25 years, most recently held the position of advertising and sales development manager. His headquarters will be at Bundy's research laboratory, Birmingham, pending completion of the company's new facilities at its Detroit plant. Bundy Tubing company, with home offices in Detroit, maintains other plants in Hometown, Pa., and Winchester, Ky., as well as affiliates plants in Australia, Brazil, England, France, Germany and Italy.

The company is the world's largest manufacturer of small-diameter tubing and is the originator of the Bundyweid process.

JA Gets Help from B'ham Men

The first teams of adult advisers to officially enter the Junior Achievement program for 1959-60 in Birmingham registered with the business organization for teenagers recently.

The announcement was made by Junior Achievement board president James M. Roche, General Motors vice-president and general manager of the Cadillac Motor Car division.

ROCHE SAID each adviser team from a consulting firm or organization is assigned to a JA company. Teams act in an advisory capacity in the sales, management and production activity of Junior Achievement firms. Sales or service companies and miniature banks also operate throughout the JA year.

The first team of advisers to conduct their realistic business activities was the team of Robert A. Brauburger of 1978 Sheffield, Birmingham; F. Walter of 174 Hillboro drive, Birmingham and Oscar Oldberg of 1249 Orchard Hill, Birmingham, all members of Chrysler corporation, engineering division.

The second team to register was: Robert Wismer of 336 Highland Avenue, Clawson; Robert Montgomery of 1517 Shipman, Birmingham and George Simpson of 444 Woodland, Birmingham, members of the Birmingham Kiwanis Club.

The teenage business firms will conduct their realistic business activities at the JA business center at 177 S. Woodward Avenue, Birmingham.

Heatherson Joins Manley, Bennett

James J. Heatherson, 3732 Lincoln, Bloomfield township, has become associated with Manley, Bennett & company, members of the New York Stock Exchange, as a registered representative.

He will be located in their Bloomfield Hills office, Woodward at Long Lake road. Heatherson spent several years in the brokerage business subsequent to graduation from the University of Detroit in 1929. During the period 1942-1959, he was associated with General Motors corporation and Ford Motor company in finance and sales activities.

Heatherson is a graduate of the University of Detroit in 1929. During the period 1942-1959, he was associated with General Motors corporation and Ford Motor company in finance and sales activities.

New Promotion

Promotion of F. C. Heidel to national manager of the Chevrolet business management department has been announced by K. E. Staley, general sales manager. Heidel, an assistant in the department, succeeds M. W. Worden, recently named to head the company's new owner relations department. A University of Missouri graduate who joined the company as a district manager in 1947, Heidel was regional business manager of the mid-west region at Kansas City before moving to his current office post two years ago. He lives at 1589 Hazel avenue, Birmingham.

THIS IS YOUR... "SYMBOL OF CONFIDENCE"

The heating season soon will be underway. Owners of oil heated homes can relax, secure in the knowledge that their homes are being heated cleanly, economically, and without fear of danger to loved ones.

If yours is an oil heated home, it will pay you to keep the "Symbol of Confidence" in mind, for it is the sign of a quality fuel oil dealer—a member of the Oakland Oil Heat Council. YOU CAN DEAL IN CONFIDENCE.

OAKLAND OIL HEAT COUNCIL

"Symbol of Confidence"