

34 decide in favor of the applicant  
35 any matter upon which they are  
36 required to pass under any such  
37 ordinance, or to effect any varia-  
38 tion in such ordinance. Such ap-  
39 peal may be taken by any per-  
40 son aggrieved or by any officer,  
41 department, board or bureau of  
42 the city or village. Wherever  
43 any city or village has created  
44 or may create a board of rules  
45 or board of building appeals, such  
46 board may be enlarged to consist  
47 of five (5) members, and these  
48 may be appointed as the board  
49 of appeals as herein provided.

50 (b) Appeals, how taken. Such  
51 appeal shall be taken within such  
52 time as shall be prescribed by  
53 the board of appeals by general  
54 rule, by the filing with the officer  
55 from whom the appeal is taken  
56 and with the board of appeals of  
57 a notice of appeal specifying the  
58 grounds thereof. The officer  
59 from whom the appeal is taken  
60 shall forthwith transmit to the  
61 board all the papers constituting  
62 the record upon which the action  
63 appealed from was taken.

64 (c) Stay. An appeal stays all  
65 proceedings in furtherance of the  
66 action appealed from unless the  
67 officer from whom the appeal is  
68 taken certifies to the board of  
69 appeals after the notice of appeal  
70 shall have been filed with him  
71 that by reason of facts stated in  
72 the certificate, a stay would in  
73 his opinion cause imminent peril  
74 to life or property, in which case  
75 proceedings shall not be stayed  
76 otherwise than by a restraining  
77 order which may be granted by  
78 the board of appeals or by the  
79 circuit court, on application, on  
80 notice to the officer from whom  
81 the appeal is taken and on due  
82 cause shown.

83 (d) Hearing of and decision  
84 upon appeal. The board of ap-  
85 peals shall fix a reasonable time  
86 for the hearing of the appeal and  
87 give due notice thereof to the  
88 parties, and decide the same with-  
89 in a reasonable time. Upon the  
90 hearing, any party may appear  
91 in person or by agent or by at-  
92 torney. The board of appeals  
93 may reverse or affirm, wholly or  
94 partly, or may modify the order,  
95 requirement, decision or deter-  
96 mination appealed from and shall  
97 make such order, requirement, de-  
98 cision or determination as in its  
99 opinion ought to be made in the  
100 premises, and to that end shall  
101 have all the powers of the officer  
102 from whom the appeal is taken.

103 Where there are practical diffi-  
104 culties or unnecessary hardship  
105 in the way of carrying out the  
106 strict letter of such ordinance,  
107 the board of appeals shall have  
108 power in passing upon appeals to  
109 vary or modify any of its rules,  
110 regulations or provisions relat-  
111 ing to the construction, structural  
112 changes in, equipment, or alter-  
113 ation of buildings or struc-  
114 tures, so that the spirit of the  
115 ordinance shall be observed, pub-  
116 lic safety secured and substan-  
117 tial justice done. The decision of  
118 such board shall be final so far as  
119 it involves discretion or the find-  
120 ing of facts.

2 Sec. 6. Wherever the provision  
3 of any ordinance or regulations  
4 adopted by the legislative body  
5 of any city or village under the  
6 provisions of this Act impose re-  
7 quirements for lower heights of  
8 buildings or a less percentage of  
9 lot that may be occupied or re-  
10 quired wider or larger courts or  
11 deeper yards than are imposed  
12 or required by existing provisions  
13 of law or ordinance, the provi-  
14 sions of such local ordinance or  
15 regulation adopted under the pro-  
16 visions of this Act shall govern.  
17 Where, however, the provisions  
18 of the state housing code or other  
19 ordinances or regulations of any  
20 city or village impose require-  
21 ments for lower heights of build-  
22 ings or less percentage of lot that  
23 may be occupied or require wider  
24 or larger courts or deeper yards  
25 than are required by any ordi-  
26 nance or regulation which may be  
27 adopted by the legislative body  
28 of any city or village under the  
29 provisions of this Act, the provi-  
30 sions of said state housing code  
31 or other ordinance or regulations  
shall govern.

2 Sec. 7. Buildings erected, altered,  
3 razed or converted, or uses car-  
4 ried on in violation of any provi-  
5 sion of local ordinances or regu-  
6 lations made under the authority  
7 of this Act are hereby declared  
8 to be a nuisance per se. The  
9 court shall order such nuisance  
10 abated and the owner or agent  
11 in charge of such building or land  
12 shall be adjudged guilty of main-  
13 taining a nuisance per se. The  
14 legislative body shall in the ordi-  
15 nance enacted under the provisions  
16 of this Act, designate the proper  
17 officials whose duty it shall be  
18 to enforce the provisions of such  
19 ordinance and provide penalties  
for the violation thereof.

2 Sec. 8. Sections of this Act shall  
3 be deemed to be severable and  
4 should any section or provision  
5 of this Act be declared by the  
6 courts to be unconstitutional or  
7 invalid the same shall not affect  
8 the validity of this Act as a whole  
9 or any part thereof other than the  
10 part so declared to be unconsti-  
tutional or invalid.

2 Sec. 9. The provisions of this  
3 Act are hereby declared to be im-  
4 mediately necessary for the pre-  
5 servation of the public peace,  
6 health and safety and are hereby  
7 given immediate effect.

Adopted as follows:  
Yeas—Councilmen Bradley, Castator,  
Kronk, Littlefield, Nagel, Simons, Wat-  
son, and the President Pro Tem.—8.  
Nays—None.

By Councilman Nagel:  
Resolved, That the honorable mem-  
bers of the Legislature of the State  
of Michigan, and particularly those  
from the City of Detroit and County  
of Wayne, be and they are hereby re-  
quested to use their best efforts to se-  
cure the following amendment to the  
Home Rule Act, so that after its  
enactment the people of the City of  
Detroit may amend their charter to  
provide for a system of zoning and  
further

Resolved, That the following amend-  
ment be proposed to Sec. 4 of said

Home Rule Act, being Section 4 of Act  
279 of the Public Acts of 1909, as  
amended, by adding a new subdivision  
thereto to read as follows:

Sec. 4 (x) For the establishment of  
districts or zones within which the use  
of land and structures, the height,  
area, the size and location of buildings  
and required open spaces for light and  
ventilation of such buildings and the  
density of population may be regulated  
by ordinance; Provided, That such  
regulations in one or more districts  
may differ from those in other dis-  
tricts.

A BILL to amend Section 4 of Act No.  
279 of the Public Acts of 1909, en-  
titled "An Act to provide for the in-  
corporation of cities and for revising  
and amending their charters," the  
same being Compiler's Section 3,307  
of the Compiled Laws of 1915, as  
amended, by adding a new subdivi-  
sion thereto to be known as sub-  
division 4 (x).

THE PEOPLE OF THE STATE OF  
MICHIGAN ENACT:

Section 1. Section 4 of Act No.  
279 of the Public Acts of 1909, en-  
titled "An Act to provide for the  
incorporation of cities and for re-  
vising and amending their char-  
ters," the same being Compiler's  
Section 3,307 of the Compiled  
Laws of 1915, as amended, is  
hereby amended to read as fol-  
lows:

(Section 4. (x) For the estab-  
lishment of districts or zones  
within which the use of land and  
structures, the height, the area,  
the size and location of buildings  
and required open spaces for light  
and ventilation of such buildings  
and the density of population may  
be regulated by ordinance: Pro-  
vided, That such regulations in  
one or more districts may differ  
from those in other districts.)

Section 2. This bill is hereby  
declared to be immediately neces-  
sary for the preservation of the  
public peace, health and safety  
and is hereby given immediate ef-  
fect.

Adopted as follows:  
Yeas—Councilmen Bradley, Castator,  
Kronk, Littlefield, Nagel, Simons, Wat-  
son, and the President Pro Tem.—8.  
Nays—None.

By Councilman Nagel:  
Resolved, That the City Treasurer be  
and he is hereby authorized and di-  
rected to accept from James M. Wil-  
liams, the original amount of Part 1  
of assessment levied against "Lot 82,  
Johnson's Dix avenue sub. of part of  
O. L. 5, P. C. 60," for the paving of  
Casper avenue, Roll 2841, Book 6, f.  
156, and cancel penalty and interest  
charges, provided payment of said Part  
1 is made within 30 days from the date  
of the adoption of this resolution.

Adopted as follows:  
Yeas—Councilmen Bradley, Castator,  
Kronk, Littlefield, Nagel, Simons, Wat-  
son, and the President Pro Tem.—8.  
Nays—None.

By Councilman Nagel:  
Whereas, Checks mailed by the City  
Treasurer to the Weideman Company  
on August 24, 1920, and to Guy Brews-  
ter, Cady & Staff on December 14, 1920,  
were not received and the canceled

checks have not been returned by the  
bank, therefore be it

Resolved, That the Controller be and  
he is hereby authorized and directed to  
issue a duplicate check on the Park  
and Boulevard Fund in the sum of \$54  
in favor of the Weideman Company;  
and a duplicate check on the Building  
and Safety Engineering Fund in the  
sum of \$55.08 in favor of Guy Brews-  
ter Cady & Staff, provided he be satis-  
fied that said checks are lost and the  
bank notified to stop payment thereon.

Adopted as follows:  
Yeas—Councilmen Bradley, Castator,  
Kronk, Littlefield, Nagel, Simons, Wat-  
son, and the President Pro Tem.—8.  
Nays—None.

By Councilman Nagel:  
Resolved, That the resolution adopted  
December 14th, 1920 (J. C. C., page  
1935) for the enlarging of the Eastern  
Market site, be and the same is hereby  
rescinded.

Adopted as follows:  
Yeas—Councilmen Bradley, Castator,  
Kronk, Littlefield, Nagel, Simons, Wat-  
son and the President Pro Tem.—8.  
Nays—None.

By Councilman Nagel:  
Resolved, That the Common Council  
of the City of Detroit has declared and  
does hereby declare a public improve-  
ment to be necessary in the municip-  
ality and has declared and does here-  
by declare that it deems it necessary  
to take private property described as:

Lots 28 to 30, both inclusive; also  
lots 37 to 42, both inclusive, of plat of  
the subdivision of the Riopelle Farm,  
north of Gratiot avenue, as recorded  
in Liber 45, page 101 of Deeds of Wayne  
County Records, Detroit, Wayne  
County, Michigan.

Also Lots 49 to 51, both inclusive, of  
plat of the subdivision of part of the  
Riopelle Farm, north of Gratiot avenue,  
as recorded in Liber 53, page 355 of  
Deeds of Wayne County Records, De-  
troit, Wayne County, Michigan, for  
such public improvement designated as  
a site for markets and market build-  
ings for the enlarging of the Eastern  
Market and such other buildings as  
may be found necessary for the proper  
maintenance of the business, the exer-  
cise of police powers and the adminis-  
tration of the laws and ordinances  
governing the affairs of the City, and  
has declared and does hereby declare  
that the improvement is for the use or  
benefit of the public.

Resolved, That the Corporation  
Council be and is hereby directed to  
institute the necessary proceedings in  
behalf of the City of Detroit in the Re-  
corder's Court of said City to carry out  
the object of this resolution in regard  
to taking private property by said City.

Adopted as follows:  
Yeas—Councilmen Bradley, Castator,  
Kronk, Littlefield, Nagel, Simons, Wat-  
son and the President Pro Tem.—8.  
Nays—None.

By Councilman Nagel:  
**AN ORDINANCE changing the name of  
Dennis Street, between Hancock Av-  
enue and Warren Avenue, to Meldrum  
Avenue.**