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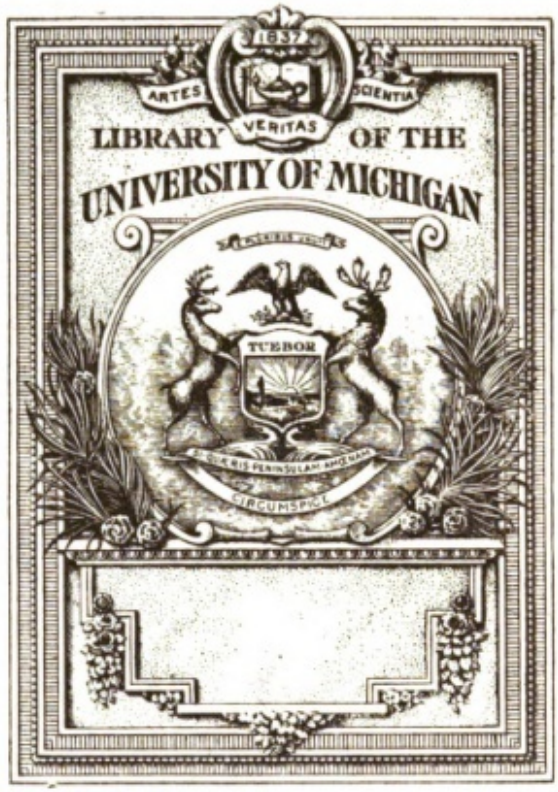

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REVISED ORDINANCES
OF 1907-8

Charter and Ordinances

OF THE

City of Ann Arbor

PRINTED BY AUTHORITY
OF THE COMMON COUNCIL

COMPILERS:
J. W. DWYER
S. W. BEAKES

ANN ARBOR, MICHIGAN
1908

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CHARTER

AND

ORDINANCES

OF THE

City of Ann Arbor

1908

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Officers of the City Government of Ann Arbor

FOR THE YEAR 1907-1909

Mayor	JAMES C. HENDERSON
President of Council	WILLIAM L. WALZ
City Clerk	ROSS GRANGER
City Assessor	SAMUEL W. BEAKES
Justices	WM. G. DOTY ANDREW GIBSON
City Attorney	JOHN W. DWYER
City Treasurer	DAVID A. HAMMOND
Chief of Police	THEODORE C. APFEL
Chief of Fire Department	CHARLES J. ANDREWS
Street Commissioner	JOHN WISNER
City Engineer	E. W. GROVES
City Physician	ELLIOT K. HERDMAN
City Poor Master	MICHAEL J. MARTIN

Aldermen

First Ward	VERNOR L. SNAUBLE WILLIAM H. STARK
Second Ward	EMANUEL L. SCHNEIDER HENRY J. HOCHREIN
Third Ward	CLARENCE J .SWEET J. FREDERICK MAULBETSCH
Fourth Ward	JOHN W. MARKEY BRUNO ST. JAMES, JR.
Fifth Ward	EDWARD B. MANWARING ISAAC L. SHERK
Sixth Ward	GEORGE BLAICH WILLIAM GOODYEAR
Seventh Ward	GEO. H. FISCHER HORATIO J. ABBOTT

Board of Public Works

First Ward	ARTHUR C. NICHOLS
Second Ward	CHRISTIAN SCHLENKER
Third Ward	WESLEY E. HOWE
Fourth Ward	WIRT CORNWELL
Fifth Ward	GEORGE W. HUBBARD
Sixth Ward	ARTHUR E. MUMMERY
Seventh Ward	EVART H .SCOTT
Board of Fire Commissioners	MOSES SEABOLT SID W. MILLARD GEORGE E. APFEL
Board of Health	DR. JAMES F. BREAKEY. H. B. DODSLEY HENRY J. BROWN
Board of Building Inspectors	HERMAN KRAPF GEORGE SCOTT W. C. JACOBUS
Board of Park Commissioners	DAVID F. ALLMENDINGER ROYAL S. COPELAND GEORGE P. BURNS LEVI D. WINES HENRY W. DOUGLAS

Supervisors

First Ward	EDWARD HISCOCK
Second Ward	EUGENE OESTERLIN
Third Ward	FRANK PARDON
Fourth Ward	HERMAN KRAPF
Fifth Ward	GEORGE W. WEEKS
Sixth Ward	A. F MARTIN
Seventh Ward	BERT F. SCHUMACHER

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MAYORS OF THE CITY OF ANN ARBOR

	From April	To April
GEORGE SEDGWICK	1851	1853
EDWIN R. TREMAIN	1853	1855
JAMES KINGSLEY	1855	1856
WILLIAM S. MAYNARD	1856	1858
PHILIP BACH	1858	1859
ROBERT J. BARRY	1859	1861
JOHN F. MILLER	1861	1862
CHARLES SPOOR	1862	1863
EBENEZER WELLS	1863	1865
WILLIAM S. MAYNARD	1865	1866
OLIVER M. MARTIN	1866	1868
CHRISTIAN EBERBACH	1868	1869
ALFRED H. PARTRIDGE	1869	1870
WILLIAM D. HARRIMAN	1870	1871
SILAS H. DOUGLASS	1871	1873
HIRAM J. BEAKES	1873	1875
EDWARD D. KINNE	1875	1877
DENSMORE CRAMER	1877	1878
WILLARD B. SMITH	1878	1880
JOHN KAPP	1880	1883
WILLIAM D. HARRIMAN	1883	1885
JOHN KAPP	1885	1886
JOHN J. ROBISON	1886	1887
WILLARD B. SMITH	1887	1888
SAMUEL W. BEAKES	1888	1890
CHARLES H. MANLY	1890	1891
WILLIAM G. DOTY	1891	1893
BRADLEY M. THOMPSON	1893	1894
CYRENUS G. DARLING	1894	1895
WARREN E. WALKER	1895*	1897
CHARLES E. HISCOCK	1897	1899
GOTTLOB LUICK	1899	1901
ROYAL S. COPELAND	1901	1903
ARTHUR BROWN	1903	1905
FRANCIS M. HAMILTON	1905	1907
JAMES C. HENDERSON	1907	1909

PRESIDENTS OF THE COUNCIL

(This position was established as an elective city office by the charter of 1889.)

	From April	To April
FRED H. BELSER	1889	1891
MORTIMER E. COOLEY	1891	1893
WILLIAM W. WATTS	1893	1894
LEVI D. WINES	1894	1895
CHARLES E. HISCOCK	1895*	1897
GOTTLOB LUICK	1897	1899
WALTER T. SEABOLT	1899	1901
JOHN W. HAARER	1901	1903
JOHN C. WALZ, JR.	1903	1905
EUGENE S. GILMORE	1905	1907
WILLIAM L. WALZ	1907	1909

* In March, 1895, the term of office of Mayor and President of the Council was extended to two years.

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CHARTER

OF THE

CITY OF ANN ARBOR

AN ACT to reincorporate the City of Ann Arbor, revise the Charter of said city and repeal all conflicting acts relating thereto, being act number three hundred and thirty-one (331) of the local acts of Michigan of 1889, approved March 15, 1889, as amended by act number two hundred and sixty-two (262) of the local acts of 1891, approved March 28, 1891, as amended by act number two hundred and eighty-two (282) of the local acts of 1891, approved April 10, 1891, as amended by act number three hundred and sixty-eight (368) of the local acts of 1893, approved April 27, 1893, and as amended by act number three hundred and thirty-six (336) of the local acts of 1895, approved March 15, 1895.

Incorporation and Boundaries.

SECTION 1.* *The People of the State of Michigan enact*: Commencing at the southeast corner of section thirty, township two south, range six east, Washtenaw County, Michigan, thence north along the east line of section thirty to a point twelve rods south of the south line of Liberty street, thence westerly on a

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* As amended April 27, 1893.

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line parallel with Liberty street to the east line of the west half of the southeast quarter of section thirty, thence north to the east and west center line of said section thirty, thence west on said center line to the center of section thirty, thence north on the center line of section thirty to a point twelve rods south of the south line of Jackson road, thence west parallel with and twelve rods from the Jackson road to the intersection of the west line of Grand View plat, projected southerly, thence north along the west boundary of said plat extended north to a point twelve rods north of the Dexter road, thence southeasterly parallel to and twelve rods from the Dexter road to the east line of the west half of the northeast quarter of section thirty, thence north along the last mentioned line to the northwest corner of the east half of the northeast quarter of section thirty, thence east along the north line of section thirty to the southeast corner of section nineteen, thence north along the east line of section nineteen to a point nine hundred and forty-five feet north of the east quarter post of section nineteen, thence west at right angles to the east line of section nineteen three hundred and fifty feet, thence north parallel with said section line five hundred feet to the east and west center line of the northeast quarter of section nineteen, thence east along the center lines of the north halves of sections nineteen, twenty and twenty-one, to the northeast corner of the southwest quarter of the northeast quarter of section twenty-one, thence south parallel with the east line of section twenty-one to the river bank, thence southerly along the easterly bank of the Huron river to the east line of section twenty-eight, thence south along the east line of sections twenty-eight and thirty-three to the southeast corner of the northeast quarter of the southeast quarter of section thirty-three, thence west parallel with the section lines

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to the west line of section thirty-three, thence north along the west line of section thirty-three to the west quarter post of section thirty-three, thence west along the center line of section thirty-two to the west line of section thirty-two, thence north along the west line of section thirty-two to the place of beginning, be and the same is hereby set off from said township and declared to be a city, by the name of the City of Ann Arbor; and the freemen of said city from time to time being inhabitants thereof, shall be and continue to be a body corporate and politic, by the name and style of "The City of Ann Arbor," and by that name it shall be known in law, and shall be capable of suing and being sued, and of prosecuting and defending all suits; they may have a common seal, which the common council may alter at pleasure, and shall be capable of purchasing, holding, conveying and disposing of real and personal estate for the use of said corporation.

SEC. 2.* The city shall be divided into seven wards, as follows: The first ward shall embrace all that part of the city lying south of Huron street, east of Main street, west of State street and north of Madison street; the second ward shall embrace all that portion of the city lying south of Huron street and Jackson avenue and west of Main street and the Ann Arbor and Lodi plank road; the third ward shall embrace all that portion of the city lying north of Huron street and Jackson avenue, and south of the Huron river, and west of Fourth avenue, extending to the River Huron; the Fourth ward shall embrace all that portion of the city lying north of Huron street and of the line of Huron street as extended easterly to the city limits south of the River Huron and east of Fourth avenue; the fifth ward shall embrace all that

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* As amended March 15, 1895.

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portion of the city lying northeast of the Huron river; the sixth ward shall embrace all that portion of the city lying south of Huron street and of the line of Huron street as extended easterly to the city limits, and east of State street from its intersection with Huron street to its intersection with Monroe street, and north of Monroe street from its intersection with State street to its intersection with East University avenue, and east of East University avenue from its intersection with Monroe street to its intersection with Hill street, and north of Hill street from its intersection with East University avenue to its intersection with Washtenaw avenue and northeasterly of Washtenaw avenue from its intersection with Hill street to the city limits; the seventh ward shall embrace all that portion of the city lying east of Main street and the Ann Arbor and Lodi plank road, and south of Madison street from its intersection with Main street to its intersection with State street, and west of State street from its intersection with Madison street to its intersection with Monroe street, and south of Monroe street from its intersection with State street to its intersection with East University avenue and west of East University avenue from its intersection with Monroe street to its intersection with Hill street and south of Hill street from its intersection with East University avenue to its intersection with Washtenaw avenue and southwesterly of Washtenaw avenue from its intersection with Hill street to the city limits. The aforesaid divisions are made by the actual or supposed continuation of the center line of each of the said division streets in the present direction thereof: *Provided*, That at least ten days before the first election in and for the additional ward created by this act, the common council shall appoint three electors, residing in the territory formed into the seventh ward, by this

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act, as inspectors of the first election therein, and cause notice to be given by the city clerk at least eight days previous to said election, in manner prescribed by section eight of the charter of the City of Ann Arbor. Such notice shall state the time and place in the said seventh ward of holding said first election, and of the city and ward officers to be elected, and of the time and place in said ward where the said inspectors of election will meet on the Wednesday next preceding said first election to make a registration of the electors in said seventh ward, and that no person unless registered in the registry book of said ward will be permitted to vote at such election. The inspectors of election, appointed as herein provided, shall constitute a board of registration for said seventh ward, for the purpose of making the first registry of the electors therein. They shall take and file with the city clerk the constitutional oath of office and shall meet in the said seventh ward on the days and times and at the place appointed in the notice of the said first election and there make a registry of all persons in said ward who are qualified electors, in accordance with the general laws of the State of Michigan and the provisions of the charter of said city in force at the time of said registration. Such registry when completed shall be the registry of the electors of said seventh ward. Said inspectors of such first election in said seventh ward shall have the same powers, perform the same duties at, and conduct such election as nearly as may be in accordance with the provisions of the charter of said city, except as herein otherwise provided.

SEC. 3. The common council shall have power, by ordinance duly passed, to divide any ward which shall have polled more than six hundred votes at the last preceding general election, into polling precincts,

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which precincts shall be as nearly equal as possible in point of population, and the common council shall have the power to provide for separate re-registration for each polling precinct when any such precinct shall be created, and the registration of electors for all elections shall be conducted in each precinct as nearly as possible as the elections are conducted in the several wards, and no voter shall vote in other than the precinct in which he shall reside. The common council shall also provide registration books for any ward that shall be so divided—one for each precinct—and the board of registration shall be as constituted by this act, but each voter's name shall be registered in the book provided for the precinct in which he resides. The returns of the elections in precincts shall be made and canvassed in the same manner as in wards, and the word precinct in elections shall, to all intents and purposes, be synonymous with the word ward.

Electors and Registration.

SEC. 4. The inhabitants of said City of Ann Arbor, having the qualifications of electors under the constitution and laws of the State, and no others, shall be electors therein.

SEC. 5.* At all elections in said city every elector shall vote in the ward where he shall have resided during twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he rooms and lodges.

SEC. 6. Any person offering to vote at any election held in said city, shall, if challenged by an elector of the ward in which he offers to vote, take, before his vote shall be received, one of the oaths or affirma-

* As amended March 15, 1895.

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tions provided by the laws of the State for electors at general elections, which oath may be administered by either of the inspectors of election. Upon taking such oath or affirmation, if duly registered in said ward, he shall be permitted to vote.

SEC. 7. The supervisor and aldermen of each ward shall constitute the board of registration therein, except as in this act otherwise provided. If by any reason there shall not be a full board of registration, the common council shall supply any vacancy or appoint a board of registration for the ward.

SEC. 8. A new and complete registration of electors shall be made in the several wards on Tuesday and Wednesday preceding the general election to be held in the year 1890, and on the Tuesday and Wednesday preceding the general election to be held every eighth year thereafter, for which purpose the several ward boards shall be and remain in session at such places as the common council shall direct, from eight o'clock in the forenoon to eight o'clock in the afternoon of the days before named. Notice of such sessions and registration shall be given as provided in section two of "An act to further preserve the purity of elections and guard against the abuse of the election franchise by a registration of electors," approved February 14, 1859, and registration books of the form prescribed by statute and now in use in said city shall be provided under the direction of the common council. The rules and regulations prescribed in the act before cited, shall be observed and carried out in making the registration hereby ordered, and when any new registration shall have been completed under the provisions of this act the registry books prior thereto in use in said city shall be deemed invalid, and no person shall vote at any election in any ward of said city whose name shall not be entered in the

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new register made under the provisions of this act, or be afterwards properly entered in such new register, according to the provisions of the act aforesaid and this act.

SEC. 9. Sessions of the board of registration shall be held in the several wards on the Tuesday preceding each general election of state and county officers at which a new and complete registration is not ordered for the purpose of registering new electors in said ward registration books in the manner prescribed in the aforesaid act, like notice to be given as provided by section six of said act, which session shall commence at 8 o'clock in the forenoon and close at 8 o'clock in the afternoon, and on the Wednesday preceding such general election the said board of registration shall hold a session at the common council room, in said city, from nine o'clock in the forenoon until four o'clock in the afternoon for the purpose of comparing, revising, correcting and completing the several ward registration lists. At such session the presence of two members of each ward board of registration shall be necessary to constitute a quorum. Applicants for registration, being duly qualified electors, may register at such session, and the names of electors who have removed or died since the preceding election shall be erased with red ink, with the remark "dead" or "removed," with the date of erasure. If the name of any elector shall be erased by mistake such elector may be re-registered on the day of election as provided by section eighteen of the act hereinbefore cited.

SEC. 10. Sessions of the boards of registration shall be held in the several wards on the Wednesday preceding each charter or special election for new registration, and correction of the registry books, such sessions to be noticed and conducted as provided for

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by the act before cited, except that the erasure of the names of electors who have removed or died shall be made as provided in the preceding section. Such sessions shall commence at eight o'clock in the forenoon and close at eight o'clock in the afternoon; *Provided*, That in giving notice of registration for a special election, it shall not be necessary to print the names of the electors then duly registered.

SEC. 11. Two members shall at all times be present during the session of each ward board of registration.

Elections.

SEC. 12. An annual city charter election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the common council shall designate.

SEC. 13. Special elections may be appointed by resolution of the common council, to be held in and for the city, or in and for any ward therof, at such time and place, or places, as the common council shall designate; the purpose and object of which shall be fully set forth in the resolution appointing such election.

SEC. 14. Whenever a special election is to be held the common council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the city clerk, specifying the officer or officers to be chosen, and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and such election shall be conducted in the same manner as the annual charter elections.

SEC. 15. Notice of the time and place or places of holding any election, and of the officers to be elected,

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and the question to be voted upon, shall, except as herein otherwise provided, be given by the city clerk at least ten days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city, the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election: *Provided,* That if any election of officers under the act shall not be held on the day when it ought to have been held, the said corporation shall not be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice being given as provided in this act.

SEC. 16. The common council shall provide and cause to be kept by the city clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

SEC. 17.* At all charter elections, the polls shall be open in each ward at the several places designated by the common council at seven o'clock in the morning and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors of election shall cause proclamation to be made of the opening and closing of the polls.

SEC. 18. The supervisor and two aldermen of each ward shall, except as herein otherwise provided, be the inspectors of election. When any ward shall have been divided into precincts, the common council shall appoint, on the nomination of the mayor, such additional inspectors of election as shall be necessary to constitute a board of three inspectors for each of said

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* As amended March 15, 1895.

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precincts; and if at any election any of the inspectors shall not be present or remain in attendance, the electors present may choose *viva voce* such number of such electors, as with the inspector or inspectors present, shall constitute a board of three in number, and each such elector so chosen shall be inspector of that election.

SEC. 19. The supervisor, if present, shall be chairman of the board, and in his absence the inspectors shall appoint one of their number chairman; and said inspectors shall appoint two electors to be clerks. The inspectors chosen and clerks appointed shall take the constitutional oath of office, which oath may be administered by either of the inspectors, or by a justice of the peace or notary public.

SEC. 20. All elections held under the provisions of this act shall be conducted as nearly as may be in the manner provided by law for holding general elections in this state, except as herein otherwise provided; and the inspectors of such elections shall have the same power and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes as are conferred by the law upon inspectors of general elections held in this state.

SEC. 21. The electors shall vote by ballot, and the same ballot shall contain the names of the persons designated as officers for the city and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon, shall be separate and be deposited in a separate box.

SEC. 22. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of office, the term for which any person is so voted, shall be designated on the ballot.

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SEC. 23. It shall be the duty of the inspectors on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The clerks shall also write the names of the electors voting at such elections, in the poll lists to be kept by them. And such lists shall be so kept as to show the number and the names of the electors voting upon any question or proposition submitted to the vote of [the] electors.

SEC. 24. Immediately after closing the polls, the inspectors of election shall without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day or on the next day, make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with such poll lists, the register of electors and the boxes containing said ballots, in the office of the city clerk.

SEC. 25. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this state, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general elections.

SEC. 26. The common council shall convene on the Thursday next succeeding each election, at their usual

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SEC. 23. It shall be the duty of the inspectors on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The clerks shall also write the names of the electors voting at such elections, in the poll lists to be kept by them. And such lists shall be so kept as to show the number and the names of the electors voting upon any question or proposition submitted to the vote of [the] electors.

SEC. 24. Immediately after closing the polls, the inspectors of election shall without adjourning, publicly canvass the votes received by them, and declare the result; and shall, on the same day or on the next day, make a statement in writing, setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person; the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate on the day of election, or on the next day, together with such poll lists, the register of electors and the boxes containing said ballots, in the office of the city clerk.

SEC. 25. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this state, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general elections.

SEC. 26. The common council shall convene on the Thursday next succeeding each election, at their usual

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place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons are duly elected at said election to the several offices respectively; and thereupon the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, one of which certificates he shall file in the office of the clerk of the county of Washtenaw and the other shall be filed in the office of the city clerk.

SEC. 27. The person receiving the greatest number of votes for any city or ward office shall be deemed to have been duly elected to such office, and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the common council shall at the meeting mentioned in the preceding section determine by lot between such persons, which shall be considered election to such office.

SEC. 28. It shall be the duty of the city clerk, within five days after the meeting and determination of the common council, as provided in section 27 [26], to notify each person elected, in writing, of his election, and he shall also, within five days after the common council shall appoint any person to any office, in like manner notify such person of such appointment.

SEC. 29. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the city clerk shall report in writing to the common council the names of the persons elected or appointed to any office who shall have neglected to file such oath and bond or security for the performance of the duties of the office.

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Officers.

SEC. 30. The following city officers, viz.: A mayor, president of the common council, city clerk, two justices of the peace and an assessor shall be elected by the qualified voters of the whole city, and a supervisor, two aldermen and a constable shall be elected in each ward.

SEC. 31.* The following officers shall be appointed by the mayor, subject to the approval of a majority of the members-elect from the common council, viz.: A city treasurer, a city attorney, members of the board of public works, members of the board of fire commissioners and members of the board of health. The common council may also, from time to time provide by ordinance for the appointment, and appoint for such term as may be provided in any such ordinance, such other officers whose election or appointment is not herein specially provided for, as the common council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

SEC. 32. Appointments to office by the mayor, except appointments to fill vacancies, shall, unless otherwise provided, be made on the first Monday in May in each year; but appointments which for any cause shall not be made on this day may be made at any subsequent regular meeting of the common council.

SEC. 33.* The mayor, president of the common council, city clerk, assessor and aldermen shall hold their offices for the term of two years from the second Monday in April in the year when elected, and until their successors are elected and qualified: *Provided*, That in said seventh ward created by this act, there shall be elected at the first charter election held after

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the passage of this act, two aldermen, one for the term of one year and one for the term of two years from the second Monday in April of the year when elected, and until their successors are elected and qualified. The term of each shall be designated by the ballots cast for him, and each year thereafter one alderman shall be elected in said ward.

SEC. 34.* The supervisors and constable shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors qualify and enter upon the duties of their offices. The justices of the peace shall be elected for the term of four years from the fourth day of July next after their election, one to be elected each alternate year.

SEC. 35. All other officers, except as hereinafter provided, appointed by the mayor and common council or boards of the city, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday in May next after such appointment and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act or by an ordinance duly enacted.

Qualifications, Oath, Official Bond.

SEC. 36. No person shall be elected or appointed to any office, unless he be an elector of said city, and if elected or appointed for a ward, he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or any board of officers thereof, or to any school district, county or other municipal corporation of the state. All votes for, or any appointment of, any such defaulter shall be void.

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SEC. 37. Justices of the peace elected in said city shall take and file an oath of office with the county clerk, of the county of Washtenaw, within the same time and in the same manner as in the cases of justices of the peace elected in townships. All other officers elected or appointed in the city, shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the state, and file the same with the city clerk.

SEC. 38. Officers elected or appointed, except justices of the peace, before entering upon the duties of their offices and within the time prescribed for the filing of their official oaths, shall file with the city clerk such a bond or security as may be required by law or by any ordinance or requirement of the common council, and with such sureties, who shall justify in writing and under oath, as required by the laws of this state, as shall be approved by the common council for the due performance of the duties of their office, except that the bond or security of the city clerk shall be deposited with the city treasurer.

SEC. 39. The common council may also, at any time, require any officer, whether elected, or appointed, to execute and file with the city clerk new official bonds in the same or in such further sums, and with new or with such further sureties as said common council may deem requisite for the interest of the corporation. Any failure to comply with such requirements shall subject the officer to immediate removal by the common council.

Vacancies in Office.

SEC. 40. Resignation of officers shall be made to the council, subject to their approval and acceptance

SEC. 41. If any officer shall cease to be a resident

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of the city, or if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

SEC. 42. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office within the time herein limited therefor, the common council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

SEC. 43. A vacancy in the office of mayor, president of the council, justice of the peace or aldermen, occurring more than ninety days preceding annual election, may be filled at a special election on the order of the common council. A vacancy in the office of justice of the peace or alderman, occurring within ninety days preceding an annual election, shall be filled at such annual election. A vacancy occurring in the office of the city clerk may be filled by appointment by the mayor, confirmed by a majority of the members elect of the common council, unless said officer has more than one year to serve at the time such vacancy shall occur, in which case it shall be filled at the next ensuing election, and the mayor, with the consent of the council, shall appoint a city clerk to act until such election: *Provided*, That vacancies occurring within ninety days preceding any state election may be filled thereat; vacancies in other offices shall be filled by the mayor, subject to the approval of a majority of the members elect of the common council.

SEC. 44. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liabilities incurred by him or them.

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SEC. 45. Whenever an officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally, for a like offense, under the general laws of the state, now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provision of such general laws of the state.

Duties of Officers—The Mayor.

SEC. 46. The mayor shall be the chief executive officer of the city, and shall from time to time give to the common council information, in writing, concerning the affairs of the corporation ,and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, and to see that the laws relating to the city and the ordinance and regulations of the common council are enforced.

SEC. 47. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of city ordinances or laws of the state, and to suppress riot and disorderly conduct.

SEC. 48. The mayor shall have authority at all times to examine and inspect the books, records and papers of any agent, employe or officer of the city, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

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SEC. 49. In the absence or disability of the mayor, or in case of any vacancy in his office, the president of the common council shall perform the duties of the mayor.

Aldermen.

SEC. 50. The aldermen of the city shall be members of the common council, attend all the meetings thereof, and act upon committees when thereunto appointed by the president of the council. As conservators of the peace they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city.

City Clerk.

SEC. 51. The city clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city, not by this act or by the ordinances of the city entrusted to some other officer; he shall be clerk of the common council, shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted, and report the same with the amount thereof to the common council monthly; he shall, when required, make and certify, under seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be. He shall possess and exercise the powers and duties of township clerk so far as the same are required to be performed within the city, and shall have authority to administer oaths and affirmations. He shall be entitled to a fee of fifty cents for each and every license issued by him, to be paid by the person obtaining the same. The city clerk may, subject to the approval of the common council, appoint a deputy, and such deputy may perform any and all the duties of such clerk: *Provided*,

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That said deputy shall receive no compensation from the city.

SEC. 52.* The city clerk shall, in addition to his duties as clerk, exercise the powers and functions of a city comptroller. He shall sign all cemetery deeds and orders upon the treasury. He shall countersign all bonds and all evidences of debt and transfer of property which the common council is authorized to make, pledging the faith of said city. He shall receive all accounts and demands against the city, shall examine them in detail, audit or allow them or such part thereof as to the correctness of which he has no doubt and which the claimant is willing to accept in full discharge thereof, file and number them as vouchers with the date thereof, and report his findings to the finance committee of the common council, who shall review such report and transmit the same to the common council with its recommendation as to the allowance or disallowance of such claims or any of them, and no claim so audited shall be binding against the city until approved by a vote of the common council, and when such claim is allowed by the common council, the city clerk shall draw his warrant upon the city treasurer for the payment thereof, designating thereon the fund from which the payment is to be made, but no warrant shall be drawn on any fund after the same has been exhausted and any warrant so drawn shall be void. When any tax or money shall be levied, raised or appropriated, he shall report the amount thereof to the city treasurer, stating the object and fund for which it is levied, raised or appropriated and the amount thereof to be credited to each fund. The city clerk shall sign all contracts and agreements on behalf of the city except as otherwise in this act provided and subject to the orders of the common coun-

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cil. He shall make all purchases of materials, tools, books, stationery, apparatus and property for the city or its officers not otherwise provided for herein or ordered by the common council. He shall keep a record of all officers and employes of the city and certify to the pay rolls and wages of all such officers and persons to the common council. He shall be charged, under the supervision of the common council, with the leasing, repairs, insurance and general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession or having supervision of city employes, and make report of the same when required by the common council. He shall keep a complete set of books exhibiting the condition of the city in its various departments and funds, its resources and liabilities, with proper classification thereof of each fund or appropriation for any distinct object of expenditure or class of expenditures. Whenever any such fund or appropriation has been exhausted by warrants already drawn thereon or by appropriations, liabilities, debts or expenses actually incurred or contracted for, no further warrants shall be drawn by the city clerk against such fund or appropriation until another appropriation shall be made. Whenever any appropriation is made from any fund in excess of the balance remaining in such fund after previous appropriations have been deducted therefrom and after the fixed salaries or charges thereon to be paid from said fund are deducted therefrom, he shall notify the official or officials charged with the expenditure of such appropriation of the amount of money available for such appropriation or of the fact that no money remains in the fund available for the appropriation, and after such notification no expenditures shall be made under such appropriation in excess of the amount so reported by the city clerk as available. The city clerk

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shall report in writing to the common council at its first meeting thereafter the reasons for such notification together with such recommendations as he sees fit. The council may provide funds for the appropriation if it sees fit, in any manner permitted by the charter or by cutting down any unexpended appropriation and returning the same to the credit of the fund from which it is drawn. If the comptroller shall attempt to cut down or render nugatory any appropriation which does not violate any provision of the charter, he may be mandamused by order of the council on application to the circuit court. He shall, when required, or when he sees fit, make report to the council as to the liabilities and resources of the city with estimates of funds needed for current expenses and recommendations relating thereto, and he shall make an annual report showing in detail the financial transactions of the city for the fiscal year.

SEC. 53. The city clerk shall keep himself thoroughly acquainted, and make himself conversant with the doings of all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and shall have general supervision over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the

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warrants drawn thereon, keeping a separate account with each fund; when any fund has been exhausted, he shall immediately advise the common council thereof; the city clerk shall be the clerk of the board of public works and all other boards, the clerk of all standing and special committees of the common council, and the clerk of all the boards of the city that may from this time be established. He shall render to the common council on the first Monday of every month, and oftener if required, a report of the amount of all orders drawn since the last preceding report, what orders remain outstanding and unpaid, and the balance remaining to the credit of each fund.

SEC. 54. The city clerk shall report to the common council whenever required a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the common council may require. The clerk shall be the sealer of weights and measures for the said city, and shall perform all the duties of township clerk relative thereto.

SEC. 55. The common council shall provide and fit up an office for the city clerk, and establish office hours during which said clerk shall be required to be at his office.

Justices of the Peace.

SEC. 56.* The justices of the peace in said city exercising civil jurisdiction shall be deemed justices of the peace of Washtenaw County, and shall have all the powers and jurisdiction given by the general laws of the state in relation to civil and criminal cases before justices of the peace in townships, and appeals from their judgments and convictions may be made to the circuit court for the county of Washtenaw in

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the same manner as appeals from justices' judgment and convictions in towns are made: *Provided*, That all actions within the jurisdiction of justices of the peace of the peace may be commenced and prosecuted in said justices' court when the plaintiff or defendant or one of the plaintiffs or defendants reside in the City of Ann Arbor, in the township of Ann Arbor, in any township next adjoining the township of Ann Arbor, or in any city or village formed from any township next adjoining the township of Ann Arbor: *Provided*, That the township of Ypsilanti shall be deemed to be a township adjoining the township of Ann Arbor within the meaning of this act.

SEC. 57. Any justice of the peace residing in said City of Ann Arbor, shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, to inquire into and hear, try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act, and to punish the offenders as by said by-laws or ordinances shall be prescribed or directed, to award all process, and take recognizance for the keeping of the peace, for the appearance of the person charged, and upon appeal, and to commit to prison as occasion may require. In case there shall be at any time in said city, from any cause, no qualified justice of the peace, suits for violation of any of the city ordinances may be brought before one of the justices of the peace of the township of Ann Arbor.

The Assessor.

SEC. 58. The assessor shall annually estimate the value of all the taxable real and personal property in the city, and make the several ward assessment rolls at the time and in the manner as hereinafter in

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this act provided; he shall spread upon said rolls any and all taxes duly certified to him by order of the common council, by the board of supervisors of the county of Washtenaw, or by other proper authority; and his warrant attached to said rolls, directing the collection of the taxes so levied and spread thereon, shall have the same power and effect as the warrant of a supervisor made in accordance with the state law.

Supervisors.

SEC. 59. The supervisors of the several wards shall have the like powers and perform the like duties as supervisors of townships, except as herein otherwise provided; they shall represent their several wards in the board of supervisors of the county of Washtenaw, and shall have all the rights, privileges and powers of the several members of such board.

Constables.

SEC. 60. The constables shall have the like powers and authority in matters of civil and criminal nature, and in relation to the service of all manner of civil and criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services, and be subject to like liabilities for any neglect of duty imposed by general law upon constables in townships. They shall have power also to serve all process issued for breaches of the ordinances of the city. They shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution or regulation of the common council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to removal from office by a vote of the common council.

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Chief of Police.

SEC. 61. The mayor shall appoint a city marshal, who shall be the chief of police of the city and shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the common council made for the preservation of quiet and good order, and for the safety and protection of the inhabitants of the city, are promptly enforced, and when he shall know or learn of the violations of any ordinance of the city or penal statute of the state, it shall be his duty to enter complaint before one of the justices of the peace of the said city and to do whatever shall be necessary to bring the offender to justice. He shall have the same power to serve and execute all process issued by any justice of the peace of said city in behalf of said city, or of the people of the state, for offences committed within said city as sheriffs or constables have by law to serve and execute similar process, and shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of all citizens in the performance of such duty. He shall arrest all disorderly persons in the city, and pursue and arrest any person fleeing from justice in any part of the state. He may arrest upon view, and with or without process, any person found in the act of committing any offence against the laws of the state or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial. The mayor shall appoint such numbers of policemen or nightwatchmen as the common council may deem necessary for the good government of the city and for the protection of the persons and property of the inhabitants thereof, and may appoint such special policemen from time to time as the common council may authorize, when in his judgment the emergency or necessity may so require, and may provide for and

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received for each fund of the city, and shall keep a separate account of each fund and credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund, the name of the payee, and the time of maturity indorsed thereon by the city clerk. He shall cancel such warrants when paid, and shall collect all taxes levied or assessed in the city. For the purpose of the collection and return of all taxes, and the return of property delinquent for the non-payment of taxes, and for the purpose of suits for the collection of taxes, the said treasurer, on giving the bonds or surety so required by the charter or any law of the state, shall possess all the powers and perform all the duties of the several township treasurers of this state, as prescribed by law, and shall also perform such other duties, respecting the collection and return of taxes, as this act imposes.

SEC. 65. The treasurer shall render to the city clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received; the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report; such report shall be accompanied with a certificate from the cashier of the bank in which the moneys of the city may be deposited, showing the amount of money in the bank to the credit of the city on the day on which the treasurer's report is made. He shall also exhibit to the common council annually, on the first Monday in March, and as often and for such period as the common council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual re-

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port, classifying them by the funds to which receipts are credited and out of which such disbursements are made, and the balance remaining in each fund, which account shall be filed in the office of the city clerk, and shall be published in one or more of the newspapers of the city. He shall file all vouchers or warrants paid by him with the city clerk with his monthly report.

SEC. 66. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit, or that of any other person. Any violation of this section shall subject him to immediate removal from office by the common council, who are hereby authorized to declare the office vacant, and to appoint his successor, on the nomination of the mayor, for the remainder of the term.

SEC. 67. The common council may, in its discretion, contract with any bank or banks in said city, incorporated under any law of the State, or United States, for the safe keeping of any moneys belonging to said city, and for the payment by such bank or banks of interest thereon, at a rate not exceeding that established by law, which interest shall be credited by the treasurer to the contingent fund of said city. The common council may prescribe the conditions relative to the making of such contract, and the securities to be given by any bank or banks for the moneys so deposited: *Provided*, That neither the city treasurer nor his bail shall be held responsible for any moneys deposited in any bank or banks pursuant to the terms of any contract made as in this section authorized.

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City Attorney.

SEC. 68. The city attorney shall be an attorney and counsellor at law, in good standing, and qualified to practice in all the courts of the state. He shall, on application of the common council or any officer of the city, furnish advice relative to all matters of law, relative to their duties, appear in behalf of the city and of all public boards thereof, in all suits, and perform such other legal duties as may be required by the mayor or the common council. He shall attend all meetings of the common council.

Compensation of Officers.

SEC. 69.* The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: The mayor shall be paid one dollar per annum; the city clerk shall receive one thousand five hundred dollars per annum and he shall be allowed five hundred dollars per annum for clerk hire; the city attorney shall be entitled to receive such sum as the common council shall allow not exceeding six hundred dollars per annum, which shall be in full for all services rendered in suits and proceedings in courts of record; the common council may allow in addition to the salary aforesaid for such services such additional compensation as the common council shall deem just, not exceeding four hundred dollars per annum. The treasurer shall receive as full compensation for his services the sum of twelve hundred dollars per annum and an additional allowance of one hundred dollars which shall be in full for his services as well as the services of the deputy, or clerk hire, or other assistance required in the performance of the duties of his office; said treasurer shall keep an exact account of all fees allowed by law, the collection of which is

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provided for in section one hundred eighty-four of this charter, and it shall be his duty to collect the same and when so collected he shall credit the same to the contingent fund, and he shall likewise account for all fees provided for collecting the taxes to be levied and collected in the said city and credit the same to the contingent fund. The marshal shall be entitled to receive such compensation not exceeding eighty-three and thirty-three one-hundredths dollars per month, as the common council shall allow; the assessor shall receive one thousand five hundred dollars per annum; the justices of the peace and the constables shall be allowed the same fees as are by law allowed to corresponding township officers; members of the common council shall serve without pay excepting for services on boards of review, election boards and boards of registration, for which services they shall receive payment of five dollars per day; supervisors and all other officers of said city shall be entitled to receive such compensation as the common council shall allow, not exceeding two dollars per day for every day actually employed in the performance of the duties of their respective offices: *Provided*, That the common council may increase the compensation of any officer whenever authorized by majority vote of the qualified electors of the said city voting at any annual charter election, ten days' notice having been given of the proposed increase.

The Common Council.

SEC. 70. The legislative authority of the said City of Ann Arbor shall be vested in a common council, consisting of the president of said council and two aldermen elected frem each ward.

SEC. 71.* The president of the Common Council shall attend and preside at all meetings thereof and

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shall have a vote on all questions. He shall be ex-officio a member of all committees of the Common Council. He shall have the appointment of all standing and special committees of the Council, unless otherwise ordered when such special committee is constituted. He shall have the power and it shall be his duty to preserve order and decorum in the council room during the sessions of the council, and in the discharge of such duty may order any disorderly person removed from the council room, and for a second violation of the order by the same person at a single session of the council, the president may order his arrest and imprisonment for a period not exceeding twenty-four hours. In the absence or disability of the president the council shall appoint one of their number to perform his duties, and for the time being shall exercise the powers and discharge the duties of the president.

SEC. 72. The city clerk shall be clerk of the common council, but shall have no vote therein. He shall keep a full record of all the proceedings of the common council, and perform such other duties relating to his office as the common council may direct. In the absence of the clerk or his deputy from any session of the common council the common council shall appoint one of their number to act as clerk during said session.

SEC. 73. The common council shall be the judge of the election, returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe, not less than one of which shall be held in each month. The city clerk, by the direction of the mayor or the president of the common council, or on the written request of three aldermen, shall call special meetings of the council, notice of which, in writing, shall be given to each

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member, or be left at his place of residence, at least two hours before the meeting.

SEC. 74. All meetings and sessions of the council shall be in public. A majority of the members elect shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as may be prescribed by ordinance; but no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the members elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting, unless there be present as many members as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council; nor shall any resolution be passed or adopted except by a vote of the majority of all the members elect, except as herein otherwise provided.

SEC. 75. The council shall prescribe the rules of its own proceedings and keep a record on the journal thereof. All votes of appointments to office and measures incurring expense, and on the adoption of all ordinances, shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative. Any one member of the council shall have the right to demand the yeas and nays on any question, and all votes shall be entered at large on the journal; and within one week after any meeting of the council, all the proceedings and votes taken thereat shall be published in one or more newspapers of the city.

SEC. 76. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines

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for non-attendance as may by ordinance be prescribed, and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

SEC. 77. The city attorney, city marshal and street commissioner shall attend all meetings of the council, and the council may require the attendance of any other city official at any session thereof.

SEC. 78. The council shall have control of the finances and of all the property, real and personal, of the city except as may be otherwise provided by law.

SEC. 79. Whenever by this act or any other provisions of law, any power or authority is vested in or duty imposed upon the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority and to regulate the performance of such duty.

SEC. 80. The council may provide for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of, and report upon such matters as may be properly referred to them.

SEC. 81. The council shall cause all records of the corporation, proceedings of the council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the city clerk, and to be so arranged, filed and kept as to be convenient of access and inspection; and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested therein, at all seasonable times, except such parts thereof as in the opinion of the council it may be

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necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the state prison, not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

SEC. 82. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office, the emoluments of which are to be paid from the city treasury or be paid by fees under any act or ordinance of the common council, or be bondsmen or surety on any contract or bond given to said city; but this section shall not be construed to deprive any member of any emoluments or fees to which he may be entitled by virtue of his office. Any member of the council offending against the provisions of this section, shall, upon conviction thereof, be fined not exceeding five hundred dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

SEC. 83. The city marshal and any policeman or nightwatchman appointed to office by the mayor, by authority of this act, may be suspended or removed by the mayor, and in case of the suspension or removal of any such officer, the mayor shall present to the common council, at its next regular meeting, his reasons for such suspension or removal, in writing, which shall become a part of the records of such meeting. Any other officer appointed by the mayor may be suspended or removed by him, by and with the consent

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of the majority of the members elect of the council, and the council may expel any alderman or remove from office any person elected thereto, except justices of the peace, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same, and no removal of any elective officer shall be made unless a charge in writing is preferred, and opportunity given him to make defence thereto.

SEC. 84. To enable the council to investigate charges against any officer, or such other matter as it may deem proper to investigate, the mayor or any justice of the peace is empowered, at the request of the council, to issue subpœnas or process by warrant to compel the attendance of persons and the production of books and papers before the council or any committee.

SEC. 85. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being, shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel witnesses to testify as is conferred on courts of justice of the peace.

SEC. 86. The council shall audit and allow all accounts chargeable against the city, but no claim not certified to by the city official ordering the work done or the purchase made shall be received for audit or allowance, unless it shall be accompanied by an affidavit of the person presenting it that the services therein charged for have been actually performed, or the goods delivered to the city, that the sums charged are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment

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has been made on account thereof, except such as are endorsed or referred to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed and the true date of each: *Provided,* That the claims of members of the board of registration, inspectors and clerks of election, and members of the board of review may be allowed on the certificate of the city clerk.

SEC. 87. Within twenty-four hours after any session of the common council, the clerk of said council shall present the proceedings of such session to the mayor, or other person performing the duties of mayor, for his approval, and he may approve the same in whole or in part, or may refuse to approve any order, resolution, paragraph or clause of said proceedings, creating any office, appropriating any money, ordering any tax or assessment, transferring any money from one fund to another, or allowing any claim. He shall return his disapproval and reasons therefor, in writing, to the clerk of the council within three days, and no provision or order so disapproved shall be of any effect unless repassed by a two-thirds vote of the members elect of said council, within thirty days from the time such disapproval is filed with the clerk: *Provided,* That a unanimous vote of all the members elect shall be necessary to re-pass any disapproved resolution or order for the transfer of any money from one fund to another.

General Power of the Common Council.

SEC. 88.* The common council, in addition to the powers and duties specially conferred upon them by this act, shall have the management and control of the finances, rights, interests, buildings and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same

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as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, modify, establish, amend and repeal such ordinances, by-laws and regulations as they may deem desirable, within said city, for the following purposes:

First, To prevent vice and immorality, to preserve public peace and good order, to organize, maintain and regulate a police force of the city, to prevent and quell riots, disturbances and disorderly assemblages, to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose. To license newsboys, prohibit the sale of indecent and obscene newspapers, or other indecent or obscene publications, and authorize the seizure and destruction of the same;

Second, To restrain and prevent disorderly and gaming houses and houses of ill-fame, and to seize and destroy all instruments and devices used for gaming, and to prohibit all mock auctions, gaming and fraudulent practices and devices and to regulate and restrain billiard tables and bowling alleys;

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drank any intoxicating or fermented liquors to any common drunkard, or to any child or young person, and to prohibit, restrain and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by and to auctioneers: *Provided,* That no person shall keep a saloon or other place except a drug store, where any spirituous, malt, brewed, fermented, vinous or intoxicating liquors are sold, or kept for sale, at wholesale, or at retail, in all that part of the City of Ann Arbor lying south and

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east of the following described line: Beginning on Fuller street at the city limits of said city and running thence westerly along Fuller street to Detroit street; thence southwesterly along Detroit street to Division street, thence south on Division street and Division street as extended south to the city limits south of said city of Ann Arbor;

Fourth, To prohibit, restrain and regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions for money, except exhibitions of agricultural, educational or religious societies or associations, or local musical societies;

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butcher's stall, slaughter house, glue, starch or soap factory, establishment for rendering tallow, lard or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on, blacksmiths', coopers', cabinet makers', carpenters', and joiners' shops, and all buildings, business and establishments of any kind usually classed as extra hazardous in respect to fire; tannery and stable, privy, hog-pen, sewer, or any other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as the health, comfort and convenience or safety of the inhabitants of said city may require;

Sixth, To direct the location of all slaughter-houses, markets, stables and buildings for storing gunpowder or other combustibles or explosive substances;

Seventh, To regulate the buying, carrying, selling and using of gunpowder, fire crackers or fireworks manufactured or prepared therefrom, and other combustible materials, and the exhibitions of fireworks, and the discharge of firearms, and lights in barns,

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stables and other buildings, and to restrain the making of bonfires in streets and yards;

Eighth, To prevent the encumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges or aqueducts, drains or ditches, in any manner whatever;

Ninth, To prevent and punish horse racing and immoderate driving or riding in any street, or over any bridge, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city;

Tenth, To determine and designate the routes and grades of any railroad coming into or passing through said city, and to restrain and regulate the use of locomotives, engines and cars upon any railroad within the city;

Eleventh, To prohibit or regulate bathing in any public water, or in any open or conspicuous place, or any indecent exposure of the person in the city;

Twelfth, To arrest and punish drunkards and persons found drunk in the streets, lanes, alleys or public places of said city, disorderly persons, vagrants, common prostitutes, street walkers, mendicants, street beggars and persons soliciting alms and subscriptions for any purposes whatever;

Thirteenth, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Fourteenth, To prevent and regulate the running at large of dogs, and to impose taxes on the owners of dogs, and to prevent dog fights in the city;

Fifteenth, To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive sub-

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stances, and to require the removal or destruction thereof; and if any person shall have on his premises such substances or any putrid meats, fish, hides or skins of any kind, and shall neglect or refuse to remove the same when ordered, to authorize the removal or destruction thereof, as a public nuisance, by some officer of the city;

Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them, clear from. snow, ice, dirt, wood or other obstruction;

Seventeenth, To regulate the ringing of bells and crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;

Eighteenth, To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies;

Nineteenth, To prohibit, restrain or regulate within such parts of the city as they may deem expedient, and prescribe the building, rebuilding, enlarging, repairing or placing of wooden buildings therein; to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and to compel such buildings to be erected upon such line, by fine upon the owner or builder thereof, not to exceed five hundred dollars;

Twentieth, To provide for obtaining, holding, regulating and managing burial grounds, within or without the city, when established for the benefit thereof; and to regulate the burial of the dead, and to compel the keeping and return of bills of mortality;

Twenty-first, To establish order and regulate market places, to regulate the vending of wood, hay, meat, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit the sale of unwholesome meat, poultry, fish, vegetables

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or other articles of food or provisions; impure, spurious or adulterated wine, spirituous liquors or beer, or knowingly keeping or offering the same for sale; and to provide for and regulate the inspection of animals used for food, and the slaughter of the same: *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the city;

Twenty-second, To establish, regulate and preserve public reservoirs, wells, penstocks and pumps, and to prevent the waste of water; and to authorize and employ, under such regulations and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city, for the purpose of supplying the inhabitants of said city with water; and to grant such exclusive privileges as they may deem expedient to any company organized to supply said city and its inhabitants with water; and to contract with such company to supply the city with water for fire and other public purposes;

Twenty-third, To regulate sextons and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation; and to make regulations for preventing auctions, peddling, pawn-brokerage, or using for hire carts, drays, cabs, hacks or any kind of carriage or vehicle, or opening or keeping any tavern, hotel, victualing house, saloon or other houses or place for furnishing meals, food or drink, or billiard tables or ball alleys, without first obtaining from the common council license therefor; for licensing and regulating carts, drays, cabs, hacks, and all carriages or vehicles kept or used for hire; for licensing and regulating auctioneers, peddlers, pawnbrokers, junk dealers, dealers in second-hand goods and merchandise, and transient tradesmen, auctions, peddling,

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pawnbrokerage, taverns, hotels, victualing houses, restaurants, saloons, or other houses for furnishing meals, food or drink, and keepers of billiard tables and ball alleys not used for gaming. Whoever occupies any premises within the city of Ann Arbor, for a temporary period only, and is not assessed for taxes in said city, and who offers for sale goods, wares, or merchandise, is hereby defined and declared to be a transient tradesman;

Twenty-fourth, To regulate, license, and control hackmen, omnibusmen, porters, runners and all others soliciting passengers and others to ride in any hack, omnibus or carriage, or upon any railway, or to go to any hotel or other place, and to prevent said hackmen, omnibusmen, porters and runners from entering within any railroad station, at such times as the common council may determine;

Twenty-fifth, To make regulations for the lighting of the streets and alleys and the protection and safety of public lamps;

Twenty-sixth, To provide for and regulate the numbering of buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;

Twenty-seventh, To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time and executing the same in cases not otherwise provided for by law;

Twenty-eighth, To provide for the cleansing and preserving of the salubrity of the waters of the Huron river, or other streams within the limits of the city; to fill up all low ground or lots covered or partially covered with water, or to drain the same, as they may deem expedient;

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Twenty-ninth, To prescribe and designate the stands for carriages of all kinds, which carry persons for hire, and carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city;

Thirtieth, To provide for taking a census of the inhabitants of said city, whenever they may see fit, and to direct and regulate the same;

Thirty-first, To establish a grade for streets and sidewalks and cause the sidewalks to be constructed in accordance with the same;

Thirty-second, To prescribe the duties of sealer of weights and measures and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided;

Thirty-third, To direct and regulate the construction of cellars, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, barn, drain, sink or privy thereon;

Thirty-fourth, To provide for the protection and care of poor persons and of paupers, and to prohibit and prevent all persons from bringing or sending to the city from any other place any pauper or any other person likely to become a charge upon said city, and to punish therefor; to provide by ordinance for the election or appointment of an overseer of the poor for the city, and to prescribe his duties and vest him with such authority as may be proper for the exercise of his duties, and to provide for the organization of a board of poor commissioners, who shall serve without compensation;

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Thirty-fifth, To provide for and change the location and grade of street crossing of any railroad track, and to compel any railroad company or street railway company to raise or lower their railroad track to conform to street grades, which may be established by the city from time to time, and to construct street crossings in such a manner as the council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles an hour, and to impose a fine of not less than five or more than fifty dollars upon the company, and upon any engineer or conductor violating any ordinance regulating the speed of trains.

Ordinances.

SEC. 89. The style of all ordinances shall be, "The common council of the City of Ann Arbor ordain." All ordinances shall require, for their passage, the concurrence of a majority of all the members elect. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than ten days from the date of its publication, as hereinafter provided.

SEC. 90.* Whenever, by the provisions of this act, the common council shall be authorized to pass ordinances for any purpose, they shall have power to determine by ordinance the punishment of all persons convicted of any violation of the same, by imprisonment at hard labor or otherwise, and they may pre-

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scribe fines, imprisonment, penalties and forfeitures for the violation of the same not exceeding one hundred dollars or imprisonment not exceeding ninety days, or both, in the discretion of the court. Such imprisonment may be in the common jail of the County of Washtenaw, in the city lock-up or in the Detroit House of Correction. The fine, penalty or imprisonment, for the violation of any ordinance, shall be prescribed therein, and during such imprisonment all such offenders may be kept at hard labor. And they may also be kept at hard labor during all that time they are imprisoned in default of the payment of any fine imposed for the violation of such ordinance.

SEC. 91. On the day next after the passage of any ordinance, the clerk of the common council shall present the same to the mayor or other person performing the duties of the mayor, for his approval No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office unless he omit to return it to the clerk of the common council with his objections thereto within ten days after its presentation to him, in which case it shall be deemed regularly enacted. If after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the members elect of the common council, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage.

SEC. 92. At the time of presenting any ordinance to the mayor for his approval, the clerk of the common council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was presented, and shall also certify thereon, and in such journal or record the time of the return of such ordinance, whether

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approved or with objections, and shall at the next meeting of the common council report any ordinance returned with the [objections] objection thereto.

SEC. 93. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section of an ordinance is amended, the whole section as amended shall be re-enacted.

SEC. 94. All ordinances when approved by the mayor, or when regularly enacted, shall be immediately recorded by the clerk of the common council in a book to be called "the record of ordinances," and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

SEC. 95. Within one week after the approval of final passage of any ordinance the same shall be published in one or more newspapers printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made and sign the same officially, and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

SEC. 96. In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinance of the city; and whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city, or any resolution adopted by the common council, the same may be read in all courts of justice and in all the proceedings:

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First, from a record thereof kept by the city clerk in the record of ordinances; *Second,* from a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; *Third,* from any volume of ordinances purporting to have been written or printed by the authority of the council.

Enforcement of Ordinances.

SEC. 97. The corporation of the City of Ann Arbor shall be allowed to use the common jail of the County of Washtenaw for the imprisonment of all persons liable to imprisonment under the ordinances of said city, and all persons committed to jail by any justice of the peace for a violation of any such ordinance shall be in the custody of the sheriff of the county, who shall safely keep the person so committed until lawfully discharged, as in other cases. Whenever, by the terms of any ordinance of said city, it is provided that any person convicted of a violation thereof shall be imprisoned, said person may be confined in the county jail of the County of Washtenaw, a city lock-up, or in the House of Correction in the city of Detroit, in the discretion of the court: *Provided,* That the said City of Ann Arbor shall pay all the expenses of imprisoning persons charged with the violation of city ordinances.

SEC. 98. Whenever any person shall be charged with having violated any of the by-laws or ordinances of the city, by which the offender is liable to imprisonment, any justice of the peace residing in said city, to whom complaint shall be made, in writing, and on oath, shall issue a warrant directed "to the city marshal, policeman or any constable of the City of Ann Arbor," commanding him forthwith to bring the body of such person before him to be dealt with according to said laws or ordinances of the city, and the marshal or other officer to whom said warrant shall be deliv-

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ered for service is hereby authorized and required to execute the same, in any part of the state where such offender may be found, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process, and the proceedings relating to the arrest and custody of the offender pending trial, the pleadings and all proceedings upon the trial of such cause, and the rendition of judgment and the execution thereof shall, except as otherwise provided by this act, be governed by and conform as nearly as may be to the provisions of law relating to proceedings in criminal causes cognizable by [a] justice of the peace under the general laws of this state.

SEC. 99. The expenses of apprehending, examining and committing offenders against any law of this state, in the said city, and of their confinement, shall be audited and allowed and paid by the supervisors of the County of Washtenaw, in the same manner as if such expenses had been incurred in any town of said county.

SEC. 100.* All actions against the City of Ann Arbor shall be commenced by summons, which shall be served upon the city clerk at least six days before the return thereof, by giving him a copy of said summons with the name of the officer serving the same endorsed thereon; or in case of the absence of the said city clerk from the city, then by leaving such copy with the mayor, endorsed as aforesaid: *Provided*, That no suit shall be maintained against the city until the claim whereon the same is founded shall have been presented to the common council of said city, duly verified, at a regular meeting of the same, for allowance, and until after one regular meeting of the common council shall intervene: *And provided further*, That all claims for damages against the city growing

*As amended June 18, 1903.

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out of the negligence or default of said city, or of any officer, or employee thereof, shall be presented to the common council of said city, in the manner above provided, within sixty days after such claim shall arise, and in default thereof shall thereafter be forever barred; and in any action in any court on any such claim, the claimant shall be required to show that such claim has been duly presented in the manner in this act specified, to the common council of said city.

SEC. 101. In all suits in which the City of Ann Arbor shall be a party, or shall be interested, no inhabitant of said city shall be deemed incompetent as an officer, witness or juror, on account of his interest in the event of such suit or action: *Provided*, Such interest be such only as he has in common with the other inhabitants of said city; *And provided further*, That it shall not be necessary to pay or tender any fees to any witness subpœnaed on the part of the city, but such witness shall be bound to attend, and shall be liable to attachment the same as if fees had been tendered or duly paid to him. The fees of witnesses shall be allowed by the common council on the certificate of the justice or court before whom they appeared.

SEC. 102. In all trials before any justice of the peace of any person charged with a violation of any ordinance of the said city, either party shall be entitled to a jury of six persons; and all the proceedings for the summoning of such jury and in the trial of the cause shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justice's court to the circuit court of Washtenaw county shall be allowed, and the person appealing shall enter into a recognizance, conditioned to prosecute the appeal in the circuit court, and abide the order of the court therein, or such other

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recognizance as is or may be required by law in appeals from justices' courts in similar cases: *Provided*, If any judgment in any action shall be rendered against the city by any justice of the peace, such judgment may be removed by appeal to the circuit court in the same manner and with the same effect as though the city were a natural person, except that no bond or recognizance to the adverse party shall be necessary to be executed on behalf of the said city.

SEC. 103.* All fines, forfeitures and penalties imposed for the violation of any ordinance of said city, may, at the election of the city attorney, be sued for in the name of the said corporation, before any court of competent jurisdiction, in an action of assumpsit for money had and received, and in declaring in such action it shall be deemed sufficient to refer to the ordinance, claimed to have been violated, by its proper title and date of its passage. Whenever any such ordinance shall impose a fine without imprisonment, or a fine or imprisonment, or both a fine and imprisonment, action may be brought for the enforcement thereof, either under this section or under section number ninety-eight; but if under this section the said city shall be deemed to have waived all imprisonment of the defendant. The form of the action, writ, time of return and manner of service thereof, the pleadings and all proceedings in the cause, including final writ of execution and discharge thereof, shall be, and conform as near as may be to the action of assumpsit now in common use for the collection of debts and the enforcement of contracts between party and party.

SEC. 104. All fines, penalties or forfeitures recovered before any of said justices for a violation of the ordinances of said city shall, when collected, be paid into the city treasury; and each of said justices shall

*As amended March 28, 1891.

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report, on oath, to the common council, on the first Mondays of January, April, July and September, during the term for which he shall perform the duties of such justice, the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys so received, or which may be in his hands, collected on such fine, penalty or forfeiture shall be paid into the city treasury on the first Monday of the months above named, during the time such justice shall exercise the duties of said office, and for any neglect in this particular he may be suspended or removed, as hereinbefore provided.

SEC. 105. All persons being habitual drunkards, destitute, and without any visible means of support, and who, being such habitual drunkards, shall abandon, neglect, or refuse to aid in the support of their families, being complained of by such families, all able-bodied and sturdy beggars who may apply for alms or solicit charity, all persons wandering abroad, lodging in watch-houses, out-houses, market-places sheds, stables, or uninhabited dwellings, or in the open air, and not giving a good account of themselves, all common brawlers and disturbers of the public quiet, and all persons who beg from door to door or in the streets of said city, shall be deemed vagrants, and may, upon conviction before any justice of the peace in said city, be sentenced to confinement in the county jail of said county, the city lock-up, or [in] the House of Correction in the City of Detroit, for such time, not exceeding sixty days, as the common council shall by ordinance prescribe.

SEC. 106. All persons who shall have actually abandoned their wives or children in said city, or may neglect to provide, according to their means, for their wives or children, are hereby declared to be disorderly persons, within the meaning of chapter fifty-five of the

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compiled laws of eighteen hundred and seventy-one, as amended, and may be proceeded against in the manner directed by said title; and it shall be the duty of the magistrate before whom any such person may be brought for examination, to judge and determine from the facts and circumstances of the case whether the conduct of said person amounts to such desertion, or neglect to provide for his wife or children.

Police.

SEC. 107.* The common council of said city may provide by ordinance for a police force, and for the appointment by the mayor of such numbers of policemen or nightwatchmen as they may deem necessary for the good government of the city, and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time when, in his judgment, the emergency or necessity may so require, and may provide for and appoint subordinate officers for the police and nightwatchmen.

SEC. 108. The common council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and nightwatchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and unlawful depredation. And the mayor may, whenever he shall deem it necessary for the preservation of peace and good order in the city, appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made

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*As amended March 15, 1895.

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in accordance with some ordinance or resolution of the common council, shall not continue longer than three days.

SEC. 109. The city marshal, as chief of police, under the direction of the mayor, shall have the superintendence and direction of the policemen and nightwatchmen, subject to such regulations as may be prescribed by the common council.

SEC. 110. It shall be the duty of the police and nightwatchmen and officers of the force, under the direction of the mayor and chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace, to apprehend any and all persons in the act of committing any offense against the laws of the state or any ordinance of the city, and to take the offender forthwith before the proper court or magistrate to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person believed to be guilty of the violation of the ordinances of the city or the penal laws of the state, and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain, and to serve all process issued under any city ordinance and directed to them for service, and for such purposes the chief of police and every policeman and nightwatchman shall have all the powers of constables and may arrest upon view and without process any person in the act of violating any ordinance of the city, or in the commission of any offense against the laws of the state.

SEC. 111.* The mayor may suspend or remove from office any policeman or nightwatchman for misconduct or other cause at any time, as provided in sec-

*As amended March 15, 1895.

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tion eight-three of this act, as amended. When employed in the performance of duty the policeman shall receive such compensation therefor from the city as the common council shall prescribe.

Cemeteries.

SEC. 112. Said city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation as in the opinion of the common council shall be necessary for the public welfare and suitable for the convenience of the inhabitants. The common council may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as they may prescribe; and may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, or when public policy shall demand, to be taken up and buried elsewhere.

SEC. 113. The common council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.

SEC. 114. The common council may pass and enforce all ordinances necessary to carry into effect the provisions herein contained, and to control and regulate such cemetery or burial place or improvement thereof, and to protect the same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations.

SEC. 115. The common council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging or under the control of any church, religious society, corporation, company

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or association, and for the protection and preservation of the tombs, monuments, and improvements therein and the appurtenances thereof.

Pounds.

SEC. 116. The common council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties and fix their compensation; and may authorize the impounding of all animals, geese and other fowls found in the streets or otherwise at large or tied or staked in such streets for the purpose of grazing, contrary to any ordinance of the city; and if there shall be no pound or pound-master, they may provide for the impounding of such animals, geese and fowls, by the city marshal in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

SEC. 117. The common council may prescribe the fees for impounding, and the amount or rate of expenses for keeping, and the charges to be paid by the owner or keeper of the animals, geese and fowls, for the payment of such fees, expenses and charges, and for the penalties incurred, and may impose penalties for rescuing any animal or thing impounded.

Public Buildings, Grounds and Parks.

SEC. 118. Said city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and all other purposes necessary or convenient for the public good, and the execution of the powers conferred by this act; and such buildings and grounds or any part thereof may be sold, leased, mortgaged and disposed of as occasion may require.

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SEC. 118a.* All real estate now owned by the City of Ann Arbor and dedicated to park purposes, including all properties, buildings and improvements of every kind connected therewith, together with all property that may hereafter be acquired for park purposes, and all lawn extensions and shade trees, shall be under the exclusive control of five commissioners who shall be electors and actual residents of the said city and shall be known and designated as "The Board of Park Commissioners of the City of Ann Arbor."

SEC. 118b. The members of said board shall be appointed by the mayor of said city on the first Monday of May of each year, or within a reasonable time thereafter, and in accordance with the provisions of section thirty-one of the charter of said city, relative to appointments by the mayor; the full term of each member shall be five years, from the first Monday in May of the year in which he may be appointed and until his successor is appointed and qualified, except as hereinafter specially provided. Whenever the term of office of any member shall expire, his successor shall be appointed by the mayor, as herein provided, and his term of office shall date from the expiration of the term of office of the member whom he succeeds. The members of the said board shall devote all the time necessary to a proper discharge of the duties of their offices, and shall serve without pay. At the first meeting of the said board after the first Monday in May of each year the member whose term of office shall soonest expire shall be president of the board for that year.

SEC. 118c. Immediately after this act shall take effect the mayor of said city shall appoint five members of said board who shall serve as follows: One until the first Monday in May, nineteen hundred and

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*Sections 118a to 118k inclusive were added to the Charter, May 11, 1905.

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six, and until his successor is appointed and qualified, one until the first Monday in May, nineteen hundred seven, and until his successor is appointed and qualified, one until the first Monday in May, nineteen hundred eight, and until his successor is appointed and qualified, one until the first Monday in May, nineteen hundred nine, and until his successor is appointed and qualified, and one until the first Monday in May, nineteen hundred ten, and until his successor is appointed and qualified.

SEC. 118d. The common council shall provide an appropriation in its annual budget for the year nineteen hundred five, for the care, maintenance, improvements, or extensions of parks. It shall be the duty of said board to prepare and submit to the common council for its ratification or amendment, on or before the first Monday in June, each year, estimates for the care, maintenance, improvements or extensions of the said parks. Such estimates shall specify in detail the objects of the expenditures, the sum desired for each and any special reasons the board may have for desiring the same. The amount of money which the common council shall determine by resolution to be necessary shall be certified by the city clerk to the city assessor with the other amounts determined to be raised by tax for the city streets, sewers or other purposes in accordance with the provisions of the charter of the City of Ann Arbor.

SEC. 118e. The said board shall pay to the city treasurer all moneys received from any source relating to said parks, who shall receive such money and place the same in a fund to be called the park fund. All expenses incurred by the board on account of parks shall be passed upon by it, certified to by the president thereof, and filed with the city clerk who shall certify the same to the common council for payment, and in case the matter of expense involved is included in the

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annual budget, herein provided for, the common council shall order the payment of the same. In case the matter of expense is not therein included the common council shall take such action in relation thereto as it may deem proper.

SEC. 118f. No debt or liability of any kind shall be created by said board on account of parks in excess of the annual budget and money in said park fund unless specially authorized so to do by a majority elect of the common council. The said board may accept donations or bequests of money or property which shall be used for the maintenance and improvements of said parks as contemplated by such donation or bequest.

SEC. 118g. Said board shall have power to engage or appoint all employees on the parks and fix their compensation. It shall have power to appoint a superintendent of parks, who shall not be a member of said board, and fix his salary. Such superintendent shall hold his position during the pleasure of said board.

SEC. 118h. Said board shall have exclusive control over all improvements in any of the said parks; also the construction of all buildings and the maintenance thereof within said parks, and the care and trimming of all shade trees within the said city.

SEC. 118i. The said board may make all needful rules and regulations for the management, maintenance and care of parks and regulate their use; and the common council of said city may provide ordinances for the observation of the same; and may also, in like manner, provide for the observation and enforcement of any other rules and regulations duly made by the said board, under any provisions of this act; and said common council may by ordinance provide for the preservation and protection of the parks and any of the property in charge of said board against any destruction or injury and prevent

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the destruction or injury to, or taking of any trees, shrubs, plants, flowers, or other things set out, planted or used by the said board in benefiting, improving or ornamenting the said parks and prevent any disorder or disturbance on or about said parks or any encroachment thereon or any interference with the quiet and peaceful use and enjoyment of the same, for the purposes for which the same are established and maintained. The said ordinances may provide for the punishment of any breach or violation of any of their provisions by like penalty provided for violations of ordinances of the said city.

SEC. 118j. The said board shall classify the various works under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs, superintendence and salaries of employees, and, also, detailed accounts of all other matters under its charge and control, and upon the second Monday in May, in the year nineteen hundred six, and on the second Monday in May in every year thereafter, and oftener if required by the common council, shall submit to it a statement, showing in detail, the progress and condition of all the public improvements commenced or carried forward by said board; the character and amounts of all contracts made by the board; the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board.

SEC. 118k. The city engineer shall perform such services as may be required of him by the said board; the city attorney shall be the legal adviser of said board and the city clerk shall be the clerk of said board.

SEC. 119.* When the common council shall deem it for the public interest, grounds and buildings for

*As amended June 19, 1907.

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work-houses, hospitals, pest-houses, cemeteries, water-works, parks, and other necessary public uses may be purchased, erected and maintained either within the city limits or not exceeding three miles beyond the same; and they shall have authority to enforce over such lands, buildings and property, whether within or without the city, such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such work-houses or hospitals.

Sewers, Drains and Water-Courses.

SEC. 120. The common council may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking property for public use; but in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds and at public expense.

SEC. 121. Whenever the council shall deem it necessary for the public health they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, thereby to drain such lots and premises, and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirements, the common council 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; the common council shall have the power to compel

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the use of dry earth closets by the owners and occupants of lots and premises, enforce the use of the same by ordinance, and provide by ordinance for the removal of the contents thereof.

SEC. 122. 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 public sewers and drains, under such rules and regulations as the common council shall by ordinance prescribe.

SEC. 123. The common council may charge and collect annually from persons whose premises are connected by private drains with the public sewers such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drains, and such charges shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

SEC. 124. Such part of the expenses of building sewers, providing ditches and improving water courses as the council shall determine, may be defrayed by special assessment upon the lands benefited thereby in proportion to such benefits.

SEC. 124a.* Whenever the parties owning a majority of the area of land in any proposed storm sewer district shall petition the common council to construct storm sewers in said district, it may order the improvement made and assess the whole or any part of the cost of the same against the property in said district included in the petition, and all proceedings for the construction of said storm sewers shall be the same as that for the construction of lateral sewers in said city.

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* Sec. 124a was added to the charter May 11, 1905.

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SEC. 125. The common council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers and to carry into effect the powers herein conferred in respect to drainage of the city.

Streets, Sidewalks and Public Improvements.

SEC. 126. The common council shall be the commissioners of highways for said city, and shall have all the powers given by statute to highway commissioners, so far as applicable, except as in this act otherwise provided; and shall have the care, supervision and control of the highways, streets, bridges, lanes, alleys, parks and public grounds therein, and of keeping, preserving, repairing, improving, cleansing and securing of such highways, bridges, lanes, alleys, parks and public grounds. The common council shall have power by ordinance to regulate the time and manner of working upon the streets; to provide for grading and paving the same; to prevent the obstruction or incumbering of any of the streets, lanes, alleys, sidewalks or public grounds in said city; to provide for the erection, preservation and maintenance of lamp posts and lamps in said streets, and to provide for lighting the same; to provide for the planting and protection of shade trees along the sides of the streets, and on the public grounds in said city, and to keep such public grounds in good condition; to lay out, open and repair streets and alleys, and the same to alter and vacate, and to alter and vacate those already laid out.

SEC. 127.* Whenever the common council shall be applied to in writing by ten or more freeholders of said city to lay out, establish, open, widen, alter, straighten, or discontinue any way, street, common,

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* As amended March 28, 1891.

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lane, alley, highway or water course, or to build, establish, or vacate any bridge, said common council, if they determine the proposed improvement advisable, shall give notice of the pendency of the question of ordering such proposed improvement to the owners, occupants, or persons interested, or his, her or their agent, or representative, by personal service, if they reside within said city; if they shall reside without said city, then said service shall be made by posting up notices in five or more public places in said city, which notice shall state the time and place when and where the common council will meet to consider the same, and shall designate to a common certainty the street, lane, common, alley, water course, or bridge proposed to be laid out, altered, opened, widened, established, discontinued, vacated, built or erected, which notice shall be posted at least ten days before the time of meeting. If, after hearing the persons interested, the common council shall determine to lay out, alter, widen or discontinue any such street, lane, alley, water course, or build, erect or vacate any such bridge, or other improvement, they shall proceed to obtain a release of the right of way for such proposed street, lane, way or alley, and of the damages accruing, if any, to any and all persons injuriously affected by such proposed improvement, by gift, compromise or purchase. If the common council shall be unable to agree with the persons interested and thus acquire the right of way and release of damages, they shall so declare by resolution, whereupon the said City of Ann Arbor may by right proceed under the general laws of this state and acquire such right of way and settle such question of damages by condemnation.

SEC. 128. When the damages or compensation aforesaid shall have been paid or tendered to the person entitled thereto, or an order on the city treasury for the amount of such damages shall have been executed and delivered or tendered to such person or

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persons, if known, and residents of said city, said common council shall then give notice to the owner or occupant of the land through or over which any such highway, street, lane, alley or common, sidewalk, watercourse or bridge shall have been laid out, altered, established or built, or if such owner or occupant shall not be known, or be non-resident, then by posting such notices in three public places in the ward or wards in which said property shall be situated, and require him, within such time as they shall deem reasonable, not less than thirty days after giving such notice, to remove his fence or fences; and in case the owner shall neglect or refuse to remove his fence or fences within the time specified in such notice, the said common council shall have full power and it shall be their duty to enter, with such aid and assistance as shall be necessary, upon the premises and remove such fence or fences and open the above highway, street, lane, alley, sidewalk or watercourse without delay after the time specified in such notice shall have expired: *Provided,* That in the rural districts of said city no person shall be required to remove his fence or fences between the first day of May and the first day of November.

SEC. 129. No person shall be deemed to have gained any title as against the city by lapse of time, to any street, lane, alley, common or public square heretofore laid out or platted by the proprietors of said city, or any part thereof, by reason of encroachment or inclosure of the same.

SEC. 130.* The common council shall have power to assess and levy a tax to pay the expense of making, grading, paving, opening, widening, and repairing streets, lanes, and alleys, and for the construction of and putting curb-stones, gutters and culverts therein, of grading, paving, planking, building, repairing and

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* As amended March 28, 1901.

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rebuilding sidewalks, draining lowlands, making, building and constructing drains, sewers and other local improvements, upon the lots, premises, lands, and tenements in said city, which in the opinion of the common council are benefited by such local improvement, or by a general tax, or part by a local or special tax, and part by general tax, as said common council may deem proper.

SEC. 130a.* Whenever the common council shall order any local or public improvement, the cost of a part or the whole whereof it is proposed to assess and levy on the lands, premises and tenements, which are benefited thereby, they shall by resolution so declare, and determine what part of the whole thereof. shall be levied and assessed upon the owners of the lands, premises and tenements deemed to be thus benefited, and thereupon they shall by resolution fix and determine the district or portion of the city benefited and specify the amount to be assessed upon the owners and against the taxable real estate situate therein: *Provided,* That no such assessment for the pavement of any street or alley shall be made or collected other than by general tax, unless upon the petition for such pavement, signed by the parties owning a majority of the foot frontage of the real estate on the line of such street or part thereof proposed to be paved.

SEC. 130b. After such determination the city clerk shall forthwith certify such resolution so fixing the boundaries of such assessment district, with the sum of money thus to be raised by special assessment to the assessor of said city, who shall without delay proceed to make a special assessment roll in which he shall set down all the lands and tenements situated in said special assessment district liable to taxation under the proper descriptions, and with the names of the

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* Sections 130a, 130b, 130c, 130d, 130e, 130f, 130g, and 130h were added to the Charter March 28, 1891. Section 130a was amended June 18, 1903.

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owners, or occupants thereof, also the true cash value of the same, and shall assess to the owner or occupant of each and against each parcel of land so liable to taxation, such a sum of money as shall in his opinion equal the benefit to such parcel from such public improvement.

SEC. 130c. That immediately after such special assessment roll shall have been completed, the said assessor shall, having certified his doings thereon, deliver the same to the city clerk, who shall number and entitle the same and lay the same before the common council at the next regular meeting thereof.

SEC. 130d. Whenever any such special roll shall be presented to the common council, they shall at such meeting, or at the next meeting fix and set a time for the review of the same, which shall be at the council chamber at two o'clock in the afternoon, not less than fifteen days nor more than thirty days therefrom. The city clerk shall forthwith cause notice of the time so fixed to be published in one of the newspapers in said city.

SEC. 130e. At the time so fixed for the review of said special roll, the common council shall meet at the council chamber as a board of review, at which time, and at all other times to which the review of any such special assessment roll may be adjourned, any person interested may appear and be heard in person, or by agent, or attorney and the common council, as such board of review shall have power and authority to review such special assessment roll, to add to any tax thereon, or to reduce the same and fully and fairly to equalize the taxes spread thereon, according to the benefits coming to each parcel of the same by such public improvements.

SEC. 130f. That after the common council sitting as such board of review shall have completed the review of any such special assessment roll, they shall so

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declare by resolution, whereupon at the next meeting of the common council the city clerk shall report the proceedings of the said board of review to the common council, when the question shall be, "Shall the special assessment roll be confirmed?" which shall determine in the affirmative only by a majority vote of all the aldermen elect. When any such special assessment roll shall have been thus confirmed by the common council, it shall be final and conclusive, and shall from the date of such confirmation be and continue a lien upon the respective lots or parcels of land assessed and set down therein, and shall be a charge against [the] person or persons to whom assessed until paid.

SEC. 130g. After the confirmation of any such special assessment roll, it shall be the duty of the city clerk to certify the said assessment roll, together with the resolution of confirmation, to the city assessor, who shall forthwith attach thereto his warrant directed to the city treasurer commanding him to collect from all, each and every of the persons assessed in said special assessment roll, the sum and amount of money assessed to and set opposite his name therein, and in case any person named in said special assessment roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same by distress and sale of goods and chattels of such person, and return such roll and warrant, together with his doings thereon, within sixty days from and after the date of such warrant. And within ten days after the expiration of the time above named for the collection of such taxes the treasurer shall return a list of such unpaid taxes to the common council, and the common council shall direct the city assessor to carry into his next assessment roll for state, county and school purposes all such delinquent taxes so returned, with a penalty of ten cents on each dollar of the sum total of taxes assessed to each particular description of land,

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and which special assessment, together with the penalty, shall be carried out opposite to each such particular description of land in a column provided for that purpose, and all provisions of the law respecting the return and sale of property for the non-payment of taxes for state, county and township purposes shall apply to the return and sale of property for the next non-payment of any such special assessment: *Provided*, That at any time after a special assessment has become payable, the same may be collected by suit in the name of the city, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

SEC. 130h. The common council shall have power to assess and levy a tax to pay the expense of sprinkling streets, lanes and alleys upon the lots, premises, lands and tenements of said city, which, in the opinion of the common council, are benefited by such sprinkling: *Provided*, That no such sprinkling shall be done otherwise than by general tax, unless upon a petition signed by the owners of a majority of the front feet, of the property benefited by such sprinkling. The common council shall have the power to pass all ordinances necessary for the carrying out of this provision: *Provided*, That the procedure for the levy and collection of said tax or taxes shall conform as near as may be, to the provisions of the charter of the City of Ann Arbor, relative to the levy and collection of taxes for pavements: *And provided further*, That when any tax shall be ordered under the provisions of this section, or any ordinance passed in pur-

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suance thereof, it shall be the duty of the city assessor to repeat from year to year, the assessment of the cost of such sprinkling upon the district specified by the council, until the common council shall order otherwise; but it shall be the duty of the common council to discontinue such assessment upon the petition of the owners of a majority of the front feet of the property in the district subject to assessment for such sprinkling.

SEC. 131. The common council shall have power to assess and collect from every male inhabitant of said city over the age of twenty-one years, except paupers, idiots, and lunatics, and all persons fifty years old and over, a list of whom shall be made out by the assessor at the time of making the annual assessment rolls, an annual capitation or poll tax, not exceeding one dollar, and they may provide by ordinance for the collection of the same: *Provided*, That any person assessed for a poll tax may pay the same by one day's labor upon the streets, under the direction of the street commissioners, and the money raised by poll tax or labor in lieu thereof shall be expended or performed in the respective wards where the person so taxed shall reside.

SEC. 132. Whenever the common council shall deem it expedient to construct, repair, or renew any sidewalks within the limits of said city, they may, by ordinance or otherwise, require the owner of any lot or premises adjoining said street to construct such sidewalk or repair or renew the same in front of his or her lot or premises, in accordance with the provisions of this act. The common council may, by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners or occupants of lots or premises in said city, or in any specified part thereof, to grade, construct, repair and renew sidewalks adjoining their respective premises in such manner as the common council may direct. If

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the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot or premises or otherwise given, served, or published, as the common council may direct by ordinance, resolution or otherwise, shall fail or neglect to construct, repair or renew any sidewalk or to clear away snow, ice or other obstruction from any sidewalk, or to widen any street adjoining such lot or premises within such time as the common council may prescribe or require by ordinance, resolution, or otherwise, the board of public works may cause the same to be done at the expense of the city, and such expense, with ten per cent. added, shall be deemed to be a special assessment upon such lot or premises and the common council may add the same to the amount of the general city tax on such lot or premises in the proper district tax roll made the same year the said expense for such improvement was incurred or next thereafter to be made; and the amount so added shall be a lien on the premises in the same manner as the state, county and other city taxes to which it is added, and may be collected and enforced, and, if not paid, the land sold therefor in the manner as for other ordinary taxes, and at the time of the sale of any such lot or premises for such delinquent tax or taxes, the city clerk or other officer of the city may cause the same to be bid off to the city in its corporate name, and if not redeemed within the time allowed by law, the city shall be entitled to a deed of such lot or premises from the Auditor General, as provided in all other cases, which deed shall be *prima facie* evidence of the regularity of all proceedings by the common council and other officers of the city relating to such local improvement and assessment of the costs upon such lot or premises as well as [of] all the proceedings by the assessor and other officers from the valuation of such lot or premises to the date of the deed, inclusive, and of title in fee in the purchaser.

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SEC. 133.* Whenever any action shall have been maintained and judgment recovered against said city by any person on account of damages sustained by reason of any defective sidewalk, or opening in the same, occasioned by the wrong or negligence of the owner or occupant of the premises in front of which said sidewalk shall be, or by reason of said owner or occupant suffering any such sidewalk to become and be out of repair, so that the same shall not be in a condition reasonably safe and fit for travel, or on account of any excavation in the street by any gas, hydraulic or railroad company, and such owner, occupant or company shall have been reasonably notified of the pendency of any suit brought against said city to recover such damages, and shall have been requested to appear and defend such suit, the judgment, if any, recovered against said city on account of any such sidewalk being defective or out of repair, shall be conclusive evidence of the liability of such owner or occupant, or company, to such city, and as to the amount of damages, and the same may be recovered by the said city in an action for money paid for the use of said owner, occupant or company, or in any other form of action.

Board of Public Works.

SEC. 134.† There shall be a board of public works, consisting of seven good and competent men who are electors, no two of whom shall be residents of the same ward. The members of such board shall be appointed by the mayor, subject to the approval of a majority of the members elect of the common council, and shall hold office for the term of five years and until their successors are appointed and qualify, the said term to commence on the fifteenth day of May:

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* As amended March 15, 1895.
† As amended May 11, 1905.

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Provided, That the three members of said board now in office shall continue in office for the term for which they were appointed, and until the members of said board provided for by this act shall have been appointed, qualified and shall enter upon their duties as members of said board.

SEC. 135.* The members of said board in addition to the three members now composing said board shall be appointed, one for the term of two years, one for the term of four years, and two for the term of five years from the fifteenth day of May, nineteen hundred five; and said mayor shall annually nominate to the common council on the first Monday in May of each year, or as soon thereafter as may be, to succeed the member or members of said board whose term of office shall expire upon the fifteenth day of May of such year, a member or members of such board for the term of five years. The members of said board shall at their first meeting after the fifteenth day of May of each year, or as soon thereafter as may be, elect one of the members thereof as president of said board, whose duties shall be to call meetings of said board whenever he deems it expedient so to do, or whenever requested in writing by two or more of the other members of said board, and to preside over the deliberations of said board. And the common council shall at all times provide the said board with a suitable office room for its meetings and business uses, and supply record books, stationery and other things necessary for the transaction of the business in charge of said board, and provide for the payment, in like manner, as other accounts against the city, of all necessary and lawful expenses incurred by said board.

SEC. 136.* Said board of public works shall after the said public improvements have been first duly or-

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* As amended May 11, 1905.

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dered by the common council, have supervision and charge of the construction and repair of all sidewalks, cellars under sidewalks, culverts, bridges, platforms, fountains and reservoirs; the construction, repair and extension of all main and lateral sewers and drains; the erection, alteration and repair of all engine houses, police stations, city halls and other public buildings of every description in said city, except school houses and buildings for water works; the deepening and cleaning of ditches and gutters; the cleaning, repairing, grading, planking, graveling or covering with other material of all streets and alleys; and shall, in addition thereto, exercise such other power and perform such other duties in the superintendence, construction and care of public works and improvements as the common council may from time to time by ordinance direct. Said board of public works may recommend a change of grades for streets, alleys, lanes and sidewalks to the common council, but shall make no change in the established grades of any streets, alleys, lanes, gutters or sidewalks of the city without the consent of the common council, made in pursuance of an ordinance of the city establishing all such grades. All plats or additions to the city shall be first submitted to the board of public works for its approval before the same are recorded.

SEC. 137.* Whenever the common council of said city shall have decided upon the making of any public improvement, it shall so declare by resolution and shall refer the matter to the board of public works and such other board or boards as may be interested therein and said board or boards, with all convenient dispatch shall determine as to the particular kind of materials to be used therefor so far as practicable and estimate in detail the quantity of materials, the probable cost and expense of such work and of the materials, and make a record thereof in their office,

* As amended March, 1907.

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and cause to be prepared, so far as necessary, plans and specifications for such work or improvement, and report the determination and estimate to the common council. When such plans and specifications have been submitted to the common council, and approved by it, the said board of public works shall, except in the case of cleaning the ditches and gutters and the repair of streets, and sidewalks, advertise for proposals for furnishing of material and for the performance of such work; and may require all bidders to furnish security for the performance of any contract awarded to them; and all bids submitted to said board shall be publicly opened by it, and, as soon thereafter as may be, reported by the said board to the common council together with its recommendation in respect thereto; and no contract shall be let by the said board until duly authorized by the common council; said board shall have the right to reject any and all bids made, and in case all bids are rejected, or no bids received, the board may then advertise a second time or perform such work and furnish the materials itself. And if the board shall decide to perform such work and furnish the materials, it shall be the duty of the board to communicate in writing to the common council, at its earliest opportunity, its determination so to do; and after the completion of such work, at its earliest opportunity, the board shall make an itemized report in writing to the common council of all money expended by it in the prosecution of such work, and the purchase of such materials, stating therein for what particular purpose said money was expended. No expenditures for any purpose exceeding twenty-five dollars shall be paid by the said board except by consent of the common council.

SEC. 138. All contracts made by said board shall be in the name of the City of Ann Arbor, shall first be approved, as to form, by the city attorney, shall

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be executed by the president and clerk of said board; and said board shall have direction of the performance thereof. The board shall reserve the right in all contracts to determine all questions as to the proper performance of such contracts and as to the completion of the work specified therein; and in case of the improper, dilatory, or imperfect performance thereof, to suspend work at any time and to order the partial reconstruction of the same if improperly done; to relet the work covered by said contract, or any unfinished portion thereof; or, by its employes, to take possession and complete the same, at the expense of the contractor. It shall also have the right, by proper provisions in all contracts, to retain a sufficient sum from the contract price to pay and discharge all debts incurred by the contractor for labor performed upon any public work, and upon the failure of the contractor to pay the same, to make payment thereof to the parties entitled thereto, and charge the amount so expended against the contract price. Said board of public works is hereby authorized to commence and prosecute, in the name of the city, any suits or proceedings for the recovery of damages for the breach of any such contract entered into by said board, or to enforce the performance of any such contract.

SEC. 139. Said board shall have the power to appoint, subject to the approval of the common council, a city engineer, who shall hold office during the pleasure of the said board, shall make all surveys required for the laying out, construction, alteration, repair and improvement of streets, sewers, water-mains, cemeteries, parks, public grounds and buildings, and prepare all necessary plans, profiles and specifications therefor, and perform the civil enginering work of said city of every description, as required by the common council, the said board of public works, or any other lawful authority of said city. Said engineer

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may, subject to the approval of the board of public works, appoint such assistants under him as are required for the proper and prompt performance of his duties, and discharge such assistants at pleasure. Said board shall also have the power to appoint suitable persons who shall have personal supervision of the construction and repair of public buildings; and the said board shall appoint a street commissioner, who shall have charge of the grading, paving, improving, cleaning and care of the streets, sidewalks, alleys and public grounds, the construction of sidewalks, and the cleaning and deepening [of] the ditches, drains and gutters, under the direction of said board of public works, who may remove the said street commissioner at pleasure, and may appoint such other subordinates as may be necessary to enable the board to properly perform the duties devolving upon it. Said board shall determine the compensation of said engineer and other appointees of said board, subject to a change by a majority vote of all the members elect of the common council; and all other claims for the same, when certified by the board, shall be submitted to the common council for allowance and payment, in the same manner as other claims against the city.

SEC. 140. The said board shall classify the various works under its control, and keep an accurate account of the cost of each, and of the amounts expended for construction, repairs, superintendence, and salaries of employes, and, also, detailed accounts of all other matters under its charge and control, and upon the first Monday of January of each year, and oftener if required by the common council, shall submit to it a statement, showing in detail, the progress and condition of all the public improvements commenced or carried forward by said board; the character and amounts of all contracts made by the board; the moneys earned and paid thereon; and all other

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information necessary to the full understanding of the business conducted by said board. The board shall from time to time make estimates of the amounts earned and payable upon any contract for work done and materials furnished, and report the same to the common council; and thereupon it shall be the duty of the common council, without unreasonable delay, to order payment from the proper funds, of the amount so reported.

SEC. 141. The city attorney shall act as legal adviser of said board; and the city clerk shall be the clerk thereof; and shall keep a full record of its proceedings, showing the vote by ayes and nays, of each member upon all orders, resolutions or recommendations, which records shall be deemed to be public records, and shall at all times be open to the public inspection; and a copy thereof published within five days after each session, in the official newspaper of the city, and the marshal with his deputies and policemen shall be at the service of the board in serving the sidewalk notices, and enforcing the ordinances relative to the repair of sidewalks. A majority of the board shall form a quorum for the transaction of business, but a majority of all members constituting said board shall be necessary to decide any questions before the same. The board shall have the power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business, not inconsistent with the provisions of the charter and ordinances of the city. It shall have the power to fix the duties, and at any time, to suspend or discharge any of its appointees or employees, and appoint or employ others in their places (as to the said board the public interest may seem to require) except as otherwise provided in this act.

SEC. 142. The street commissioner appointed by the said board, shall, before entering upon the duties of his office, execute a bond to the City of Ann Arbor

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in the sum of one thousand dollars, conditioned for the faithful performance of duties of said office, with sureties to be approved by the common council; and if said street commissioner shall fail or neglect to give such bond within ten days after his appointment, he shall be deemed to have resigned his office, and a vacancy thereby created may be filled by the appointment as hereinbefore provided.

SEC. 143. No member of said board, the street commissioner, nor engineer, shall hold any elective office under the charter of said city while holding said office; and his election to and acceptance of any office in said city shall be deemed a resignation of membership, and shall vacate his office in said board. No member of said board, street commissioner or city engineer, shall be personally interested, either directly or indirectly, in any contract for any public work in said city; nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be, at any time, removed by the common council of said city for official misconduct, or for the unfaithful or inefficient performance of the duties of his office: *Provided*, That the charges against the said member sought to be removed, and the notice of the time and place of hearing the same, shall be served on him at least ten days previous to the time so assigned, and an opportunity given him to make his defense. Whenever a member shall be removed or a vacancy in said board shall occur by reason of the removal of any member from the city, resignation, death, or otherwise, the same shall be filled for the unexpired term by the appointment of the mayor, with the consent of the common council.

SEC. 144. All books, surveys, field notes, plats, plans, specifications and other records of every description in the custody of said city engineer or other city officers shall forthwith, on the organization of

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the board of public works, be delivered to it; and the same, together with all future surveys, surveyors' field notes, plats, records, plans, profile and other papers connected with the work of the board, shall belong to the city and be carefully preserved as public records. All contracts for public improvements heretofore lawfully entered into by any person with the city, or any lawfully authorized board or officer thereof, shall be carried out and completed under the direction of the said board of public works.

Fire Department.

SEC. 145. There shall be a board of fire commissioners in said city. It shall consist of three good and competent men who are electors therein. They shall be appointed by the mayor, subject to the approval of the majority of all the aldermen elect. The full term of a member shall be three years, but the members shall be subject to classification in such a manner that one term shall expire in each year. They shall serve without compensation.

SEC. 146. The board of fire commissioners shall have power, subject to the charter and ordinances of said city, to establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and the persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; and said council is hereby required to make such ordinances as are required therefor. The board of fire commissioners shall have power to organize and maintain fire companies, to employ and appoint firemen, and to make and establish rules and regulations for the government of the department, the employees, firemen, and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department; and prescrib-

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ing the powers and duties of such employes, firemen and officers.

SEC. 147. The board of fire commissioners shall nominate and with the consent of the common council shall appoint a chief of the fire department. The city clerk shall be secretary of said board.

SEC. 148. The fire commissioners may, subject to the consent of the common council, purchase and provide suitable engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishing of fires, and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city.

SEC. 149. The chief of the fire department shall be subject to the direction of the board of fire commissioners and have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the board of fire commissioners may prescribe.

SEC. 150. The members of the board of fire commissioners, chief of the fire department, chief of police or any officer of the fire department may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinance of the city.

SEC. 151. The board of fire commissioners may provide for the appointment of and may appoint such number of fire wardens as may be deemed necessary,

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and for the examination by them from time to time, of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city, and in all places where combustible or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

SEC. 152. The common council may prescribe by ordinance from time to time, limits or districts within the city, within which wooden (frames) buildings shall not be erected, placed, enlarged, renewed, or repaired, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the material of which the walls and roofs shall be constructed.

SEC. 153. The common council may also prohibit within such places or districts as they shall deem expedient for the location of shops; the prosecution of any trade or business; the keeping of lumber yards and the storing of lumber, wood or other easily inflammable material in open places, when, in the opinion of the common council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances and the use of lights in buildings, to prohibit and regulate the erection and maintenance of boilers, engines and chimneys, and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

SEC. 154. Every building or structure, engine or boiler which may be erected, placed, repaired, renewed, enlarged, or kept in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be removed by the direction of the board of fire commissioners.

SEC. 155. The officers, firemen, and employes of

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the department shall receive such compensation as the common council may prescribe; and during their term of service shall be exempt from serving on juries. The common council may provide suitable compensation for an injury which any fireman may receive to his person or property in consequence of the performance of his duty at any fire.

SEC. 156. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two fire commissioners, may cause any building to be pulled down or destroyed when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the common council within three months after the fire, for damages or compensation for such building the common council shall pay him such compensation as may be just. They may ascertain such damage by agreement with the owner, or by the appraisal of the jury, to be selected in the same manner as in the case of juries to appraise damages for taking private property for public use; and the common council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would have probably occurred to such if it had not been pulled down or destroyed.

SEC. 157. The said fire department, its officers and men, with their engines and apparatus of all kinds, shall have the right of way going to any fire or in any highway, street or alley, over any and all vehicles of every kind, except those carrying the United States mail; and any person who shall refuse the right of way, or in any manner obstruct any fire apparatus, or any of said officers and men while in

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the performance of their duties, or shall drive over or cut any hose, shall be guilty of a misdemeanor and liable to punishment for the same. It shall be lawful for said board to send an engine, with hose and apparatus, to the relief of any community in the vicinity of Ann Arbor.

SEC. 158. Whenever a person or corporation shall be desirous of erecting or altering any building within the fire limits of said city, he, she or they shall make application at the office of the chief of the fire department for a permit for that purpose, and shall furnish for the examination of said chief a written statement of the proposed location, the dimensions, the manner of constructing the proposed building or alteration, the material to be used, the estimated cost, and the contract for completion. It shall be the duty of the chief, on receiving such application, to inspect the location, and to fully examine the question of granting such permit, and if he shall be satisfied that the building or alteration proposed will comply with the ordinances of the city; and the erection of the same will in any other respect be proper, he shall, subject to the approval of the board of fire commissioners, give such applicant a permit therefor, and such applicant shall pay to the chief the sum of one dollar, if the estimated cost of said building or alteration shall be less than one thousand dollars; two dollars if it shall be more than one thousand dollars and less than five thousand dollars, and for every additional one thousand dollars over five thousand dollars, the further sum of fifty cents. All money so received by the chief shall be paid by him into the city treasury at least once a month, and a detailed statement thereof, giving the date when, and the name of the person from whom received, shall be filed in the office of the city clerk.

SEC. 159. It shall be the duty of the chief of the fire department to visit and inspect each building

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which may be in the course of erection, construction or alteration within the fire limits of said city, and to see that such house or building is being erected, constructed or altered according to the provisions of the city ordinances and the permit so granted, and in a manner adapted for the security thereof against fires, and the safety of the occupants. His visits and inspection may be repeated from time to time until such house or building is completed, when he shall, if requested, furnish the owner or [contractor] constructor with a certificate that said house or building is in all respects conformable to law and properly constructed.

SEC. 160. It shall be the duty of the board of fire commissioners to cause the chief of the department to examine into the cause, circumstances and origin of all fires occurring in said city, by which any building, erection or valuable personal property shall be accidentally or unlawfully burned, destroyed or damaged, and to especially inquire and examine whether such fire was the result of carelessness or the act of [an] incendiary. The chief of the fire department may take the testimony of all persons supposed to be cognizant of any facts connected with such fire; said testimony shall be reduced to writing and shall be transmitted to the board of fire commissioners, together with a report by the chief of the fire department embodying his opinion in regard thereto. The chief of the fire department shall also report to the chief of police, to the prosecuting attorney of Washtenaw county and to the owners of property or other persons interested in the subject matter of such investigation, any facts or circumstances which he may have ascertained which shall in his opinion require attention from or by said officers or persons.

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The Public Health.

SEC. 161.* There shall be a board of health in said city which shall consist of three members, one of whom shall be a competent physician; they shall be appointed by the mayor, by and with the consent of the common council, for the full term of three years; but the members shall be subject to classification in such manner that one term shall expire each year; one of the members of said board, in addition to the powers and duties incumbent upon him as a member of said board, shall be city health officer and shall exercise such powers and duties as shall be from time to time conferred upon him by said board of health and the common council of said city. Said city health officer shall in all cases be a competent physician and the mayor shall designate which of the members of said board shall be city health officer, and such member of the board of health shall continue to discharge the duties of city health officer during the term for which he was appointed as a member of said board. Such city health officer shall be executive officer of the board of health, shall perform such duties of inspection as may be necessary for the information and guidance of said board and shall do the work of fumigating in all cases where it is necessary for it to be done within said city. Said health officer shall receive six hundred dollars per annum which shall be in full for his services. The other members of the said board of health shall receive such compensation as the common council may allow not exceeding fifty dollars per annum.

SEC. 162. The said board shall have and possess all the powers given by the general statutes of this state to boards of health in townships, in addition to those herein particularly enumerated, except when the powers granted would conflict with the provisions

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* As amended March, 1907.

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contained in this charter. Said board of health shall have power and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop, detain, and examine for that purpose every person coming from any place infected or believed to be infected with such a disease; to establish, maintain, and regulate a pest-house or hospital, at some place within the city or not exceeding three miles beyond its limits or bounds; to cause any person not being a resident of the city who shall be or is suspected of being infected with any such disease, to be sent to such pest-house or hospital; to cause any resident of the city infected to be removed to such pest-house or hospital if the health physician and two other physicians of the city, including the attending physician of the sick person, if he have one, shall certify that the removal of such resident is necessary for the public health: *Provided,* It can be done with safety to the patient; to remove from the city or destroy any furniture, wearing apparel, goods, wares and merchandise, or other articles of property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be in or likely to pass into such state as to generate and propagate disease; to abate all nuisances of every description which are or may be injurious to the public health in any way or in any manner they may deem expedient, and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and suppression of disease in the city and to carry into effect and execute the powers hereby granted.

SEC. 163. The owner, driver, conductor or person in charge of any stage coach, railroad car or any other public conveyance which shall enter the city having on board any person sick of malignant fever or pesti-

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lence or infectious disease, shall, within two hours after the arrival of such sick person, report the fact in writing, with the name of such person and the house or place where he was put down in the city, to the mayor or some member or officer of the board of health.

SEC. 164. Any person who shall knowingly bring or procure, or cause to be brought into the city any property of any kind tainted or infected with any malignant fever or pestilential or infectious disease, shall be guilty of a misdemeanor, punishable by fine and imprisonment.

SEC. 165. Every keeper of an inn, boarding house or lodging house in the city, who shall have in his house at any time any sick traveler or stranger, shall report the fact and name of the person in writing, within six hours after his sickness becomes known, to the mayor or some other officer or member of the board of health; and every physician in the city shall report, under this head, to one of the officers above named, the name, residence and disease of every patient whom he shall have sick of any infectious or pestilential disease, within six hours after he shall have first visited such patient or discovered the infectious nature of the disease. The common council may provide by ordinance for the punishment of persons violating any of the provisions of this or the two preceding sections.

SEC. 166. All fines imposed under any ordinance passed under this title shall belong to the city, and when collected shall be paid into the treasury, and be devoted to the maintenance and support of the pest-house, or of any hospital hereafter established by the city.

SEC. 167. The common council shall have power to pass and enact such by-laws and ordinances as they from time to time shall deem necessary and

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proper for the filling up, draining, cleansing and regulating any grounds, yards, basins, or cellars within the said city that shall be sunken, damp, foul, encumbered with filth and rubbish, unwholesome, and for filling, or altering and amending all sinks and privies within the said city, and for directing the mode of constructing them in future, and to cause all such works as shall be necessary for the purpose aforesaid and for the preservation of the public health and the cleanliness of the city, to be executed and done at the expense of the city corporation, on account of the persons respectively upon whom the same may be assessed, and for that purpose cause the expenses thereof to be estimated, assessed and collected, and the lands charged therewith sold in case of non-payment, the same as provided by law with respect to other improvements within said city, and in all cases when the said by-laws or ordinances shall require anything to be done in respect to the property of several persons, the expenses thereof may be included in one assessment, and the several houses and lots in respect to which such assessment shall have been incurred, shall be briefly described in the manner required by law in the assessment roll for the general expenses of the city, and the sum of money assessed to each owner or occupant of any such house or lot, shall be the amount of money expended in making such improvement upon such premises, together with the ratable proportion of the expenses of assessing and collecting the money expended in making the improvements.

SEC. 168. Whenever, in the opinion of the common council, any building, fence or other erection of any kind, or part thereof, is liable to fall down, and persons or property may be endangered, they may order any owner or occupant of the premises on which said building, fence or other erection stands to take down the same or any part thereof within a reason-

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able time, to be fixed by said order, or immediately, as the case may require, or may immediately, in case the order is not complied with, cause the same to be taken down at the expense of the city, on account of the owner of the premises, and assess the same on the land on which it stood. The order, if not immediate in its terms, may be served on any occupant of the premises or be published in the city papers, as the common council shall direct.

SEC. 169. The members of the board of health and the health officers shall receive such compensation for their services as may be allowed by the common council.

Finance and Taxation.

SEC. 170. The common council shall examine, settle and allow all accounts and demands properly chargeable against the said city, as well of its officers as of other persons, and shall have authority to provide means for the payment of the same, and for defraying the contingent expenses of the said city, subject only to the limitation and restrictions in this act contained. The fiscal [year] shall commence on the first day of February in each year.

SEC. 171. The common council shall have authority to assess, levy, and collect taxes on all the real and personal estate taxable in said city, which tax shall be and remain a lien upon the property so assessed until the same shall be paid: *Provided*, That the aggregate amount which the council may raise by general tax upon the taxable real and personal property for the purposes for which the several general funds are hereinafter constituted shall not, except as herein otherwise provided, exceed in any one year one-half of one per cent. on the assessed value of all the real and personal property in the city made taxable by law: *And provided further*, That nothing herein contained shall be so construed as to prohibit the com-

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mon council of said city from regulating by tax or otherwise the business of dealing in malt, spirituous or intoxicating liquors.

SEC. 172.* The common council shall designate by ordinance the general funds into which the general tax upon all the property of the city shall be divided and the amount to be raised by tax for each of the general funds shall be determined by the common council prior to the tax levy and no transfer shall be made from one fund to another except by a three-fourths vote of all the members of the common council elect.

SEC. 173. It shall be the duty of the city assessor, as soon as possible after entering upon the duties of his office, to ascertain the taxable property of the city, and the persons to whom it should be assessed and their residence, and on or before the second Monday in June each year he shall make and complete an assessment roll for each and every ward in said city, upon which he shall set down the names of persons liable to be taxed for personal property in the city, and also a full description of the real property liable to be taxed therein. In making such rolls he shall be governed by the general laws of the state providing for the assessment of property and the levy and collection of taxes thereon, and shall have all the powers conferred upon the supervisors of townships.

SEC. 174. On the Tuesday next following the second Monday in June in each year, the board of review, consisting of the assessor and the supervisors of the several wards, shall meet at the common council room in said city, at which time the assessor shall submit to said board the several ward assessment rolls for the current year, as prepared by him, and the said board shall proceed to examine the same during such week, during at least six hours of each day thereof,

*As amended June 19, 1907.

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in the same manner, and with the same powers as provided by general law. A majority of the members of said board shall constitute a quorum. The assessor shall be chairman of said board and the city clerk shall act as clerk thereof. Whenever said board shall raise the valuation of personal property above that set forth in the written statement furnished by any person to the supervisor or assessor it shall be the duty of said board of review, on the request of the person whose valuation is so raised, to make and deliver to such person a written statement signed by the chairman of said board, setting forth the kinds with the value thereof of such personal property as has been added by said board to such valuation.

SEC. 175. The said board of review shall also meet at the common council room on the third Monday in June, at nine o'clock in the forenoon, and continue in open and public session during that day and the day following, and as much longer as may be necessary to complete the review of said assessment rolls, not to exceed four days in all, and not less than six hours each day, and at the request of any person whose property is assessed on said rolls, or of his agent, and on sufficient cause being shown, shall correct the assessment in such manner as in their judgment will make the valuation thereof just and equal. To that end said board may examine on oath the person making such application, or any other person touching the matter. Any member of said board may administer such oath. After said board shall complete the review of said rolls, a certificate to the effect that the same is the assessment roll for the ward therein named, for the year in which it has been prepared and approved by the board of review, shall be endorsed thereon, signed by the chairman and clerk of said board, which certificate may be in the form as follows: 'The Board of Review of the City of Ann Arbor certify that the within or annexed roll is the

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assessment roll of the..... ward of the City of Ann Arbor for the year 18——, as approved by said board.

Chairman.....

Clerk.....

Upon the completion of said rolls and their indorsement in the manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for causes prescribed by the general state law. The omission of such indorsement shall not affect the validity of such roll.

SEC. 176. For the purpose of equalization by the board of supervisors of the County of Washtenaw the said ward assessment rolls shall be deemed as a single roll; the valuation fixed and determined by said board shall be the valuation of the taxable property of the City of Ann Arbor as a unit, and the state, county and other taxes apportioned by said board shall be apportioned to said city and not to any ward thereof.

SEC. 177. Whenever the common council shall deem it necessary to raise a greater sum in one year than provided for in section one hundred and seventy-one (171) they shall give at least five days' notice in writing to be posted up in at least five public places in each ward in said city, which notice shall state the time and place of such meeting, and shall specify the objects and purposes for which the moneys proposed to be raised are to be expended, and when such meeting shall be assembled in pursuance of such notice the electors qualified to vote thereat by a ballot vote shall determine the amounts of the money which shall be raised for the objects specified in the notice: *Provided*, That the aggregate amount of city taxes levied shall not in any one year exceed one per cent. of the valuation of the real and personal estate taxable within the limits of the city: [*And*] *provided also*,

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That no more than two such meetings shall be held in any calendar year. The polls at any such meeting shall be kept open at least six hours, and the common council shall appoint three of its members to act as inspectors. The city clerk shall be the clerk of such meeting and shall keep a poll list of the electors voting.

SEC. 178. All state, county and school taxes in said city, and all city taxes which shall be raised by a general tax, shall be levied and collected, as near as may be, in the same manner as provided by the law for the assessment and collection of taxes by township officers; and all proceedings for the return, sale and redemption of real estate for non-payment of taxes, shall be in conformity with the proceedings for the return, sale and redemption of real estate as required by the laws of this state.

SEC. 179. Whenever the common council shall authorize a tax to be levied for any special purpose, and which cannot be included in the assessment roll and collected and returned for non-payment, as provided in the preceding section of this act, it shall be lawful for the common council to apportion such tax upon the property taxable for such purpose, according to the valuation contained in the then last assessment roll, and shall place the tax in a column opposite the valuation of the property; and where such roll is completed, the city clerk shall make and deliver a copy thereof to the treasurer of said city, together with a warrant or warrants, signed by the mayor and city clerk, commanding such treasurer to collect from the several persons named in said roll, opposite their respective names, within a time in said warrant specified, not less than thirty days nor more than ninety days from the date thereof, together with a collection fee of one per cent, which said treasurer may add to each person's tax and collect therewith; and such warrant shall authorize the treasurer, in case any

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person named in said roll shall neglect or refuse to pay his tax, with the collection fee above provided, to levy the same by distress and sale of the goods and chattels of such person; and it shall be the duty of such treasurer to collect such taxes within the time specified in such warrant, or within such further time as the common council may by resolution direct, and deliver such roll and warrant to the city clerk; and if any person shall neglect or refuse to pay the tax imposed upon him, the treasurer may levy the same by distress and sale of goods and chattels of such person in the same manner as township treasurers, and if any of the taxes mentioned in said roll shall remain unpaid, and the treasurer shall be unable to collect the same from the person taxed, he shall make out and deliver to the city clerk a full and perfect copy from said roll of the description of the premises so taxed, and of the taxes thereon unpaid, and shall add thereto an affidavit, sworn to before an officer authorized to administer oaths for general purposes, that the sums mentioned in such statement remain unpaid, and that he has not, upon diligent search and inquiry, been able to discover any goods or chattels belonging to the person taxed, whereupon he could levy the same.

SEC. 180. The common council may by ordinance provide for the collection of all taxes necessary to be raised, other than such as may be raised as provided in section one hundred and seventy-four [seventy-one (171)], and for the sale of any real estate for the non-payment of such tax, and for the redemption thereof: *Provided*, That all the proceedings relative to the notice of sale, the manner of conducting the same and the time to redeem, shall be in conformity as near as may be to the provisions of law regulating the sale of lands delinquent [at] for state, county and township taxes.

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SEC. 181.* On or before the first Monday in June in each year the city clerk shall certify to the assessor of said city the aggregate of all sums of money which the common council require to be raised for the year for all city purposes by general taxation, upon all the taxable property of the whole city and it shall no longer be necessary to certify the appropriations made by the common council to the board of supervisors of the County of Washtenaw. The assessor of said city shall levy upon all the taxable property of the city the aggregate amount of all such sums of money so certified to him, by the city clerk, to be raised for city purposes, placing the taxes in a column next adjoining the column of valuation of property fixed by the board of review, and on or before the fifteenth day of July, the assessor shall deliver a certified copy of said assessment roll of the several wards, with the taxes entered therein as aforesaid, to the city treasurer, with his warrant for the collection of the tax thereon, annexed thereto. The warrant annexed to said tax rolls shall command the city treasurer to collect from the several persons named in said rolls the several sums set down in the column of city taxes, and such warrant shall authorize the city treasurer in case any person named in such rolls shall neglect or refuse to pay his, her or their tax with the fees for collection, to be added by said treasurer as hereinafter provided, to levy the same by distress and sale of the goods and chattels of such person, as provided in the general tax laws of the state. The city treasurer shall immediately after the receipt of the several tax rolls, post up in the post-office in said city and in as many as ten of the most conspicuous places in each ward of said city, conspicuous hand-bills giving notice where the tax rolls can be seen, the taxes paid and receipt

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* As amended April 27, 1893.

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obtained therefor, at any time between nine o'clock in the forenoon and twelve o'clock noon, and from one o'clock until four o'clock in the afternoon, from the fifteenth day of July until the fifteenth day of August (Sunday excepted) and the tax rolls shall be kept at the place mentioned in such hand-bills during the days and hours specified so that any person or persons can pay the tax or taxes assessed against him or them and obtain the treasurer's receipt therefor. Within one week after the fifteenth day of August the treasurer shall return to the city assessor the rolls received from him for the collection of the city taxes with the several taxes paid plainly stamped or marked paid in the column next adjoining the column for such city taxes. The city assessor shall carry out in another column the city taxes remaining unpaid with five per cent. thereof added thereto, and shall include such taxes so carried out with such percentage added in the aggregate of taxes to be collected from the several persons on the said tax rolls. The assessor of said city shall on or before the first day of December, deliver to the city treasurer a copy of the corrected assessment rolls of the several wards with the taxes annexed to each valuation and aggregated in the last column thereof, the unpaid city taxes in one column, the school, library and schoolhouse taxes in another column, the county taxes in another and the state taxes in another column and the warrant for the collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the city, county and school treasury respectively.

SEC. 182. To such assessment roll or tax list the assessor shall annex a warrant, under his hand, directed to the city treasurer, commanding him to collect from the several persons named in said roll the several sums mentioned in the last column of such roll opposite their respective names; and such warrant shall authorize the treasurer, in case any

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person named in such roll shall neglect or refuse to pay his tax, with the fees for collection to be added by said treasurer, as hereinafter provided, to levy the same by distress and sale of the goods and chattels of such person.

SEC. 183. The city treasurer shall, immediately after the receipt of the several tax rolls, post up in the post-office in said city, and in as many as ten of the most public places in each ward of said city, conspicuous hand-bills, giving notice where the tax rolls can be seen, the taxes paid, and a receipt obtained therefor, at any time between nine o'clock in the forenoon and twelve o'clock, noon, and from one o'clock until four o'clock in the afternoon, during the month of December (Sundays and Christmas excepted); and the tax rolls shall be kept in the place mentioned in such hand-bills during the days and hours above specified, so that any person or persons can pay the tax or taxes assessed against him or them, and obtain the treasurer's receipt therefor.

SEC. 184.* Upon all taxes paid to the treasurer between the fifteenth day of July and the fifteenth day of August, he shall add one-half of one per cent. for collection fees; upon all taxes paid to the treasurer during the month of December he shall add one-half of one per cent. for collection fees; upon all taxes collected by him during January he shall add one and a half per cent. for such collection fees; and upon all taxes collected by him after January thirty-first he shall add two and a half per cent. for such collection fees, and collect such percentage with such tax in the same manner as he is authorized to collect the tax, and for the purpose of collecting such fees by the treasurer such percentage shall be deemed and taken to be a part of the tax.

SEC. 185. The treasurer of said city shall proceed

*As amended April 27, 1893.

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to collect the taxes in the several wards, and on or before the first day of February shall account for and pay over to the county treasurer the amounts specified in the several warrants to be collected for State and county purposes, and shall return to the said county treasurer a statement of the taxes remaining unpaid and due, in the manner provided by law for township treasurers; and all the provisions of the laws of this State relating to the collection of taxes by township treasurers, or to the paying over of money by the township treasurers to the county treasurer or returning by the township treasurer to the county treasurer of a statement of the taxes remaining unpaid and due, are hereby made applicable to the treasurer of said city.

SEC. 186.* No bond, note or other obligation or evidence of indebtedness of said corporation, except orders on the treasurer, as hereinafter provided, and also except bonds for sewerage and paving purposes, shall ever be given or issued by said corporation, or by any officer thereof, in his official capacity, whereby the said city shall become obligated to pay any money, unless the same shall have been duly authorized by the legislature of this State, and shall have been submitted to and voted for by a majority of the electors of said city voting thereon, in conformity to this act; but the common council may allow just claims against the city, and may issue orders therefor on the treasurer, or payable on presentation from any moneys then in the treasury, on the first day of February thereafter; but such second named class of orders shall not, in any fiscal year, exceed the aggregate taxes levied in such year for the payment of the same. All moneys collected for the use of the city shall be paid into the city treasury, and no moneys shall be paid from the treasury unless it shall have been pre-

* As amended May 10, 1899.

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viously appropriated by the common council to the purpose for which it shall be drawn. The treasurer shall pay out no money except upon the written warrant of the mayor and city clerk, which warrant shall specify the fund from which the money is to be paid: *Provided*, That school moneys shall be paid to the treasurer of school district number one of the city of Ann Arbor upon the warrant of the president and secretary of said board. The common council may, at any regular meeting thereof, by resolution duly adopted by a majority of all the members elect authorize the issuing of bonds to the amount not exceeding one hundred and fifty thousand dollars outstanding at any one time, for the purpose of paving any alley, street or streets in such city, such bonds to run for a period not exceeding ten years from the date of their issue, and at a rate of interest not exceeding five per cent. per annum, and the common council for the purpose of carrying out this provision may pass such ordinance or ordinances as may be deemed necessary.

Miscellaneous.

SEC. 187. The assessor and supervisor of each ward and city clerk shall at the time appointed in each year for the return of the several ward assessment rolls, make a list of persons to serve as petit jurors, and a list to serve as grand jurors for the ensuing year, of the qualifications and in the manner prescribed by law.

SEC. 188. Any person who may be required to take any oath or affirmation, under or by virtue of any provision of this act, who shall, under such oath or affirmation, in any statement or affidavit, or otherwise, willfully swear falsely as to any material fact or matter, shall be deemed guilty of perjury.

SEC. 189. If any suit should be commenced against any person elected or appointed under this

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act to any office, for any act done or omitted to be done under such election or appointment, or against any person having done any thing or act by the command of any such officer, and if final judgment be rendered in such suit, whereby any such defendant shall be entitled to costs, he shall recover double costs, in the manner defined by law.

SEC. 190. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this state, in relation to school, school taxes, county and state taxes and state, district and county elections; and the supervisors and assessors, justices of the peace and city clerk, and all other officers of said city, who are required to perform the duties of township officers of this state, shall take the oath, give the bond, perform like duties, and receive the same pay and in the same manner and be subject to the same liabilities, as provided for the corresponding township officers, excepting as is otherwise provided in this act, or as may be provided by the ordinances of the common council.

SEC. 191. The ordinances now in force in the city of Ann Arbor shall remain in force until repealed altered or amended by the common council; and all property, rights, credits and effects of every kind, belonging to the City of Ann Arbor, shall be and remain the property of the said city of Ann Arbor.

SEC. 192. All acts heretofore enacted in regard to the village of Ann Arbor, or the city of Ann Arbor, coming within the purview of this act, are hereby repealed: *Provided,* That the repealing of said acts aforesaid shall not affect any act already done, or any right acquired under, or proceeding had or commenced by virtue thereof, but the same shall remain as valid as if said acts remained in full force: *And*

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provided further, That all persons now holding office in the City of Ann Arbor, under the acts hereby repealed, shall continue to hold and exercise the duties of such offices during the term for which they were respectively elected.

SEC. 193. This act shall not be construed so as to change, alter or annul any act heretofore passed for the organization or government of school district number one, of the city and township of Ann Arbor.

This act is ordered to take immediate effect.

Approved March 15th, 1889.

LOCAL ACTS, 1895.—No. 313.

AN ACT to authorize and empower and enable the city of Ann Arbor to construct and maintain a system of sewers and to raise the necessary money therefor, and to legalize the proceedings and acts of the common council and officers of the city of Ann Arbor had by virtue of act number four hundred thirteen of the local acts of eighteen hundred ninety-three.

SECTION 1. *The People of the State of Michigan enact*, That the City of Ann Arbor is hereby authorized and empowered to construct and maintain a system of sewers within said city, and to require, under suitable penalties, all dwelling houses, hotels and other inhabited buildings situate in said city and adjacent to any part of said sewer system, to connect therewith; and to construct and maintain the outlet thereof in the Huron river at any convenient place easterly from the Michigan Central Railway Company's principal station house in the City of Ann Arbor.

SEC. 2. That all lateral and connecting sewers may be constructed at the cost and expense of the

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lands, tenements and premises adjacent thereto and benefitted thereby, and the cost thereof may be levied on and assessed against such lands, tenements and premises, and collected from the owners thereof by foot frontage, according to benefits, or by land values as the common council shall or may determine by ordinance. The common council shall have power and authority to make and ordain all needful rules, regulations and ordinances, which shall or may be necessary to enable said city to construct, maintain and protect such system of sewers, including all lateral and connecting sewers.

SEC. 3. The common council of said city is hereby authorized and empowered to raise by loan on the taxable property of said city a sum of money not exceeding one hundred and fifty thousand dollars for a period not longer than five years and at a rate of interest not greater than five per cent per annum for the purpose of enabling said city to construct said sewer system: *Provided*, That not more than forty thousand dollars of such bonded indebtedness shall be outstanding at any one time.

SEC. 4. The common council shall assess the cost of the construction of all lateral and connecting sewers (excepting street crossing, which shall be a charge against the general sewer fund) upon all the property adjacent thereto as aforesaid, and all such assessments, with the interest thereon, shall remain a valid lien upon and against such premises so taxed and a valid debt and charge against the owner thereof until paid, and all such taxes and assessments shall be paid by the owner or person against whom the same may have been assessed in equal annual installments during a period not exceeding five years from the date of such levy and assessment, with interest thereon at the same rate not exceeding five per cent., which shall be stated in the bonded indebtedness created therefor: *Provided*, That any person may

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elect and pay the whole of any such assessment at any time, paying all accrued interest thereon, and all such payments shall be credited to the particular sewer fund for the construction of which the same may have been levied, and shall be applied to pay the particular bonds issued therefor.

SEC. 5. It shall be lawful for and the common council shall on or before the fourth Monday in June in each year certify to the city assessor the sum or sums of money required to pay for all the laterals and connecting sewers which they require to be raised on the tax roll of that year, together with a description of the lands and premises to be taxed for the same, and the city assessor shall place on the city tax roll of that year all such sum or sums so required to be raised, according to the provisions of the ordinances of said city, placing said sewer tax in a separate column on said tax roll, and said sum or sums of money so set down and spread upon such tax roll shall be, remain and continue a valid debt, demand and tax against the owners of the lands and premises, and a valid tax on and against the lands, tenements and premises in front of or adjacent to which any such lateral or connecting sewer may have been constructed, and shall be collected in the same manner in every particular as the other city taxes set down in and spread upon such tax rolls are collected.

SEC. 6. That the proceedings and acts of the common council and officers of the City of Ann Arbor, in the County of Washtenaw, heretofore taken and had by virtue of the provisions of act number four hundred and thirteen of the local acts of Michigan of eighteen hundred and ninety-three, be and the same are hereby declared to be in all things valid and legal.

This act is ordered to take immediate effect.

Approved March 8, 1895.

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LOCAL ACTS, 1895.—No. 376.

AN ACT to authorize the common council of the City of Ann Arbor, Washtenaw county, by ordinance, to enter into a contract not exceeding five years with any electric or gas light company to furnish electric or gas lights for its streets, public buildings and public places.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Ann Arbor, in the county of Washtenaw, shall have power by ordinance, to enter into a contract not exceeding five years with any electric or gas light company to furnish electric or gas lights for its streets, public buildings and public places.

This act is ordered to take immediate effect.

Approved April 17, 1895.

LOCAL ACTS, 1889.—No. 343.

AN ACT to authorize the City of Ann Arbor to raise twenty-five thousand dollars for a hospital.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Ann Arbor is hereby authorized and empowered to raise by tax upon the taxable property in said city, or by part tax and part loan, the sum of twenty-five thousand dollars to aid in the erection and furnishing of a hospital to be placed under the control of the regents of the University of Michigan, and to be known as the "University Hospital"; *Provided,* That no tax shall be levied or loan made for such purpose until the same shall have been authorized by a vote of the electors of said city, at a meeting to be convened pursuant to notice given as in such cases by the charter of said city provided: *And provided further,* That no tax shall be levied or bonds issued until the legisla-

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ture now in session shall have appropriated the sum of fifty thousand dollars for said hospital.

SEC. 2. Any loan negotiated for the purpose authorized in the preceding section, may be made payable in such installments and within such time not exceeding ten years from date thereof, as the common council shall determine, and shall bear interest not exceeding four per cent per annum; and annually the common council may raise by tax as hereinbefore provided, a sufficient sum to pay the next installment of said loan to become due, with the interest on all of said loan unpaid, which sum may be in addition to the tax said common council may levy without a vote of the electors of said city.

This act is ordered to take immediate effect.

Approved March 21, 1889.

LOCAL ACTS, 1901.—No. 293.

AN ACT to authorize and enable the city of Ann Arbor to build and construct a suitable building for a city hall, to purchase land therefor and to raise the money for such purpose by a tax and loan.

The People of the State of Michigan enact:

SECTION 1. The City of Ann Arbor is hereby authorized and empowered to build, construct and maintain a suitable building for a city hall, to purchase land therefor and to raise by tax or loan on the taxable property of the said city a sum of money not exceeding thirty thousand dollars for such purpose.

SEC. 2. Whenever the common council shall propose to cause any such city hall building to be constructed they shall so declare by resolution, specifying the sum of money purposed to be expended for

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that purpose, to be passed by at least a two-thirds vote of all the aldermen elect and shall cause such resolution to be entered in the record of their proceedings, whereupon the common council may at the then or next regular meeting have power and authority to call a special meeting of the qualified electors of the city pursuant to the provisions of the charter, and shall submit to the said electors the questions of raising the money for such purpose by loan or otherwise. The vote of the said electors on such question shall be by ballot. The ballot shall be printed on white paper of equal length and width. The affirmative ballot shall have printed thereon the words "For the city hall loan—Yes." The negative ballots shall have printed thereon the words "For the city hall loan—No." The canvass of the vote and the determination of the result of such election shall be in accordance with the provisions of the city charter: *Provided, however,* That nothing in this act contained or in the city charter shall be construed to prevent the common council in its discretion to order the vote at such election and the question submitted to be voted on and determined by the use of the Abbott voting machine. In the event of the use of the Abbott voting machine all "no choice" votes shall be disregarded and not counted.

SEC. 3. If the electors at said election shall vote to authorize the construction of such city hall building then the common council shall have power and authority to issue and dispose of the bonds of the city of Ann Arbor in a sum not exceeding thirty thousand dollars for such purpose. The said bonds to be issued in such denominations and payable at such times and in such installments not exceeding thirty years and at a rate of interest not exceeding four per cent. per annum as the common council shall determine: *Provided,* That none of said bonds shall be sold or disposed of for less than par value.

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SEC. 4. After the sale and disposition of the said bonds or any part thereof the common council shall have power and authority and it shall be the duty of the common council to include in each annual tax bill or budget a sum of money sufficient to pay and discharge any sum either of interest or principal which shall be due or become due on account of the said bonds during the year in which any such tax is raised and all such sums of money so to be levied and assessed shall be in addition to and in excess of the money authorized by law to be levied and raised for all other city purposes.

This act is ordered to take immediate effect.

Approved February 25, 1901.

LOCAL ACTS, 1901.—No. 294.

AN ACT to authorize the city of Ann Arbor to purchase the water-works plant, property, rights and franchises of the Ann Arbor Water Company and issue the bonds of the said city in payment therefor.

The People of the State of Michigan enact:

SECTION 1. The City of Ann Arbor may borrow money and issue the bonds of the said city therefor in any sum not exceeding four hundred and fifty thousand dollars for the purpose of purchasing the water-works plant, property, rights, business and franchises, and all appurtenances thereto, of the Ann Arbor Water Company. The common council of the said city shall have power to fix the time and place of the payment of the principal and interest of the debt authorized by this act, and may authorize the issue of the bonds of the said city therefor in any sum not exceeding four hundred and fifty thousand dollars, and in such denominations as the said common council shall determine: *Provided,* That the bonds auth-

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orized by this act shall not be sold for less than the par value thereof and the rate of interest thereon shall not exceed four per cent. per annum.

SEC. 2. Before any money shall be borrowed, appropriated, raised or expended for the purchase of the said water-works plant, property, business, rights and franchises, the common council of the said city shall determine and agree with the Ann Arbor Water Company upon the sum to be paid the said Water Company by the said city, for the said water-works plant, property, business, rights and franchises, and all appurtenances thereto, as the fair value thereof, and the question of purchasing the said water-works plant at the sum so determined and agreed upon as the fair value thereof shall be submitted to the electors of the said city at the next annual city election, or at a special election called for that purpose, and if a majority of the electors voting upon the said question shall vote to purchase the said water-works plant at the sum determined and agreed upon, then it shall be the duty of the said common council to authorize the issue of the bonds of the said city in the sum so determined, as the same shall be necessary, and to do all things necessary to consummate the purchase and transfer of the water-works plant, property, business, rights and franchises, and all appurtenances thereto, of the Ann Arbor Water Company to the said city of Ann Arbor: *Provided,* That should the said question be submitted to the electors of the said city at a special election, such election shall be conducted under the provisions of the charter of the city of Ann Arbor relating to elections, except that nothing therein contained shall prevent the common council of the said city from authorizing the votes cast upon the said question, whether at an annual or special election, to be voted, registered and counted upon the Abbott voting machine, and in the event of the use of the Abbott voting machine no "no choice"

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votes shall be counted, but shall be regarded as not cast.

SEC. 3. The common council of the said city shall have the power, and it shall be their duty, to raise by tax upon the taxable property of the said city, such sum or sums as shall be sufficient, together with the surplus revenues from the operation of the said water-works, to pay the principal and interest upon the said bonds as the same shall become due and payable; and all taxes levied for this purpose shall be in excess and in addition to any sum or sums authorized to be levied under and by virtue of the charter of the said city for general purposes.

This act is ordered to take immediate effect.

Approved February 25, 1901.

LOCAL ACTS, 1905.—No. 539.

AN ACT to authorize and enable the City of Ann Arbor to build, construct and install a garbage crematory or plant, to purchase land, machinery and appurtenances therefor and to raise the money for such purpose by tax or loan.

The People of the State of Michigan enact:

SEC. 1. The City of Ann Arbor is hereby authorized and empowered to build, construct and install a garbage crematory or plant, to purchase land, machinery and appurtenances therefor and to raise by tax or loan on the taxable property of the said city a sum of money not exceeding ten thousand dollars for such purpose.

SEC. 2. Whenever the common council shall propose to cause any such garbage crematory or plant to be built, constructed and installed they shall so declare by resolution, specifying the sum of money proposed to be expended for that purpose, to be passed

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by at least a two-thirds vote of all the aldermen elect and shall cause such resolution to be entered in the record of their proceedings, whereupon the common council may, at the then or the next regular meeting, have power and authority to call a special meeting of the qualified electors of the city pursuant to the provisions of the charter, and shall submit to the said electors the question of raising the money for such purpose by loan or otherwise; and the common council may submit said question to said electors at any annual city or general election. The vote of said electors on such question shall be by ballot. The ballot shall be printed on white paper of equal length and width. The affirmative ballot shall have printed thereon the words, "For the garbage crematory or plant loan—Yes." The negative ballots shall have printed thereon the words, "For the garbage crematory or plant loan—No." The canvass of the vote and the determination of the result of such election shall be in accordance with the provisions of the city charter: *Provided,* however, That nothing in this act contained, or in the city charter, shall be construed to prevent the common council, in its discretion, to order the vote at such election, and the question submitted to be voted on and determined by the use of the Abbott voting machine. In the event of the use of the Abbott voting machine all "no choice" votes shall be disregarded and not counted.

SEC. 3. If the electors at the said election shall vote to authorize the building, construction and installation of such garbage crematory or plant, then the common council shall have power and authority to issue and dispose of the bonds of the City of Ann Arbor in a sum not exceeding ten thousand dollars for such purpose; the said bonds to be issued in such denominations and payable at such times and in such installments, not exceeding thirty years, and at a rate of interest not exceeding four per cent per an-

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num, as the common council shall determine: *Provided,* That none of the said bonds shall be sold or disposed of for less than par value.

SEC. 4. After the sale and disposition of said bonds, or any part thereof, the common council shall have power and authority, and it shall be the duty of the common council to include in each annual tax bill or budget a sum of money sufficient to pay and discharge any sum either of interest or principal, which shall be due or become due on account of the said bonds during the year in which any such tax is raised; and all such sums of money so to be levied and assessed shall be in addition to and in excess of the money authorized by law to be levied and raised for all other city purposes.

This act is ordered to take immediate effect.

Approved May 10, 1905.

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ORDINANCES

OF THE

CITY OF ANN ARBOR

STREETS.

An Ordinance Relative to the Use of Streets and Other Public Places.

(Passed Nov. 4, 1895; approved Nov. 5, 1895; amended June 5, 1899.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That whenever any sidewalk in any street, alley, or other public place of this city, shall be obstructed or encumbered by reason of any snow, ice, water, slush, mud, dirt, filth, rubbish, leaves, sand, brick, stones, mortar, lumber, building materials, coal, wood, boxes, barrels, crates, packages, posts, stands, show cases, advertising devices, storm doors, stairways, railings, signs, awnings, or any other thing, article or substance which may have fallen, formed, accumulated or been placed, dropped, delivered, erected or suspended upon or over the said sidewalk, it shall be the duty of the owner or occupant of the premises adjacent to and abutting upon the said sidewalk, and the said owner or occupant is hereby required, to remove the said encumbrance or obstruction, or cause the same to be removed, or effect such other disposal thereof as shall be hereinafter set forth; and the said

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owner or occupant shall keep and maintain the said sidewalk free and clear of all encumbrances and obstructions and at all times safe and convenient for the use of the public except as hereinafter provided.

SEC. 2. That whenever any snow shall fall or drift on or across any sidewalk in any street or other public place of this city, the owner or occupant of the lot, building or other premises adjacent to or abutting upon said sidewalk, shall remove the said snow or cause the same to be removed within the periods of time herein limited, to-wit: Snow that has accumulated in or during the night time shall be removed by eight o'clock a. m. next morning; snow falling or drifting during the day shall be removed within two hours after the same shall have ceased to accumulate; and in case of a protracted snow or wind storm, the snow shall be cleared away from time to time during the day so that a convenient passage shall be kept and maintained open for travel, the said removals being effected as often as once in every four hours.

SEC. 3. That whenever any ice shall form on any sidewalk in any street or other public place in this city, the owner or occupant of the lot, building or other premises adjacent to and abutting upon the said sidewalk shall, if practicable, immediately remove the said ice, or cause the same to be removed; provided that when immediate removal is impracticable, the said owner or occupant shall immediately cause salt or sand to be strewn upon the said ice in such a manner and in such quantities as to prevent the said sidewalks from being slippery and dangerous to pedestrians using the same, and the said ice shall be removed at the earliest possible moment thereafter. The use of sawdust or ashes for and instead of the said salt or sand is hereby expressly prohibited.

SEC. 4. That whenever leaves accumulate upon any sidewalk in any street, or other public place of

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this city, in sufficient quantities to impede or obstruct public travel across or along the said sidewalk, the owner or occupant of the premises adjacent to and abutting upon the said sidewalk shall remove the said leaves or cause the same to be removed; and it is hereby permitted that the said leaves may be gathered in small heaps along the side of the street, or upon the said premises, and burned; provided that nothing herein contained shall be construed to in any degree modify, repeal or amend the provisions of an ordinance of this city entitled "An Ordinance Relative to Fire Limits and Fires."

SEC. 5. It shall be the duty of the Board of Public Works to take cognizance of any violation of the provisions of this ordinance, relative to the removal of obstructions from streets, alleys and sidewalks. And whenever the said Board shall learn of any sidewalk in any street, alley or other public place in this city being obstructed or encumbered contrary to the regulations herein contained, the said Board shall immediately cause a written or printed notice to be served upon the person charged under this ordinance with the removal of the said obstruction or encumbrance. The said notice shall set forth the location of the sidewalk, the nature of the obstruction or encumbrance, and the premises by street and number or other sufficient designation, adjacent to and abutting upon the said sidewalk, and shall also prescribe the time after service within which the said sidewalk shall be cleared and made convenient for public travel, the said time in each case being fixed by the said Board: *Provided,* That one hour shall be the time fixed for the removal of snow, slush or ice, and that in no other case shall a longer period of time be allowed than twenty-four hours. The said notice may be served by handing a copy thereof to the owner or occupant of the premises therein designated, by leaving a copy

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at his or her last place of residence, or by posting a copy in a conspicuous place upon the premises. The officer or servant of the said Board of Public Works, serving the said notice, shall indorse the day and hour of service, and the manner thereof, upon the said notice; and shall return a copy of the said notice to the office of the City Clerk with the said day, hour and manner of service duly certified thereon. In case the said sidewalk be not cleared within the time limited in the said notice, the said Board shall proceed forthwith to remove the said obstruction or incumbrance at the expense of this city, and a statement of such expense shall be filed in the office of the City Clerk along with the return copy of said notice. For the removal of snow the said Board are hereby permitted to pay not to exceed the following prices: From before premises having a frontage on the street of four rods or less, twenty five cents; from before premises having a greater frontage than four rods, twenty-five cents and five cents for each additional rod or fraction thereof above four rods. The owner or occupant of any lot, building or premises adjacent to or abutting upon any sidewalk that shall have been cleared of obstructions or encumbrances by the said Board of Public Works in the manner herein prescribed, shall be entitled to pay the said expenses of said clearance, with ten per cent. added thereto for collection, at the office of the City Clerk, who is hereby authorized to receive the same and to receipt therefor in the name of the city, at any time prior to the first Monday in June next succeeding the date of the notice served in the case. Upon said first Monday in June of each year the City Clerk shall certify to the City Assessor a list of all such charges remaining unpaid for the current year, and the City Assessor shall enter the said charges upon the tax roll of the proper district as a special assessment against the respective lots or parcels of land specified in said list, and the said

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charges shall be added to the total of city taxes levied upon the said lots or parcels of land for the same year, and shall be a lien upon the same, according to the provisions of Section 132 of the Charter of this city. And such further proceedings shall be had as are further set forth and permitted by the said Section 132.

SEC. 6. No person, firm or corporation shall plow, shovel, brush or heap up any snow, ice, sand, gravel or other material, in or upon any street, alley or other public place of this city, into ridges or piles, except along the sides of the said street pending the immediate removal of the said material, unless the Board of Public Works shall have previously given formal permission therefor. In all cases when it becomes necessary that snow, ice, sand, gravel or other materials be shoveled, brushed, plowed or moved about in or upon any street, alley or other public place in this city, it shall be done in such a manner as to leave a smooth and level surface, and so that public travel shall not be impeded or obstructed thereby.

SEC. 7. Merchants and other persons doing business in permanent locations in this city that are adjacent to and abut upon sidewalks of a greater width than ten feet, are hereby permitted to use the inner portion of the sidewalk along the front, rear or side of the premises owned or occupied by them, for the purpose of displaying or advertising their goods, wares or merchandise, or for such other purposes as shall be hereinafter specified, but no stand, showcase, sign or other device, article or thing used or intended for said purpose shall be built, placed, set out or suspended on or over the said sidewalk so as to extend into the street or encroach upon the sidewalk for a greater distance than three feet, measured from the line of the street. And no balcony or balustrade shall be built or attached to any building so that any part of the

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same or the supports thereto shall extend into the street a greater distance than three feet. And no stairway leading upwards from any sidewalk in any street or other public place of this city shall be built, placed or permitted to remain so as to encroach upon the width of the sidewalk for more than three feet measured from the line of the street. The said merchants and others occupying permanent business locations shall be permitted to construct openings in sidewalks along the front, rear or side of their said locations, of a greater width than ten feet, to admit of the delivery of fuel into basement areas under said sidewalks for the admission of light and air to such areas or to the basements of store buildings, or for a stairway leading down into said area or basement; *Provided,* That openings for the delivery of fuel, when made more than three feet from the inner line of the said sidewalk, shall be not greater than eighteen inches in diameter, [be] circular in form, and be effectually closed when not in actual use by an iron cover, set flush with the surface of the sidewalk, level therewith, and securely locked in place; all other openings shall be so constructed as not to encroach upon the width of the sidewalk for a distance of more than three feet, measured from the inner line of the sidewalk. Openings for stairways shall be protected by iron railings not less than three feet in height, with a gate to close the entrance to the stairs, which shall be kept closed at all hours of the day or night when the place of business connected therewith shall be closed, but all such stairways kept open at night shall be well lighted at the top. All other openings in sidewalks shall be closed and protected either by substantial iron gratings or illuminated pavement so placed as to be flush with the surface of the sidewalk, and level therewith. The said merchants and others shall further be permitted to set up and maintain storm doors upon the sidewalks of the width afore-

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said, from November to March inclusive during the winter: *Provided,* That no storm door shall be placed so as to encroach upon the width of the sidewalk for more than three feet. The said merchants and others shall also be permitted to suspend movable awnings from the front of their respective places of business so that the said awnings when lowered extend out into the street for any convenient distance not to exceed six feet: *Provided,* That no such awning shall be so suspended that any part or attachment thereof shall ever be less than seven feet in a vertical line above the surface of the sidewalk. No person, firm or corporation shall be hereafter permitted to construct a permanent awning, portico, or covered approach to any building or place of business in this city, of wood, iron or any other material, that shall extend into the street for a greater distance than three feet.

SEC. 8. No person shall cause or permit any horse, cow, sheep, hog, mule, or other similar animal, or any cart, carriage, dray, hack, cutter, or other vehicle under his or her care or control, to go upon any sidewalk in any street, alley or other public place in this city, except for the purpose of leaving or entering yards or buildings at such places as are regularly intended for such purpose. No person shall permit any horse, cow, sheep, hog, mule, or other similar animal, or wagon, cart, dray, carriage, cutter, sled or other vehicle to halt or remain upon any sidewalk or crosswalk so as to obstruct or impede public travel thereon. Nor shall any person make use of any sidewalk in any street, alley or other public place in this city for skating, or for coasting with sleds, or for riding or going from place to place with bicycles or velocipedes: *Provided,* That nothing herein contained shall be construed to prevent the customary use of baby carriages upon sidewalks, and children under the age of six years are hereby especially excepted from the opera-

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tion of the provision concerning bicycles and velocipedes.

SEC. 9. Any person owning or occupying any permanent business location adjacent to and abutting upon any sidewalk in any street, alley or other public place in this city, of a width not less than ten feet, is hereby permitted to construct and maintain an area or other excavation under the said sidewalk: *Provided,* That the said excavation shall not be of a greater width than the said sidewalk, shall not exceed twelve feet in depth and shall be inclosed by a good and sufficient stone wall so built as to firmly support the said sidewalk and to prevent any caving or settling of the street.

SEC. 10. No horse, cow, mule, goat, sheep, hog or other similar animal, either singly or in herds or droves shall be permitted to go at large in any street, alley or other public place in this city, by the owner or person having the care or control of said animal, or animals, nor to stand in any such public place without being securely hitched; nor shall any such animals be herded together or fed in any street or public place, nor shall any trough, feed-box or any other device for feeding such animals be set up in any of the public streets or places; nor shall any of said animals or any team or wagon or carriage, hack, dray, delivery wagon, cutter, sled, or other vehicle, be halted or permitted to stand so as to obstruct or impede public travel across or along any street, alley or other public place, unnecessarily; and the person having the care or control of any animal or animals, team or vehicle, shall always halt the same so as to impede or obstruct public travel as little as possible. No stallion, jackass, bull or other similar animal shall be exhibited in any street, alley or other public place in this city, nor kept within the limits of this city for the purpose of generation, except in an enclosed and

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covered building, and in such a manner as not to cause a nuisance.

SEC. 11. No person shall, by means of a rope, pulley, tackle, windlass or other device, appliance or mechanism, cause any box, bale, cask, crate, building materials or any other thing, article or substance, to be raised or lowered between any store, loft, room, or building, and any street, alley or other public place of this city, unless by special permission of the Board of Public Works.

SEC. 12. No person shall permit or cause any stones, brick, sand, gravel, lumber, building materials, coal, wood, boxes, barrels, bundles, ice, paper, wire, glass, tacks, rubbish or any other thing, article or substance to be dropped, delivered, left, scattered, or piled up in any street, alley or other public place in this city, except in such quantities and in such a manner as may be permitted by the Board of Public Works for building purposes; and any person driving any delivery wagon, dray, cart, sled, or other vehicle shall be responsible for his load that no part thereof, or any article or substance hauled or conveyed by him, shall fall or remain in or be scattered about upon any street, alley or other public place of this city.

SEC. 13. No person, firm or corporation shall use or occupy any portion of any street, alley, lane or other public place of this city for building purposes, without previously obtaining a permit therefor from the Board of Public Works. To obtain said permit the said person, firm or corporation, shall file an application in writing with the said Board, setting forth the premises upon which the said building is to be performed, the extent of the work to be done, and the probable length of time that the street will need to be obstructed or encumbered, and if required by the said Board, the said applicant shall also file a bond in any sum, not to exceed two thousand dollars, as

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shall be fixed by the said Board, with two or more resident sureties, conditioned that the said applicant shall faithfully observe all requirements of this city relative to the care and handling of building materials in the street, shall indemnify and save harmless the said city from any and all damages or actions at law that may arise or be brought on account of the presence of the said building materials in the street, and the said bond shall contain such further conditions as shall seem proper to the said Board and the City Attorney. And any person using or occupying any portion of any street, alley, lane or other public place of this city for building purposes shall restore and renew any pavement, crosswalk, sidewalk, curbing or street surface, disturbed, injured or destroyed by reason of said building, to a first-class condition satisfactory to the said Board of Public Works, within ten days after said building shall have been completed. The permit of the said Board of Public Works shall designate the amount of space to be occupied, and the length of time, and whether the sidewalk is to be obstructed, provided that no such permit shall allow more than half the width of the street to be obstructed or encumbered by the said building materials, and the said building materials shall be placed in the street within the limits prescribed by the said permit, and removed within the period of time therein specified, and when the said permit allows the sidewalk to be obstructed, the person obtaining the same shall cause a temporary sidewalk to be built and maintained around the space set forth to be occupied by the said materials, not less than three feet in width and safe and convenient for public travel, satisfactory to the said Board, but no such materials shall be so placed as to obstruct the free flow of surface water along the gutter of the street.

SEC. 14. No person, firm or corporation shall make any excavation in any street, alley or other pub-

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lic place of this city, or tear up, remove or encumber any sidewalk, crosswalk, curbing, pavement or street surface therein, without first obtaining a permit therefor from the Board of Public Works. To obtain the said permit the said person, firm or corporation shall submit an application in writing to the said Board, which shall fully set forth the extent, nature, purpose and location of the proposed operations in the street; and if so required by the said Board the said applicant shall also file a bond with two or more sufficient sureties, in a reasonable sum not to exceed ten thousand dollars to be fixed by the said Board, conditioned that the said applicant will obey all rules and regulations of this city relative to the protection of excavations and piles of materials in the street, will protect and save harmless the said city from all damages or actions at law, that may arise or be brought on account of the presence of the said excavations or piles of materials in the said streets, or on account of any negligence in the protection or handling of the same, and that the said applicant will prosecute the proposed work with due diligence, and will promptly restore all sidewalks, crosswalks, curbing, pavement or street surface removed, injured or encumbered, to a perfect condition, satisfactory to the said Board of Public Works; and the said bond shall contain such other conditions as shall seem proper to the said Board or the City Attorney. The permit shall prescribe the time within which the work described in the said application shall be completed, and the length of time thereafter within which the streets and sidewalks shall be restored to perfect condition, and shall contain such other requirements as shall seem appropriate in the case to the said Board; and the said applicant shall complete the said work and affect the restoration of the streets and sidewalks within the time limited in the said permit; and shall obey all other requirements of the said Board of Public Works, and all rules and regula-

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tions of this city relative to the protection of excavations and piles of materials in the streets, and relative to the restoration of sidewalks, crosswalks, curbing, pavement or street surface torn up, injured or encumbered in said city. And any person, firm or corporation disturbing, removing, injuring or encumbering any sidewalk, crosswalk, curbing, pavement or street surface in this city shall promptly restore the same to a perfect condition satisfactory to the Board of Public Works. The Ann Arbor Gas Co. and the Ann Arbor Water Co. are hereby especially permitted to make excavations in the street for the stoppage of leaks in their mains, under the directions of the Street Commissioner.

SEC. 15. No person, firm or corporation shall move, transport or convey any building, car or other similar bulky or heavy object into, across or along any street, alley or other public place of this city, without previously obtaining a permit from the Board of Public Works therefor. To obtain the said permit the said person, firm or corporation shall submit an application in writing to the said Board, in which shall be set forth the thing to be moved, the place from which it is to be removed, and the place to which it is to be taken, and the means to be used for its transportation; and the said applicant shall also if so required by the said Board, file a bond in a sum to be fixed by the said Board, said sum not to exceed one thousand dollars, with such conditions as the said Board or City Attorney shall deem proper in the premises, to protect the said city from any damages or actions at law that might arise or be brought on account of any negligence on the part of the said person, firm or corporation, in conducting the said removal, and to compel the restoration of any sidewalk, crosswalk, curbing, pavement or street surface disturbed, injured, removed, or encumbered in said process of removal to a

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perfect condition, satisfactory to the said Board. The permit of the said Board of Public Works shall designate the route to be followed through the streets of this city, and the time within which the said removal shall be effected and any necessary repairs upon the streets in consequence thereof completed. The said person, firm or corporation shall remove the said building or other bulky or heavy object, by the route designated by the said Board, within the time limited in said permit, and in such a manner as to cause the least possible obstruction to public travel. No such building or other similar bulky or heavy object shall be halted for the night so as to obstruct any sidewalk or crosswalk, or in the intersection of streets, and any sidewalk, crosswalk, curbing, pavement or street surface disturbed, encumbered, or injured in the course of the said removal shall be promptly restored to a perfect condition, satisfactory to the said Board of Public Works by the said person, firm or corporation.

SEC. 16. Whenever any excavation, pile of dirt, rubbish, or building material, any building or other bulky or heavy object, or any other thing, article or substance in such position, condition or quantity as to obstruct or be dangerous to public travel, shall be permitted to be and remain in any street, alley, lane or other public place in this city during the whole or any part of the night time between the hours of sunset or sunrise, the person or persons causing the said obstruction, or having the care or control thereof, shall cause the same to be protected by suitable barriers, satisfactory to the Board of Public Works, and shall place a suitable number of red lights on or about the said obstruction and barriers to indicate its and their location and extent. And whenever public travel along or across any street or sidewalk of this city, is obstructed or prevented by reason of any work being in progress for the construction, repair

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or renewal of any sidewalk, crosswalk, curbing, pavement, or street surface, suitable barriers and lights satisfactory to the Board of Public Works shall be maintained at and about the said place of obstruction, by the person having charge of the said work, between the hours of sunset and sunrise during the night. And when any street shall be wholly obstructed at any point, barriers and lights shall be set up and maintained at night at the nearest adjacent crosswalks thereto, upon each side of the said obstruction.

SEC. 17. No person shall ride or drive any horse, carriage, sleigh or other vehicle in or through any street or avenue of this city at a rate of speed faster than six miles an hour: *Provided*, That the Common Council may by resolution designate a street within the limits of this city to be used as a place for the speeding of horses in winter.

SEC. 18.* On all residence streets, lawn extensions may be made which shall, however, not interfere with the width of roadways as follows:

In all streets of the width of three rods the roadway shall be twenty-five feet wide extending twelve and one-half feet on either side of the center line of the said street.

In all streets the width of four rods, the roadway shall be left thirty-four feet wide, extending seventeen feet on either side of the center line thereof; and all other streets the width of the roadway and of the lawn extension shall be regulated by special resolution in each case: *Provided*, That upon streets wherein street car tracks have been laid, the width of the road shall be made five feet greater than hereinbefore prescribed, the said roadway to be evenly divided by the center line of the street.

The Board of Public Works shall prescribe the width and mode of construction; *Provided further*,

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* As amended June 9, 1899.

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That the Common Council may change the width of the roadway of any street wherever said street shall be paved.

SEC. 19. The owner or occupant of any business or residence property in this city is hereby permitted to place, set or erect, on the outer sidewalk line in the business part of the city, and on the curbline in the residence portion thereof, hitching-posts of stone, wood or iron. Said posts may be made to extend upwards to an elevation not to exceed twelve feet, and to support a small sign or advertising device, provided that the said sign or device shall not extend more than two feet on either side of the said post, and shall not be less than eight feet above the surface of the sidewalk. Permanent wooden signs extending across the whole width of the sidewalk, whether supported or not at the outer end, shall not hereafter be erected in this city; but the Mayor is hereby authorized to grant special permission for cloth signs to be swung for short periods of time not to exceed ten days in any month, at an elevation not less than twenty feet above the surface of the street, between store buildings on opposite sides of the street.

SEC. 20. Any person owning or occupying land adjoining any street not less than three rods wide, may plant or set out trees along the side of said street contiguous to his land, in regular rows, not more than twenty feet distant from each other and not more than ten feet from the property line of said street. No person shall hitch any horse, mule or other animal to any fruit, ornamental, shade, or other tree, growing or standing in any street, alley or public place in said city; and no person shall, unless specially authorized by the Board of Public Works, cut down or dig up any tree growing or standing in any street, alley or public place in said city, or remove or carry away any earth, loam, gravel, sand or sod from any street,

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alley or public place without permission from said Board of Public Works.

SEC. 21. Any cellar or other excavation left uncovered by the burning or removal of the buildings therefrom, abutting upon and close to the line of the street, shall be surrounded, by the owner or occupant of the premises with a sufficient fence or barrier to prevent accidents.

SEC. 22. No person or persons shall play any game of nine or ten pins, ball, wicket or other such game, or throw about or bat any base ball, or throw or kick any foot ball, or fly any kite, in or about any street, alley or other public place of this city.

SEC. 23. The Mayor is hereby authorized to order any procession or parade about to be undertaken or conducted in or through any street, or streets of this city, to be abandoned or to adopt a different route, whenever he shall in his discretion deem it desirable so to do. And no circus or theater troupe, or show or menagerie of any kind, shall parade in or about the streets of this city without first submitting their proposed line of march to the Mayor, who shall change, amend or confirm the same, or order that the said parade do not proceed, as he in his discretion shall believe right and proper.

SEC. 24. No person for himself or another, shall post any bills, notices, or advertisements of any kind on any tree, tree-box or hitching post, or on any telegraph, telephone, electric light or any other pole, or on any sidewalk, crosswalk or bridge, or in any park or public grounds, or in or about the court house square in this city; nor shall any handbills, dodgers, or other forms of advertisements be distributed or thrown about in the streets, lanes, alleys or other public places: *Provided*, That nothing herein contained shall be construed to apply to legal notices, or to notices prescribed in the statutes of the State of

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Michigan, or in the Charter and ordinances of this city.

SEC. 25. It shall be the duty of the City Attorney, or other legal adviser of the city, to insert in all contracts for paving or for constructing sewers, drains or reservoirs, or for doing any work whatever whereby accidents or injuries may occur in consequence of any neglect or carelessness on the part of the contractor, a covenant requiring the contractor to place and maintain the barriers and lights provided for in Section 16 of this ordinance for the prevention of accidents, and to keep and save the city harmless and indemnified against all loss and damage which may be occasioned by reason of any negligence or carelessness in the manner of doing the work. In all cases where any person or persons shall perform any work, either under contracts with the city, or by virtue of any permission of the Common Council, or of any department or officer of the city, such person shall be liable to the city of Ann Arbor for any loss or damage which said city may sustain, and for all sums which it may have to pay to any person or persons, by reason of any loss or injury sustained in consequence of any carelessness or negligence in doing the work, or by reason of any neglect or failure to comply with the provisions of this ordinance, or other ordinances of this city.

SEC. 26. Any person violating any of the provisions of this ordinance shall, on conviction thereof, be punished by a fine not exceeding fifty dollars and costs; and in the imposition of any such fine and costs the court may make the further sentence that the offender be imprisoned in the common jail of the County of Washtenaw, or the city lockup, until the payment thereof, provided the term of such imprisonment shall not exceed the period of thirty days.

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This ordinance shall take effect and be in force on and after ten days from legal publication.

An Ordinance Establishing an Official Datum for All Levels in the City of Ann Arbor.

(Passed November 5, 1888.)

Be it Ordained by the Mayor, Recorder and Aldermen Of the City of Ann Arbor:

SECTION 1. That for the purpose of making and taking all levels for the establishment of grades of streets, roads, highways, lanes, alleys, sidewalks, gutters, crosswalks and all other grades in the City of Ann Arbor, an official datum is hereby established; and the elevation of mean tide at New York City is hereby declared to be the official datum of the City of Ann Arbor, and which elevation is 611.10 feet below the general city datum now in use which was adopted Sept. 23d, 1873, and perpetuated by action of the Common Council of said city, November 27th, 1876, and at the last named date referred to the tops of four stone posts now standing at the four corners of the court house square; and the elevations on the tops of said stone posts directly over the letter "D" cut in each, above the said general city datum, being given in the record of said council proceedings of said last mentioned date, are as follows:

223.32 feet at the southwest cor. court house square;
225.60 feet at the southeast cor. court house square;
221.66 feet at the northeast cor. court house square;
220.99 feet at the northwest cor. court house square.

That the corresponding elevations of the same points as determined by J. B. Davis, city engineer, October 27th, 1881, are as follows:

223.32 feet at the southwest cor. court house square;
225.61 feet at the southeast cor. court house square;
221.67 feet at the northeast cor. court house square;
221.39 feet at the northwest cor. court house square.

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That the corresponding elevations of the same points at this time above mean tide New York City are hereby determined and established as follows:

834.42 feet at the southwest cor. court house square;
836.71 feet at the southeast cor. court house square;
832.77 feet at the northeast cor. court house square;
832.49 feet at the northwest cor. court house square.

That the following are the determined and established elevations above mean tide New York City, in feet, of the following named places in the City of Ann Arbor:

877.93 top of water table southeast corner south wing University Hall building.

826.78 top of water table northeast corner brick building 51 West Huron street, now used as a private hospital.

876.65 top of water table southwest corner brick dwelling of Mr. Cornwell, at the head of Lawrence street and on the east side of North Ingalls street.

845.75 top of water table northeast corner of St. Thomas Church.

776.96 top of east end of west door sill on south end old brick block, northwest corner Broadway and Mill street, Fifth ward.

SEC. 2. This ordinance shall take effect from and after its passage.

An Ordinance Relative to Naming Streets.

(Passed March 17, 1890.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That the name of the highway heretofore known as the Plank Road, running north from the crossing of the Toledo, Ann Arbor & Northern Michigan R. R. bridge with North Main street to the

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city limits, shall hereafter be known and designated as North Main street.

SEC. 2. That the names of the streets heretofore known as West Seventh street, Jewett avenue and Mann street, are hereby changed, and such streets shall hereafter be known as Seventh street.

SEC. 3. That the name of the street heretofore known as Orleans street be and the same is hereby changed, and such street shall hereafter be known as South University avenue.

SEC. 4. That the name of the street heretofore known as Pontiac street, running from Main street northeast to the river bridge, be and the same is hereby changed, and such street shall hereafter be known and designated as Beakes street.

SEC. 5. That the name of the street heretofore known as Mill street, running from Broadway west to Washtenaw street, be and the same is hereby changed, and such street shall hereafter be known and designated as Swift street.

SEC. 6. That the name of the street heretofore known as Second street, running from Felch street south to Madison street, be and the same is hereby changed, and such street shall hereafter be known and designated as Ashley street.

SEC. 7. That the street and highway running from Charles street north to Chubb Road, shall hereafter be designated and known as Wildt street.

SEC. 8. That the highway heretofore known as Chubb Road, shall hereafter be designated and known as Chubb street.

SEC. 9. That the name of the street heretofore known and designated as Fourth street is hereby changed, and said street shall hereafter be known and designated as Fourth avenue.

SEC. 10. That the name of the street heretofore

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known and designated as Fifth street is hereby changed, and said street shall hereafter be known and designated as Fifth avenue.

SEC. 11. That the name of the street heretofore known as Brown street, in the Fifth ward, is hereby changed, and shall hereafter be known as Moore street.

SEC. 12. That the name of the street heretofore known as Washtenaw street is hereby changed, and shall hereafter be known as Wright street.

SEC. 13. That the name of the street heretofore known as Elm street, in the First ward, is hereby changed, and shall hereafter be known and designated as Lincoln street.

SEC. 14. That the name of the street heretofore known as Bowery street is hereby changed, and shall hereafter be known as Lawrence street.

SEC. 15. That the name of the street heretofore known as Cemetery street is hereby changed, and shall hereafter be known as Geddes avenue.

SEC. 16. That the name of the street heretofore known as Liberty street, in the Sixth ward, is hereby changed, and shall hereafter be known as Belser street.

SEC. 17. That the name of the street heretofore known as High street, running from Main street west to Gott's addition, is hereby changed and shall hereafter be known as Summit street.

SEC. 18.* That the name of the streets, lying northeasterly from Washtenaw avenue and connected with Hill street, as now located, and heretofore called Spring street and Myrtle street, be and the same is hereby changed, and shall hereafter be named, known and called Hill street, and considered as a

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*As amended March 6, 1900.

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continuation of Hill street, as now laid out and established.

SEC. 19.* That the name of the street heretofore known as Wood street, running from Hill street to Oakland avenue, be and the same is hereby changed, and the said street shall hereafter be known and designated as Church street.

SEC. 20.* That the name of the street heretofore known as 13th street, running from Fuller street to Huron street, be and the same is hereby changed and the said street shall hereafter be known and designated as Glen avenue.

This ordinance shall take effect from and after legal publication.

An Ordinance Relative to Railroad Crossings and Speed of Railroad Trains.

(Passed March 2, 1896; approved March 4, 1896.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. No railroad company owning or operating any railroad running into or through said city, nor engineer, conductor, fireman, yardmaster or other agent, servant or employee of any such company, shall permit or cause any locomotive or other engine, car or cars, train of cars, or portion of a train of cars, or any machinery, apparatus or appliances belonging to, used by or in the care of the said railroad company or agent or servant, to halt, stand or continue in motion in, upon or across any street, alley or other public place of said city, so as to impede or obstruct public travel therein, for a longer period than five minutes at any one time.

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* Sections 19 and 20 were originally passed as separate ordinances on January 6, 1902 and March 3, 1902.

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SEC. 2. Whenever the common council shall by resolution referring to this ordinance, declare that public safety requires a flagman to be stationed at any railroad crossing in this city, or that any railroad crossing needs to be lighted at night, the railroad company owning or operating the railroad making the said crossing shall, within thirty days thereafter, place a flagman at the place so designated, or shall establish suitable means for lighting the same, and shall keep and maintain said flagman or light during such hours of the day or night as shall be required in the said resolution. The city clerk shall promptly mail a copy of any such resolution to the principal office in this state of the railroad company named therein, and shall also notify the local agent of said railroad company; and each and every day after the expiration of the said thirty days that the said crossing remains unprotected shall be regarded as constituting a separate and distinct violation of the provisions of this ordinance.

SEC. 3. No locomotive-engine, train of cars, or portion of a train of cars, shall be run forward or backward within the limits of this city, at a rate of speed greater than six miles an hour, while said engine or cars are within 500 feet of any grade crossing of any street or alley of this city and approaching the same; and the bell of any locomotive shall be rung constantly while the said locomotive is in motion within the limits of this city; but shall not be rung while said locomotive is standing. And no locomotive whistle shall be sounded within the limits of this city; except that all south bound trains on the Ann Arbor railroad shall whistle at all street crossings north of the Huron River.

SEC. 4. Any railroad company, or engineer, conductor, fireman, yardmaster, or other agent or employee, owning or having in charge any locomotive-

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engine, car or cars, train of cars or portion of a train of cars, who shall violate any of the above provisions or neglect any of the requirements of this ordinance, shall on conviction thereof, be punished by a fine of not less than five dollars or not to exceed with costs the sum of fifty dollars.

This ordinance shall take effect and be in force on and after ten days from legal publication.

An Ordinance Relative to Numbering of Dwelling Houses and Business Places in the City of Ann Arbor.

(Passed May 17, 1897; approved May 25, 1897.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. All dwelling houses and business places now in the city of Ann Arbor, or which may hereafter be erected, shall be numbered in the manner prescribed in this ordinance.

SEC. 2. The numbering of such houses and places shall be in accordance with the following system and plan, known as the Philadelphia, or Hundred Plan, whereby each block is given a number of one hundred more than the block next preceding.

SEC. 3. For the purpose of such numbering, the city of Ann Arbor shall be divided north and south by Huron street, and east and west by Main street.

SEC. 4. All vacant lots, or unplatted land, shall be assigned numbers in accordance with the general plan herein provided for.

SEC. 5. For the purpose of numbering, each 22 feet of frontage shall be considered a lot, and assigned a number, and whenever the occupancy is not in harmony therewith, the occupancy shall be assigned the number of the lot, the greater portion of which

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is included in such occupancy. *Provided*, That whenever a portion of a lot is occupied separately, it shall be numbered the same as the last preceding number with the fraction one-half added.

SEC. 6. The numbering of all streets running in a northerly or southerly direction from Huron street shall begin at Huron street to number, and in case such street does not cross or commence at Huron street, the numbering shall commence at the terminal point of such street nearest Huron street, but with a number which shall correspond with the numbering of streets which cross or commence at Huron street.

SEC. 7. The numbering of all streets running in an easterly or westerly direction from Main street, shall begin at Main street to number; and in case such street does not cross or commence at Main street, the numbering shall commence at the terminal point of such street nearest Main street, but with a number which shall correspond with the numbering of streets which cross or commence at Main street.

SEC. 8. In all cases where streets are considered in the general plan of numbering and do not intersect or enter streets where the numbering of the block should change; the frontage of the center lines of such non-intersecting streets extended shall be considered as streets for the purpose of numbering under this ordinance, except that in case a center line so extended shall run on or near the line of an alley or other street when such alley or other street shall be considered such center line.

SEC. 9. Commencing at the initial points at Main street and Huron street, the first 22 feet frontage on the right shall be 100, the 22 feet frontage opposite shall be 101, and so on through the first block.

The second block shall be numbered in the same manner as the first, except that another 100 shall be added to each number therein, the same being known

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as the 200 block; the third block to be numbered in the same manner as the second, except that another one hundred shall be added to each number therein, the same being known as the 300 block; and so on, adding one hundred for each additional block from the dividing street, as the numbering progresses.

SEC. 10. The numbers herein provided for shall be securely fastened or inscribed in a conspicuous place in front of or over the entrance of each building entitled under this ordinance to such numbering, and all numbers furnished by the city must be of the same uniform pattern and not less than two inches in length.

SEC. 11. The word street, or streets, as used in this ordinance shall be considered to embrace both streets and avenues.

SEC. 12. The original numbering of the city according to the provisions of this ordinance shall be done between the first day of July, 1897, and the first day of September following.

The work of such original renumbering shall be done by the engineering department, and the general plan shall be under the supervision of the city clerk.

SEC. 13. The city of Ann Arbor shall, at its own expense, procure and fasten up suitable figures so as to complete the numbering of buildings in the city in accordance with the provisions of this ordinance, and for that purpose its agents or employes therefor may go upon the premises of all persons without let or hinderance: *Provided*, That all citizens desiring to do so may procure and fasten up, or inscribe such number at their own expense, but the same must be done under the general plan herein provided, and under the direction and to the satisfaction of the city clerk.

SEC. 14. Whenever any building, or occupancy, or premises, shall have been so numbered as herein

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provided, and shall hereafter be without a number, or shall have the wrong number affixed or inscribed thereon, or whenever any new building shall be built, or new occupancy commenced in the city, which under the provisions of this ordinance requires a number, it shall be the duty of the owner or occupant thereof to procure and affix, or inscribe the proper number thereon at his own expense.

SEC. 15. Whenever the common council of said city shall direct any person to number or renumber any building, occupancy or premises, under the provisions of this ordinance, the city clerk shall notify the owner or occupant to that effect in writing, and should such owner or occupant refuse so to do for ten days after service of such notice, he shall be deemed to have violated this ordinance, and each ten days such person shall refuse or neglect so to do after notice as aforesaid, it shall be deemed a new violation thereof, and he may be prosecuted separately, and the fines and penalties hereinafter provided imposed for each such violation.

SEC. 16. Any person injuring, defacing or removing the numbers or any portion thereof, on any building, or occupancy, or premises, required by the provisions of this ordinance, whether he be the owner or occupant of said building, occupancy or premises on which the same is placed or not, shall be deemed to have violated this ordinance.

SEC. 17. Any person who shall hinder, interfere with, obstruct or prevent the city of Ann Arbor, its agents, or employes, from putting up, affixing or inscribing any number or numbers required by this ordinance shall be deemed to have violated the same.

SEC. 18. Any violation of this ordinance shall be punished by a fine not exceeding thirty dollars and costs of prosecution, or by imprisonment in the county jail, or lockup of said city, not exceeding thirty

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days or by both fine and imprisonment in the discretion of the court; and in case a fine is imposed without imprisonment, the court may make a further sentence that the offender be imprisoned in the county jail of Washtenaw county, or any jail or lockup of said city until such fine and costs are paid: *Provided,* Such imprisonment shall not exceed thirty days.

SEC. 19. All ordinances or parts of ordinances conflicting with any of the provisions of this ordinance are hereby repealed.

This ordinance shall take effect and be in force from and after ten days from legal publication.

An Ordinance Relative to Street Sprinkling and Providing a Method of Raising by Taxation the Money to Pay and Defray the Costs and Expenses Thereof.

(Passed July 17, 1899; approved August 4, 1899.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. There shall be and hereby is established a system and method of sprinkling the streets of the city of Ann Arbor, and it shall be the duty of any and every person, firm or corporation, who shall obtain a contract for street sprinkling under the provisions of this ordinance, and as well all sub-contractors, to well, and at all times sufficiently, wet down and sprinkle from curb line to curb line any and all streets or parts of streets mentioned in any such contract so that the dust in and on any such street or streets shall be at all times sufficiently laid.

SEC. 2. That whenever the common council shall or may deem it necessary that any particular street, streets or parts of streets within the limits of the city

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of Ann Arbor, should be wet down or sprinkled to the end that the health and comfort of the people may be thereby conserved, the said common council shall so declare by resolution and shall fix and determine the street or streets to be wet down and sprinkled, and shall in the same resolution fix and determine the district or part of the city benefitted thereby, and which shall be assessed and taxed to pay, defray and discharge the cost and expense thereof.

SEC. 3. That after any such sprinkling and taxing district shall be fixed and determined by the common council, and whenever the common council shall be requested in writing by way of petition by a majority of the foot frontage owners of the taxable lands in any such sprinkling and taxing district, it shall be the duty of the common council to direct the [board of] public works to advertise for tenders and let by contract to the lowest responsible bidder, the work of sprinkling any such streets, and all of the streets in any such street sprinkling district, the contractor to furnish and provide all of the work, labor, teams, tools, implements and material needful or necessary to carry on and conduct the said work of street sprinkling, in a good and workmanlike manner, the contractor to execute a contract for such work and to secure the faithful performance of the same by a bond with sufficient surety, or sureties, all such contracts, bonds and the sureties thereof to be approved by the board of public works.

SEC. 4. That after any such contract shall have been let and approved by the board of public works, they shall forthwith report the same to the common council, whereupon the common council shall without delay certify the resolution fixing the boundaries of any such street sprinkling district, and also the amount or sum of money required to be raised by taxation to defray the costs and expenses of such street sprinkling, to the city assessor, and the city

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assessor shall thereupon, without delay, proceed to make a special assessment roll wherein and whereon the city assessor shall set down, alphabetically arrange the names of all the owners or occupants of the land and premises in and within any such street sprinkling district, and all and singular all of the lands, tenements and premises situate therein, well and sufficiently described and in a column thereof the cash value of all such lands, tenements and property, and in another column on the said special assessment roll the sum of money or amount which the said city assessor shall deem the particular description of lands, tenements or premises benefitted by any such street sprinkling and in another column thereof and thereon, the city assessor shall set down and assess on and against the owner or occupant, and against the lands, tenements and premises, according to the benefits so fixed and determined, the sum or amount of money so required to be raised by taxation for such street sprinkling purpose. And when any such special assessment roll shall be completed, the city assessor shall add thereto his certificate and report the same to the common council.

SEC. 5. Upon the receipt of any such special assessment roll certified by the city assessor, the common council shall, without delay, fix and appoint a time when the common council sitting as a board of review will meet to consider and review the same, notice of which meeting shall be given by publication in at least one newspaper printed and published in the city of Ann Arbor; on the day so fixed and at the time so appointed, the common council shall meet at the council chambers and proceed to review the said special assessment roll, at which time and place any person interested shall be at liberty to appear in person or by attorney, and shall be heard on the question of such assessment, and the board of review shall have power and authority whether applied to

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for that purpose or otherwise, to raise or lower the valuation of any parcel of land, to increase or decrease the estimated benefits thereto, and to change the assessment against the same in accordance with any such change of estimated benefits, to alter, change and rectify any particular description of lands mentioned therein, and to do and perform all other acts or things to the end that the said special assessment roll and the taxes spread, or to be spread, thereon, shall be made just, fair and equal; that after the review of any such special assessment roll shall be completed the Board of Review shall order the same, together with its doings in the premises, to be reported to the common council, that at the next meeting of the common council, the said special assessment roll with the doings of the Board of Review having been reported, the question shall be, "Shall the special assessment roll be confirmed," and if the said question shall be decided in the affirmative, the common council shall then cause the city clerk to certify the said special assessment roll together with the resolution of confirmation and assessment to the city assessor.

SEC. 6. Upon the receipt and certification of any such special assessment roll, the city assessor shall attach his warrant thereto directed to the city treasurer, commanding him to collect from each and every person named in and assessed on the said special assessment roll, the sum of money assessed to and set opposite his, her, or their name thereon, and in case any person named in the said special assessment roll shall neglect or refuse to pay his, her or their tax or assessment on demand, then to levy and collect the same by distress and sale of the goods and chattels of any such person, and that he do return such special assessment roll and warrant with his doings thereon written, sixty days from and after the date of any such warrant.

SEC. 7. That within ten days after the return of

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any such warrant and after the expiration of time named for the collection of any such taxes, the city treasurer shall make and return a list of all such unpaid taxes, together with a full and complete description of the lands and tenements against which the same were levied and assessed, to the common council, and on the third Monday of October in each and every year, the common council shall direct the city assessor to carry into and spread upon the next assessment roll of the City of Ann Arbor, for state, county and school purposes all such delinquent taxes so returned with the penalty of ten cents on each dollar of the sum total of taxes assessed to each particular description of land and which special assessment, together with the penalty, shall be carried out opposite of each of the said descriptions of land in a column on such general tax roll provided for that purpose.

SEC. 8. The cost and expense of sprinkling the streets which intersect or cross any of the streets in any such street sprinkling district shall be a charge upon the street fund and sum of money proportionately equal to the contract price which the width of the street intersecting or crossing the streets in any such street sprinkling district, bears to the whole of the taxable foot frontage of any such street sprinkling district, shall be deducted from the contract sum or price, and the remainder only shall be charged against, spread and assessed upon the taxable lands, tenements and premises in any such street sprinkling district.

SEC. 9. It shall be the duty of the board of public works to advertise for tenders for such street sprinkling in each of the said districts for the coming year and from year to year, until otherwise ordered by the common council. Bids may be delivered sealed, at the office of the city clerk, at any time until the hour of four o'clock in the afternoon of the fourth Monday of April, and the board of public works shall contract

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with the lowest responsible bidder, and after any such contract shall be concluded, after the first contract, the Board of Public Works shall report and certify the contract price of sprinkling any such district, to the city assessor. The city assessor on receipt of any such report shall proceed forthwith to make or cause to be made, a duplicate special assessment roll for any such sprinkling district for the year in which any such report shall be made, and if any of the lands or premises in any such district shall or may have been transferred or divided, the city assessor shall enter the name of any such purchaser or occupant on the new assessment roll, and shall divide the amount of the assessment on the whole parcel on the former roll, and distribute and assess the same among the parcels into which the said lands and premises may have been divided according to the surface area thereof. And when any such duplicate assessment roll shall be completed the city assessor shall attach his warrant thereto, directed to the city treasurer, and the city treasurer shall proceed to collect the sum and sums of money spread and assessed thereon according to the command of the said warrant, and make return thereof, and the same proceeding shall be had thereon in every respect as is herein provided for the collection, payment and return of the taxes levied and assessed on the original of the said special assessment roll, warrant and return of delinquent taxes assessed thereon.

SEC. 10. If any contractor or sub-contractor shall fail faithfully to carry on and perform his said contract the Board of Public Works shall have power and authority, not only conclusively to determine the question of non-performance, but also to annul any such contract and to re-let the work of street sprinkling provided for therein. If the said contractor or sub-contractor shall not have performed more than ten per cent of the work, or earned more than

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ten per cent of the contract price, at the date of any such annulment, all the work and labor done and moneys earned shall be forfeited to the City of Ann Arbor, that if a greater sum than twenty-five per cent. of such work shall have been performed and money shall have been earned, then and in that event twenty-five per cent. thereof shall be forfeited to the City of Ann Arbor as and for stipulated damages for the non-performance of any such contract.

SEC. 11. Notice of the meeting of the board of review provided for in this ordinance shall be given by publication in the official newspaper of this city, and one insertion and publication thereof shall be deemed sufficient, and all persons are hereby required to appear before the Board of Review if interested in the proceedings.

SEC. 12. All lands, tenements, and premises belonging to the state, county, city or school district shall be exempt from taxation under this ordinance, and in determining the foot frontage of any such street sprinkling or special assessment district, the same shall not be counted or considered, but all other lands and real estate shall be taxable without reference to the use or purpose to which the same shall or may be devoted.

This ordinance shall take effect and be in force on and after the expiration of ten days from the date of legal publication.

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An Ordinance Providing for the Permanent Removal of Telephone Poles and Wires Within a Certain District, and for the Laying of Underground Conduits and Placing Wires Therein.

(Passed July 17, 1899; approved July 19, 1899.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That on and after July 18th, 1899, it shall be unlawful for any person, persons, company or corporation, to erect or maintain poles and wires for telephone purposes in the City of Ann Arbor, within the district area herein described, to-wit:

On Washington street, between Ashley street and Fifth avenue, and on and after said date any person, persons, company or corporation owning, controlling, operating or maintaining such poles and wires in said city shall cause said poles and wires within said district to be taken down and permanently removed therefrom, and permission and authority is hereby granted to all persons, companies or corporations, who have and maintain within the said district telephone poles and wires, to place and put their said telephone wires in a conduit under ground.

Provided, That this section shall not be construed to prevent the erection and maintenance of the necessary poles within the alleys adjacent to said district for the distribution of wires from the underground conduits to reach the subscribers of such person, persons, company or corporation, and

Provided further, That said distributing poles shall be set in the said alleys in any and all cases in such manner as to not unreasonably obstruct or interfere with the other proper use of the said alleys.

SEC. 2. In case of failure on the part of any person, persons, company or corporation so owning, controlling, operating and maintaining such poles and

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wires, to take down and remove the same within the time above limited, the Board of Public Works, or other proper agent of the city, shall have power, and it shall be their duty, under the direction of the legislative authority of the city, to take down and remove said poles and wires.

SEC. 3. The said person, persons, company or corporation shall do no injury to any street, avenue, alley, land, park or public square, nor in any manner disturb or interfere with any water or gas pipes, nor with any public or private sewer, now or hereafter laid or constructed by any authorized person or corporation, and shall fully indemnify and save harmless the City of Ann Arbor from any and all claims or damages for which said city might be made or become liable to pay by reason of the construction, making or operating of said pipes, mains or conductors.

SEC. 4. The main pipes or conduits of said person, persons, company or corporation, shall be laid in streets and avenues in a line parallel with the curb line thereof, and in all cases to a depth of not less than two feet.

At least twenty-four hours before opening any street, alley, or public place, the said person, persons, company or corporation shall notify the Board of Public Works in writing of such intention, stating the place where and the object for which, said opening is to be made; and in the opening and refilling of all the openings made as aforesaid, the relaying of pavements and all other work necessary to the complete restoration of the streets, pavements, sidewalks, or ground, to an equally good condition as when disturbed, the said person, persons, company, or corporation, or its servants or employees, shall be under the supervision of the Board of Public Works, or its authorized agent, or of the common council, in reference thereto.

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Nor shall any street, avenue, or public place be allowed to remain open or incumbered for a longer period than shall be necessary to execute the work for which the same has been opened; and the Board of Public Works, or the common council, may determine the question of such necessity.

It is especially provided, that in all cases where work requires the exercise of skill, as in the laying or relaying of pavements or sidewalks, the said person, persons, company or corporation, shall employ none but skilled workmen, familiar with the execution of such work.

It shall be optional with the city authorities to restore the earth and relay the pavements in streets and other public places, when so taken up by said person, persons, company or corporation; but the expense of such work shall not exceed the actual cost thereof.

SEC. 5. The expense of the city, or of the Board of Public Works, in the employment of an agent to carry out the provisions of this ordinance, shall be a proper charge against said person, persons, company or corporation, and such expense shall be paid by said person, persons, company or corporation on a voucher or bill duly certified by said board.

SEC. 6. Said person, persons, company or corporation shall at all times be subject to the city ordinances now in existence, or which may hereafter be passed relative to the use of the public streets or other public places, especially as to the putting up of lights and barriers at and around excavations.

SEC. 7. That any person, firm or corporation having and maintaining within the corporate limits of the City of Ann Arbor any telephone exchange shall at all times furnish to the city, free of charge, at least ten telephones with all necessary and proper service for the use of the public offices of the city, and at

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least ten other telephones, with all needful service, for fire purposes, said last telephones to be furnished at one-half the price fixed by any such person, firm or corporation for resident telephone service, and to place all the said telephones in such offices or places as the common council shall or may from time to time by resolution direct.

SEC. 8. The maximum rates or rentals to be charged by any such person, firm or corporation maintaining any such telephone exchange or service within the limits of the City of Ann Arbor, including all service, except for out of town messages, shall be as follows:

For telephones in business places or offices, twenty-four dollars per annum, and for telephones in residences eighteen dollars per annum, the rental herein prescribed may be collected by any such person, firm or corporation quarterly in advance.

This ordinance shall take immediate effect.

An Ordinance Relative to Curbing and Gutters.

(Passed November 19, 1906; approved November 20, 1906.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. All curbing and gutters hereafter constructed in the City of Ann Arbor shall be of artificial stone, and the materials thereof shall be colored a dark red or brown to resemble Lake Superior sand stone. All curbing hereafter constructed shall be of the uniform height of six inches, and all gutters of the uniform width of twenty-four inches. *Provided*, however, That upon application of property owners desiring to construct curbing and gutters of other material, the common council may grant permits therefor. And provided, also, that upon application of property owners desiring to construct curbing of a

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greater height or width than as above provided, the board of public works may, in cases where the city engineer shall deem it necessary on account of water or for other reasons satisfactory to said board, grant permits allowing the construction of such curbing to a height greater than six inches, and to a width greater than twenty-four inches.

SEC. 2. Curbing and gutters shall in all cases conform to the established grade of the street. At the intersection of streets and alleys the curbing shall be built in a proper curve under direction of the city engineer. At all other points said curbing shall be built on a line parallel with the center line of the street, and at such distance from said center line as will permit a width of thirty-four feet from curb to curb for the purpose of public travel. The portions of the street between the curbing and the side walk shall be lawn extension. *Provided,* however, That the common council may by resolution, reduce the width of said travelled portion of the street to thirty feet from curb to curb.

SEC. 3. Whenever the common council shall deem it expedient to order the construction of any curbing and gutter, in combination or separately, said common council shall so declare by resolution, naming the street or streets, or portions thereof, in and along which it is proposed to construct the same; whereupon it shall be the duty of the city engineer to cause all needful measurements and surveys to be made, to determine grades, if not already established, and to make estimates as to the value of the curbing and gutters already constructed within the specified limits within which it is proposed to construct such improvement; all of which said city engineer shall report to the common council, together with a full, complete and detailed estimate of the costs thereof, showing separately the costs of the curbed portions thereof at the intersections of streets and alleys; said

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report shall be accompanied by a map, showing the street, or streets, or portions of such street or streets, upon which such improvement is proposed to be constructed, and showing all the land, lots or parts of lots fronting on or adjacent to the same.

SEC. 4. Such report of the city engineer, together with the original resolution, shall thereupon be referred to a committee of the common council, which shall make due inquiries relating thereto, and after hearing all persons interested therein, appearing and desiring to be heard, shall make a report thereon to the common council; such report of said committee shall include its determination as to the value of existing curbs and gutters within said specified limits and also as to whether said existing curbs and gutters were constructed in accordance with the ordinances and charter of the city in force when the same were constructed, and also whether said existing curbs and gutters, if any, were constructed and paid for by the owner or owners, or any former owner or owners, of adjacent property, and also whether the same was constructed on the proper line and at the grade then existing.

SEC. 5. Upon the coming in of the report of said committee, the common council, if the construction of such proposed uniform curb and gutters within said specified limits shall still be deemed expedient, shall so declare by resolution by a vote of the majority of the members elect, which resolution shall also declare that said curb and gutter within said specified limits is a necessary public improvement; and if said common council shall determine that existing curb and gutter, if any, within said specified limits, has been paid for by the owner or owners, or any former owner or owners of said adjacent lands and lots, and that the same was built in accordance with the charter and ordinances of the city then in force, it shall so declare in said resolution and also in such resolu-

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tion set forth the proper description of all lands, lots, tenements and premises within said specified limits in front of which said curb or gutter or combination of curb and gutter has already been constructed and paid for by the owner or owners, or any former owner or owners, of said adjacent lands, lots, tenements and premises. And thereupon the matter shall be referred to the Board of Public Works and said Board of Public Works shall proceed to advertise for proposals for the furnishing of material and the performance of the work of construction of said curb and gutter within said specified limits in accordance with Section 137 of the Charter of the City of Ann Arbor. All bids submitted to the said Board shall be publicly opened and as soon thereafter as may be shall be referred by said Board of Public Works to the common council, together with its recommendation in respect thereto; and no contract shall be made by said Board until duly authorized by said common council.

SEC. 6. The costs and expense of building and constructing such uniform curbing and gutters when determined upon as herein provided, shall be audited and paid from the bridge, culvert and crosswalk fund.

SEC. 7. Whenever the common council shall have approved the plans and specifications for such curb and gutter within said specified limits, and shall have authorized the Board of Public Works to enter into a contract for the construction thereof, it shall, by resolution, declare that all such sums of money, when paid as aforesaid, from the bridge, culvert and crosswalk fund for the construction of such curb and gutter within said specified limits, shall be and become a lien on and against the land, lots, tenements and premises adjacent to and abutting upon said street, within said specified limits, which lien shall continue until the said money, so paid from said fund, shall be

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repaid [into] or otherwise received by the city treasurer, and, when so received, the same shall be credited to the bridge, culvert and crosswalk fund. Provided, however, that in all cases, where it appears by the order and determination of said Common Council that there has already been established and constructed and in existence any curb, or gutter, or both curb and gutter, within said specified limits, and that the same has been constructed at the expense of the owner or owners, or any former owner or owners, of the adjacent lands or lots, and that the same was built in accordance with the city charter and ordinances in force at the time of the construction thereof, then the property in front of which such curb or gutter shall have been constructed shall be relieved of said lien to the extent of the value thereof as determined by said Common Council, and provided, also, that the cost of constructing the curbed portions of such curbing and gutters at intersections of streets and public alleys shall be a charge against the city.

SEC. 8. The Board of Public Works shall cause to be kept a just and true account of all moneys paid, laid out and expended for the construction of all curbing and gutters paid for from the bridge, culvert and crosswalk fund, as herein provided, as well as a particular description of the lots, lands and premises, in front of or adjacent to which any such curb and gutter shall have been constructed, and on or before the third Monday of October in each and every year shall report the said expenditures in writing to the Common Council, so arranged that there will appear from such report the particular sum of money which shall have been expended in the construction of each particular portion of curb and gutter in front of or adjacent to each particular description of land, lots, tenements, or premises, to the extent of and in the particular which shall create a lien against said lands, lots, tenements or premises as above provided for.

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SEC. 9. Whenever such report of the Board of Public Works shall be certified to the common council, said common council shall, at the same or at the next meeting thereof, appoint and fix a day not later than the third Monday of November next following, when they will meet as a Board of Review to pass upon and determine the accuracy of the said certificate, and the said Common Council shall give notice to all persons named in the said certificate or who shall appear to be the owners of the particular description of the lands, lots, tenements and premises subject to lien as aforesaid of the time, when, and the place where such meeting will be held, at which meeting, after hearing every person, in person or by attorney, who shall desire to be heard, the said Council, as such Board of Review shall, without adjournment, proceed to determine the truth of such certificate, and shall have power and authority to change any sum of money stated therein, to correct any description of lands, lots, tenements, or premises, mentioned in the same, and to take any other action to the end that the said certificate may at all times be made just and true, which determination shall be in all things final and conclusive. After such determination said Board shall, by resolution, certify its determination to the Common Council, and the Common Council shall, at the same meeting, or at an adjourned session cause the money so found by the said Council as such Board of Review to be due and owing for the construction of such curb and gutter to be assessed on and against the owner of, and against the lands, lots, tenements or premises in front of or adjacent to which any such curb and gutter shall have been constructed as aforesaid and shall certify such determination and order of assessment to the city assessor.

SEC. 10. After such order and determination shall be certified to the city assessor, said city assessor shall without delay proceed to make, fill out and com-

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plete a special assessment roll, in accordance with such order and determination and shall thereupon proceed to spread the sum or sums of money mentioned in any such order of assessment upon any such assessment roll, and assess the same against the persons therein named and against the lands mentioned therein, as determined by the Board of Review, and thereafter shall make a true copy thereof and certify the said assessment roll to the city treasurer, who shall have and retain custody of the same, and the taxes so spread on and assessed upon any such assessment roll and levied against the lands described therein shall be and remain a valid tax and charge against the owner and against the lands mentioned therein until paid. The said taxes shall become due and be payable in four equal annual installments: The first installment in the month of July along with the other city taxes next after any such assessment roll shall have been confirmed, and annually thereafter until fully paid. All of the said taxes shall draw interest from the date of confirmation of any such assessment roll at the rate of five per cent [per] annum until paid. Any person against whom any such tax shall have been assessed shall have leave and be at liberty to pay the same at any one payment at any time after any such assessment roll shall have been certified to the city treasurer, with interest from the date of confirmation only. The city assessor shall retain a copy of each assessment roll in his office.

SEC. 11. That on the third Monday in June in each and every year in which any such curb and gutter tax shall remain unpaid and be due and payable, the city treasurer shall proceed to the city assessor's office and together with the city assessor shall stamp or mark "PAID" on the copy of every such assessment roll all of the paid curb and gutter taxes due and payable in and during the then current year and the said city treasurer shall report all unpaid

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curbing and gutter tax then due and payable; and the Common Council shall on the fourth Monday of June in each year certify to the city assessor, along with the other city taxes to be assessed, all unpaid and payable curbing and gutter taxes and all money required to be raised for the construction of all curbs and gutters, for the then current year and also in a general way a description of the lands by reference to the number of the curbing and gutter district to be taxed therefor; and the city assessor shall thereupon spread upon the general city tax roll of that year all such sums of money so remaining unpaid and payable, and so required to be raised for the construction of any such curbing and gutter, all such taxes to be carried out and entered in a separate column on said general tax roll with the interest thereon as aforesaid, the tax in one column and the interest thereon in another column, the general city tax roll to be properly ruled and printed for that purpose, and such columns to be entitled respectively "curbing and gutter tax" and "interest on curbing and gutter tax." And the sum or sums of money so set down and spread upon such general city tax roll, shall be, remain and continue a valid debt, demand and tax against the person, and a valid tax on and against the lands so assessed as aforesaid, until fully paid, and shall be certified to the city treasurer and collected in the same manner in every particular as the other taxes set down and spread upon such general tax roll are, shall or may be collected.

SEC. 12. In case the tax assessed on such lands, lots, tenements or premises charged with the expense of constructing any curb and gutter as provided by this ordinance shall not be paid or collected and any such lands, lots, tenements and premises shall be returned for non-payment of such tax by the city treasurer, such lands, lots, tenements and premises, unless soon redeemed, shall be sold for such tax by the

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county treasurer at the annual sale of lands for delinquent taxes, and in the same manner as for other taxes, as provided by law.

SEC. 13. All notices required to be served by this ordinance shall be served by the street commissioner, marshal, or any policeman of said city, personally on the owner or owners of the lands, lots, tenements and premises fronting on or adjacent to which it is proposed to construct any such curb and gutter, if such owner or owners shall be found within the city. If such owner or owners shall not be found within the city, then such notice shall be served personally on the occupant of any such premises, and if any such premises shall be vacant and the owner or owners thereof shall not be found within the city, then such notice shall be served by posting the same in some conspicuous place upon the said premises; *Provided*, however, that the notice of the meeting of the Common Council as a Board of Review may be given by publication in the official newspaper or newspapers of the said city, and one publication in such newspaper or newspapers, shall be deemed sufficient, and the said Board of Review shall have authority to proceed on filing with the city clerk due proof by affidavit of such publication.

SEC. 14. Any owner, agent or occupant of any lands, lots, tenements or premises, or any other person constructing, reconstructing, renewing or repairing any curb and gutter contrary to the provisions of this ordinance, or constructing the same of material other than as herein directed, shall, on conviction thereof, be punished by a fine not to exceed one hundred dollars, and the costs of prosecution; and in the imposition of any such fine and costs, the court may make the further sentence that the offender be imprisoned in the county jail of the county of Washtenaw, or other place of imprisonment provided by the city of Ann Arbor, until the payment thereof, pro-

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vided, that the term of any such imprisonment shall not exceed a period of thirty days.

SEC. 15. This ordinance shall take effect and be in force ten days after its legal publication.

SIDEWALKS.

An Ordinance Relative to Sidewalks.

(Passed March 6, 1893; approved March 11, 1893; amended February 17, 1896; amended July 18, 1898; April 16, 1900; September 16, 1901; May 18, 1903.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1.* All sidewalks hereafter graded, constructed, repaired or renewed in said city shall conform to grade lines established by the common council, and to such specifications as are hereinafter set forth or provided for, in regard to width, material and mode of construction.

SEC. 2.* All sidewalks on Main street between Catherine and William streets shall be thirteen feet in width, except the sidewalk along the west side of the court house square which shall be 10 feet in width. All sidewalks on Fourth avenue between Catherine and Liberty streets, on Ann street between Fourth avenue and Main street, on Detroit street between Fourth avenue and Catherine street, on Huron and Washington streets between Fifth avenue and Ashley street, on Liberty street between Fourth avenue and Ashley street, and on the west side of State street between William and Liberty streets, shall be twelve feet in width, except the sidewalks on Huron and Ann streets and Fourth avenue, along the south, north and east sides of the court house square, which shall be 10 feet wide. All sidewalks on Huron and Washington streets between Fifth avenue and State street, on Lib-

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* As amended February 17, 1896.

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erty street between Fourth avenue and State street, on William street between Ashley and State streets, on Main street between William and Packard streets, on Detroit street between Catherine and Depot streets, on State street between Fuller and Packard streets except as hereinbefore provided, on North University avenue, on East University avenue between North University avenue and South University avenue, on South University avenue between East University avenue and State street, shall be not less than six feet in width; and sidewalks on all other streets or parts of streets shall be not less than five feet in width: *Provided*, That the common council may at any time by resolution order the sidewalks along any block or street in said city to be wider or narrower than above prescribed.

SEC. 3.* Within the limits hereby specified all sidewalks shall hereafter be constructed of stone flagging or artificial stone (cement) and of no other material, to wit:

On Main street between Packard and Catherine streets; on Ashley street between Huron and William streets; on Fourth avenue between Packard and Catherine streets; on Division street between Detroit and Packard streets; on State street between Fuller and Packard streets; on Ann street between Ashley and State streets; on Washington, Liberty and William streets between Ashley and State streets; on east side of Detroit street between Fourth avenue and Depot street; on both sides of the North, East and South University avenues, adjoining the University grounds or campus, and on the east side of Washtenaw avenue, between East University avenue and Hill street; on the south side of Hill street between Packard and Sybil streets; and all other sidewalks

* As amended May 18, 1903.

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within the district bounded and enclosed by the following streets and parts of streets, to-wit:

Main street from Packard to Catherine, Catherine street from Main to Division, Division street from Catherine to Kingsley street, Kingsley street from Division to Ingalls, Ingalls street from Kingsley to Huron, Huron street from Ingalls to Twelfth, Twelfth street from Huron to North University avenue, North University avenue from Twelfth to Washtenaw avenue, Washtenaw avenue from North University avenue to Hill street, Hill street from Washtenaw avenue to East University avenue, East University avenue from Hill street to Tappan street, Tappan street from East University avenue to Oakland avenue, Oakland avenue from Tappan street to Arch street, all of Arch street, Packard street from Arch to Main, and also upon Geddes avenue from Washtenaw avenue to Observatory street, shall be constructed of stone flagging or artificial stone (cement).

Provided, however, that the Common Council shall have power and authority in its discretion to authorize the construction or repair of a tar or asphaltum sidewalk on and along any street or avenue aforesaid within the district aforesaid. Upon all other streets, avenues or parts of streets within the city, sidewalks shall be constructed, repaired and renewed of stone flagging, artificial stone (cement), tar or asphaltum, or other material as ordered and required by the Common Council, and all work done and all material shall be in all things first-class, and satisfactory to the Board of Public Works.

SEC. 4.* Stone walks shall be constructed according to the following specifications: Stone flagging shall have a smooth upper surface and shall not be less than two inches in thickness. The flagstones shall

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* As amended July 18, 1898.

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not be less than four feet square, shall be dressed square and even on the sides, so as to make close and even joints, and shall be laid with the smooth side up upon clean sand in water lime. Old stone flagging may be recut and relaid under the direction and permission of the street commissioner, but not less than six feet in width of the central portion of any stone sidewalk in the business portion of the city shall always be repaired or renewed with new flagging.

SEC. 5.* Specifications for cement walks. The trench shall be excavated to a depth of 12 inches below the established grade, except for driveways and street crossings where the depth shall be 18 inches below the established grade.

The foundation shall consist of clean cinders or gravel entirely free from clay thoroughly rammed to a thickness of 7 inches, except for driveways and street crossings which shall be 10 inches thick.

On the foundation shall be laid a concrete filling thoroughly rammed to a thickness of 4 inches, except for driveways and street crossings which shall be 6 inches thick. The concrete shall consist of one part cement, two parts clean sharp sand, three parts clean gravel.

On the concrete filling shall be laid a finishing layer one inch thick, consisting of one part cement, two parts of very clean, sharp sand, except for driveways and street crossings which shall be two inches thick. The said finishing layer shall in all cases be finished with a granular surface, with a wooden float.

To secure a true line for the edges of the walk, 2 x 4 strips shall be solidly staked down parallel to grade and on the true line of the walk, these strips to be removed when walk is finished for use.

The walk shall have a pitch one-quarter of an inch

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* As amended February 17, 1896.

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to the foot toward the curb; in street crossings the pitch shall be both ways from the center line.

The concrete filling should be tamped thoroughly till the water comes to the surface, then the finishing layer shall be immediately spread on in thin coats thoroughly troweled into the concrete, each coat being troweled till the water appears on the surface, the top surface being only troweled sufficiently to leave it smooth.

The foundation shall be thoroughly wet while being rammed.

The joints for the blocks shall be made in the concrete and then in the finishing layer directly above those in the concrete.

Only Portland cement shall be used in the construction of walks and shall be in every respect the equal of the best grades of German Portland cement.

The concrete filling shall be made from the same cement as the finishing layer.

Sharp sand is such as shows its grains under the microscope to have sharp angular corners and not rounded corners.

SEC. 6.* Hereafter it shall be unlawful to build or construct within the City of Ann Arbor any sidewalk of plank or of any material not called for or stated by this ordinance, but plank sidewalks now constructed and in use may be repaired whenever ordered by the common council or directed by the Board of Public Works. All sidewalks hereafter constructed within the stone or cement district as in this ordinance fixed and determined, shall be constructed of stone, cement, paving-brick, tar or asphaltum. Tar and asphaltum sidewalks shall be constructed according to the following specifications and in the following manner: The earth shall be excavated to the depth of at least four inches below the side-

* As amended April 16, 1900.

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walk grade, and filled with coarse gravel, thoroughly mixed with tar or asphaltum to a depth of at least three inches, and to within one inch below the grade, and well and sufficiently packed and thoroughly rolled, and thereafter a top dressing of fine well-screened sharp sand mixed four parts of sand and one part of tar or asphaltum to the depth of at least one inch, shall be placed thereon and thoroughly rolled to a smooth and flat surface. Inside of all tar or asphaltum sidewalks shall be constructed one inch higher than the outside, the center line to be constructed on the true sidewalk grade and one and one-half inches higher than the outside or street side thereof.

SEC. 7.* Curbstones shall be set perpendicularly throughout the business part of the city, and conform to the established grade. At the intersection of streets and alleys the curb shall be built in a proper curve under the direction of the street commissioner. All sidewalks shall be built so as to slope towards the curb at the rate of one inch in every four feet of width.

SEC. 8.* Whenever the common council shall order any sidewalk to be constructed, repaired or renewed, it shall be the duty of the Board of Public Works to cause any filling or excavation that may be necessary in order to bring the said sidewalk to the prescribed grade to be made at the expense of the city: *Provided*, That the said board may, in their discretion, build a trestle instead of an embankment for raising a sidewalk to the required elevation; and *Provided*, That the foregoing provision shall not be construed to charge the city with the expense of removing old sidewalks, or of filling excavations resulting from such removal. And it shall further be the duty of the said Board of Public Works to cause all sidewalks in process of construction, repair or re-

* As amended February 17, 1896.

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newal, in said city, to be inspected from time to time by some competent person, to the end that the requirements of this ordinance may be fully complied with or that complaint may be made promptly for any violation thereof. It shall be the duty of the street commissioner to inspect the sidewalks of this city from time to time, and report promptly to the common council all sidewalks requiring to be repaired or renewed in said city; and the said street commissioner shall attend all special meetings of said council or of any committee thereof to which he may be summoned, and shall be ready to furnish the common council with complete information with regard to the condition of the sidewalks reported by him and with regard to the probable cost of repairing or renewing the same. The board of public works are hereby authorized and required to cause such temporary repairs to be made in sidewalks, at the expense of the city, as may be immediately necessary for the safety of pedestrians. and all bills for that purpose when duly certified to by the street commissioner, or president of the board of public works shall be allowed by the common council and paid out of the street fund. It shall be the further duty of the board of public works, whenever the common council shall permit by resolution the construction, repair or renewal of any sidewalk in this city of any other material than stone flagging, artificial stone or cement, to prepare suitable specifications to govern said construction, repair or renewal, and such specifications shall be of the same force and effect as though incorporated at length in this ordinance.

SEC. 9.* No sidewalk shall hereafter be graded constructed, repaired or renewed within the limits of this city, by the owner, occupant or agent of the lot, building or premises adjacent to and abutting upon

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the said sidewalk, without notice in writing having been duly filed with the city clerk at least three days previous thereto. The said notice shall set forth the location of the said sidewalk by street and number of the premises adjacent thereto, or by other sufficient designation, the materials of which the sidewalk is to be constructed, repaired or renewed, the name of the person intending to perform the work of construction, repair or renewal, and the date upon which the said work is to be begun, and shall be signed by the said owner, occupant or agent. But no failure on the part of any officer of this city, of the common council or board of public works to act promptly upon any information contained in said notice, shall operate to relieve any person filing the same from any penalties to which he might otherwise render himself liable for a violation of any of the provisions of this ordinance with reference to width, position, materials or mode of construction of said sidewalk.

SEC. 10.* All sidewalks shall be laid parallel to the adjacent property line and distant therefrom as follows: The inner line of all sidewalks of a greater width than six feet shall coincide with said property line; the central line of all other sidewalks shall be distant four feet from said property line. The common council may by special resolution except any sidewalk from the above regulation.

SEC. 11.* Whenever the common council shall order any sidewalk to be constructed, rebuilt, repaired or renewed, it shall be the duty of the board of public works to cause a notice to be served upon the owner, agent or occupant of the adjacent and abutting lot, building or premises. Said notice shall set forth the action of the council and shall require the said sidewalk to be constructed, repaired or renewed within thirty days unless a different time shall be

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specified in the resolution of the council. After due service of the said notice in the manner hereinafter prescribed, it shall be the duty of the said owner, agent or occupant to construct the said sidewalk in the time prescribed in the said notice and of the materials and in the manner required by this ordinance. If the said owner, agent or occupant shall neglect to perform his said duty, and shall fail to construct, or repair or renew the said sidewalk in the time required by the said notice, and of the materials as prescribed in this ordinance, it shall be the duty of the said board of public works to proceed at once upon the expiration of the time limited in the said notice, to construct, repair or renew the said sidewalk of the material and in the manner herein required, and the expense thereof with ten per cent added thereto shall be assessed upon and become a lien against the said adjacent and abutting lot, building or premises.

SEC. 12.* All sidewalks in said city shall be kept and maintained in good order and repair by the owner or occupant of the land, building or premises adjacent to and abutting upon the same; and if any owner or occupant shall neglect to keep and maintain the sidewalk along the front, rear or side of the land, building or premises, owned or occupied by him or her, in good repair and safe for the use of the public, the said owner or occupant shall be liable to the said city for any damages recovered against said city sustained by any person by reason of said sidewalk being unsafe and out of repair.

SEC. 13.* The common council shall provide and direct that the cost and expense of the building, construction and repair of all such sidewalks so ordered graded, constructed or repaired by the board of public works shall be audited and paid from the street fund, and all such sums of money, when so paid, with

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ten per cent. thereon added thereto, shall be and become a lien on and against the lot or parcel of land in front of or adjacent to which the sidewalk shall have been graded, constructed, or repaired, which lien shall continue until the said money so paid shall be repaid into or otherwise received by the city treasurer, and when so received the same shall be credited to the street fund.

SEC. 14.* The board of public works shall keep and cause to be entered, in a book provided for that purpose, memoranda with dates, names and the particulars of all such notices, so served, as aforesaid, to grade, construct, build, repair or renew any such sidewalks, and shall keep on file a duplicate of all such notices so served, as aforesaid, with a return endorsed thereon of the time and mode of the service of the same; and shall also keep a just and true account of all moneys paid, laid out and expended for the grading, construction or repair of any such sidewalks, as well as a particular description of the lands, tenements and premises in front of or adjacent to which any such sidewalks shall have been graded, constructed or repaired, and on or before the third Monday of October in each and every year shall report the said expenditures in writing to the common council, so arranged that there will appear from such report the particular sum of money which shall have been expended in the grading, construction or repair of each particular sidewalk in front of or adjacent to each particular description of lands, tenements or premises.

SEC. 15.* Whenever any such certificate shall be received by the common council, the common council shall at the same or at the next meeting thereof appoint and fix a day not later than the third Monday of November next following when they will meet as

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a board of review to pass upon and determine the accuracy of the said certificate, and the said common council shall give notice to all persons named in the said certificate of the time when and the place where such meeting will be held, at which meeting, after hearing every person, in person or by attorney, who shall desire to be heard, the said council as such board of review, shall without adjournment proceed to determine the truth of such certificate, and shall have power and authority to change any sum of money stated therein, to correct any description of land or premises mentioned in the same, and to take any other action to the end that the said certificate may in all things be made just and true, which determination shall be in all things final and conclusive. After such determination said board shall by resolution certify its determination to the common council, and the common council shall at the same meeting or at an adjourned session cause the money so found by the said council as such board of review to be due and owing for the grading, construction or repairing of any such sidewalk or sidewalks, to be assessed on and against the owner of and against the land, lot or premises in front of or adjacent to which any such sidewalk or sidewalks shall have been graded, constructed or repaired by the said board of public works, and shall certify such determination and order of assessment to the city assessor. The said city assessor shall on receipt thereof proceed to set down in and assess upon the general assessment roll of the said city for the then current year the sum or sums of money so certified against each particular lot or parcel of land so in said order of assessment mentioned, against which the said sums of money are respectively charged, by adding such sums of money to the general city tax, and said sums of money so set down in said assessment roll shall be and become a valid debt, demand and tax against the owner of the lot, land

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and premises and a valid tax against the lot, land and premises in front of or adjacent to which any such sidewalk may have been graded, constructed or repaired by the said board of public works, and shall be collected in the same manner in every particular as the tax to which it is thus added and as the other taxes set down in and spread upon the said assessment roll are collected.

SEC. 16.* In case the tax assessed on any such lot, land or premises charged with the expense of grading, constructing or repairing any sidewalk as provided by this ordinance shall not be paid or collected and any such lot or lands and premises shall be returned for non-payment of such tax by the city treasurer, such lots or lands and premises, unless sooner redeemed, shall be sold for such tax by the county treasurer at the annual sale of lands for delinquent taxes, and in the same manner as for other taxes, as provided by law.

SEC. 17.* All notices required to be served by this ordinance shall be served by the street commissioner, marshal or any policeman of said city, personally on the owner of the lands or premises fronting on or adjacent to which it is proposed to grade, construct or repair any such sidewalk, if such owner shall be found within the city. If such owner shall not be found within the city, then such notice shall be served personally on the occupant of any such premises, and if any such premises shall be vacant and the owner thereof shall not be found within the city, then such notice shall be served by posting the same in some conspicuous place upon the said premises; provided however, that the notice of the meeting of the common council as a board of review may be given by publication in the official newspaper or newspapers of the said city, and one publication in

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such newspaper or newspapers shall be deemed sufficient, and the said board of review shall have authority to proceed on filing with the city clerk due proof by affidavit of such publication.

SEC. 18.* It shall be the duty of every owner, agent or occupant of any lot or premises, who shall be notified by the board of public works to build, construct or repair any sidewalk or sidewalks to promptly comply with such notice, and grade, construct or repair any such sidewalks as ordered and in case any owner, agent or occupant shall neglect to so grade, build, construct or repair any such sidewalk or sidewalks within the time prescribed in the notice of the board of public works, and in case the city by any suit, action or other proceedings shall be compelled to pay damage for injuries to any person or property on account of such neglect, such owner, agent or occupant, in addition to all other fines and liabilities provided by this ordinance, shall be liable to the city for the amount of all damages and costs so paid, and the same may be collected if necessary in an action of assumpsit in the proper court.

SEC. 19.* Any owner, agent or occupant of any lot, or any other person grading, constructing, reconstructing, renewing or repairing any sidewalk, contrary to the provisions of this ordinance, or of material other than hereinbefore prescribed, shall on conviction thereof, be punished by a fine not to exceed twenty-five (25) dollars and the costs of prosecution; and in the imposition of any such fine and costs the court may make the further sentence that the offender be imprisoned in the common jail of the County of Washtenaw until the payment thereof: *Provided,* That the term of any such imprisonment shall not exceed a period of thirty (30) days.

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SEC. 20.* The common council shall have power and authority to provide by resolution for the grading, construction and repair of all such sidewalks by contract which shall not have been graded, constructed or repaired by the owner, agent or occupant. Whenever any such sidewalk shall be graded, constructed or repaired by contract, then the lot, lands tenements and premises in front of or adjacent to which any such sidewalk is so graded, constructed or repaired shall be charged and assessed the contract price only. And whenever the common council shall conclude any such contract, in the event of the failure of the owner, agent or occupant to grade, build, construct or repair any such sidewalk, it shall then be the duty of the board of public works to forthwith notify such contractor of such default. Whereupon such contractor shall forthwith proceed to grade, build, construct or repair any such sidewalk according to this ordinance and the order of the common council.

SEC. 21.* In the event of the failure, neglect or refusal of the common council to conclude any such contract, it shall be lawful for the board of public works to make and ordain rules for the letting by contract the grading, construction, and repairs of sidewalks and crosswalks so ordered to be constructed or repaired by the common council, and the work done and material furnished by any such contractor shall be deemed to have been done and furnished by the board of public works.

SEC. 22.* In ordering the grading, construction or repairing of any sidewalk, it shall be sufficient in the resolution or order therefor to specify the street and the side of the street upon which said sidewalk is or shall be located, and the name of the owner, or street number of the property, house, store or prem-

* As renumbered by ordinance February 17, 1896.

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ises in front of which any such sidewalk shall be ordered to be graded, constructed or repaired.

This ordinance shall take effect and be in force on and after the first day of April, A. D. 1893.

FRANCHISES.

An Ordinance Authorizing the Regents of the University of Michigan to Lay Water Pipes or Mains in the Streets, Lanes and Alleys.

(Passed March 16, 1875.)

WHEREAS, The regents of the University of Michigan have made application, by resolution, addressed to the common council of the City of Ann Arbor, for the privilege of laying down in the streets of said city water pipes, for the purpose of supplying said University with water; and

WHEREAS, it is by said council, after due consideration of such application, deemed expedient, rightful and proper to grant such privilege, under such reasonable reservations and restrictions as are hereinafter mentioned; therefore,

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor, in Common Council assembled:

That the regents of the University of Michigan be, and they are hereby authorized, to lay down in, along and across the public streets, lanes and alleys of said city, all such water pipes or mains as may be necessary to properly supply the buildings and grounds belonging or appertaining to said University with water for protection against fire and for general use, and for that purpose to dig, trench and excavate in, along and across such public streets, lanes and alleys: *Provided*, and this grant of authority is made, and is to be accepted, held and used only upon con-

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dition, That the said regents shall not unnecessarily or unreasonably obstruct or injure any street, sidewalk, crosswalk, lane or alley in trenching, digging or excavating for the purpose of laying water pipes or mains, and shall with reasonable diligence, and at their own charges, restore all such streets, sidewalks, crosswalks, lanes and alleys to as good a state of repair and condition as the same were in before disturbed by them, and shall at all times and in all respects fully indemnify and save harmless the City of Ann Arbor from and against all damages or costs which said city may incur or sustain by reason of any such trenching, digging, or excavating.

An Ordinance Relative to Privileges Granted Electric Light Co.

(Passed June 2, 1884.)

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor, Mich.:

SECTION 1. That permission and authority be and the same is hereby granted unto the Ann Arbor Van-Depoele Light and Power Company, of the City of Ann Arbor, in the State of Michigan, and to their associates and assigns to erect, construct, complete and operate electric light works to furnish light and power and for use for chemical and mechanical purposes in the City of Ann Arbor, Michigan, and the said grantees or either of them or their employees are hereby authorized and empowered to use the streets, avenues, lanes, alleys, public grounds and sidewalks belonging to or under the control of said city as it is now laid out, or as it may hereafter be laid out, extended or enlarged, for the purpose of conveying electricity in or through the city for the use of the city and its inhabitants for the purposes above stated, and the right of way is hereby given to said grantees

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through such streets, avenues, lanes, alleys, public grounds and sidewalks for erecting the necessary poles and laying the necessary wires and other appliances in, through, under and over the said streets, alleys, avenues, lanes, public grounds and sidewalks for the purpose herein stated: *Provided,* The said streets, avenues, lanes, alleys, public grounds and sidewalks shall not be unnecessarily and continuously obstructed, and they shall be within a reasonable length of time placed as near as possible in as good repair and condition as before such streets were so obstructed.

SEC. [2] 3. That if the said Ann Arbor VanDepoele Light and Power Company shall not have commenced the work of erecting said electric light works within sixty days and shall not have the same in successful operation within three months from the date hereof, that the authority herein granted shall be forfeited and authority void.

An Ordinance Granting the Edison Electric Light Co. Permission to Set Poles, String Wires, Etc.

(Passed October 6, 1884. Vote not recorded.)

Be it Ordained by the Mayor, Recorder [and Aldermen] of the City of Ann Arbor, Mich.:

SECTION 1. Consent, permission and authority is hereby given to the Edison Electric Light Company of Ann Arbor, a corporation under and by virtue of the [laws of the] State of Michigan, to erect, lay, operate and maintain and run in the public streets, lanes, avenues, alleys, parks and other public places in the City of Ann Arbor, all needful and proper poles, mains, wires, pipes, lamps, motors and other apparatus to be used for the transmission of electric-

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ity for the purpose of furnishing light, heat, power and signals.

SEC. 2. Whenever it may be found necessary to make any construction or repairs that the company shall take care not unnecessarily or unreasonably to obstruct or injure any street, alley, sidewalk or lanes, and shall with reasonable diligence restore such streets, sidewalks, lanes or alleys to as good a state of repair as the same were in before disturbed by said company, and shall in all respects fully indemnify and save harmless the City of Ann Arbor from and against all damages or costs which the city may be put to or sustain by reason of such disturbance.

SEC. 3. That if the said Edison Electric Light Company of Ann Arbor shall not have the same in successful operation within six months from the date hereof that the authority herein granted shall be forfeited and void.

An Ordinance Relative to Water Works.

(Passed June 1, 1885. Contract agreed to May 6, 1885.)

WHEREAS, The mayor, recorder and aldermen of the City of Ann Arbor have by resolution declared it expedient to have constructed works for the purpose of supplying the City of Ann Arbor and the inhabitants thereof with water; and that it is inexpedient for said city to build such works; and

WHEREAS, The Ann Arbor Water Company has been organized under the statutes of this State for the construction of such works; and

WHEREAS, It has thereby become the duty of the common council of this city to grant to such company such right to the use of the streets, sidewalks, lanes, alleys and public grounds in such city as shall be necessary to enable such company to construct the prop-

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er works for the supply of water for the use of this city and its inhabitants; and

WHEREAS, The said Ann Arbor Water Company have made and executed with the common council of this city, a contract bearing date the sixth day of May, A. D. 1885, whereby the said company agree to furnish water for said city and its inhabitants upon the terms and conditions in said contract mentioned; therefore,

Be it Ordained by the Mayor, Recorder and Aldermen Of the City of Ann Arbor:

That the exclusive right and privilege of executing and constructing water works within the city, and of laying and continuing water pipes along and across any and all of the streets, sidewalks, lanes, alleys and public grounds in said city, and of supplying water for the city and for its inhabitants, be and is hereby granted and secured to the Ann Arbor Water Company, upon the condition and under the restrictions in such contract mentioned, so long as said company shall continue to supply water for said city and for the inhabitants thereof, and shall comply with the restrictions and conditions in such contract named and imposed. Which contract is as follows, to-wit:

The Contract.

Articles of Agreement: Made this 6th day of May, A.D. 1885, between the "Mayor, Recorder and Aldermen of the city of Ann Arbor," parties of the first part, and "The Ann Arbor Water Company," a corporation organized and existing by virtue of Chapter 84, of Howell's Annotated Statutes of Michigan, party of the second part.

WITNESSETH: The party of the second part, hereby agrees and contracts with the parties of the first part, to build in the city of Ann Arbor, in the State of Michigan, a complete system of water works, on

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the reservoir and pumping plan. The top of the reservoir shall be located not less than one hundred and fifty-five feet above the intersection of Main and Huron streets in said city, or at the point designated on the map and plans of Professor C. E. Greene, now on file in the office of the recorder of the city of Ann Arbor. The reservoir shall be made of earth, shall be puddled with clay, paved on the bottom and [on] the sides with cobble stones, and shall hold not less than two million gallons.

The party of the second part shall maintain in said reservoir from one million to eighteen hundred thousand gallons of water, and at no time shall allow it to fall below seven hundred and fifty thousand gallons, except when necessary to cleanse the same, or in case of unavoidable accident, and during such time or times it shall maintain by direct pressure a sufficient supply of water for fire and domestic use, and shall keep up steam and also an engineer on hand ready to act in case of fire.

The reservoir shall be cleansed whenever necessary.

The inlet pipes to the reservoir shall be one foot above the bottom thereof, and shall be so arranged that the water pumped into said reservoir shall pass in a pipe up through the same above the level of the water, and then fall over on a stone rockery so as to give the water more aeration.

A drain pipe shall be provided to empty the reservoir.

The banks of the reservoir shall be seeded and sodded.

The party of the second part shall furnish and set up pumping machinery capable of pumping fifty thousand gallons of water per hour into the reservoir, and of ample power and capacity for all requirements. A connection between the force main and the distribut-

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ing main shall be put in to allow a direct pressure from the pump in case of emergency.

The works shall at all times be capable of throwing by reservoir pressure, six streams eighty feet high at the court house at one time; and by direct pressure, the same number of streams at the same place one hundred and ten feet high. And again five streams fifty-four feet high at the University campus, and the same number of streams at the same place by direct pressure, ninety feet high.

In the construction of these works, the party of the second part shall follow the plans submitted by Prof. C. E. Greene, for the sizes and location of the distributing pipes, except so far as they have been or may hereafter be changed by the mutual consent of the parties thereto.

The said plans and maps so as aforesaid submitted by Prof. C. E. Greene, now on file in the office of the city recorder and marked exhibit "A" are hereby made a part of this contract.

The party of the second part shall lay pipes sixteen inches to four inches inclusive, not less than fourteen miles in length; and any excess of said fourteen miles as shown on the said plans and maps, shall be laid down within the territory now covered by said plan, unless the parties hereto otherwise mutually agree.

Not more than one mile of four inch pipe shall be laid down, and for the change so made in the plan of Prof. C. E. Greene, from four to six inch pipe, the parties of the first part shall pay to the party of the second part the sum of two hundred and fifty dollars every six months after the rent of said works commences.

The said pipes shall be first-class cast iron pipes and shall be laid below freezing point.

On the length of the pipes so constructed as aforesaid, the party of the second part shall locate and

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maintain one hundred fire hydrants, for which they shall furnish at all times the necessary supply of water, and shall keep the same in good order and at all times ready for use.

The said hydrants shall be either Chapman, Ludlow or Pattee & Perkins hydrants, and shall all be three nozzled, one steamer and two leading hose, and on these fourteen miles of pipe the parties of the first part may locate as many additional hydrants as they may see fit which shall be set and maintained by the parties of the first part on the terms hereinafter named.

The parties of the first part shall have the right to send an expert to the foundry at which the pipes are being cast to inspect the same, and the material from which they are made. The party of the second part agrees that such pipe shall be subjected to a hydraulic pressure of three hundred pounds to the square inch at the foundry aforesaid, and that such tests shall be made in the presence of an expert so to be sent as aforesaid. The expense of the said expert shall be borne by the parties of the first part. But in case the parties of the first part should decide not to send such expert, the party of the second part shall furnish the parties of the first part a sworn statement that the pipes have been tested as provided for in this contract.

The said party of the second part shall subject the entire system of pipes, gates and hydrants to a pressure of one hundred and fifty pounds to the square inch, after the same are laid, constructed or put in, before the rental of the same shall commence.

The party of the second part shall also set valves or gates not less than seventy-five in number, and all double faced, which shall all open one way and which shall be of uniform size in nut that shall fit one wrench.

The party of the second part shall cause the pipes

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to be laid on such side of the streets of said city as may be directed by said first parties or their representatives; and all gate boxes are to be adjusted so as to fit the grade of any street.

Every hydrant on the main pipe shall have a gate until a point is reached that gives two mains to the city aforesaid.

The said second party shall lay at its own expense a surface pipe to the curb stone for all persons that may make application for water this season.

The said second party on the completion of said works, shall make a map showing the size and location of all pipes, gates, hydrants, etc., and deposit the same with the city recorder, for the use of the said parties of the first part. The location of the gates and hydrants shall be subject to the approval of the parties of the first part.

The said entire works shall be first-class in every respect, suitable for all these requirements, full, efficient and ready to respond at all times, unavoidable accidents excepted: *Provided however,* In case of a temporary failure to supply such water for a period exceeding one week, all compensation shall cease until the works are again in operation, under this contract.

No hydrants shall be located on a four inch pipe.

The parties of the first part shall have the right to use the water to test their hose and to afford them a reasonable practice for their firemen.

The said water works shall be completed and water turned on, on or before the first day of January, A.D. 1886.

For the service and continued supply of water, as above specified, the parties of the first part hereby agree to pay to the party of the second part the sum of four thousand dollars per annum, payable semi-annually, from and after the time when said water works shall be completed and in operation, in addition to the five hundred dollars above named, and

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when further hydrants shall be established by direction of the parties of the first part, as above provided, the parties of the first part to pay to the parties [party] of the second part the first cost in place for such additional hydrants, and the party of the second part shall supply such additional hydrants with water without further charge. Similar hydrants on the same terms and conditions shall be put in on the line of said water pipes on the public streets at the request of private parties and at the expense as aforesaid.

The depth at which the pipes are to be laid shall be below the freezing point of the grade of the streets through which they may be laid, as now established and of record.

The party of the second part shall extend the pipes above specified beyond the said fourteen miles, whenever ordered by the parties of the first part, and for every seven hundred feet of six inch pipe so ordered in such extension, the party of the second part shall erect and maintain one hydrant; and for each hydrant so maintained the party of the second part shall receive therefor at the rate of forty dollars per annum, payable as aforesaid. The party of the second part shall furnish at all times a sufficient supply of water, suitable for domestic purposes to the inhabitants of the city of Ann Arbor along the lines of their water pipes, when requested so to do by such inhabitant at reasonable rates, and not exceeding in amount the average sums paid by inhabitants of other cities of Michigan similarly situated and of like population, and supplied by private companies.

The said party of the second part shall furnish such water as aforesaid for manufacturing purposes, and for railroad companies on as reasonable terms as is furnished by the average of other companies in this State and at a sum not to exceed two cents for one hundred gallons.

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The party of the second part further agrees to so arrange the pipes, gates and relief valves that while cleaning the reservoir or for any other purpose the supply can be changed at any time from the reservoir to direct supply from the pump.

All pipes and special castings shall be subjected to a bath of coal tar and linseed oil, according to Dr. Angus Smith's formulas.

The party of the second part further agrees to furnish water as aforesaid for the Michigan Central rail road company for depot and engine purposes at a sum not to exceed six hundred dollars per annum. and for the Toledo, Ann Arbor and Northern railroad company such water at the same rates.

The party of the second part, in consideration of the premises agrees when requested so to do, to furnish water for the seven public school houses, of the said city, and the three fire engine houses, for the sum of two hundred and fifty dollars per annum; also to furnish water for two public drinking fountains for the sum of one hundred and fifty dollars per annum; also to furnish water for washing gutters and flushing sewers, whether now constructed or hereafter to be built, and for the city council room for the sum of one hundred dollars per annum; also that they will furnish water for any school house or houses, that are now in process of construction, or that may hereafter be built for the sum of twenty-five dollars per annum each. It is here by understood that for the prices above mentioned, the parties of the first part are to have the use of all the water that they may require, at the places above mentioned, for water closets, urinals, drinking purposes, washing, washing hose, for supplying steam boilers, and for the use of hand hose, for washing windows in all the above buildings and for sprinkling the lawns, including the court house lawn, connected with the same. The said

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first parties shall not allow the water to be used in and about the buildings aforesaid to run to waste, or to be used for motive power except when generated into steam, or the water at the public drinking fountains to be taken therefrom for private use.

The party of the second part shall protect the party [parties] of the first part from and against all suits and demands on account of any injury resulting from any defect in highways, or anything connected with the construction or existence of said water works, by the said party of the second part; and they [it] shall protect their [its] excavations and restore the streets promptly to as good condition, practically, as before the works were begun; and they [it] shall secure the performance of this agreement set forth in this paragraph by a good and sufficient bond to be approved by the parties of the first part.

The parties of the first part do hereby grant to the party of the second part the right to lay pipes as above provided for water supply in any and all streets of the city of Ann Arbor. The said parties of the first part shall not grant such rights to any other party or parties until such time as the parties of the first part may purchase said water works; or the right of said party of the second part shall have expired by its articles of incorporation; or it shall have lost its rights and privileges by forfeiture, or its failure to perform its part of this contract: *Provided however*, That all rights of laying pipes already granted by the parties of the first part shall be respected and remain in force.

The parties of the first part shall have the right to purchase the entire water works at any time they choose, and if the parties hereto cannot agree in the price to be paid therefor, the judge of the supreme court of the State of Michigan may appoint three commissioners who shall award the price to be paid, and said award shall be binding upon the parties.

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The grant to the party of the second part of the rights and privileges herein named is established by an ordinance of the said parties of the first part duly adopted.

In witness whereof the parties hereto by their respective officers have hereunto set their hands and affixed their corporate seals, the day and year first above written.

[L. S.] THE MAYOR, RECORDER AND ALDERMEN OF THE CITY OF ANN ARBOR,
by George H. Pond, Recorder.

[L. S.] THE ANN ARBOR WATER COMPANY,
by Chas. L. Goodhue, President.

This ordinance shall be in force from and after its passage.

An Ordinance Relative to Street Railways.

(Passed August 13, 1888; amended September 6, 1889; amended May 5, 1890; amended September 15, 1890; amended August 20, 1894; amended May 1, 1899.)

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor, Mich.:

SECTION 1. That the consent, permission and authority of the City of Ann Arbor is hereby given to the Ann Arbor Street Railway Company, a corporation legally organized under and by authority of the laws of the State of Michigan, to construct, own and maintain street passenger railways with single track, with all necessary tracks for turnouts, sidetracks, switches and turntables, and to run cars thereon for the transportation of passengers and their baggage and packages, through, along and upon the streets, avenues and highways of the said City of Ann Arbor hereinafter mentioned, and the same to keep, maintain and use, and to operate thereon street railway cars and carriages during all the time hereinafter

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specified and limited, in the manner and upon the conditions set forth in this ordinance.

SEC. 2.* The streets, avenues and highways upon which said railways are to be constructed and operated are as follows:

Commencing at the south end of the Michigan Central railroad bridge on Detroit street; thence southwesterly on Detroit street to Catherine street; thence west on Catherine street to Main street; thence south on Main street to William street; thence east on William street to State street; thence north on State street to North University avenue; thence east on North University avenue to Washtenaw avenue; thence southeasterly on Washtenaw avenue to the city limits. Also from the intersection of Hill street and Washtenaw avenue westerly on Hill street about five hundred feet to Lincoln avenue, a proposed street on Olivia B. Hall's unrecorded plat of Hall's addition to the City of Ann Arbor. And upon securing the right of way of said Olivia B. Hall, thence along Lincoln avenue to Wells street; thence along Wells street to the main entrance of the fair grounds. Also commencing at the intersection of Main and William streets, thence south on Main street to Packard street; thence southeasterly on Packard street (sometimes called the south Ypsilanti road) to the city limits.

All of said railway shall be completed on or before October 1st, 1890, except that portion of the line extending from the intersection of Hill street and Washtenaw avenue east to the city limits, and that portion of the line extending south from William street upon Main and Packard streets to the city limits, which said last portions of said line shall be constructed as soon as necessary to make connection with the proposed Ann Arbor and Ypsilanti railroad, and on or before October 1, 1891.

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* As amended by ordinance passed Sept. 15, 1890; approved Sept. 20, 1890.

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SEC. 3.* That the said railway company shall give written notice of acceptance of this ordinance to the city clerk within ten days after its passage, accompanying said notice of acceptance by a deposit of a certified check for eight hundred dollars in addition to the two hundred dollars already deposited in one of the Ann Arbor city banks, which shall be forfeited to the city if work on said railway is not completed on or before September 1, 1890.

SEC. 4. The tracks of all railways constructed under this ordinance shall be laid on said streets in conformity with the direction of the city council and its civil engineer, and on such location along said streets as the said city council shall by its own act, or through their said engineer, prescribe. Before commencing to lay said track, said railway company shall notify said city council thereof. But if said common council shall fail or refuse to locate said railway in any of the streets, avenues and highways hereinbefore described, for thirty days after the written request by said company filed with the recorder of said city, then said location of said railway shall be laid in the center thereof.

SEC. 5. The gauge of the track shall be 4 feet 8½ inches, and the said city council shall have the general supervision and control of the construction of the tracks of said railroad. Said railroad company shall place no impediment to the ordinary use of the streets and avenues traversed by said tracks and place no obstructions to the free flow of water across or along the gutters in said streets and avenues and for such purposes said company shall construct bridges, culverts and passageways for water in such manner as to best accomplish the purposes aforesaid.

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*As amended by ordinance passed May 5, 1890; approved May 8, 1890.

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SEC. 6.* The tracks of said railway, and the rails laid thereon, shall be constructed of the best material in use, and such rails shall be approved by the common council before the same shall be laid in said streets, and the same shall be laid in such a manner as shall least obstruct the free passage of vehicles or carriages over the same, and shall be laid by the company to conform as nearly as possible to the established grade of said streets.

SEC. 7.† The cars used on said railway shall be drawn by animals or electricity only and at a speed not exceeding the rate of eight miles per hour, and shall be run as often as the city council shall prescribe: *Provided,* That cars shall not be required to run oftener than fifteen minutes between the hours of 6 a. m. and 8 p. m., daily, or oftener than every thirty minutes between the hours of 8 p. m. and 12 p. m., daily.

If electricity be used as a motive power, said company is authorized to erect and maintain all the necessary poles, arms and wires required for the full electrical equipment for the propulsion of their cars. Where practicable the poles of existing companies shall be used. Poles shall be either round or octagonal in shape as may be determined upon by the said street railway company, and be painted to correspond in color with the foliage of the shade trees.

All wires and overhead work shall be suspended not less than eighteen feet above the track. All material and work shall be of the best, and subject to the approval of the board of public works.

If propulsion by means of storage battery shall be generally adopted as electrical motive power for street car purposes in other cities the same shall be adopted by this company and the use of poles and wires dis-

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*As amended by ordinance passed Sept. 6, 1889; approved Sept. 11, 1889.

†As amended by ordinance passed August 20, 1894; approved August 22, 1894.

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pensed with. The cars in use on said railway shall be run for no other purpose than to transport passengers and their baggage and the cars and carriages for that purpose, shall be of the best style in use on such railways and properly warmed in cold weather by a modern heating apparatus: *Provided,* That other cars may be used for cleaning and repairing said railway. After sunset all cars while running shall be provided with suitable signal lights in both front and rear cars.

SEC. 8. The rate of fare for each passenger shall not exceed five cents the entire length of whole line of road or any part thereof: *Provided,* No [one] passenger shall ride over the same track twice without paying an additional fare; and for the carriage of packages and baggage of passengers such additional sum may be charged as may be justly proportionate to said price herein allowed for carriage of passengers themselves, except that ordinary hand satchels and hand packages not exceeding twenty-five pounds in weight shall be carried for passengers free of charge.

SEC. 9. No car shall be allowed to stop upon a crosswalk nor in front of any intersecting street, unless from unavoidable necessity, and no car shall be allowed to remain standing upon the line of said route for passengers or for any purpose so as to unreasonably impede the passing of other vehicles, and when the driver or conductor of any car is required to stop at the intersection of streets to receive or leave passengers, the car shall be stopped so as to leave the rear platform slightly over the crossing beyond the street crossed.

Cars driven in the same direction shall not approach nearer each other than fifty feet unless from unavoidable necessity.

SEC. 10. Said grantees, or their successors or assigns, are authorized to use on their cars the patent

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cash box (so-called) for the reception of fares, and in case of the using of said patent cash boxes as aforesaid, on any of their cars, to dispense with the employment of a conductor other than the driver on the cars upon which said patent cash boxes are used: *Provided,* That upon public occasions when the cars are crowded with passengers a conductor shall be provided for each car.

SEC. 11. The grantees, or their successors or assigns, shall employ careful, sober and prudent agents, conductors and drivers to take charge of their cars while on the road, and it shall be the duty of all such agents, conductors and drivers to keep vigilant watch for all teams, carriages, vehicles or persons on foot, and especially children, either upon the track or moving towards it. At the first appearance of danger to such team, carriage or vehicle, footman or children, or other obstruction the car shall be stopped in the shortest time and space possible, and the said company shall be liable for, and hold said City of Ann Arbor forever harmless from any and all damages which may occur to persons or property by reason of construction, use or management of said street railway. Drivers or conductors shall not allow ladies or children to enter or leave the cars while in motion.

SEC. 12. Any wilful violation of, or failure to comply with the provisions of this ordinance, by said railway company, or by any agent, conductor, driver or any person in the employ of said company, shall be punished by a fine not to exceed fifty dollars and costs; and the imposition of any such fine and costs, the court may make a further sentence that the offender be committed to the county jail or to the Detroit house of correction, until the payment thereof, for any period of time not exceeding three months.

SEC. 13. The said company shall be liable to said City of Ann Arbor for all costs and damages suffered

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by or recovered against it, in consequence of any act, neglect or default of said company, its officers, agents or servants, or from a breach of said company, its officers, agents or servants, of any of the provisions of this ordinance; and the said company agrees to pay the same, and to secure the payment thereof the City of Ann Arbor shall have a lien upon the franchises and property of said company, and such lien is hereby created and given thereon to said City of Ann Arbor for the purpose aforesaid.

SEC. 14. The cars upon said railway shall always be entitled to the track, and the driver of any vehicle obstructing the same shall turn and leave the track free upon the approach of any car as soon as practicable, and so as not to impede the car, and any person who shall refuse so to do after having been notified by the driver or conductor by the ringing of the car bell, or otherwise, or who shall in any way unnecessarily obstruct, delay or interfere with or injure or destroy the track of said road, or the cars or other property of said company, shall, upon conviction thereof before any justice of the peace or other court having jurisdiction, be fined in any sum not exceeding twenty-five dollars.

SEC. 15. Wherever gaspipes, waterpipes, sewers, drains, gutters or cisterns are now laid in the streets herein specified and along which railways are to pass, the said railway must be laid down and maintained subject to the rights now in the said City of Ann Arbor to repair, take up or remove any such gaspipes, waterpipes, sewers, drains, gutters or cisterns without claim against said city. The same to be done in such manner as not unnecessarily to damage or injure said railways or their use, and the said City of Ann Arbor expressly reserves to itself the right to remove or obstruct, or authorize the same to be done, any portion of the said railway track wherever it shall be

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necessary for public convenience in laying down or repairing waterpipes, gaspipes, sewers, drains, gutters or cisterns, or for any other work necessary to be done by said city for public or private convenience, and for such length of time as may be necessary therefor, without incurring any liability for damages to said company, not however, disturbing the running of cars where it can be reasonably avoided. The said city, gas and water companies or private individuals who shall take up pavement for the purpose aforesaid, being always required to restore the railway, pavement and street to its former condition as near as may be; and the said City of Ann Arbor further reserves to any person, persons, company or corporation any and all rights, privileges or franchises heretofore by said city given or granted to any such person, persons, company or corporation, or by them or either or any of them, from any other source lawfully obtained; none of which rights are to be impaired or affected by anything herein contained, and the rights and privileges hereby granted are subject thereto.

SEC. 16. The City of Ann Arbor shall not be liable in any way to said company for any damages it may sustain from the breaking or overflow of water from any sewer or drain, or the caving in of any cistern or breaking down of any bridge, or from the breaking of any waterpipe or gaspipe, or by reason of any changes in the grade of any of the streets of said village or city, or by reason of any other work or improvement necessary to be done by said city: *Provided*, That such city shall not be negligent in performing such work.

SEC. 17. The right is also hereby reserved to the city council of the City of Ann Arbor, to make such further rules, orders or regulations concerning the construction and operation of said railway as may from time to time be deemed necessary to protect the

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interests, safety, welfare or accommodation of the public in relation to said railways.

SEC. 18.* The said railway company, and their successors and assigns, in case horses shall be permanently employed as a motive power, shall pave the surface of the streets inside the rails in a good and substantial manner when so directed by the common council, upon any part or the whole of said railway, conforming the grade thereof to the adjacent street. The said railway company shall not interfere with or disturb the surface of the streets outside of the limit above prescribed unless absolutely necessary in which event it shall at once restore the pavement and surface thus disturbed to as good condition as before.

SEC. 19.* The said railway company shall at all times keep the surface of the streets inside the rails clear of snow, ice and dirt, which may be spread evenly over the street through which said railway shall pass, which shall also be done in case of double tracks, side tracks, turnouts and switches.

SEC. 20. If the said company, its successors or assigns, shall at any time hereafter refuse, fail or neglect to comply with the provisions of this ordinance or any part thereof, all rights, privileges, interests, permission and authority hereby granted shall thenceforth cease and be forfeited, and the said City of Ann Arbor be entitled to take possession of the entire routes and streets over which the said railways may have been constructed.

SEC. 21. The powers and privileges conferred by the provisions of this ordinance shall be limited to thirty years from and after the date of its passage.

SEC. 22. Said grantees shall within ten days after the passage of this ordinance signify their acceptance

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*As amended by ordinance passed Sept. 6, 1889; approved Sept. 11, 1889.

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in writing of the rights and privileges hereby granted, and file the same with the city recorder.

SEC. 23. If the said grantees shall fail to complete the aforesaid railway within the time prescribed by this ordinance, then all the rights and privileges herein granted shall be forfeited, and the City of Ann Arbor shall be entitled to take possession thereof: *Provided,* The common council of the City of Ann Arbor does not extend the time: *And provided further,* That if the said grantees shall be delayed by the order or injunction of any court, or any officer thereof authorized to make or issue such order or injunction, then the time of such delay shall be excluded from the time of completion prescribed in this ordinance.

SEC. 24. The said Ann Arbor Railway Company shall be exempted from license tax for the term of ten years from and after the passage of this ordinance.

SEC. 25.* Any company or corporation operating a street railway under the power herein granted, shall at all times from the first day of April to the first day of November in each year cause that portion of all streets, over which its cars are operated, to be sprinkled with water between the rails and for ten feet on each side of the track to such an extent as to lay the dust, provided, that the said corporation shall be liable to the City of Ann Arbor in the penal sum of $50 and cost of suit, for each day or part of day during the time aforesaid that said sprinkling shall be neglected, to be recovered in an action of assumpsit for money had and received in any court of competent jurisdiction.

This ordinance shall take effect in ten days after legal publication.

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* As amended May 1, 1899.

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An Ordinance Relative to Street Railways, and Authorizing the Ann Arbor Street Railway Company to Extend Its Railway Lines.

(Passed Nov. 6, 1893; approved Nov. 9, 1893.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. The consent, permission and authority of the City of Ann Arbor is hereby granted to the Ann Arbor Street Railway Company and to its successors and assigns, to construct, own, maintain and operate additions and extensions to their present electric street railway system, on and along the streets and avenues hereinafter mentioned, with all necessary tracks, turn outs, side tracks, switches and turn tables, and to run cars thereon for the transportation of passengers and their baggage, and to operate thereon street railway cars under the conditions and in the manner limited in a certain ordinance passed in the common council on the 13th day of August, 1888, and the amendments thereto.

SEC. 2. The streets, avenues and highways upon, along and over which said additions and extensions of said street railway are to be constructed, maintained and operated are as follows, that is to say:

Commencing in North Main street at the north line of Ann street; thence north along North Main street to Depot street; thence east along Depot street to the intersection with its present line on Detroit street.

Also commencing at the intersection of its present track on Detroit street; thence easterly along Detroit street to Broadway; thence easterly along Broadway to the city limits.

Also commencing at the intersection with its present tracks at State and William streets; thence southerly along State street to Monroe street; thence easterly along Monroe street to East University avenue;

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thence southerly along East University avenue to Hill street; thence easterly along Hill street to connect with its present line thereon.

Also commencing at the intersection with its present track in Wells street at the north entrance of the fair grounds; thence west along Wells street to Forest avenue, and southerly along Wells street to, and to connect with, its present track on Grove or Packard street.

SEC. 3. This franchise is granted upon the express condition that said street railway company, its successors and assigns, shall and will construct, maintain and operate its said additions and extensions in all things according to the provisions of and conditions contained in said railway company's original franchise and amendments thereto; and that said additions and extensions and every [one] of them shall be in all things constructed and in full operation within one year from the date of the passage of this ordinance; and that a failure to construct any or either of said additions and extensions in the time aforesaid or in the manner aforesaid shall operate to avoid this franchise relating thereto, without any notice or action taken on the part of the said, the City of Ann Arbor, or any officer thereof.

This ordinance shall take immediate effect and be in force after legal publication.

An Ordinance Relative to Street Railways.

(Passed Feb. 17, 1892; approved Feb. 18, 1892.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That the consent, permission and authority of the City of Ann Arbor is hereby given to the Ann Arbor and Ypsilanti Street Railway Company, a corporation legally organized under and by

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authority of the laws of the State of Michigan, to construct, operate and maintain a street passenger railway with single track, with all necessary tracks for turnouts and switches, and to run cars thereon for the transportation of passengers and their baggage and packages through, along and upon so much and no more, of Packard street, or the south Ypsilanti road so-called, as extends over and across the territory annexed to the City of Ann Arbor by the legislature of the State of Michigan during the regular session of 1891.

SEC. 2. The said Ann Arbor and Ypsilanti Railway Company shall construct the main track of their said road on the center line of said street and in such a manner as shall least obstruct the free passage of vehicles or carriages over the same, and the rails laid thereon shall conform as near as possible to the established grade of said street, or as shall from time to time be established or altered, and in case of grading or paving, if it be necessary to relay said rails to conform to the new grade or paving, the same shall be done at the expense of said company. And said main track, side track and turnout shall be constructed under the supervision and to the satisfaction of the board of public works.

SEC. 3. The power used to propel the cars used upon said road shall be animal, electrical or steam, and they shall not be propelled at a speed exceeding six miles per hour and shall be run as often as the city council shall prescribe.

SEC. 4. This ordinance shall take effect and be in force immediately after due publication.

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An Ordinance Relative to Gas Works.

(Passed Sept. 2, 1889; approved Sept. 4, 1889.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That the right and privilege of erecting and maintaining gas works within the city, and of laying and continuing, the gas pipes along and across any and all of the streets, sidewalks, lanes, alleys and public grounds in said city, and of manufacturing gas in said city for sale for lighting and fuel purposes, and of supplying said city and the buildings and streets therein with gas, be and is hereby granted to the Ann Arbor Gas Company, a corporation organized under the laws of the State of Michigan, its successors and assigns, upon the conditions and restrictions hereinafter mentioned, so long as said company shall continue to supply gas, and shall comply with the restrictions and conditions hereinafter mentioned, and not exceeding in all a period of ten years.

SEC. 2. This grant is made subject to the following restrictions and conditions, to wit:

First. That said company shall within thirty days make and file with the city clerk, to be recorded and preserved, a copy of the articles of association of said company, and a written assent by this company to the provisions of said ordinance.

Second. That said company shall supply and continue to supply all persons along the line of its main pipe, who may suitably supply their premises and buildings with service pipe and necessary fixtures and appurtenances, with gas; and all gas for lighting purposes so furnished by said company, shall be of a candle power of sixteen candles or over and shall be furnished at a rate not exceeding two dollars per thousand cubic feet for private consumers,

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and to the corporation of the City of Ann Arbor at a rate not exceeding one dollar and fifty cents per thousand feet: *Provided,* That if the price of coal and oil shall advance to exceed twenty per cent over the present price, the price of gas may be advanced pro rata in the proportion that the cost of coal and oil enters into the cost of the manufacture of gas: *Provided further,* That the rate at which gas is furnished to private consumers shall not at any time exceed the average rate paid for gas by consumers in other cities of Michigan.

Third. Said company shall extend its existing mains whenever a sufficient number of persons residing on the line of the proposed extension shall agree to become consumers of gas to make such extension pay an interest of five per cent. on the investment necessary to make such extension.

Fourth. Said corporation shall do no permanent injury to, and shall take care not unnecessarily or unreasonably to obstruct any street, pavement, sidewalk, lane or alley; and when it shall open ground to lay pipe or for any other purpose whatever, it shall with all diligence restore the streets, pavements, sidewalks or grounds to a condition equally as good as before, and to the satisfaction of the board of public works, and shall promptly comply with any order or resolution of said board, or of the common council, in reference thereto. And it shall make application to the board of public works before extending its pipes through any of the streets, lanes, alleys or public grounds of said city, and shall lay its pipes, when making extensions, in such part of the street as the board of public works shall direct. And said company shall in all respects fully indemnify and save harmless the City of Ann Arbor from and against all damages or costs which the city may be put to or sustain by reason of any such digging or excavation.

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SEC. 3. An ordinance entitled "An Ordinance Relative to Gas Works," passed April 2, 1858, is hereby repealed.

SEC. 4. This ordinance shall take effect in ten days after due publication.

An Ordinance Extending the Time of Operation of the Provisions of an Ordinance Entitled "An Ordinance Relative to Gas Works," Passed September 2, 1889, and Approved September 4, 1889.

(Passed April 5, 1893; approved April 12, 1893.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That all the rights and privileges granted to the Ann Arbor Gas Company by an ordinance entitled "An Ordinance Relative to Gas Works," passed September 2, 1889, and approved September 4, 1889, and all of the provisions, conditions and restrictions of said ordinance be and are hereby extended for a period of thirty years, from and after the fourth day of September, A. D. 1889.

SEC. 2. Nothing in this ordinance contained shall be construed to prevent the common council from hereafter passing and causing to be enforced an ordinance providing for the inspection of gas meters and requiring said company, its successors and assigns, to pay the costs of such inspection whenever said company's meters shall be found to be defective.

This ordinance shall take immediate effect.

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An Ordinance Granting the Toledo, Ann Arbor and Northern Railroad Company Certain Rights and Privileges.

(Passed April 17, 1872.)

WHEREAS, The Toledo, Ann Arbor and Northern Railroad Company, by its directors and attorney, has made application to the common council of the City of Ann Arbor, to grant to said railroad company the right to construct and maintain its road, for and during the term of the corporate existence of said company, upon and across any and each stream, watercourse, street, lane, alley and highway which the route of the road of said company shall or does lie along or intersect within the limits of the City of Ann Arbor, as the same is now located or as the same shall be hereafter located, the route as so located heretofore south of Felch street, in said city, being designated on the map thereof certified by a majority of the board of directors of said company and filed in the office of the register of deeds of the county of Washtenaw in the State of Michigan, on the 12th day of April, A. D., 1872, and being also designated by a red line on the map or drawing annexed to said application, representing the center line of said road extending continuously across Hill street, Mosely street, Madison street, Main street, or Saline road, William street, First street, Liberty street, Washington street, Huron street, Ann street, Catherine street and Felch street, as shown by said map so filed and by said map so annexed to such application; and also upon and across such other streets, lanes and alleys as such company shall hereafter require for the route of said road through said City of Ann Arbor by a single continuous route not exceeding one hundred feet in width: *Provided, however,* That the route of said road through said city shall not be located or established in the First ward north of William street, or in the

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Second ward east of Second street; such grant to be made on condition that said company or its successors shall within two years of the date hereof have constructed or caused to be constructed its road from Ann Arbor to the state line, between the State of Michigan and Ohio, or to the line of the road formerly known as the Michigan Southern and Northern Indiana Railroad, and upon the further condition that the grade of said railroad shall be on the grade of such streets so intersected by such railroad, or if not on the same grade of such streets that said company shall at its own expense provide and maintain suitable crossings for street passengers, horses and carriages on such streets over or under the track of said railroad, and such grant also to be made with the understanding that said company will adopt the usual and reasonable safeguards to avoid accidents and injuries to persons and property which may be lawfully on such streets, and that such company will do no unreasonable damage to such streets, and that such grant is applied for subject to whatever limitations or restrictions are imposed thereon by law; and,

WHEREAS, The said company has also made the further application to said common council for the grant to said company of the license and right to remove the earth and gravel within the limits of Felch street, between Spring street and First street, extending northward across Felch street, in said City of Ann Arbor, so as to reduce the grade and level of said Felch street, in said City of Ann Arbor, between those points of intersection, to a uniform grade not higher than the grade of such street at such intersection points and to use the surplus gravel, earth and stone so taken for the construction of said railroad as said company shall deem expedient; and,

WHEREAS, The said applications and propositions

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of said company have been and are agreed to by the common council of said City of Ann Arbor; therefore,

Be it Ordained by the Mayor, Recorder and Aldermen of the City of Ann Arbor in Common Council assembled:

That the said application of the said railroad company for the right to construct and maintain its said road as now located, or as the same may be located hereafter by a single continuous route for the term of the corporate existence of said company, subject to the conditions and limitations aforesaid, upon, across and along any and each stream, watercourse, street, lane, alley and highway which the route of the road of said company shall or does lie along or intersect within the limits of the City of Ann Arbor be and the same is hereby granted; and

Be it further Ordained by the Mayor, Recorder and Aldermen in Common Council assembled:

That the further application of said company for the right to remove and use the gravel, earth and stones from the part of Felch street above described, as above set forth, be and the same is hereby granted to said company.

An Ordinance Authorizing the Construction, Maintenance and Operation of an Electric Telephone Exchange Within the City of Ann Arbor.

(Passed May 3, 1897; approved May 7, 1897.)

The Common Council of the City of Ann Arbor Ordain:

SECTION 1. That the New State Telephone Co., a corporation organized under the laws of the State of Michigan, be and hereby is licensed and given permission and authority to construct and maintain in the

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City of Ann Arbor, an electric telephone exchange, and for this purpose to erect, maintain, operate and use in the public streets, avenues and alleys of said city, necessary poles, masts, wires and other apparatus, and to rent and collect rent therefor telephones, subject, however, to the conditions and limitations in this ordinance contained.

SEC. 2. All poles, masts and wires shall be placed and erected under the supervision of the Board of Public Works of the City of Ann Arbor, whose duty it shall be to see that such poles, masts and wires are erected and constructed and maintained in such manner as not to annoy or interfere unnecessarily with the owners or occupants of property in said city, or with shade trees, and in such manner as not to interfere with the traffic upon the streets, avenues and alleys of said city.

SEC. 3. Whenever said New State Telephone Company, or its successors or assigns, shall propose to enter upon any street, alley, or avenue, in said city for the purpose of erecting poles and masts therein, and stringing wires therein, it shall, five days previous to the delivery of any poles in said street, avenue or alley, and five days previous to the erection of any poles in, or masts, or the stringing of any wire in said street, avenue or alley, give notice to the Board of Public Works of its purpose and intention in this behalf; and the Board of Public Works shall have the right, and it shall be the duty of said Board, to prescribe such reasonable regulations and rules for the setting of any such posts, poles or masts and the stringing of wires in said street, avenue or alley, and concerning the digging up of said street, avenue or alley, and the restoring of the surface of the same, as it shall deem proper and necessary.

Such notice to the Board shall be in writing, and shall designate the street, avenue or alley proposed

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