

PEOPLE OF THE CITY OF DETROIT:

Section 1. That Chapter 43, Article 1, Section 43-1-10 of the Code of the City of Detroit be amended as follows:

Sec. 43-1-10. Street vendors utilizing vehicles in conducting business on any street in the city shall operate at all times in such a manner so as not to interfere with pedestrian or vehicular traffic and shall keep their vehicles in motion, other than while making sales; provided, that push cart and pedestrian vendors of flowers or confections or both OR PERSONS WHO ARE ENGAGED IN DRAWING PORTRAITS AND SELLING SAME may stand and solicit business in the Cultural Center area and in the Civic Center area, except during the hours of 4:00 p.m. to 6:00 p.m. week days and such other hours and such other times as the commissioner of police may designate. However, it shall be unlawful for any vendor to be in or on any public building or to locate in such a place so as to interfere with vehicular or pedestrian traffic.

No more than three persons shall sell or operate on or in connection with any street vendor's wagon or truck. The owner or the person in charge of such vehicle shall have a street vendor's license covering wagons and trucks, and the one or two persons, if there are one or two, shall have the same kind of license or a "helper's" license. Such helpers shall be subject to all rules and regulations of the police department and the board of health.

Section 2. This ordinance is declared necessary for the preservation of the peace, health, safety and welfare of the people of the City of Detroit and is hereby given immediate effect.

Approved as to form:

MICHAEL M. GLUSAC, Corporation Counsel

Read twice by title, ordered printed and laid on the table.

Resolution

By Councilman Levin:

Resolved, That a public hearing be and is hereby scheduled to be held before this Common Council in the Committee Room, 13th Floor, City - County Building, Detroit, Mich., on MONDAY, JULY 19, 1971, at 11:00 a.m., at which time all interested persons are invited to be present and be heard as to their views concerning the foregoing proposed ordinance amendment to permit drawing of portraits and selling of same in the Cultural Center and Civic Center areas.

Adopted as follows:

Yeas - Councilmen Browne, Levin, Rogell, Van Antwerp, Wierzbicki, and President Pro Tem Hood - 6.

Nays - None.

Corporation Counsel June 30, 1971

Honorable Common Council: Re: Petition No. 2667 of Timothy M. Driscoll and Dean E. Valowich d.b.a. Minuteman-Universal Auto Wash, a co-partnership, to maintain encroachment at 19664 Woodward Avenue, Detroit, Michigan.

Gentlemen—Pursuant to your request, this office has prepared the appropriate resolution granting the above petition with the recommendations of the City departments involved.

Respectfully submitted, CHRISTINE M. ROSSI,

Assistant Corporation Counsel

By Councilman Levin:

Resolved, That the Department of Public Works be and it is hereby authorized and directed to issue permit to Timothy M. Driscoll and Dean E. Valowich, d.b.a. Minuteman-Universal Auto Wash, a copartnership, to maintain encroachment at 19664 Woodward Avenue, Detroit, Michigan, property being described as:

"Lots 1 and 2 except that part taken for street widening purposes, James M. Vernier's Subdivision."

Encroachment to consist of plywood panels (4 feet by 8 feet) extending from building into public property 2.5 inches for a distance of 37.16 feet on the east side of Woodward Avenue between Ralston Avenue and E. State Fair Avenue.

Provided, That the necessary permits be obtained from the Department of Public Works and that same shall be constructed and maintained under the rules and regulations of said department and the Department of Buildings and Safety Engineering and the City Plan Commission in accordance with plans submitted to and approved by those departments; and

Provided, That permittee at the time of obtaining said permits file with the City Controller an indemnity agreement in form approved by the Corporation Counsel saving and protecting the City of Detroit harmless from any and all claims, damages or expenses that may arise by reason of the issuance of said permits and the faithful performance by the permittee of the terms thereof, and in addition to pay all claims, damages or expenses that may arise out of the maintenance of said permission; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the permittee at any time when so directed by the Common

Council, and that the public property affected shall be restored to a condition satisfactory to said Department by said permittee at its expense; and

Provided, That this resolution is revocable at the will, whim or caprice of the Common Council and permittee hereby expressly waives any right to claim damages or compensation for property constructed hereunder for the removal of same and further that permittee acquires no implied or other privileges hereunder not expressly stated herein; and

Provided, That these permits shall not be assigned or transferred without the written approval of the Common Council; and

Provided, That the filing of the indemnity agreement and the securing of the necessary permits referred to herein shall be construed as acceptance of the terms of this resolution by the permittee; and

Provided, That a certified copy of this resolution shall be recorded with the office of the Register of Deeds for Wayne County by and at permittee's expense.

Approved:

ROBERT D. McCLEAR

Acting Corporation Counsel

Adopted as follows:

Yeas — Councilmen Browne, Levin, Rogell, Van Antwerp, Wierzbicki, and President Pro Tem Hood — 6.

Nays — None.

Corporation Counsel

July 6, 1971

Honorable Common Council:

Gentlemen—By virtue of a Resolution adopted January 26, 1971, on request of the Board of Assessors, you authorized a change in the 1969 assessment of Pitney-Bowes, Inc. (JCC 135). This was intended to dispose of an appeal by the taxpayer taken to the State Tax Commission challenging its personal property assessment for this year, while at the same time it had paid its taxes to the City Treasurer under protest.

As part of the understanding, court actions brought to recover the 1969 taxes were to be dismissed and counsel for the taxpayer has taken the position that interest at 5 percent per annum was expected in addition to the amount to be refunded of \$12,386.34 for 1969. In anticipation of this understanding, stipulations and orders for dismissal of said court actions were signed and filed.

To correct the oversight which resulted when the original communication was sent to your Honorable Body by the Board of Assessors, we recommend adoption of the attached resolution.

Respectfully submitted,

LAWRENCE W. MORGAN,  
Assistant Corporation Counsel

Approved:

MICHAEL M. GLUSAC

Corporation Counsel

By Councilman Levin:

Resolved, that the City Treasurer is hereby authorized to refund and the City Controller be and he is authorized to honor vouchers when presented therefor in favor of Pitney-Bowes, Inc., on the basis of the 1969 personal property taxes payable subsequent to reduction of taxpayer's assessment (Ward 2, Item 4134) affected by determination of the State Tax Commission, and dismissal of Circuit Court actions Nos. 141-170 and 149-660, together with interest at the rate of 5 percent per annum on the respective first and second half installments to date of payment of refund, being not more than the amount paid in accordance with the original assessment.

Pitney-Bowes, Inc., Ward 2, Item 4134; Orig. Assmt. \$973,010; Decr. \$246,230; STC Assmt. \$726,780; State Eq. Val. \$1,041,120; Decr. in S.E.V. \$263,466; STC Rev. Assmt. as Eq. \$77,654; Orig. Tax, \$48,946.20 Decr., \$12,386.34; Total Tax to be collected \$36,559.86.

Adopted as follows:

Yeas — Councilmen Browne, Levin, Rogell, Van Antwerp, Wierzbicki, and President Pro Tem Hood — 6.

Nays — None.

Corporation Counsel

July 2, 1971

Honorable Common Council:

Re: Petition No. 2629 of Pierson Interiors, Inc. to erect a canopy at 19556 Grand River Avenue, Detroit, Mich.

Gentlemen—Pursuant to your request, this office has prepared the appropriate resolution granting the above petition in accordance with recommendations of the City departments involved.

Respectfully submitted,

CHRISTINE M. ROSSI,

Asst. Corporation Counsel

By Councilman Van Antwerp:

Resolved, That the Departments of Public Works and Buildings and Safety Engineering be and they are hereby authorized and directed to issue permits to Pierson Interiors, Inc., a Michigan corporation, to erect a canopy, subect to the provisions of the Building Code as amended by Ordinance 744-F in Chapter 12, Article 6 of the Code of the City of Detroit, at 19556 Grand River Avenue, Detroit, Michigan.

The encroachment to consist of a canopy that will extend over public property eight feet wide to within two feet of curb, stanchions to be five feet from curb, and a distance of eight feet from sidewalk to framework, seven feet from sidewalk to apron, and ten feet six inches from sidewalk to top of canopy.