

graph or other signal wires to conform to this section within ninety days from date of serving of notice to separate such wires, given by the public lighting ~~commission~~ DEPARTMENT or its duly appointed agent. High potential wires mentioned in this section shall be wires carrying currents of three hundred volts or over.

Sec. 45-2-3.

~~Bare wires crossing trolley wires period~~

~~It shall be the duty to any company stringing bare wires ~~commission~~ whenever such wires cross trolley wires ~~commission~~ to provide safe and suitable insulation for all such bare wires at such crossings where in case of breakage such wires could come in contact with such trolley wires period~~

Sec. 45-2-4.

It shall be the duty of the public lighting ~~commission~~ DEPARTMENT, upon complaint of any citizen, to examine or cause to be examined any dangerously exposed electrical wires and to notify the person owning or controlling the exposed wire of its dangerous condition, and have the same remedied at once and made safe. Upon the failure of such person to remedy and make safe such dangerously exposed wire, it shall be the duty of the public lighting ~~commission~~ DEPARTMENT to cause a complaint to be made for a breach of this section and to prosecute such person for such breach. Any refusal or neglect to remedy such dangerously exposed wire after due and proper notice from the public lighting ~~commission~~ DEPARTMENT shall constitute a violation of this section.

Sec. 45-2-6.

It shall be the duty of any person owning or in control of the same to remove from any building, structure or pole all dead wires which are not actually in use within thirty days from notice given by the public lighting ~~commission~~ DEPARTMENT.

Section 2. This Ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Detroit.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Approved:

ELLIOTT S. HALL  
Acting Corporation Counsel

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

By Councilman Kelley:  
AN ORDINANCE to amend Chapter 45, Article 3 of the Code of the City of Detroit by amending Sections 45-3-5 and by adding a new section, Section 45-3-6 to permit the Public Lighting Department to furnish and install as well as erect and maintain overhead electrical

traffic signals and a wire and communications system for all city departments, but primarily the police and fire services.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT:

Section 1. That Chapter 45, Article 3 of the Code of the City of Detroit be amended by amending Section 45-3-5 and by adding a new section, Section 45-3-6 to read as follows:

Sec. 45-3-5.

Notwithstanding any of the provisions of this article to the contrary, it shall be lawful ~~to~~ FOR THE PUBLIC LIGHTING DEPARTMENT TO FURNISH, INSTALL, erect, maintain AND/or use overhead electrical traffic signals, span wires and cables in the streets of the city upon the recommendation of the ~~streets and traffic commission of the city,~~ TRANSPORTATION DEPARTMENT and of the ~~city electrician~~ PUBLIC LIGHTING DEPARTMENT SUPERINTENDENT, and only after final approval of the ~~common~~ CITY council.

Sec. 45-3-6.

RADIO COMMUNICATIONS SYSTEMS PERMITTED.

IT SHALL BE THE DUTY OF THE PUBLIC LIGHTING DEPARTMENT TO FURNISH, INSTALL, ERECT AND MAINTAIN A WIRE AND COMMUNICATIONS SYSTEM FOR USE BY ALL CITY DEPARTMENTS BUT PRIMARILY THE POLICE AND FIRE SERVICES.

Section 2. This Ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Detroit.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Approved:

ELLIOTT S. HALL  
Acting Corporation Counsel

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

Corporation Counsel

June 11, 1974

Honorable Common Council:  
Re: Petition No. 708-Olga F. Dworkin, et al Canopy Encroachment at 5456-64 and 5470-82 Cass Avenue.

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,  
JAMES C. COBB, JR.  
Ass't. Corp. Counsel

By Councilwoman Mahaffey:  
Resolved, That the Departments of Public Works and Buildings and Safety Engineering be and they are hereby authorized and directed to issue permits to Olga F. Dworkin, et al, to install a building supported



fiberglass canopy and colored tile on the sidewalk at 5454-64 and 5470-82 Cass Avenue, Detroit, Michigan, property being described as No. 5454-64 is Lot 3 of Walker's Subdivision

and No. 5470-82 is Lot 17 of Dingwall's Subdivision

The encroachments consist of a building supported fiberglass structure being similar to a canopy for a distance of 221 feet along ES Cass, south of Ferry, and colored tile on the sidewalk for the same length and the entire width between the building and curb.

Provided, That the necessary permits be obtained from the Departments of Public Works and Buildings and Safety Engineering and that the same shall be maintained under their rules and regulations; 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 cost and maintenance of said encroachments; and

Provided, That no rights in the public streets, alleys or other public places shall be considered waived by this Resolution which is granted expressly on the condition that said encroachments shall be removed at the expense of the permittee at any time when so directed by Resolution of the Common Council, and that the public property affected shall be restored to a condition satisfactory to said Department of Public Works by said permittee, at its sole cost and expense; and

Provided, That said permits shall be issued only after a certified copy of this Resolution has been duly recorded in the office of the Wayne County Register of Deeds by and at the permittee's 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 removal of encroachment, and further that permittee acquire no implied or other privileges hereunder not expressly stated herein; 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 said permits shall not be assigned or transferred

without the written approval of the Common Council.

Approved:

ROBERT REESE

Acting Corporation Counsel

Adopted as follows:

Yeas — Councilmen Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.

Corporation Counsel

June 12, 1974

Honorable Common Council:

Re: Eddie Gordon vs. City of Detroit and Louis Edgecombe, U.S. District Court Eastern District of Michigan, No. 71770.

On file in the office of the City Clerk is a complaint which was served on City of Detroit and Louis Edgecombe, Supervisor of Service Guards for Civic Center Commission.

The Complaint alleges inter alia that defendants discharged plaintiff without a hearing and said discharge was unconstitutional as violative of due process; that defendant Edgecombe made or authorized to be made an unlawful search of plaintiffs effects and conspired with unknown members of the Detroit Police Department to obtain evidence of plaintiff's handwriting to prove an alleged communication that plaintiff made to outsiders regarding a murder of a girl at Cobo Hall.

Louis Edgecombe has requested the Corporation Counsel to represent him in this matter.

In accordance with City Ordinance 834-F, our office recommends that it be authorized to represent Louis Edgecombe and our office further recommends that the Common Council find that the suit against said employee arises out of the performance in good faith of his official duties.

Respectfully submitted,

ELLIOTT S. HALL

Acting Corporation Counsel

By Councilwoman Mahaffey:

Resolved, That this Body, the Common Council, of the City of Detroit, hereby concur in the foregoing recommendation of the Corporation Counsel, and that said office is hereby authorized and directed to provide legal representation for Louis Edgecombe, Supervisor of Service Guards for the Civic Center Commission, in the lawsuit of Eddie Gordon vs. City of Detroit, and Louis Edgecombe, filed in United States District Court Eastern District of Michigan, Southern Division, Case No. 71770.

Adopted as follows:

Yeas — Councilmen Browne, Cleveland, Eberhard, Henderson, Hood, Kelley, Mahaffey, Rogell, and President Levin — 9.

Nays — None.