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UNIVERSITY OF MICHIGAN.

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CHARTER

OF THE

City of Ann Arbor

JANUARY

1924

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CHARTER

OF THE

CITY OF ANN ARBOR

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OF THE COMMON COUNCIL

COMPILERS:

ISAAC G. REYNOLDS

WILLIS BLAKESLEE

ANN ARBOR, MICHIGAN
1923

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THE ANN ARBOR PRESS
ANN ARBOR, MICH.

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OFFICERS OF THE CITY GOVERNMENT OF ANN ARBOR

For the Year 1923-1924

Mayor.....GEORGE E. LEWIS
President of Council.....MARK B. SUGDEN
City Clerk.....ISAAC G. REYNOLDS
City Assessor.....HERBERT W. CRIPPEN
City Treasurer.....ROSS GRANGER
City Attorney.....ROSCOE O. BONISTEEL
City Marshal.....THOMAS O'BRIEN
Chief of Fire Dept.....CHAS. J. ANDREWS
Health Officer.....DR. JOHN A. WESSINGER
City Physician.....DR. EDWIN GANZHORN
Poor Commissioner.....JOHN H. SHADFORD
City Engineer.....GEO. H. SANDENBURG
Asst. Engineer.....H. R. SCOVILL
Street Commission.....ALFRED J. PAUL
Supt. of Parks.....E. A. GALLUP
Mgr. Water Works Dept.....GEO. J. VANDAWARKER
Supt. of Water Works.....LESLIE A. BUSH
Deputy City Clerk.....FRED C. PERRY
Deputy City Clerk.....MARCIA M. MINNIS

THE COMMON COUNCIL

Mark B. Sugden, President

First Ward.....WILLIS G. JOHNSON
HERBERT M. SLAUSON
Second Ward.....BENJAMIN H. GRAF
GEORGE L. HAARER
Third Ward.....E. EDWARD LUCAS
WM. L. HENDERSON
Fourth Ward.....JEROME W. MARKEY
CHRIS T. DONNELLY
Fifth Ward.....GEORGE SPATHELF
WALTER S. MOORE
Sixth Ward.....CHAS. C. FREEMAN
ALFRED H. WHITE
Seventh Ward.....ROBERT NORRIS
LEWIS M. GRAM

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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
WILLIAM L. WALZ	1909	1911
WILLIAM L. WALZ	1911	1913
DR. R. G. McKENZIE	1913	1915
†CHARLES A. SAUER	1915	1917
ERNST M. WURSTER	1917	1919
ERNST M. WURSTER	1919	1921
GEORGE E. LEWIS	1921	1923

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

†Died Dec. 6th, 1915. Succeeded by Ernst M. Wurster as Acting Mayor from Dec. 6, 1915, to April, 1917.

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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
DR. WM. S. MILLS	1909	1911
DR. WM. S. MILLS	1911	1913
E. E. SCHMID	1913	1915
ERNST M. WURSTER	1915	1917
RUDOLPH E. REICHERT	1917	1919
GEORGE E. LEWIS	1919	1921
†RUDOLPH E. REICHERT	1921	1923
MARK B. SUGDEN	1923	

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

†President of Council till April 3rd, 1922, then resigned.

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STANDING COMMITTEES

OF THE

COMMON COUNCIL

1923-1924

FINANCE—Norris, Haarer, Henderson.

ORDINANCE—Johnson, Haarer, Freeman.

SEWER—Lucas, Slauson, Haarer, Markey, Moore, Freeman, Norris.

STREET—Moore, Norris, Graf. Donnelly, Lucas, White, Slauson.

SIDEWALK—Freeman, Johnson, Graf, Henderson, Markey, Spathelf, Gram.

RAILWAYS—White, Johnson, Spathelf.

FIRE—Donnelly, Gram, Freeman.

LIGHTING—Graf, Johnson, White.

WATER—Gram, Donnelly, Spathelf.

POLICE—Henderson, Moore, White.

LICENSE—Markey, Graf, Moore.

BONDS—Slauson, Donnelly, Norris.

PARK AND SANITARY—Haarer, Gram, Lucas.

POOR AND CEMETERY—Spathelf, Henderson, Slauson.

BOARD OF PUBLIC WORKS—J. Fred Rentschler, President; Andrew Reule, Titus F. Hutzel, Harry H. Atwell, Ernest Rehberg, A. R. Cole, E. H. Scott.

BOARD OF WATER COMMISSIONERS—Wirt Cornwell, President; Geo. J. Mann, John Lindenschmitt.

BOARD OF POLICE COMMISSIONERS—John E. Swisher, Chairman; George Burke, Clarence R. Snyder.

BOARD OF FIRE COMMISSIONERS—Sid W. Millard, President; Erwin E. Schmid, D. F. Zimmerman.

BOARD OF HEALTH—Dr. John A. Wessinger, Health Officer; Dr. Reuben Peterson, Dr. U. J. Wile.

BOARD OF PARK COMMISSIONERS—Andrew Muehlig, President; M. J. Fritz, L. D. Wines, Thomas Kearney, Henry W. Douglas.

BOARD OF ELECTION COMMISSIONERS—John T. Kenny, Chairman; George H. Fischer, John Huss.

BOARD OF BUILDING INSPECTORS—Chas. J. Andrews, John Koch, William P. James.

SUPERVISORS—L. O. Cushing, Wm. A. Dupslaff, Geo. W. Gillespie, William A. Seery, Albert J. Irving, Christopher G. Parnall, Jas. N. Galbraith.

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TABLE OF CONTENTS

	PAGE
ACT OF INCORPORATION	9
BOUNDARIES	9
ELECTORS AND RESIGNATION	16
ELECTIONS	19
OFFICERS	23
QUALIFICATIONS, OATH AND OFFICIAL BOND	25
VACANCIES IN OFFICE	26
DUTIES OF OFFICERS	28
Mayor	28
Aldermen	28
City Clerk	29
Justice of the Peace	33
Assessor	34
Supervisors	34
Constable	35
Police Commissioners	35
City Treasurer	37
City Attorney	40
COMPENSATION OF OFFICERS	40
COMMON COUNCIL	41
POWERS OF THE COMMON COUNCIL	47
ORDINANCES	55
ENFORCEMENT OF ORDINANCES	58
POLICE	63
SEWERS, DRAINS AND WATER COURSES	71
STREETS, SIDEWALKS AND PUBLIC IMPROVEMENTS	73
BOARD OF PUBLIC WORKS	82
FIRE DEPARTMENT	90
PUBLIC HEALTH	96
FINANCES AND TAXATION	100
MISCELLANEOUS PROVISIONS	110
LOCAL ACT TO CONSTRUCT SEWERS	112
LOCAL ACT TO CONTRACT FOR GAS OR ELECTRIC LIGHT	115
LOCAL ACT TO RAISE MONEY FOR UNIVERSITY HOSPITAL	115
LOCAL ACT TO BUILD CITY HALL	116
LOCAL ACT TO PURCHASE WATER WORKS	118
LOCAL ACT TO CONSTRUCT GARBAGE CREMATORY	120
INDEX	123

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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

SEC. 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 west along the south line of said section thirty to a point six hundred sixty feet west of said southeast corner; thence north parallel with the east line of said section thirty, five hundred sixty seven feet; thence west, parallel with the south

*As amended April 2nd, 1923.

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line of said section thirty, six hundred thirty seven feet, thence north parallel with the east line of said section thirty; eleven hundred thirteen feet to a point one hundred ninety eight feet south of the southerly line of West Liberty Street; thence westerly on a 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 one hundred ninety eight feet south of the south line of Jackson Avenue; thence west parallel with and one hundred ninety eight feet south of the south line of Jackson Avenue to the intersection of the west line fo Grand View plat, projected southerly; thence north along the west boundary of said plat extended to the center line of Jackson Avenue; thence westerly along the center line of Jackson Avenue, four hundred and sixty eight one hundredths feet; thence deflecting 82°-41′-30″ to the left eight hundred forty seven and fourteen one hundredths feet to the east and west quarter line of Section thirty, township two south, range six east; thence west along the east and west quarter line of section thirty, township two south, range six east, nine hundred four and fifty six one hundredths feet; thence deflecting 90°-00′-00″ to the right seven hundred forty nine and eighty nine one hundredths feet to the center line of Jackson Avenue; thence deflecting 86°-08′-30″ to the right eighty two and three one hundredths feet to the point of curve; thence along the arc of a circular curve to the left of radius six thousand four hundred seventy five and fifteen one hundredths feet through a central angle of 3°-08′-00″ to the point of tangency of said curve; thence deflecting 1°-34′-00″, to the left from the chord of the last mentioned curve one hundred twenty three and nineteen one hundredths feet; thence deflecting

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82°-57′-30″ to the left one thousand two hundred twenty three and thirteen one hundredths feet to the center line of Dexter Avenue; thence deflecting 111°-27′-30″ to the right ninety six and twenty two one hundredths feet along the center line of Dexter Avenue; then deflecting 4°-00′-00″ to the left six hundred ninety seven and eighty two one hundredths feet along the center line of Dexter Avenue to the west line of Grand View Plat; thence deflecting 107°-04′-00″ to the left along the west line of Grand View Plat extended to a point one hundred ninety eight feet north of Dexter Avenue; thence southeasterly parallel to and one hundred ninety eight feet from Dexter Avenue to a point nine and thirteen one hundredths chains northwesterly from the east line of the west one half of the north east one quarter of section thirty, township two south, range six east; thence deflecting 91°-00′-00″ to the left three hundred sixty three and no one hundredths feet; thence deflecting 89°-00′-00″ to the left three hundred ten and twenty one hundredths feet; thence deflecting 74°-00′-00″ to the right six hundred eighty five and eight one hundredths feet to the north line of section thirty, township two south, range six east; thence east on the north line of Section thirty, township two south, range six east to the east line of lot twenty three of the plat of the southeast one quarter of Section nineteen, township two south, range six east; thence north along the east line of said lot twenty three to the center line of Miller Avenue; thence southeasterly along the center line of Miller Avenue to the east line of Section nineteen, township two south, range six east; thence north along the east line of said Section nineteen to a point nine hundred 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 fifty feet; thence north parallel with said section line five hundred feet to the east and west

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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 section twenty eight to the northerly line of Geddes Avenue; thence southeasterly along the north line of Geddes Avenue, one thousand seventy feet to the intersection of the said line with the extension of the easterly line of lot number six in Grove Block in J. D. Baldwin's Eastern Addition to the City of Ann Arbor, according to the recorded plat thereof; thence southerly six hundred eighty three feet along the easterly line of the said lot six and the extension of this line to its intersection with the south line of section twenty seven; thence east along the north line of section thirty four, township two south, range six east five hundred eighty four and six tenths feet; thence south 0°-21′-00″ east one thousand seven hundred thirty five and five tenths feet to a point on the north line of lot five, C. L. Tuomy Washtenaw Hills Subdivision, one hundred twenty one and six tenths feet from the northeast corner of said lot five; thence southerly along the east and south line of C. L. Tuomy Washtenaw Hills Subdivision to the east line of Washtenaw Avenue; thence south 49°-59′-00″ west fifteen and forty two one hundredths feet; thence south 00°-10′-00″ east twenty one and seven tenths feet to an iron pipe monument on the center line of Washtenaw Avenue; thence continuing south 00°-10′-00″ east one thousand three hundred fifty three and three tenths feet; thence south 88°-15′-00″ west five hundred thirty three and four tenths feet to the southwest corner of the northwest one quarter of the southwest one

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quarter of section thirty four, township two south, range six east; thence parallel to the south line of section thirty three, township two south, range six east, to the west line of section thirty three, township two south, range six east; 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 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

* As amended March 15, 1895.

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Fourth avenue; the fifth ward shall embrace all that 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 act, as inspect-

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ors 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, which precincts shall be as nearly equal as possible in point of population, and the common council shall

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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 affirmations provided by the laws of the State for electors at general elections, which oath may be administered by

*As amended March 15, 1895.

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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 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.

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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 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 spec-

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ial 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 thereof, 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, 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

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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 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

* As amended March 15, 1895.

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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.

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.

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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 succeding each election, at their usual 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.

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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.

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.:

* As amended March 15, 1895.

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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 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

* As amended March 15, 1895.

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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.

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

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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 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,

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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.

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.

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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, employer or officer of the city, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

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 city 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.

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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. 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.

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,

* As amended March 5, 1919.
* As amended June 19, 1907.

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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 council. 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 ob-

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ject 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 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.

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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 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 clerks 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 of 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

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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 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 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 the 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

* As amended March 28, 1891.

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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 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.

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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.

SEC. 61.* There shall be a Board of Police Commissioners in said city which 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 first appointed shall be subject to classification in such a manner that one term shall expire in each year. The said Commission shall make a monthly report of the work of the Commission to the Common Council, which shall contain a detailed statement of the arrests, the amount of the fines and costs collected and such other information as the Common Council shall prescribe. Any member of the commission may be removed by a three-fourths vote of the members-elect of the Common Council for mal-

*As amended April 2nd, 1923.

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feasance of duties of the office or for any other cause wherein elective or appointive officers may be removed under the terms of this charter or state law, for failure to perform their duties. The members of the said Board of Police Commissioners shall receive such compensation as the Common Council may allow.

The Board of Police Commissioners shall have and possess all the powers given by the charter and ordinances of the city and other governmental laws, to establish and enforce such police regulations as they shall deem necessary to prevent vice and immorality, to preserve public peace and good order, to prevent and quell riots and disturbances and disorderly assemblages, to prevent the violation of the Sabbath and disturbances of any religious congregations or any other public meetings assembled for any lawful purpose and shall possess such other powers as shall be incident to the public welfare and usually conferred upon such commissions.

The Board of Police Commissioners shall appoint a City Marshal as Chief of Police of the city, who shall be subject to the direction of the said Board of Police Commissioners. 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 violation 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, disturb-

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ances 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 offense 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.

SEC. 62.* The Chief of Police shall report, in writing and on oath, to the Board of Police Commissioners at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also, the number remaining in confinement for breaches of the ordinances of the city; and the amount of all fines and fees collected by him. All money collected or received by the chief of police, for fines, fees or for any services performed by him in any official capacity, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the city clerk.

SEC. 63.* The Chief of Police shall not leave the city without the consent of the Board of Police Commissioners, except in pursuit of fugitives from justice or for the arrest of persons charged with a violation of the city ordinances. In the absence of the Chief of Police or his inability to serve, the Board of Police Commissioners may designate any policeman or officer to perform his duties.

City Treasurer

SEC. 64. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, and evi-

*As amended April 2nd, 1923.

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dences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by the authority of law, and upon warrants signed by the city clerk and countersigned by the mayor, or for school purposes by the proper officers, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an accurate account of, and be charged with all taxes and moneys appropriated, raised, or 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 is 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;

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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 report, 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

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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.

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 and employees of said corporation shall be entitled to receive out of the city treasury such compensation as the Common Council shall allow. The Mayor, City Clerk, City Assessor, City Treasurer, City Attorney, Marshal and Health Officer may appoint, subject to the approval of the Common Council, such assistants under them as are required for the proper and prompt performance of the duties of the several offices. The Treasurer shall keep an exact account of all fees allowed by law, the collection of which is provided for in section 184 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 funds, and he shall likewise account

* As amended March 5, 1919.

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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 justices of the peace and 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 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 $4.00 per day for every day actually employed in the performance of the duties of their respective offices.

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 from each ward.

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

* Amended March, 1907.

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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 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

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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 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 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

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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 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

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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 Chief of Police or any policeman or other officer appointed to office by the Board of Police Commissioners, may be suspended or removed by the said Board of Police Commissioners. Any person so suspended or removed shall have the right to a hearing before the said Board of Police Commissioners at a regular meeting of said board, provided that application therefore shall be made within ten days after said suspension or removal by the person so suspended or removed; and the said Board of Police Commissioners shall present to the Common Council at its next regular meeting, reasons for the suspension or removal, in writing, which shall become a part of the records of such meeting.

Any officer appointed by the Mayor may be suspended or removed by him, by and with the consent 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 pre-

* As amended April 2, 1923.

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ferred, and opportunity given him to make defense 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 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.

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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 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 prevent and quell riots, disturbances and disorderly assemblages, to prevent

* As amended April 2, 1923.

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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 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

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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, 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

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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 substances, 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;

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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 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 build or purchase water works plant for supplying the inhabitants with water for domestic use and for other purposes, and to borrow money and issue bonds for the payment thereof, and to pass ordinances for the management, regulation and protection of the same.

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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; 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, 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;

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Twenty-fourth, To regulate, license, and control hackmen, omnibusmen, porters, runners and all other 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;

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;

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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;

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

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railroad crossings of streets, and to give warning of the approach of 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.

Thirty-sixth, (Not submitted to electors.)

Thirty-seventh, To direct and regulate the construction, erection, alteration, equipment, repair or removal of buildings and structures erected or to be erected in said city.

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 prescribe 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

* As amended March 15, 1895.

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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 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 re-

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vived 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: *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.

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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, policemen 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 delivered 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

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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 out of the negligence or default of said city, or of any officer, or employe thereof, shall be presented to the common council of said city, in the manner above provided, within 60 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

* As amended Sept. 29, 1913.

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that such claim has been duly presented in the manner in this act specified, to the common council of said city:

And provided further, that no civil action shall be maintained against the city for damages or injuries to persons or property sustained in consequence of any street, highway, bridge, culvert, sidewalk or crosswalk being defective, out of repair, unsafe, dangerous or obstructive, unless that it appear that written notice of the particular defective, unsafe, dangerous or obstructed condition of such street, highway, bridge, culvert, sidewalk or crosswalk was actually given to the Board of Public Works; and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of.

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

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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 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,

* As amended March 28, 1891.

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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 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

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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 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 the said city may provide for the appointment by the Board of Police Commissioners for such numbers of policemen or employees 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 Board of Police Commissioners to appoint special policemen from time to time when, in the judgment of the Board of Police Commissioners, the emergency or necessity may so require, and may provide for and appoint subordinate officers for police and night watchmen.

SEC. 108.* The Board of Police Commissioners may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and employees, 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 vio-

* As amended April 2, 1923.

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lence, and protect public and private property from destruction by fire and unlawful depredation. And the Board of Police Commissioners may, whenever it 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 its judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the Common Council, shall not continue longer than five days.

SEC. 109.* The Chief of Police, under the direction of the Board of Police Commissioners, shall have the superintendence and direction of the policemen and employees, subject to such regulations as may be prescribed by the Board of Police Commissioners.

SEC. 110.* It shall be the duty of the police and night watchmen and officers of the force, under the direction of the Board of Police Commissioners and the Chief of Police, and in conformity with the ordinance 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 night watchman shall have all the powers of constables and may arrest upon view

* As amended April 2, 1923.

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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 Board of Police Commissioners may suspend or remove from office the chief of police, policeman or night watchman or any employee for misconduct or other cause at any time, as provided in section eighty-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 appurte-

*As amended April 2nd, 1923.

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nances 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 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 animals 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

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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.

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 meet-

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

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ing 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 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

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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 the 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 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,

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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 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 by him by the said board;

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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 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

* As amended June 19, 1907.

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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 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

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

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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.

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 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.

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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, 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.

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* As amended March 28, 1891.

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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 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,

*As amended March 28, 1901.

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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 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

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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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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 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 of 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.

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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 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 pur-

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poses 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, 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 collec-

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tion 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 pursuance 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 speci-

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fied part thereof, to grade, construct, repair or renew sidewalks adjoining their respective premises in such manner as the common council may direct. If the owner or occupant of any lot or premises, after notice so to do shall have been posted on such lot of 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

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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.

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,

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

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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: *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.

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* As amended May 11, 1905.

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

* As amended March, 1907.

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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, 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.

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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 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 engineering work of

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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 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 com-

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menced 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. 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 engineer 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 of 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.

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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 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.

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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 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 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

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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 prescribing 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 to a fire to aid in the extinguishment thereof, and 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 extingushed, and in addition thereto he

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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, 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, re-

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newed, 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 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

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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 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

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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 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,

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any facts or circumstances which he may have ascertained which shall in his opinion require attention from or by said officers or persons.

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. The members of the said board of health shall receive such compensation as the common council may allow.

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

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the powers granted would conflict with the provisions 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

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on board any person sick of malignant fever or pestilence 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 or 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

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they from time to time shall deem necessary and 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

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down the same or any part thereof within a reasonable 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 THREE FOURTHS of one per cent. on the assessed value

* As amended October 2, 1913.

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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 common council of said city from regulating by tax or otherwise the business of dealing in malt, spiritous 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

* As amended June 19, 1907.

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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, 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 the 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

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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 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 endorsement 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 by 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 money which shall be raised for the objects specified in the notice: *Pro-*

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vided, 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*. 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 speci-

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fied, 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 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

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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.

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 by 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

* As amended April 27, 1893.

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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 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

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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 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,

* As amended April 27, 1893.

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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 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 orders shall not, in any fiscal year, ex-

* As amended April 7, 1919.

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ceed 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 previously 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 treasury 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 three hundred 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

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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 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

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repealed: *Provided*, That the repealing of said acts aforesaid shall not effect 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 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 Com-

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pany'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 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 sufficient sum of money for a period of not longer than five years and at a rate of interest not greater than five per cent., for the purpose of enabling said city to construct and maintain said sewer system; provided, that not more than eighty 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 install-

* As amended April 7, 1919.

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ments 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 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

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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.

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

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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 legislature 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

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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 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

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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.

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

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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 authorized 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

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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" 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

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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 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 ballott 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 in-

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stallation 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 annum, 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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Original from
UNIVERSITY OF MICHIGAN

INDEX TO CHARTER

A

	PAGE	SEC.
ABSENCE		
Chief of police	37	63
mayor	28	49
president of the council	41	71
ACCOUNTS (See Claims)		
ACTION		
against city, how commenced	59	100
assessments, special, recovered by	78	130g
buildings, destroyed by fire commissioners, city not liable to	93	156
city, by what name to bring	13	1
claims, to be presented to council before bringing	59	100
damages, from defective sidewalk, who liable to	82	133
double costs, when may be recovered by	111	189
fines, city may recover by	61	103
officers, damages when subjected to	111	189
ACTS OF LEGISLATURE		
city hall, construction of	116	
garbage crematory, construction of	120	
hospital, aid bonds, authorizing	115	
lighting, contract for street, relative to	115	
repeal, of former acts	111	192
sewers, construction of	112	
waterworks, purchase of	118	
ADDITIONS TO CITY		
plats, approval of	84	136
AFFIDAVIT		
claims, to be accompanied by	46	86
ALDERMEN (See also Common Council)		
bondsmen or surety, cannot be	44	82
compensation of	40	69
conservator of peace, as	28	50
constables, under orders of	35	60
council, member of	28	50
duties of	28	50
election of	23	30
of, first in seventh ward	23	33
eligibility to hold appointive office	44	82
expulsion of	45	83
inspector of elections	20	18
oath of office	25	37
personnel of year 1923-1924	3	

Digitized by Google

Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ALDERMEN—*Continued*		
registration, member of board of	17	7
review, when members of board of	77	130e
special meetings, may request calling of	42	73
notice to, of calling of	42	73
vacancy, in office of	26	43
ALLEYS		
control over, by council	73	126
by board of public works	84	136
encumbering, may be prevented	47–55	88–126
lighting, regulations for	53	88
opening, of	73	126
paving, expense of	76	130
vacating of	73	126
vote necessary for	42	74
ANIMALS		
impounding of	66	116
fees for	66	117
rescuing of	66	117
inspection of	52	88
running at large, prevention of	50	88
slaughter of, regulation of	51	88
ANN ARBOR		
boundaries of	9	1
incorporation of	9	1
name of legal	13	1
suits, by, in what name	13	1
ANNUAL REPORTS		
city clerk, of	31	52
park commissioners, of	70	118j
public works, board of	87	140
treasurer, of	38	65
APPEALS		
justice court, from	33–60	56–102
APPROPRIATIONS		
exhausted, when	29	52
clerk's duty concerning	29	52
council's action concerning	29	52
notice concerning	29	52
excess of funds, when in	29	52
precede payment, must	109	186
vote, necessary on	42	74
AQUEDUCTS		
encumbering of	49	88
ARRESTS		
chief of police, powers of, in making	35	61
fires, at, for disobedience of orders	91	150
general provisions relating to	58	98
president of council, may order	41	71
report of, by chief of police	37	62
upon view, power to	35–64	61–110

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

ASSESSMENTS	PAGE	SEC.
completion of, by assessor	101	173
confirmation of by board of review	102	175
dangerous buildings, removal of	99	168
manner, of making	101	173
notice, of increase of personal	101	174
poll, levying of	80	131
public health, expense of preservation of	98	167
review of	101–102	174–175
rolls for, assessor makes	34	58
certificate attached to	102	175
columns divided how	106	181
completed when	101	173
contain what	101	173
delivery and return of	106	181
equalization of by county	103	176
five per cent added how	106	181
one for each ward	101	173
special taxes	104	179
warrant attached to	34–106	58–181
sidewalks for	80	132
vote, necessary to impose	42	74
ASSESSMENTS—SPECIAL		
alleys, opening, or improving	75	130
amount of, how determined	76	130a
buildings, destroyed at fires	93	156
cellars, drains, privies, etc.	54	88
collection of	78	130g
confirmation of	78	130f
districts for, how determined	76	130a
drains, private, building of	71	121
use of	72	123
gutters, on property benefited	75	130
local improvements, on property benefited	75	130
manner of making of	76	130b
pavements on streets or alleys	75	130
review of, by council	77	130d–e
rolls, certified to by city clerk	78	130g
confirmation of	78	130f
preparation of	76	130b
review of	77	130d–e
special taxes	104	179
warrant attached to	78	130g
sewers, general charter powers for	72–75	124–130
special act relating to	112	
storm sewers, for	72	124a
streets, for improving	75	130
tax roll, when put on general	78	130g
warrant, for	78	130g
ASSESSOR		
assessment rolls, preparation of July	106	181
preparation of December	106	181
preparation of special	76	130b
preparation of street sprinkling rolls	79	130h
when to be made	101	173

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ASSESSOR—*Continued*		
appropriations to be certified to	106	181
for parks certified to	68	118d
benefits, when to assess	76	130b
board of review, chairman of	101	174
to submit rolls to	101	174
certification of special rolls	77	130c
delivery of rolls to treasurer, when	106	181
duties of	34	58
election of	23	30
oath of	111	190
petit jurors, to make list of	110	187
poll, to make list for taxes	80	131
powers of	101	173
salary of	40	69
sewers, duties in assessing	112	
term of	24	33
warrant, force and effect of	34	58
for general rolls	106–107	181–182
for special rolls	78	130g
ATTORNEY, CITY		
advisor of board of public works	88	141
of board of park commissioners	70	118k
of city officers	40	68
of common council	40	68
appointment by mayor	23	31
when made	24	32
attendance at council meetings	40–43	68–77
contracts, to approve forms for	86	136
duties and qualifications of	40	68
fines, to be sued for when	61	103
oath of office	25	37
removal of	43	83
salary of	40	69
term of	24	32
AUCTIONEERS		
regulation of by council	48	88
AUCTIONS		
mock	48	88
regulation of by council	47–55	88
B		
BALLOT BOXES		
council to provide	20	16
BALLOTS		
candidates' names to be on	21	21
separate boxes, when to put in	21	21
term, of office designated on, when	21	22
votes to be given by, at elections	21	21
to be put in proper box	21	23

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BANKS		
bond, required of	39	67
certificate of cashier of	38	65
depository, of city funds	39	67
interest to be paid by	39	67
treasurer, not responsible for money in	39	67
BARNS		
regulation of by council	51	88
BATHING		
prohibition of in public	50	88
BEGGARS		
regulation of, by ordinance	50	88
vagrants, are deemed as	62	105
BEQUESTS		
acceptance of by park commissioners	69	118f
BIDS		
advertisements for	84	137
report of to council	84	137
required when	84	137
security, when required with	84	137
BILLIARD TABLES		
license and regulation of	48	88
BOARD OF BUILDING INSPECTORS 1923-1924	6	
BOARD OF ELECTION COMMISSIONERS 1923-1924	6	
BOARD OF FIRE COMMISSIONERS 1923-1924	6	
apparatus, purchase of by	91	148
appointment of members of	23	31
of members when made	24	32
assistance to be commanded at fires	91	150
building permits, to be approved by	94	158
chief of fire department, nomination of	91	147
reports to	95	160
under direction of	91	149
cisterns, construction of	91	148
clerk of	32–91	53–147
compensation of	90	145
fire companies, power to organize	90	146
fire department, power to establish	90	146
fire wardens, appointment of	92	151
investigation into origin of fires	95	160
oath of office	25	37
organization of	90	145
relief to adjoining towns, may send	93	157
removal of buildings, boilers, etc. as nuisances	92	154
of buildings at fires	93	156
of members of	45	83
rules and regulations by	90	146

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

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" 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

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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 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 ballott 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 in-

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stallation 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 annum, 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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Original from
UNIVERSITY OF MICHIGAN

INDEX TO CHARTER

A

	PAGE	SEC.
ABSENCE		
Chief of police	37	63
mayor	28	49
president of the council	41	71
ACCOUNTS (See Claims)		
ACTION		
against city, how commenced	59	100
assessments, special, recovered by	78	130g
buildings, destroyed by fire commissioners, city not liable to	93	156
city, by what name to bring	13	1
claims, to be presented to council before bringing	59	100
damages, from defective sidewalk, who liable to	82	133
double costs, when may be recovered by	111	189
fines, city may recover by	61	103
officers, damages when subjected to	111	189
ACTS OF LEGISLATURE		
city hall, construction of	116	
garbage crematory, construction of	120	
hospital, aid bonds, authorizing	115	
lighting, contract for street, relative to	115	
repeal, of former acts	111	192
sewers, construction of	112	
waterworks, purchase of	118	
ADDITIONS TO CITY		
plats, approval of	84	136
AFFIDAVIT		
claims, to be accompanied by	46	86
ALDERMEN (See also Common Council)		
bondsmen or surety, cannot be	44	82
compensation of	40	69
conservator of peace, as	28	50
constables, under orders of	35	60
council, member of	28	50
duties of	28	50
election of	23	30
of, first in seventh ward	23	33
eligibility to hold appointive office	44	82
expulsion of	45	83
inspector of elections	20	18
oath of office	25	37
personnel of year 1923-1924	3	

Digitized by Google

Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ALDERMEN—*Continued*		
registration, member of board of	17	7
review, when members of board of	77	130e
special meetings, may request calling of	42	73
notice to, of calling of	42	73
vacancy, in office of	26	43
ALLEYS		
control over, by council	73	126
by board of public works	84	136
encumbering, may be prevented	47–55	88–126
lighting, regulations for	53	88
opening, of	73	126
paving, expense of	76	130
vacating of	73	126
vote necessary for	42	74
ANIMALS		
impounding of	66	116
fees for	66	117
rescuing of	66	117
inspection of	52	88
running at large, prevention of	50	88
slaughter of, regulation of	51	88
ANN ARBOR		
boundaries of	9	1
incorporation of	9	1
name of legal	13	1
suits, by, in what name	13	1
ANNUAL REPORTS		
city clerk, of	31	52
park commissioners, of	70	118j
public works, board of	87	140
treasurer, of	38	65
APPEALS		
justice court, from	33–60	56–102
APPROPRIATIONS		
exhausted, when	29	52
clerk's duty concerning	29	52
council's action concerning	29	52
notice concerning	29	52
excess of funds, when in	29	52
precede payment, must	109	186
vote, necessary on	42	74
AQUEDUCTS		
encumbering of	49	88
ARRESTS		
chief of police, powers of, in making	35	61
fires, at, for disobedience of orders	91	150
general provisions relating to	58	98
president of council, may order	41	71
report of, by chief of police	37	62
upon view, power to	35–64	61–110

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ASSESSMENTS		
completion of, by assessor	101	173
confirmation of by board of review	102	175
dangerous buildings, removal of	99	168
manner, of making	101	173
notice, of increase of personal	101	174
poll, levying of	80	131
public health, expense of preservation of	98	167
review of	101–102	174–175
rolls for, assessor makes	34	58
certificate attached to	102	175
columns divided how	106	181
completed when	101	173
contain what	101	173
delivery and return of	106	181
equalization of by county	103	176
five per cent added how	106	181
one for each ward	101	173
special taxes	104	179
warrant attached to	34–106	58–181
sidewalks for	80	132
vote, necessary to impose	42	74
ASSESSMENTS—SPECIAL		
alleys, opening, or improving	75	130
amount of, how determined	76	130a
buildings, destroyed at fires	93	156
cellars, drains, privies, etc.	54	88
collection of	78	130g
confirmation of	78	130f
districts for, how determined	76	130a
drains, private, building of	71	121
use of	72	123
gutters, on property benefited	75	130
local improvements, on property benefited	75	130
manner of making of	76	130b
pavements on streets or alleys	75	130
review of, by council	77	130d–e
rolls, certified to by city clerk	78	130g
confirmation of	78	130f
preparation of	76	130b
review of	77	130d–e
special taxes	104	179
warrant attached to	78	130g
sewers, general charter powers for	72–75	124–130
special act relating to	112	
storm sewers, for	72	124a
streets, for improving	75	130
tax roll, when put on general	78	130g
warrant, for	78	130g
ASSESSOR		
assessment rolls, preparation of July	106	181
preparation of December	106	181
preparation of special	76	130b
preparation of street sprinkling rolls	79	130h
when to be made	101	173

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

ASSESSOR—*Continued*	PAGE	SEC.
appropriations to be certified to	106	181
for parks certified to	68	118d
benefits, when to assess	76	130b
board of review, chairman of	101	174
to submit rolls to	101	174
certification of special rolls	77	130c
delivery of rolls to treasurer, when	106	181
duties of	34	58
election of	23	30
oath of	111	190
petit jurors, to make list of	110	187
poll, to make list for taxes	80	131
powers of	101	173
salary of	40	69
sewers, duties in assessing	112	
term of	24	33
warrant, force and effect of	34	58
for general rolls	106–107	181–182
for special rolls	78	130g
ATTORNEY, CITY		
advisor of board of public works	88	141
of board of park commissioners	70	118k
of city officers	40	68
of common council	40	68
appointment by mayor	23	31
when made	24	32
attendance at council meetings	40–43	68–77
contracts, to approve forms for	86	136
duties and qualifications of	40	68
fines, to be sued for when	61	103
oath of office	25	37
removal of	43	83
salary of	40	69
term of	24	32
AUCTIONEERS		
regulation of by council	48	88
AUCTIONS		
mock	48	88
regulation of by council	47–55	88

B

BALLOT BOXES		
council to provide	20	16
BALLOTS		
candidates' names to be on	21	21
separate boxes, when to put in	21	21
term, of office designated on, when	21	22
votes to be given by, at elections	21	21
to be put in proper box	21	23

Digitized by Google

Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BANKS		
bond, required of	39	67
certificate of cashier of	38	65
depository, of city funds	39	67
interest to be paid by	39	67
treasurer, not responsible for money in	39	67
BARNS		
regulation of by council	51	88
BATHING		
prohibition of in public	50	88
BEGGARS		
regulation of, by ordinance	50	88
vagrants, are deemed as	62	105
BEQUESTS		
acceptance of by park commissioners	69	118f
BIDS		
advertisements for	84	137
report of to council	84	137
required when	84	137
security, when required with	84	137
BILLIARD TABLES		
license and regulation of	48	88
BOARD OF BUILDING INSPECTORS 1923-1924	6	
BOARD OF ELECTION COMMISSIONERS		
1923-1924	6	
BOARD OF FIRE COMMISSIONERS 1923-1924	6	
apparatus, purchase of by	91	148
appointment of members of	23	31
of members when made	24	32
assistance to be commanded at fires	91	150
building permits, to be approved by	94	158
chief of fire department, nomination of	91	147
reports to	95	160
under direction of	91	149
cisterns, construction of	91	148
clerk of	32–91	53–147
compensation of	90	145
fire companies, power to organize	90	146
fire department, power to establish	90	146
fire wardens, appointment of	92	151
investigation into origin of fires	95	160
oath of office	25	37
organization of	90	145
relief to adjoining towns, may send	93	157
removal of buildings, boilers, etc. as nuisances	92	154
of buildings at fires	93	156
of members of	45	83
rules and regulations by	90	146

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BOARD OF HEALTH 1923-1924	6	
appointment of members of	23	31
when made	24	32
cellars, unhealthy, abatement of	98	167
clerk of	32	53
compensation of	96–100	161–169
general powers of	96	162
hospital, establishment of	96	162
infectious diseases, prevention of	96	162
infected property, destruction of	96	162
nuisances, abatement of	96	162
number of members of	96	161
oath of office	25	37
removal of dangerous structures	99	168
removal of members of	45	83
report by railroads, drivers, etc., to	97	163
of inkeepers to	98	165
of physicians to	98	165
term and qualifications of	96	161
BOARD OF PARK COMMISSIONERS 1923-1924	6	
account of expenses by	70	118j
appointment of members of	67	118b
attorney, city, legal advisor of	70	118k
audit of all park expenses by	68	118e
bills certified by president of	68	118e
when to be paid	68	118e
clerk of	64	118k
debts or liabilities, not to be created by	69	118f
donations or bequests to	69	118f
employees to be engaged by	69	118g
to fix compensation of	69	118g
engineer, at disposal of	70	118k
estimates to be made to council by	68	118d
exclusive control of parks, shade trees, etc.	67	118a
over improvements and work	69	118a
president of	67	118b
qualification of members of	67	118a
receipts of, payable into city treasury	68	118e
removal of members of	45	83
report of to council	70	118j
annual to council	70	118j
rules and regulations by	69	118i
superintendent of parks appointed by	69	118g
term of members of	67	118b
of first members of	68	118c
BOARD OF PUBLIC WORKS 1923-1924	6	
account of cost of each improvement	87	140
additional duties imposed by council	84	136
amount can expend, without council's consent	84	137
appointment of members by mayor	23–83	31–134
confirmation of by council	82	134
made when	24	32
attorney, city, legal advisor of	88	141

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

BOARD OF PUBLIC WORKS—*Continued*	PAGE	SEC.
bids, advertisement for	84	137
bond furnished with	84	137
reported to council	84	137
chief of police at service of	88	141
city engineer, appointed by	86	139
assistants of, approved by	86	139
claims audited and certified to	86	139
classification of work by	87	140
clerk of	32–88	53–141
contracts, authority to sue on	86	138
made by	86	138
must be authorized by council	84	137
members cannot be interested in	89	143
old, carried out	90	144
rights to be reserved in	86	138
elegibility of members for elective office	89	143
employees, appointment and compensation of	86	139
discharge of	88	141
general powers and duties of	84	136
grades, changes in, recommended by	84	136
improvements referred by council to	84	137
estimated cost of reported	84	137
oath of office of members of	25	37
organization of	83	135
plans and specifications prepared by	84	137
plats of additions approved by	84	136
proceedings to be recorded	88	141
to be published	88	141
qualifications of members of	82	134
quorum of	88	141
record of estimates to be kept	84	137
regulations of	88	141
removal of members of	89	143
repairs of streets and sidewalks	84	137
reports to council, annual	87	140
itemized of work done by board	84	137
on progress of work	87	140
sidewalks, built or repaired by	80	132
street commissioner, appointment of	86	139
removal of	86	139
superintendent of buildings, appointment	86	139
supplies, etc., provided by council	83	135
surveys, records, etc., to be delivered to	90	144
term of office of members of	82	134
vacancies, how filled	89	143
work done by, when bids rejected	84	137
when contractors fail	86	138

BOARD OF REGISTRATION		
books for, provided by council	17	8
charter elections, session preceding	18	10
compensation of	40	69
certified by clerk	46	86
erasure of names made when	18–19	9–10
correction of mistakes in	18	9
general elections, sessions preceding	18	9

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BOARD OF REGISTRATION—*Continued*		
members of, who are	17	7
first, in seventh ward	13	2
in precincts	15	3
notice of meeting of	17	8
when unnecessary to print names in	18	10
quorum in city board of	18	9
in ward board of	19	11
re-registration, when made	17	8
sessions of board for	17	8
rules and regulations governing	17	8
vacancies filled by council	17	7
BOARD OF REVIEW		
assessment rolls submitted to	101	174
certificate attached to	102	175
corrected by	102	175
presumption of validity of	102	175
chairman and clerk of	101	174
compensation of	40	69
certified to by clerk	46	86
members of	101	174
notice of raise of personal valuation	101	174
oaths administered by	102	175
powers of	101	174
public hearing by	102	175
quorum of	101	174
sessions of, time when held	101–103	174–175
special assessments, council meets as	77	130e
council confirms action of	78	130f
notice of meeting of	77	130d
time fixed for meeting of	77	130d
BOARD OF WATER COMMISSIONERS 1923-1924	6	
BOILERS		
nuisance, when declared a	92	154
regulations concerning	92	153
BOND		
approval of, by council	25	38
bank, as city depository	39	67
city officers prescribed by council	25–55	38–88
neglect to give vacates office	26	42
same as township officers	111	190
filing of, with city clerk	25	38
report of failure of	23	29
with city treasurer	25	38
new, required when	26	39
treasurer's, for collecting taxes	37	64
BONDS OF CITY		
authorization of legislature necessary	109	186
of electors necessary	109	186
city hall, for construction of	116–118	
countersigned by city clerk	29	52
garbage crematory, for construction of	120–122	

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BONDS OF CITY—*Continued*		
pavements, for construction of	109	186
registered by city clerk	32	53
sewers, for construction of	112	
university hospital, in aid of	115	
waterworks, purchase of	118–120	
BONFIRES		
regulation of	49	88
BOOKS AND PAPERS		
alteration of, or destruction punished	44	81
delivery of to successors in office	27	45
by city engineer	90	144
deposited with city clerk	44	81
inspection, open to, by mayor	28	48
open to, by any citizen	44	81
BOUNDARIES		
City	9	1
wards	13	2
BOWLING ALLEYS		
regulation and licensing of	48	88
BRIDGES		
construction of by board of public works	84	136
control of, by council	73	126
encumbering or fast driving over	49	88
new, opening of	74	127
vacating, by council	74	127
BUDGET, ANNUAL		
appropriations for, limit of	100	171
made when	101–107	172–181
for parks to be included	68	118d
when made by electors	103	177
certified to assessor by clerk	106	181
city hall bonds due included in	116	
garbage crematory bonds due, included in	120	
paving bonds due included in	109	186
waterworks bonds due included in	118	
BUILDINGS		
certificate that they are properly built	95	159
dangerous, council's power over	99	168
destruction of, to check fires	93	156
erection or purchase of by city	65–71	118–119
fire limits, power to establish	47–92	88–154
inspection of, by fire wardens	92	151
while being built	95	159
line of, provisions for	51	88
nuisance when declared a	92	154
numbering of	53	88
park buildings, control over	69	118h
permits for erection of	94	158

BURIAL GROUNDS (See Cemeteries)

Digitized by Google

Original from UNIVERSITY OF MICHIGAN

stallation 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 annum, 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.

Digitized by Google

Original from
UNIVERSITY OF MICHIGAN

INDEX TO CHARTER

A

	PAGE	SEC.
ABSENCE		
Chief of police	37	63
mayor	28	49
president of the council	41	71
ACCOUNTS (See Claims)		
ACTION		
against city, how commenced	59	100
assessments, special, recovered by	78	130g
buildings, destroyed by fire commissioners, city not liable to	93	156
city, by what name to bring	13	1
claims, to be presented to council before bringing	59	100
damages, from defective sidewalk, who liable to	82	133
double costs, when may be recovered by	111	189
fines, city may recover by	61	103
officers, damages when subjected to	111	189
ACTS OF LEGISLATURE		
city hall, construction of	116	
garbage crematory, construction of	120	
hospital, aid bonds, authorizing	115	
lighting, contract for street, relative to	115	
repeal, of former acts	111	192
sewers, construction of	112	
waterworks, purchase of	118	
ADDITIONS TO CITY		
plats, approval of	84	136
AFFIDAVIT		
claims, to be accompanied by	46	86
ALDERMEN (See also Common Council)		
bondsmen or surety, cannot be	44	82
compensation of	40	69
conservator of peace, as	28	50
constables, under orders of	35	60
council, member of	28	50
duties of	28	50
election of	23	30
of, first in seventh ward	23	33
eligibility to hold appointive office	44	82
expulsion of	45	83
inspector of elections	20	18
oath of office	25	37
personnel of year 1923-1924	3	

Digitized by Google

Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ALDERMEN—*Continued*		
registration, member of board of	17	7
review, when members of board of	77	130e
special meetings, may request calling of	42	73
notice to, of calling of	42	73
vacancy, in office of	26	43
ALLEYS		
control over, by council	73	126
by board of public works	84	136
encumbering, may be prevented	47–55	88–126
lighting, regulations for	53	88
opening, of	73	126
paving, expense of	76	130
vacating of	73	126
vote necessary for	42	74
ANIMALS		
impounding of	66	116
fees for	66	117
rescuing of	66	117
inspection of	52	88
running at large, prevention of	50	88
slaughter of, regulation of	51	88
ANN ARBOR		
boundaries of	9	1
incorporation of	9	1
name of legal	13	1
suits, by, in what name	13	1
ANNUAL REPORTS		
city clerk, of	31	52
park commissioners, of	70	118j
public works, board of	87	140
treasurer, of	38	65
APPEALS		
justice court, from	33–60	56–102
APPROPRIATIONS		
exhausted, when	29	52
clerk's duty concerning	29	52
council's action concerning	29	52
notice concerning	29	52
excess of funds, when in	29	52
precede payment, must	109	186
vote, necessary on	42	74
AQUEDUCTS		
encumbering of	49	88
ARRESTS		
chief of police, powers of, in making	35	61
fires, at, for disobedience of orders	91	150
general provisions relating to	58	98
president of council, may order	41	71
report of, by chief of police	37	62
upon view, power to	35–64	61–110

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ASSESSMENTS		
completion of, by assessor	101	173
confirmation of by board of review	102	175
dangerous buildings, removal of	99	168
manner, of making	101	173
notice, of increase of personal	101	174
poll, levying of	80	131
public health, expense of preservation of	98	167
review of	101–102	174–175
rolls for, assessor makes	34	58
certificate attached to	102	175
columns divided how	106	181
completed when	101	173
contain what	101	173
delivery and return of	106	181
equalization of by county	103	176
five per cent added how	106	181
one for each ward	101	173
special taxes	104	179
warrant attached to	34–106	58–181
sidewalks for	80	132
vote, necessary to impose	42	74
ASSESSMENTS—SPECIAL		
alleys, opening, or improving	75	130
amount of, how determined	76	130a
buildings, destroyed at fires	93	156
cellars, drains, privies, etc.	54	88
collection of	78	130g
confirmation of	78	130f
districts for, how determined	76	130a
drains, private, building of	71	121
use of	72	123
gutters, on property benefited	75	130
local improvements, on property benefited	75	130
manner of making of	76	130b
pavements on streets or alleys	75	130
review of, by council	77	130d–e
rolls, certified to by city clerk	78	130g
confirmation of	78	130f
preparation of	76	130b
review of	77	130d–e
special taxes	104	179
warrant attached to	78	130g
sewers, general charter powers for	72–75	124–130
special act relating to	112	
storm sewers, for	72	124a
streets, for improving	75	130
tax roll, when put on general	78	130g
warrant, for	78	130g
ASSESSOR		
assessment rolls, preparation of July	106	181
preparation of December	106	181
preparation of special	76	130b
preparation of street sprinkling rolls	79	130h
when to be made	101	173

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

ASSESSOR—*Continued*	PAGE	SEC.
appropriations to be certified to	106	181
for parks certified to	68	118d
benefits, when to assess	76	130b
board of review, chairman of	101	174
to submit rolls to	101	174
certification of special rolls	77	130c
delivery of rolls to treasurer, when	106	181
duties of	34	58
election of	23	30
oath of	111	190
petit jurors, to make list of	110	187
poll, to make list for taxes	80	131
powers of	101	173
salary of	40	69
sewers, duties in assessing	112	
term of	24	33
warrant, force and effect of	34	58
for general rolls	106–107	181–182
for special rolls	78	130g
ATTORNEY, CITY		
advisor of board of public works	88	141
of board of park commissioners	70	118k
of city officers	40	68
of common council	40	68
appointment by mayor	23	31
when made	24	32
attendance at council meetings	40–43	68–77
contracts, to approve forms for	86	136
duties and qualifications of	40	68
fines, to be sued for when	61	103
oath of office	25	37
removal of	43	83
salary of	40	69
term of	24	32
AUCTIONEERS		
regulation of by council	48	88
AUCTIONS		
mock	48	88
regulation of by council	47–55	88

B

BALLOT BOXES		
council to provide	20	16
BALLOTS		
candidates' names to be on	21	21
separate boxes, when to put in	21	21
term, of office designated on, when	21	22
votes to be given by, at elections	21	21
to be put in proper box	21	23

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BANKS		
bond, required of	39	67
certificate of cashier of	38	65
depository, of city funds	39	67
interest to be paid by	39	67
treasurer, not responsible for money in	39	67
BARNS		
regulation of by council	51	88
BATHING		
prohibition of in public	50	88
BEGGARS		
regulation of, by ordinance	50	88
vagrants, are deemed as	62	105
BEQUESTS		
acceptance of by park commissioners	69	118f
BIDS		
advertisements for	84	137
report of to council	84	137
required when	84	137
security, when required with	84	137
BILLIARD TABLES		
license and regulation of	48	88
BOARD OF BUILDING INSPECTORS 1923-1924	6	
BOARD OF ELECTION COMMISSIONERS		
1923-1924	6	
BOARD OF FIRE COMMISSIONERS 1923-1924	6	
apparatus, purchase of by	91	148
appointment of members of	23	31
of members when made	24	32
assistance to be commanded at fires	91	150
building permits, to be approved by	94	158
chief of fire department, nomination of	91	147
reports to	95	160
under direction of	91	149
cisterns, construction of	91	148
clerk of	32–91	53–147
compensation of	90	145
fire companies, power to organize	90	146
fire department, power to establish	90	146
fire wardens, appointment of	92	151
investigation into origin of fires	95	160
oath of office	25	37
organization of	90	145
relief to adjoining towns, may send	93	157
removal of buildings, boilers, etc. as nuisances	92	154
of buildings at fires	93	156
of members of	45	83
rules and regulations by	90	146

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BOARD OF HEALTH 1923-1924	6	
appointment of members of	23	31
when made	24	32
cellars, unhealthy, abatement of	98	167
clerk of	32	53
compensation of	96–100	161–169
general powers of	96	162
hospital, establishment of	96	162
infectious diseases, prevention of	96	162
infected property, destruction of	96	162
nuisances, abatement of	96	162
number of members of	96	161
oath of office	25	37
removal of dangerous structures	99	168
removal of members of	45	83
report by railroads, drivers, etc., to	97	163
of inkeepers to	98	165
of physicians to	98	165
term and qualifications of	96	161
BOARD OF PARK COMMISSIONERS 1923-1924	6	
account of expenses by	70	118j
appointment of members of	67	118b
attorney, city, legal advisor of	70	118k
audit of all park expenses by	68	118e
bills certified by president of	68	118e
when to be paid	68	118e
clerk of	64	118k
debts or liabilities, not to be created by	69	118f
donations or bequests to	69	118f
employees to be engaged by	69	118g
to fix compensation of	69	118g
engineer, at disposal of	70	118k
estimates to be made to council by	68	118d
exclusive control of parks, shade trees, etc.	67	118a
over improvements and work	69	118a
president of	67	118b
qualification of members of	67	118a
receipts of, payable into city treasury	68	118e
removal of members of	45	83
report of to council	70	118j
annual to council	70	118j
rules and regulations by	69	118i
superintendent of parks appointed by	69	118g
term of members of	67	118b
of first members of	68	118c
BOARD OF PUBLIC WORKS 1923-1924	6	
account of cost of each improvement	87	140
additional duties imposed by council	84	136
amount can expend, without council's consent	84	137
appointment of members by mayor	23–83	31–134
confirmation of by council	82	134
made when	24	32
attorney, city, legal advisor of	88	141

Digitized by Google

Original from UNIVERSITY OF MICHIGAN

BOARD OF PUBLIC WORKS—*Continued*	PAGE	SEC.
bids, advertisement for	84	137
bond furnished with	84	137
reported to council	84	137
chief of police at service of	88	141
city engineer, appointed by	86	139
assistants of, approved by	86	139
claims audited and certified to	86	139
classification of work by	87	140
clerk of	32–88	53–141
contracts, authority to sue on	86	138
made by	86	138
must be authorized by council	84	137
members cannot be interested in	89	143
old, carried out	90	144
rights to be reserved in	86	138
elegibility of members for elective office	89	143
employees, appointment and compensation of	86	139
discharge of	88	141
general powers and duties of	84	136
grades, changes in, recommended by	84	136
improvements referred by council to	84	137
estimated cost of reported	84	137
oath of office of members of	25	37
organization of	83	135
plans and specifications prepared by	84	137
plats of additions approved by	84	136
proceedings to be recorded	88	141
to be published	88	141
qualifications of members of	82	134
quorum of	88	141
record of estimates to be kept	84	137
regulations of	88	141
removal of members of	89	143
repairs of streets and sidewalks	84	137
reports to council, annual	87	140
itemized of work done by board	84	137
on progress of work	87	140
sidewalks, built or repaired by	80	132
street commissioner, appointment of	86	139
removal of	86	139
superintendent of buildings, appointment	86	139
supplies, etc., provided by council	83	135
surveys, records, etc., to be delivered to	90	144
term of office of members of	82	134
vacancies, how filled	89	143
work done by, when bids rejected	84	137
when contractors fail	86	138

BOARD OF REGISTRATION		
books for, provided by council	17	8
charter elections, session preceding	18	10
compensation of	40	69
certified by clerk	46	86
erasure of names made when	18–19	9–19
correction of mistakes in	18	9
general elections, sessions preceding	18	9

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Original from UNIVERSITY OF MICHIGAN

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" 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

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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 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 ballott 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 in-

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stallation 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 annum, 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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Original from
UNIVERSITY OF MICHIGAN

INDEX TO CHARTER

A

	PAGE	SEC.
ABSENCE		
Chief of police	37	63
mayor	28	49
president of the council	41	71
ACCOUNTS (See Claims)		
ACTION		
against city, how commenced	59	100
assessments, special, recovered by	78	130g
buildings, destroyed by fire commissioners, city not liable to	93	156
city, by what name to bring	13	1
claims, to be presented to council before bringing	59	100
damages, from defective sidewalk, who liable to	82	133
double costs, when may be recovered by	111	189
fines, city may recover by	61	103
officers, damages when subjected to	111	189
ACTS OF LEGISLATURE		
city hall, construction of	116	
garbage crematory, construction of	120	
hospital, aid bonds, authorizing	115	
lighting, contract for street, relative to	115	
repeal, of former acts	111	192
sewers, construction of	112	
waterworks, purchase of	118	
ADDITIONS TO CITY		
plats, approval of	84	136
AFFIDAVIT		
claims, to be accompanied by	46	86
ALDERMEN (See also Common Council)		
bondsmen or surety, cannot be	44	82
compensation of	40	69
conservator of peace, as	28	50
constables, under orders of	35	60
council, member of	28	50
duties of	28	50
election of	23	30
of, first in seventh ward	23	33
eligibility to hold appointive office	44	82
expulsion of	45	83
inspector of elections	20	18
oath of office	25	37
personnel of year 1923-1924	3	

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ALDERMEN—*Continued*		
registration, member of board of	17	7
review, when members of board of	77	130e
special meetings, may request calling of	42	73
notice to, of calling of	42	73
vacancy, in office of	26	43
ALLEYS		
control over, by council	73	126
by board of public works	84	136
encumbering, may be prevented	47–55	88–126
lighting, regulations for	53	88
opening, of	73	126
paving, expense of	76	130
vacating of	73	126
vote necessary for	42	74
ANIMALS		
impounding of	66	116
fees for	66	117
rescuing of	66	117
inspection of	52	88
running at large, prevention of	50	88
slaughter of, regulation of	51	88
ANN ARBOR		
boundaries of	9	1
incorporation of	9	1
name of legal	13	1
suits, by, in what name	13	1
ANNUAL REPORTS		
city clerk, of	31	52
park commissioners, of	70	118j
public works, board of	87	140
treasurer, of	38	65
APPEALS		
justice court, from	33–60	56–102
APPROPRIATIONS		
exhausted, when	29	52
clerk's duty concerning	29	52
council's action concerning	29	52
notice concerning	29	52
excess of funds, when in	29	52
precede payment, must	109	186
vote, necessary on	42	74
AQUEDUCTS		
encumbering of	49	88
ARRESTS		
chief of police, powers of, in making	35	61
fires, at, for disobedience of orders	91	150
general provisions relating to	58	98
president of council, may order	41	71
report of, by chief of police	37	62
upon view, power to	35–64	61–110

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ASSESSMENTS		
completion of, by assessor	101	173
confirmation of by board of review	102	175
dangerous buildings, removal of	99	168
manner, of making	101	173
notice, of increase of personal	101	174
poll, levying of	80	131
public health, expense of preservation of	98	167
review of	101–102	174–175
rolls for, assessor makes	34	58
certificate attached to	102	175
columns divided how	106	181
completed when	101	173
contain what	101	173
delivery and return of	106	181
equalization of by county	103	176
five per cent added how	106	181
one for each ward	101	173
special taxes	104	179
warrant attached to	34–106	58–181
sidewalks for	80	132
vote, necessary to impose	42	74
ASSESSMENTS—SPECIAL		
alleys, opening, or improving	75	130
amount of, how determined	76	130a
buildings, destroyed at fires	93	156
cellars, drains, privies, etc.	54	88
collection of	78	130g
confirmation of	78	130f
districts for, how determined	76	130a
drains, private, building of	71	121
use of	72	123
gutters, on property benefited	75	130
local improvements, on property benefited	75	130
manner of making of	76	130b
pavements on streets or alleys	75	130
review of, by council	77	130d–e
rolls, certified to by city clerk	78	130g
confirmation of	78	130f
preparation of	76	130b
review of	77	130d–e
special taxes	104	179
warrant attached to	78	130g
sewers, general charter powers for	72–75	124–130
special act relating to	112	
storm sewers, for	72	124a
streets, for improving	75	130
tax roll, when put on general	78	130g
warrant, for	78	130g
ASSESSOR		
assessment rolls, preparation of July	106	181
preparation of December	106	181
preparation of special	76	130b
preparation of street sprinkling rolls	79	130h
when to be made	101	173

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ASSESSOR—*Continued*		
appropriations to be certified to	106	181
for parks certified to	68	118d
benefits, when to assess	76	130b
board of review, chairman of	101	174
to submit rolls to	101	174
certification of special rolls	77	130c
delivery of rolls to treasurer, when	106	181
duties of	34	58
election of	23	30
oath of	111	190
petit jurors, to make list of	110	187
poll, to make list for taxes	80	131
powers of	101	173
salary of	40	69
sewers, duties in assessing	112	
term of	24	33
warrant, force and effect of	34	58
for general rolls	106–107	181–182
for special rolls	78	130g
ATTORNEY, CITY		
advisor of board of public works	88	141
of board of park commissioners	70	118k
of city officers	40	68
of common council	40	68
appointment by mayor	23	31
when made	24	32
attendance at council meetings	40–43	68–77
contracts, to approve forms for	86	136
duties and qualifications of	40	68
fines, to be sued for when	61	103
oath of office	25	37
removal of	43	83
salary of	40	69
term of	24	32
AUCTIONEERS		
regulation of by council	48	88
AUCTIONS		
mock	48	88
regulation of by council	47–55	88
B		
BALLOT BOXES		
council to provide	20	16
BALLOTS		
candidates' names to be on	21	21
separate boxes, when to put in	21	21
term, of office designated on, when	21	22
votes to be given by, at elections	21	21
to be put in proper box	21	23

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BANKS		
bond, required of	39	67
certificate of cashier of	38	65
depository, of city funds	39	67
interest to be paid by	39	67
treasurer, not responsible for money in	39	67
BARNS		
regulation of by council	51	88
BATHING		
prohibition of in public	50	88
BEGGARS		
regulation of, by ordinance	50	88
vagrants, are deemed as	62	105
BEQUESTS		
acceptance of by park commissioners	69	118f
BIDS		
advertisements for	84	137
report of to council	84	137
required when	84	137
security, when required with	84	137
BILLIARD TABLES		
license and regulation of	48	88
BOARD OF BUILDING INSPECTORS 1923-1924	6	
BOARD OF ELECTION COMMISSIONERS		
1923-1924	6	
BOARD OF FIRE COMMISSIONERS 1923-1924	6	
apparatus, purchase of by	91	148
appointment of members of	23	31
of members when made	24	32
assistance to be commanded at fires	91	150
building permits, to be approved by	94	158
chief of fire department, nomination of	91	147
reports to	95	160
under direction of	91	149
cisterns, construction of	91	148
clerk of	32–91	53–147
compensation of	90	145
fire companies, power to organize	90	146
fire department, power to establish	90	146
fire wardens, appointment of	92	151
investigation into origin of fires	95	160
oath of office	25	37
organization of	90	145
relief to adjoining towns, may send	93	157
removal of buildings, boilers, etc. as nuisances	92	154
of buildings at fires	93	156
of members of	45	83
rules and regulations by	90	146

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BOARD OF HEALTH 1923-1924	6	
appointment of members of	23	31
when made	24	32
cellars, unhealthy, abatement of	98	167
clerk of	32	53
compensation of	96–100	161–169
general powers of	96	162
hospital, establishment of	96	162
infectious diseases, prevention of	96	162
infected property, destruction of	96	162
nuisances, abatement of	96	162
number of members of	96	161
oath of office	25	37
removal of dangerous structures	99	168
removal of members of	45	83
report by railroads, drivers, etc., to	97	163
of inkeepers to	98	165
of physicians to	98	165
term and qualifications of	96	161
BOARD OF PARK COMMISSIONERS 1923-1924	6	
account of expenses by	70	118j
appointment of members of	67	118b
attorney, city, legal advisor of	70	118k
audit of all park expenses by	68	118c
bills certified by president of	68	118e
when to be paid	68	118e
clerk of	64	118k
debts or liabilities, not to be created by	69	118f
donations or bequests to	69	118f
employees to be engaged by	69	118g
to fix compensation of	69	118g
engineer, at disposal of	70	118k
estimates to be made to council by	68	118d
exclusive control of parks, shade trees, etc.	67	118a
over improvements and work	69	118a
president of	67	118b
qualification of members of	67	118a
receipts of, payable into city treasury	68	118e
removal of members of	45	83
report of to council	70	118j
annual to council	70	118j
rules and regulations by	69	118i
superintendent of parks appointed by	69	118g
term of members of	67	118b
of first members of	68	118c
BOARD OF PUBLIC WORKS 1923-1924	6	
account of cost of each improvement	87	140
additional duties imposed by council	84	136
amount can expend, without council's consent	84	137
appointment of members by mayor	23–83	31–134
confirmation of by council	82	134
made when	24	32
attorney, city, legal advisor of	88	141

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Original from UNIVERSITY OF MICHIGAN

BOARD OF PUBLIC WORKS—*Continued*	PAGE	SEC.
bids, advertisement for	84	137
bond furnished with	84	137
reported to council	84	137
chief of police at service of	88	141
city engineer, appointed by	86	139
assistants of, approved by	86	139
claims audited and certified to	86	139
classification of work by	87	140
clerk of	32–88	53–141
contracts, authority to sue on	86	138
made by	86	138
must be authorized by council	84	137
members cannot be interested in	89	143
old, carried out	90	144
rights to be reserved in	86	138
elegibility of members for elective office	89	143
employees, appointment and compensation of	86	139
discharge of	88	141
general powers and duties of	84	136
grades, changes in, recommended by	84	136
improvements referred by council to	84	137
estimated cost of reported	84	137
oath of office of members of	25	37
organization of	83	135
plans and specifications prepared by	84	137
plats of additions approved by	84	136
proceedings to be recorded	88	141
to be published	88	141
qualifications of members of	82	134
quorum of	88	141
record of estimates to be kept	84	137
regulations of	88	141
removal of members of	89	143
repairs of streets and sidewalks	84	137
reports to council, annual	87	140
itemized of work done by board	84	137
on progress of work	87	140
sidewalks, built or repaired by	80	132
street commissioner, appointment of	86	139
removal of	86	139
superintendent of buildings, appointment	86	139
supplies, etc., provided by council	83	135
surveys, records, etc., to be delivered to	90	144
term of office of members of	82	134
vacancies, how filled	89	143
work done by, when bids rejected	84	137
when contractors fail	86	138

BOARD OF REGISTRATION		
books for, provided by council	17	8
charter elections, session preceding	18	10
compensation of	40	69
certified by clerk	46	86
erasure of names made when	18–19	9–19
correction of mistakes in	18	9
general elections, sessions preceding	18	9

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	PAGE	SEC.
BOARD OF REGISTRATION—*Continued*		
members of, who are	17	7
first, in seventh ward	13	2
in precincts	15	3
notice of meeting of	17	8
when unnecessary to print names in	18	10
quorum in city board of	18	9
in ward board of	19	11
re-registration, when made	17	8
sessions of board for	17	8
rules and regulations governing	17	8
vacancies filled by council	17	7
BOARD OF REVIEW		
assessment rolls submitted to	101	174
certificate attached to	102	175
corrected by	102	175
presumption of validity of	102	175
chairman and clerk of	101	174
compensation of	40	69
certified to by clerk	46	86
members of	101	174
notice of raise of personal valuation	101	174
oaths administered by	102	175
powers of	101	174
public hearing by	102	175
quorum of	101	174
sessions of, time when held	101–103	174–175
special assessments, council meets as	77	130e
council confirms action of	78	130f
notice of meeting of	77	130d
time fixed for meeting of	77	130d
BOARD OF WATER COMMISSIONERS 1923-1924	6	
BOILERS		
nuisance, when declared a	92	154
regulations concerning	92	153
BOND		
approval of, by council	25	38
bank, as city depository	39	67
city officers prescribed by council	25–55	38–88
neglect to give vacates office	26	42
same as township officers	111	190
filing of, with city clerk	25	38
report of failure of	23	29
with city treasurer	25	38
new, required when	26	39
treasurer's, for collecting taxes	37	64
BONDS OF CITY		
authorization of legislature necessary	109	186
of electors necessary	109	186
city hall, for construction of	116–118	
countersigned by city clerk	29	52
garbage crematory, for construction of	120–122	

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BONDS OF CITY—*Continued*		
pavements, for construction of	109	186
registered by city clerk	32	53
sewers, for construction of	112	
university hospital, in aid of	115	
waterworks, purchase of	118–120	
BONFIRES		
regulation of	49	88
BOOKS AND PAPERS		
alteration of, or destruction punished	44	81
delivery of to successors in office	27	45
by city engineer	90	144
deposited with city clerk	44	81
inspection, open to, by mayor	28	48
open to, by any citizen	44	81
BOUNDARIES		
City	9	1
wards	13	2
BOWLING ALLEYS		
regulation and licensing of	48	88
BRIDGES		
construction of by board of public works	84	136
control of, by council	73	126
encumbering or fast driving over	49	88
new, opening of	74	127
vacating, by council	74	127
BUDGET, ANNUAL		
appropriations for, limit of	100	171
made when	101–107	172–181
for parks to be included	68	118d
when made by electors	103	177
certified to assessor by clerk	106	181
city hall bonds due included in	116	
garbage crematory bonds due, included in	120	
paving bonds due included in	109	186
waterworks bonds due included in	118	
BUILDINGS		
certificate that they are properly built	95	159
dangerous, council's power over	99	168
destruction of, to check fires	93	156
erection or purchase of by city	66–71	118–119
fire limits, power to establish	47–92	88–154
inspection of, by fire wardens	92	151
while being built	95	159
line of, provisions for	51	88
nuisance when declared a	92	154
numbering of	53	88
park buildings, control over	69	118h
permits for erection of	94	158

BURIAL GROUNDS (See Cemeteries)

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	PAGE	SEC.
BURIALS		
prohibited when	65	112
regulation of	51	88
BUTCHERS		
licensing of	51	88
C		
CANVASS OF VOTES		
council makes when	22	26
inspectors make on election day	22	24
manner of making	22	25
CARCASSES		
regulation of unwholesome	50	88
CARRIAGES		
licensing of	53	88
CARTS AND CARTMEN		
regulation of	52	88
CATTLE		
running at large, regulation of	50	88
CELLARS		
council's power over	54	88
board of public works, power over	84	136
health regulations concerning	98	167
CEMETERIES		
appropriations for	65	113
buildings erected in	71	119
deeds in	29	52
establishment of	47–65	88–112
preservation of	66	115
regulation of	47–66	88–114
CENSUS		
council may provide for taking	53	88
CERTIFICATES		
assessment rolls attached to	102	175
assessor's on special rolls	77	130c
clerk's on special rolls	78	130g
buildings erected in fire limits	95	159
cashier of bank as to deposits	38	65
election by council	22	26
by inspectors of election	22	24
ordinance, of passage of	56	92
of publication of	57	95
CHALLENGE		
elector challenged to take oath	16	6
CHIEF OF FIRE DEPARTMENT		
appointment of	91	147
assistance in fires, may be commanded	91	150

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	PAGE	SEC.
CHIEF OF FIRE DEPARTMENT—*Continued*		
buildings, may destroy at fire when	93	156
inspection of	95	159
building permits, to issue	94	158
certificate of proper construction of building	95	159
compensation of	93	155
duties of	91	149
exemption of from jury duty	93	155
fees to be paid into treasury	94	158
investigation into causes of fires	95	160
report of, to board of fire commissioners	95	160
to city clerk	94	158
to chief of police and prosecuting attorney	95	160
CHIEF OF POLICE		
absence or disability of	37	63
arrests upon view	35–64	61–110
appointment of	35	61
assistance, may call on citizens for	35	61
may call for at fires	91	150
chief of police, acts as	35	61
has direction of police	64	109
complaints entered by	35	61
constables, to obey orders of	35	60
council meetings, attends	43	77
duties of	37	62
fines, to be paid in to city treasury by	37	62
impounds animals when	66	116
mayor has direction of	35	61
consent of, necessary to leave city	37	63
oath of office	25	37
process served by	35	61
may arrest without them	35	61
powers, has of constable	64	110
removal, or suspension of	45	83
report of arrests to council	37	62
of fines collected to council	37	62
of chief of fire department to	95	160
salary of	40	69
term of	25	35
warrants, served by	58	98
CHIMNEY SWEEPS		
regulation of	52	88
CHIMNEYS		
regulation of	92	153
CIRCUIT COURT		
appeals to from justice court	33–60	56–102
CIRCUSES		
regulation of	48	88
CISTERNS		
construction of	91	148

CITY ATTORNEY (See Attorney, City)

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CITY CLERK	PAGE	SEC.
absence from council meeting of	42	72
accounts, audits all	29	52
books of	29	52
filed with	29	52
report of to finance committee	29	52
with treasurer	32	53
annual report of	29	52
assessment rolls, certifies to general	102	175
certifies special district	76	130b
duties relating to special	77–79	130c–g
makes copy of when	104	179
ballot boxes to be kept by	20	16
to be returned to	22	24
bond of, filed with treasurer	25	38
bonds, countersigns	29	52
registers	32	53
of city officers filed with	25	38
books, complete set of to be kept	29–32	52–53
have charge of city's	32	53
of ordinances	57	94
of proceedings of council	42	72
of proceedings of board of public works	88	141
to be deposited with	44	81
to be open to inspection	44	81
calls, special meetings of council	42	73
cemetery deeds, signed by	29	52
certificates by, amount to be raised by tax	106	181
to assessment rolls	102	175
to special assessment rolls	78	130g
to claims of certain officers	46	86
to election returns	22	26
to ordinances, passage of	56	92
to ordinances, publication of	57	95
to park appropriations	68	118d
to pay rolls	29	52
certified copies of ordinances	57	96
of records	29	51
clerk of all boards and committees	32	53
of board of fire commissioners	91	147
of board of public works	88	141
of board of park commissioners	70	118k
of board of review	101	174
of common council	29–42	51–72
of special elections	103	177
clerk hire, amount of	40	69
comptroller, duties of	29	52
contracts, deposited with	44	81
signs	29	52
council proceedings, to present to mayor	47	87
countersigns, bonds and deeds	29	52
deputy, may appoint	29	51
documents to be kept by	29	51
duties of	29–33	51–54
additional prescribed by council	32	54
same as township clerk	29–111	51–190

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CITY CLERK—*Continued*	PAGE	SEC.
election of	23	30
estimates of expenses	32	54
fees for licenses	29	51
for building permits	94	158
files, all records of city	29–44	51–81
new official bonds, when	26	39
oaths of officers	25	37
official bonds	25	38
open to inspection	44	81
park bills	68	118e
receipts for fees and fines	37	62
veto messages	47–56	87–91
vouchers of treasurer	38	65
vouchers of city	44	81
jurors, to make list of	110	187
licenses registered with	29	51
fees for	29	51
mandamus, when lies against	29	52
notice of elections	19	15
of first election in seventh ward	13	2
of meeting of board of review	77	130d
of registration	18–19	9–10
of special elections	19	14
of special council meetings	42	73
that funds are exhausted	29	52
to officials, of appointment or election	23	28
oath of office	25	37
administered by	29	51
office hours of	33	55
provided with	33	55
officials to report to	29	52
ordinances, certified copies of	57	96
presented to mayor	56	91
publication certified	57	95
recorded in book	57	94
pay rolls, made by	29	52
poll lists, deposited with	22	24
powers of (See duties)		
purchasing agent, of city	29	52
records all, filed with	44	81
arrangement of	44	81
certified copies of	29	51
registers licenses	29	51
report of, annual	29	52
appropriations to treasurer	29	52
bills audited to finance committee	29	52
council proceedings	42	72
council proceedings to contain what	43	75
detailed statement to council	32	54
estimated expenses to council	32	54
exhausted funds to council	29	52
fees on building permits	94	158
liabilities and resources to council	29	52
monthly, to council	32	53
proceedings of board of review	78	130f

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
CITY CLERK—*Continued*		
veto to council	56	92
report, neglect of officers failing to post bond	23	29
reports to from other officers	29	52
from treasurer	38	65
salary of	40	69
seal of city kept by	29	51
sealer of weights and measures	32	54
summons served on	59	100
supervision over city property	29–32	52–53
taxes, amount to be raised certified	29–106	52–181
may bid off lands sold for	80	132
return of unpaid special	104	179
vacancy, in office of	26	43
vouchers kept by	32–44	53–81
treasurer's filed with	38	65
warrant for special assessments	104	179
warrants drawn on treasurer	29–37–109	52–64–186
when to refuse to draw	29	52
when void	29	52
CITY HALL		
local act relating to	116	
construction of	84	136
CITY LOCKUP		
imprisonment in	55–58	90–97
vagrants sent to	62	105
CITY TREASURER (See Treasurer)		
CLAIMS		
allowed by council	29–46–100–109	52–86–170–186
audited by city clerk	29	52
certified to under oath	46	86
examined by finance committee	29	52
filed with clerk	29	52
for buildings destroyed	93	150
itemized before presentation	46	86
must be presented before suit	59	100
reported to council	29	52
warrants for payment of	29	52
CLERK (See City Clerk)		
CLERK HIRE		
allowance for clerk and treasurer	40	69
CLERKS OF ELECTION		
appointment by whom	20	19
duties of	21	23
oath and qualifications of	20	19
paid how	46	86

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
COLLECTION OF TAXES		
city taxes	106	181
state, county and school taxes	108	183
special taxes	104	179
COMBUSTIBLES		
inspection of places where kept	92	151
regulation of storage of	92	153
COMMISSIONER OF HIGHWAYS		
council are	73	126
COMMISSIONERS OF POLICE (See Police Commission)		
COMMITTEES		
appointment of	41	71
clerk of	32	53
duties of standing	44	80
president of council member of all	41	71
COMMON COUNCIL		
appointments, made by	23	31
appropriations, made how	42	74
approval, by mayor of proceedings of	47	87
from overdrawn funds	29	52
for parks	68	118d
how may provide for	29	52
assessments local	75	130
confirm roll for	78	130f
determine districts for	76	130a
direct spreading on general rolls	78	130g
expense of health regulation	98	167
proportion cost of	76	130a
attendance	42	74
attorney, city, legal advisor of	40	68
to attend all meetings of	40	68
audit and acounts chargeable against city by	46	86
ballot boxes, to provide	20	16
board of review, when meet as	77	130e
procedure as	77	130e
bonding, action necessary for	109	186
bonds, official, approval of	25	38
to require	25	38
when to require new	26	39
bridges, building or vacating	74	127
buildings, to buy, sell or erect	66	118
dangerous, to tear down	99	168
may own outside city limits	71	119
cemeteries, cared for by	65	113
established by	65–71	112–119
protected by	65–66	114–115
regulations concerning	65	114
claims, audit	46	86
authority to settle all	100–109	170–186
certified to by board of public works	86	139
certified to by park commission	68	118e

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COMMON COUNCIL—*Continued*	PAGE	SEC.
for witness fees	60	101
must be presented to, before suit	59	100
provide funds for payment of	100	170
reported by clerk	29	52
clerk of council	29–42	51–72
may impose further duties on	32	54
pro tem, when appointed	42	72
committees, aldermen appointed on	28	50
standing to be provided for	44	80
compensation for buildings destroyed	93	156
change that fixed by public works	86	139
for firemen	93	155
for injuries to firemen	93	155
for services	40	69
confirmation of appointed city officers	23	31
appointments of board of public works	82	134
appointments of fire commissioners	90	145
chief of fire department	91	147
city clerk to fill vacancy	26	43
deputy clerk	29	51
members of board of health	96	161
members of board of public works	82	134
members of park commission	67	118b
treasurer's successor	39	66
constables, may impose duties on	35	60
control over records, etc	44	81
over park expenses	69	118f
depository for city funds, to designate	39	67
to approve sureties of	39	67
to prescribe conditions of contract	39	67
dry earth closets, may provide for	71	121
duties, same as imposed on township boards	111	190
elections, ballot boxes provided for	20	16
polling places designated	19	12
results of, determined	22	26
special, may order	19–27	13–43
special, notice of	19	14
special, to vote money	109	186
tie vote, how settled	23	27
finances, control over	43	78
fire commissioners, consent to purchases by	91	148
funds, appropriations for prior to tax levy	101	172
established by ordinance	101	172
transfer of	101	172
garbage crematory, erection of	120	
general powers of	47–55	88
include those of township boards	111	190
highways, commissioners of	73	126
investigations by	46	85
judge of election returns and qualifications of members	42	73
legislative authority vested in	41	70
liquor dealers, power to tax	100	171
members of	41	70
compel attendance of	42	74

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COMMON COUNCIL.—*Continued*	PAGE	SEC.
expulsion of	45	83
judge of qualifications of	42	73
punished how	43	76
meetings of, to be public	42	74
regular	42	73
special called	42	73
office hours for clerk	33	55
room for board of public works	83	135
room for clerk	33	55
offices to create new	23	31
officials required to attend meetings	43	77
ordinances may be enacted by	43	79
collection of special taxes	105	180
establishing fire limits	92	152–153
establishing funds	101	172
imposing further duties on board of works	84	136
may inflict penalties	55	90
passing over veto	56	91
providing for fire department	90–92	146–153
providing for parks	69	118i
providing for paving	73	126
providing for public health	98	167
providing for report of diseases	98	165
providing for sewers	112	
relating to cemeteries	65	114
vote necessary on	55	89
what purpose may be enacted for	47–55	88
pavement bonds issued	109	186
penalty for destroying or injuring the records	44	81
police force provided for	63	107
number designated by	35	61
pay fixed by	65	111
regulations	63	108
regulations beyond city limits	71	119
special, authorized by	35–63	61–107
poll tax, power to levy	80	131
pounds, established by	66	116
fees for, prescribed by	66	117
powers, general of	47–55	88
auctions, conduct of	50	88
bathing or swimming, regulation of	50	88
cattle, restraint of running at large	50	88
chimney sweeps, regulation of	52	88
cellars, privies, sinks, etc., regulation of	54	88
cemeteries and death records	51	88
census of city, provision for	53	88
disorderly conduct, regulation of	48	88
drunkards, arrest of	50	88
gunpowder, fire works, etc., use of	49	88
hotels, regulation of	52	88
intoxicating liquors, regulation of	48	88
market places, regulation of	50	88
nuisances, the abatement of	49	88
officers, appointment by; regulation of their duties, etc.	53	88

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ASSESSOR—*Continued*	PAGE	SEC.
appropriations to be certified to	106	181
for parks certified to	68	118d
benefits, when to assess	76	130b
board of review, chairman of	101	174
to submit rolls to	101	174
certification of special rolls	77	130c
delivery of rolls to treasurer, when	106	181
duties of	34	58
election of	23	30
oath of	111	190
petit jurors, to make list of	110	187
poll, to make list for taxes	80	131
powers of	101	173
salary of	40	69
sewers, duties in assessing	112	
term of	24	33
warrant, force and effect of	34	58
for general rolls	106–107	181–182
for special rolls	78	130g
ATTORNEY, CITY		
advisor of board of public works	88	141
of board of park commissioners	70	118k
of city officers	40	68
of common council	40	68
appointment by mayor	23	31
when made	24	32
attendance at council meetings	40–43	68–77
contracts, to approve forms for	86	136
duties and qualifications of	40	68
fines, to be sued for when	61	103
oath of office	25	37
removal of	43	83
salary of	40	69
term of	24	32
AUCTIONEERS		
regulation of by council	48	88
AUCTIONS		
mock	48	88
regulation of by council	47–55	88

B

BALLOT BOXES		
council to provide	20	16
BALLOTS		
candidates' names to be on	21	21
separate boxes, when to put in	21	21
term, of office designated on, when	21	22
votes to be given by, at elections	21	21
to be put in proper box	21	23

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BANKS		
bond, required of	39	67
certificate of cashier of	38	65
depository, of city funds	39	67
interest to be paid by	39	67
treasurer, not responsible for money in	39	67
BARNS		
regulation of by council	51	88
BATHING		
prohibition of in public	50	88
BEGGARS		
regulation of, by ordinance	50	88
vagrants, are deemed as	62	105
BEQUESTS		
acceptance of by park commissioners	69	118f
BIDS		
advertisements for	84	137
report of to council	84	137
required when	84	137
security, when required with	84	137
BILLIARD TABLES		
license and regulation of	48	88
BOARD OF BUILDING INSPECTORS 1923-1924	6	
BOARD OF ELECTION COMMISSIONERS 1923-1924	6	
BOARD OF FIRE COMMISSIONERS 1923-1924	6	
apparatus, purchase of by	91	148
appointment of members of	23	31
of members when made	24	32
assistance to be commanded at fires	91	150
building permits, to be approved by	94	158
chief of fire department, nomination of	91	147
reports to	95	160
under direction of	91	149
cisterns, construction of	91	148
clerk of	32–91	53–147
compensation of	90	145
fire companies, power to organize	90	146
fire department, power to establish	90	146
fire wardens, appointment of	92	151
investigation into origin of fires	95	160
oath of office	25	37
organization of	90	145
relief to adjoining towns, may send	93	157
removal of buildings, boilers, etc. as nuisances	92	154
of buildings at fires	93	156
of members of	45	83
rules and regulations by	90	146

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BOARD OF HEALTH 1923-1924	6	
appointment of members of	23	31
when made	24	32
cellars, unhealthy, abatement of	98	167
clerk of	32	53
compensation of	96–100	161–169
general powers of	96	162
hospital, establishment of	96	162
infectious diseases, prevention of	96	162
infected property, destruction of	96	162
nuisances, abatement of	96	162
number of members of	96	161
oath of office	25	37
removal of dangerous structures	99	168
removal of members of	45	83
report by railroads, drivers, etc., to	97	163
of inkeepers to	98	165
of physicians to	98	165
term and qualifications of	96	161
BOARD OF PARK COMMISSIONERS 1923-1924	6	
account of expenses by	70	118j
appointment of members of	67	118b
attorney, city, legal advisor of	70	118k
audit of all park expenses by	68	118e
bills certified by president of	68	118e
when to be paid	68	118e
clerk of	64	118k
debts or liabilities, not to be created by	69	118f
donations or bequests to	69	118f
employees to be engaged by	69	118g
to fix compensation of	69	118g
engineer, at disposal of	70	118k
estimates to be made to council by	68	118d
exclusive control of parks, shade trees, etc.	67	118a
over improvements and work	69	118a
president of	67	118b
qualification of members of	67	118a
receipts of, payable into city treasury	68	118e
removal of members of	45	83
report of to council	70	118j
annual to council	70	118j
rules and regulations by	69	118i
superintendent of parks appointed by	69	118g
term of members of	67	118b
of first members of	68	118c
BOARD OF PUBLIC WORKS 1923-1924	6	
account of cost of each improvement	87	140
additional duties imposed by council	84	136
amount can expend, without council's consent	84	137
appointment of members by mayor	23–83	31–134
confirmation of by council	82	134
made when	24	32
attorney, city, legal advisor of	88	141

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Original from UNIVERSITY OF MICHIGAN

BOARD OF PUBLIC WORKS—*Continued*	PAGE	SEC.
bids, advertisement for	84	137
bond furnished with	84	137
reported to council	84	137
chief of police at service of	88	141
city engineer, appointed by	86	139
assistants of, approved by	86	139
claims audited and certified to	86	139
classification of work by	87	140
clerk of	32–88	53–141
contracts, authority to sue on	86	138
made by	86	138
must be authorized by council	84	137
members cannot be interested in	89	143
old, carried out	90	144
rights to be reserved in	86	138
elegibility of members for elective office	89	143
employees, appointment and compensation of	86	139
discharge of	88	141
general powers and duties of	84	136
grades, changes in, recommended by	84	136
improvements referred by council to	84	137
estimated cost of reported	84	137
oath of office of members of	25	37
organization of	83	135
plans and specifications prepared by	84	137
plats of additions approved by	84	136
proceedings to be recorded	88	141
to be published	88	141
qualifications of members of	82	134
quorum of	88	141
record of estimates to be kept	84	137
regulations of	88	141
removal of members of	89	143
repairs of streets and sidewalks	84	137
reports to council, annual	87	140
itemized of work done by board	84	137
on progress of work	87	140
sidewalks, built or repaired by	80	132
street commissioner, appointment of	86	139
removal of	86	139
superintendent of buildings, appointment	86	139
supplies, etc., provided by council	83	135
surveys, records, etc., to be delivered to	90	144
term of office of members of	82	134
vacancies, how filled	89	143
work done by, when bids rejected	84	137
when contractors fail	86	138

BOARD OF REGISTRATION		
books for, provided by council	17	8
charter elections, session preceding	18	10
compensation of	40	69
certified by clerk	46	86
erasure of names made when	18–19	9–10
correction of mistakes in	18	9
general elections, sessions preceding	18	9

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	PAGE	SEC.
BOARD OF REGISTRATION—*Continued*		
members of, who are	17	7
first, in seventh ward	13	2
in precincts	15	3
notice of meeting of	17	8
when unnecessary to print names in	18	10
quorum in city board of	18	9
in ward board of	19	11
re-registration, when made	17	8
sessions of board for	17	8
rules and regulations governing	17	8
vacancies filled by council	17	7
BOARD OF REVIEW		
assessment rolls submitted to	101	174
certificate attached to	102	175
corrected by	102	175
presumption of validity of	102	175
chairman and clerk of	101	174
compensation of	40	69
certified to by clerk	46	86
members of	101	174
notice of raise of personal valuation	101	174
oaths administered by	102	175
powers of	101	174
public hearing by	102	175
quorum of	101	174
sessions of, time when held	101–103	174–175
special assessments, council meets as	77	130e
council confirms action of	78	130f
notice of meeting of	77	130d
time fixed for meeting of	77	130d
BOARD OF WATER COMMISSIONERS 1923-1924	6	
BOILERS		
nuisance, when declared a	92	154
regulations concerning	92	153
BOND		
approval of, by council	25	38
bank, as city depository	39	67
city officers prescribed by council	25–55	38–88
neglect to give vacates office	26	42
same as township officers	111	190
filing of, with city clerk	25	38
report of failure of	23	29
with city treasurer	25	38
new, required when	26	39
treasurer's, for collecting taxes	37	64
BONDS OF CITY		
authorization of legislature necessary	109	186
of electors necessary	109	186
city hall, for construction of	116–118	
countersigned by city clerk	29	52
garbage crematory, for construction of	120–122	

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	PAGE	SEC.
BONDS OF CITY—*Continued*		
pavements, for construction of	109	186
registered by city clerk	32	53
sewers, for construction of	112	
university hospital, in aid of	115	
waterworks, purchase of	118–120	
BONFIRES		
regulation of	49	88
BOOKS AND PAPERS		
alteration of, or destruction punished	44	81
delivery of to successors in office	27	45
by city engineer	90	144
deposited with city clerk	44	81
inspection, open to, by mayor	28	48
open to, by any citizen	44	81
BOUNDARIES		
City	9	1
wards	13	2
BOWLING ALLEYS		
regulation and licensing of	48	88
BRIDGES		
construction of by board of public works	84	136
control of, by council	73	126
encumbering or fast driving over	49	88
new, opening of	74	127
vacating, by council	74	127
BUDGET, ANNUAL		
appropriations for, limit of	100	171
made when	101–107	172–181
for parks to be included	68	118d
when made by electors	103	177
certified to assessor by clerk	106	181
city hall bonds due included in	116	
garbage crematory bonds due, included in	120	
paving bonds due included in	109	186
waterworks bonds due included in	118	
BUILDINGS		
certificate that they are properly built	95	159
dangerous, council's power over	99	168
destruction of, to check fires	93	156
erection or purchase of by city	65–71	118–119
fire limits, power to establish	47–92	88–154
inspection of, by fire wardens	92	151
while being built	95	159
line of, provisions for	51	88
nuisance when declared a	92	154
numbering of	53	88
park buildings, control over	69	118h
permits for erection of	94	158

BURIAL GROUNDS (See Cemeteries)

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	PAGE	SEC.
BURIALS		
prohibited when	65	112
regulation of	51	88
BUTCHERS		
licensing of	51	88
C		
CANVASS OF VOTES		
council makes when	22	26
inspectors make on election day	22	24
manner of making	22	25
CARCASSES		
regulation of unwholesome	50	88
CARRIAGES		
licensing of	53	88
CARTS AND CARTMEN		
regulation of	52	88
CATTLE		
running at large, regulation of	50	88
CELLARS		
council's power over	54	88
board of public works, power over	84	136
health regulations concerning	98	167
CEMETERIES		
appropriations for	65	113
buildings erected in	71	119
deeds in	29	52
establishment of	47–65	88–112
preservation of	66	115
regulation of	47–66	88–114
CENSUS		
council may provide for taking	53	88
CERTIFICATES		
assessment rolls attached to	102	175
assessor's on special rolls	77	130c
clerk's on special rolls	78	130g
buildings erected in fire limits	95	159
cashier of bank as to deposits	38	65
election by council	22	26
by inspectors of election	22	24
ordinance, of passage of	56	92
of publication of	57	95
CHALLENGE		
elector challenged to take oath	16	6
CHIEF OF FIRE DEPARTMENT		
appointment of	91	147
assistance in fires, may be commanded	91	150

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	PAGE	SEC.
CHIEF OF FIRE DEPARTMENT—*Continued*		
buildings, may destroy at fire when	93	156
inspection of	95	159
building permits, to issue	94	158
certificate of proper construction of building	95	159
compensation of	93	155
duties of	91	149
exemption of from jury duty	93	155
fees to be paid into treasury	94	158
investigation into causes of fires	95	160
report of, to board of fire commissioners	95	160
to city clerk	94	158
to chief of police and prosecuting attorney	95	160
CHIEF OF POLICE		
absence or disability of	37	63
arrests upon view	35–64	61–110
appointment of	35	61
assistance, may call on citizens for	35	61
may call for at fires	91	150
chief of police, acts as	35	61
has direction of police	64	109
complaints entered by	35	61
constables, to obey orders of	35	60
council meetings, attends	43	77
duties of	37	62
fines, to be paid in to city treasury by	37	62
impounds animals when	66	116
mayor has direction of	35	61
consent of, necessary to leave city	37	63
oath of office	25	37
process served by	35	61
may arrest without them	35	61
powers, has of constable	64	110
removal, or suspension of	45	83
report of arrests to council	37	62
of fines collected to council	37	62
of chief of fire department to	95	160
salary of	40	69
term of	25	35
warrants, served by	58	98
CHIMNEY SWEEPS		
regulation of	52	88
CHIMNEYS		
regulation of	92	153
CIRCUIT COURT		
appeals to from justice court	33–60	56–102
CIRCUSES		
regulation of	48	88
CISTERNS		
construction of	91	148

CITY ATTORNEY (See Attorney, City)

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CITY CLERK	PAGE	SEC.
absence from council meeting of	42	72
accounts, audits all	29	52
books of	29	52
filed with	29	52
report of to finance committee	29	52
with treasurer	32	53
annual report of	29	52
assessment rolls, certifies to general	102	175
certifies special district	76	130b
duties relating to special	77–79	130c–g
makes copy of when	104	179
ballot boxes to be kept by	20	16
to be returned to	22	24
bond of, filed with treasurer	25	38
bonds, countersigns	29	52
registers	32	53
of city officers filed with	25	38
books, complete set of to be kept	29–32	52–53
have charge of city's	32	53
of ordinances	57	94
of proceedings of council	42	72
of proceedings of board of public works	88	141
to be deposited with	44	81
to be open to inspection	44	81
calls, special meetings of council	42	73
cemetery deeds, signed by	29	52
certificates by, amount to be raised by tax	106	181
to assessment rolls	102	175
to special assessment rolls	78	130g
to claims of certain officers	46	86
to election returns	22	26
to ordinances, passage of	56	92
to ordinances, publication of	57	95
to park appropriations	68	118d
to pay rolls	29	52
certified copies of ordinances	57	96
of records	29	51
clerk of all boards and committees	32	53
of board of fire commissioners	91	147
of board of public works	88	141
of board of park commissioners	70	118k
of board of review	101	174
of common council	29–42	51–72
of special elections	103	177
clerk hire, amount of	40	69
comptroller, duties of	29	52
contracts, deposited with	44	81
signs	29	52
council proceedings, to present to mayor	47	87
countersigns, bonds and deeds	29	52
deputy, may appoint	29	51
documents to be kept by	29	51
duties of	29–33	51–54
additional prescribed by council	32	54
same as township clerk	29–111	51–190

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CITY CLERK—*Continued*	PAGE	SEC.
election of	23	30
estimates of expenses	32	54
fees for licenses	29	51
for building permits	94	158
files, all records of city	29–44	51–81
new official bonds, when	26	39
oaths of officers	25	37
official bonds	25	38
open to inspection	44	81
park bills	68	118e
receipts for fees and fines	37	62
veto messages	47–56	87–91
vouchers of treasurer	38	65
vouchers of city	44	81
jurors, to make list of	110	187
licenses registered with	29	51
fees for	29	51
mandamus, when lies against	29	52
notice of elections	19	15
of first election in seventh ward	13	2
of meeting of board of review	77	130d
of registration	18–19	9–10
of special elections	19	14
of special council meetings	42	73
that funds are exhausted	29	52
to officials, of appointment or election	23	28
oath of office	25	37
administered by	29	51
office hours of	33	55
provided with	33	55
officials to report to	29	52
ordinances, certified copies of	57	96
presented to mayor	56	91
publication certified	57	95
recorded in book	57	94
pay rolls, made by	29	52
poll lists, deposited with	22	24
powers of (See duties)		
purchasing agent, of city	29	52
records all, filed with	44	81
arrangement of	44	81
certified copies of	29	51
registers licenses	29	51
report of, annual	29	52
appropriations to treasurer	29	52
bills audited to finance committee	29	52
council proceedings	42	72
council proceedings to contain what	43	75
detailed statement to council	32	54
estimated expenses to council	32	54
exhausted funds to council	29	52
fees on building permits	94	158
liabilities and resources to council	29	52
monthly, to council	32	53
proceedings of board of review	78	130f

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	PAGE	SEC.
CITY CLERK—*Continued*		
veto to council	56	92
report, neglect of officers failing to post bond	23	29
reports to from other officers	29	52
from treasurer	38	65
salary of	40	69
seal of city kept by	29	51
sealer of weights and measures	32	54
summons served on	59	100
supervision over city property	29–32	52–53
taxes, amount to be raised certified	29–106	52–181
may bid off lands sold for	80	132
return of unpaid special	104	179
vacancy, in office of	26	43
vouchers kept by	32–44	53–81
treasurer's filed with	38	65
warrant for special assessments	104	179
warrants drawn on treasurer	29–37–109	52–64–186
when to refuse to draw	29	52
when void	29	52
CITY HALL		
local act relating to	116	
construction of	84	136
CITY LOCKUP		
imprisonment in	55–58	90–97
vagrants sent to	62	105
CITY TREASURER (See Treasurer)		
CLAIMS		
allowed by council	29–46–100–109	52–86–170–186
audited by city clerk	29	52
certified to under oath	46	86
examined by finance committee	29	52
filed with clerk	29	52
for buildings destroyed	93	150
itemized before presentation	46	86
must be presented before suit	59	100
reported to council	29	52
warrants for payment of	29	52
CLERK (See City Clerk)		
CLERK HIRE		
allowance for clerk and treasurer	40	69
CLERKS OF ELECTION		
appointment by whom	20	19
duties of	21	23
oath and qualifications of	20	19
paid how	46	86

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
COLLECTION OF TAXES		
city taxes	106	181
state, county and school taxes	108	183
special taxes	104	179
COMBUSTIBLES		
inspection of places where kept	92	151
regulation of storage of	92	153
COMMISSIONER OF HIGHWAYS		
council are	73	126
COMMISSIONERS OF POLICE (See Police Commission)		
COMMITTEES		
appointment of	41	71
clerk of	32	53
duties of standing	44	80
president of council member of all	41	71
COMMON COUNCIL		
appointments, made by	23	31
appropriations, made how	42	74
approval, by mayor of proceedings of	47	87
from overdrawn funds	29	52
for parks	68	118d
how may provide for	29	52
assessments local	75	130
confirm roll for	78	130f
determine districts for	76	130a
direct spreading on general rolls	78	130g
expense of health regulation	98	167
proportion cost of	76	130a
attendance	42	74
attorney, city, legal advisor of	40	68
to attend all meetings of	40	68
audit and acounts chargeable against city by	46	86
ballot boxes, to provide	20	16
board of review, when meet as	77	130e
procedure as	77	130e
bonding, action necessary for	109	186
bonds, official, approval of	25	38
to require	25	38
when to require new	26	39
bridges, building or vacating	74	127
buildings, to buy, sell or erect	66	118
dangerous, to tear down	99	168
may own outside city limits	71	119
cemeteries, cared for by	65	113
established by	65–71	112–119
protected by	65–66	114–115
regulations concerning	65	114
claims, audit	46	86
authority to settle all	100–109	170–186
certified to by board of public works	86	139
certified to by park commission	68	118e

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Original from UNIVERSITY OF MICHIGAN

COMMON COUNCIL—*Continued*	PAGE	SEC.
for witness fees	60	101
must be presented to, before suit	59	100
provide funds for payment of	100	170
reported by clerk	29	52
clerk of council	29–42	51–72
may impose further duties on	32	54
pro tem, when appointed	42	72
committees, aldermen appointed on	28	50
standing to be provided for	44	80
compensation for buildings destroyed	93	156
change that fixed by public works	86	139
for firemen	93	155
for injuries to firemen	93	155
for services	40	69
confirmation of appointed city officers	23	31
appointments of board of public works	82	134
appointments of fire commissioners	90	145
chief of fire department	91	147
city clerk to fill vacancy	26	43
deputy clerk	29	51
members of board of health	96	161
members of board of public works	82	134
members of park commission	67	118b
treasurer's successor	39	66
constables, may impose duties on	35	60
control over records, etc	44	81
over park expenses	69	118f
depository for city funds, to designate	39	67
to approve sureties of	39	67
to prescribe conditions of contract	39	67
dry earth closets, may provide for	71	121
duties, same as imposed on township boards	111	190
elections, ballot boxes provided for	20	16
polling places designated	19	12
results of, determined	22	26
special, may order	19–27	13–43
special, notice of	19	14
special, to vote money	109	186
tie vote, how settled	23	27
finances, control over	43	78
fire commissioners, consent to purchases by	91	148
funds, appropriations for prior to tax levy	101	172
established by ordinance	101	172
transfer of	101	172
garbage crematory, erection of	120	
general powers of	47–55	88
include those of township boards	111	190
highways, commissioners of	73	126
investigations by	46	85
judge of election returns and qualifications of members	42	73
legislative authority vested in	41	70
liquor dealers, power to tax	100	171
members of	41	70
compel attendance of	42	74

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Original from UNIVERSITY OF MICHIGAN

COMMON COUNCIL—*Continued*	PAGE	SEC.
expulsion of	45	83
judge of qualifications of	42	73
punished how	43	76
meetings of, to be public	42	74
regular	42	73
special called	42	73
office hours for clerk	33	55
room for board of public works	83	135
room for clerk	33	55
offices to create new	23	31
officials required to attend meetings	43	77
ordinances may be enacted by	43	79
collection of special taxes	105	180
establishing fire limits	92	152–153
establishing funds	101	172
imposing further duties on board of works	84	136
may inflict penalties	55	90
passing over veto	56	91
providing for fire department	90–92	146–153
providing for parks	69	118i
providing for paving	73	126
providing for public health	98	167
providing for report of diseases	98	165
providing for sewers	112	
relating to cemeteries	65	114
vote necessary on	55	89
what purpose may be enacted for	47–55	88
pavement bonds issued	109	186
penalty for destroying or injuring the records	44	81
police force provided for	63	107
number designated by	35	61
pay fixed by	65	111
regulations	63	108
regulations beyond city limits	71	119
special, authorized by	35–63	61–107
poll tax, power to levy	80	131
pounds, established by	66	116
fees for, prescribed by	66	117
powers, general of	47–55	88
auctions, conduct of	50	88
bathing or swimming, regulation of	50	88
cattle, restraint of running at large	50	88
chimney sweeps, regulation of	52	88
cellars, privies, sinks, etc., regulation of	54	88
cemeteries and death records	51	88
census of city, provision for	53	88
disorderly conduct, regulation of	48	88
drunkards, arrest of	50	88
gunpowder, fire works, etc., use of	49	88
hotels, regulation of	52	88
intoxicating liquors, regulation of	48	88
market places, regulation of	50	88
nuisances, the abatement of	49	88
officers, appointment by; regulation of their duties, etc.	53	88

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COMMON COUNCIL—*Continued*	PAGE	SEC.
omnibuses, regulation of	53	88
poor persons and paupers, provision of their care by	54	88
railroad crossings and use of railroad engines	49–54	88
reservoirs, regulation of	51	88
sextons	51	88
sidewalks, streets, alleys, bridges, use of	49–50	88
slaughter houses, markets, stables, location of	49	88
sports, regulation of	48	88
street lighting, regulation of	53	88
street numbers, regulation of	53	88
taxi cabs, regulation of	53	88
vice, prevention of	47	88
watchmen, fines and duties of	51	88
water supply, regulation of	51	88
weights and measures, regulation of	54	88
wells, regulation of	51	88
precincts, divide wards into	15	3
provide election inspectors for	20	18
provide registration books for	15	3
president acting, appointed when	41	71
proceedings, to be published	43	75
what to contain	43	75
property, control over	43	78
public improvements, authorize contracts for	84	137
bids reported to	84	137
estimate of cost	84	137
plans to be approved	84	137
referred to board of works	84	137
quorum of	42	74
real estate, may acquire	66–71	118–119
recommendations of mayor to	28	46
of clerk to	29	52
registration to designate places for	17	8
to fill vacancies on board	17	7
removal of elective officers	45	83
charges to be filed	45	83
consent to removal appointive officers	45	83
investigation to be had	46	84-85
members board of public works	89	143
officers not filing bonds	26	42
officers not filing new bonds	26	39
their own appointees	23	31
reports to, board of public works	87	140
claims against city	29	52
clerk's detailed statement	32	54
clerk's monthly	32	53
estimates by park board	68	118d
fines by justices	62	104
liabilities by clerk	29	52
licenses granted	29	51
marshal's	37	62
overdrawn funds	32	53
treasurer's annual	38	65
treasurer's monthly	38	65

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
COMMON COUNCIL—*Continued*		
resignations to be made to	26	40
rules of proceedure, to make	43	75
salaries, to allow	40	69
may increase when	40	69
members of board of health	100	169
police, fixed by	65	111
seal of city, may alter	9	1
sewers and drains, certify to amount to be levied	12	
fees for connecting with	72	123
local act relating to	111	
may construct	71	121
ordinance relating to	73	125
power over	71	120
special assessment for	72	124
sidewalks, to repair or build	80	132
spread tax for	80	132
streets, power over	73	126
opening or vacating	73–75	127–128
sprinkling, to levy tax for	79	130h
storm sewers, to pass on	72	125a
supervision of property by	29	52
taxes, certify to assessor	34	58
special, how levied	104	179
tax levy, action necessary to increase	103	177
limit of	100	171
veto of mayor	47	87
passing over veto	47	87
vote, necessary to pass resolution	42	74
necessary to pass over veto	47–56	87–91
reconsidered at special meeting	42	74
transfer of funds	101	172
two-thirds required	42–45–56	74–83–91
water courses, changing	74–75	127–128
COMPENSATION		
firemen	93	155
officers designated in charter	40	69
appointed by council	53	88
park employees	69	118g
policemen	65	111
COMPLAINTS		
violation of ordinances	58	98
COMPTROLLER		
clerk is for city	29	52
CONDEMNATION		
land for public use	74	127
CONSTABLES		
duties of	35	60
election of	23	30
fees of	35–40	60–69
marshal may act as when	37	63
oath of office	25	37

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
CONSTABLES—*Continued*		
obey orders of mayor, etc.	35	60
powers of	35	60
removal of	35	60
may serve process under ordinances	35	60
serve warrants	58	98
CONTINGENT FUND		
fees paid into	40	69
interest paid into	39	67
CONTRACTS		
attorney to approve form of	86	138
board of public works make when	84	137
clerk signs	29	52
keeps	32	53
council authorizes	84	137
lighting of streets	115	
old, carried out by board	90	144
prosecution for breach of	86	138
water, may be made for	51	88
work under, suspended	86	138
CORPORATE NAME		
city's	9	1
COSTS		
double allowed city officers	111	189
COUNCIL (See Common Council)		
COUNTERSIGNS		
clerk, shall bonds, debts and transfers	29	52
COUNTY TAXES		
levied and collected	104	178
CROSSWALKS		
encumbering of	49	88
powers of board of works relative to	84	136
CRYING OF GOODS		
ordinances may regulate	51	88
CULVERTS		
assessments for	75	130
board of works has charge of	84	136
CURBSTONES		
assessments for	75	130

D

DAMAGES		
buildings destroyed at fires	93	156
sidewalks defective	82	133
street openings	75	128

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
DEBT		
contracted only after vote of electors	109	186
DEEDS		
signed by clerk	49	52
DEFAULTER		
ineligible to office	25	36
votes for void	25	36
vacates office	26	41
DELINQUENT TAXES		
collected how	37	64
DEPUTY CLERK		
clerk appoints	29	51
DESERTION		
? wives and children	63	106
DETROIT HOUSE OF CORRECTION		
sentences to	55–58	90–97
DISORDERLY HOUSES		
restrained by ordinance	47	88
DISORDERLY PERSONS		
arrest by chief of police	35	61
power to	50	88
parks, found in	69	118i
who is deemed	63	106
DISTURBANCES		
meetings	47	88
streets	50	88
DITCHES		
encumbering of	49	88
DOGS		
fights, power to prevent	50	88
running at large	50	88
taxes on	50	88
DONATIONS		
parks, for use of	69	118f
DRAINS		
assessments for	72–75	124–130
connecting with sewer	72	122
fees for	72	123
construction of, ordered	71	121
expense of a lien	71	120
encumbering	49	88
establishment of	71	120
low lands, council to provide for	47-98	88-167
special tax for	75	130
ordinance for control of	73	125
provisions for	47	88
regulation of	47	88

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BOARD OF REGISTRATION—*Continued*		
members of, who are	17	7
first, in seventh ward	13	2
in precincts	15	3
notice of meeting of	17	8
when unnecessary to print names in	18	10
quorum in city board of	18	9
in ward board of	19	11
re-registration, when made	17	8
sessions of board for	17	8
rules and regulations governing	17	8
vacancies filled by council	17	7
BOARD OF REVIEW		
assessment rolls submitted to	101	174
certificate attached to	102	175
corrected by	102	175
presumption of validity of	102	175
chairman and clerk of	101	174
compensation of	40	69
certified to by clerk	46	86
members of	101	174
notice of raise of personal valuation	101	174
oaths administered by	102	175
powers of	101	174
public hearing by	102	175
quorum of	101	174
sessions of, time when held	101–103	174–175
special assessments, council meets as	77	130e
council confirms action of	78	130f
notice of meeting of	77	130d
time fixed for meeting of	77	130d
BOARD OF WATER COMMISSIONERS 1923-1924	6	
BOILERS		
nuisance, when declared a	92	154
regulations concerning	92	153
BOND		
approval of, by council	25	38
bank, as city depository	39	67
city officers prescribed by council	25–55	38–88
neglect to give vacates office	26	42
same as township officers	111	190
filing of, with city clerk	25	38
report of failure of	23	29
with city treasurer	25	38
new, required when	26	39
treasurer's, for collecting taxes	37	64
BONDS OF CITY		
authorization of legislature necessary	109	186
of electors necessary	109	186
city hall, for construction of	116–118	
countersigned by city clerk	29	52
garbage crematory, for construction of	120–122	

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
BONDS OF CITY—*Continued*		
pavements, for construction of	109	186
registered by city clerk	32	53
sewers, for construction of	112	
university hospital, in aid of	115	
waterworks, purchase of	118–120	
BONFIRES		
regulation of	49	88
BOOKS AND PAPERS		
alteration of, or destruction punished	44	81
delivery of to successors in office	27	45
by city engineer	90	144
deposited with city clerk	44	81
inspection, open to, by mayor	28	48
open to, by any citizen	44	81
BOUNDARIES		
City	9	1
wards	13	2
BOWLING ALLEYS		
regulation and licensing of	48	88
BRIDGES		
construction of by board of public works	84	136
control of, by council	73	126
encumbering or fast driving over	49	88
new, opening of	74	127
vacating, by council	74	127
BUDGET, ANNUAL		
appropriations for, limit of	100	171
made when	101–107	172–181
for parks to be included	68	118d
when made by electors	103	177
certified to assessor by clerk	106	181
city hall bonds due included in	116	
garbage crematory bonds due, included in	120	
paving bonds due included in	109	186
waterworks bonds due included in	118	
BUILDINGS		
certificate that they are properly built	95	159
dangerous, council's power over	99	168
destruction of, to check fires	93	156
erection or purchase of by city	65–71	118–119
fire limits, power to establish	47–92	88–154
inspection of, by fire wardens	92	151
while being built	95	159
line of, provisions for	51	88
nuisance when declared a	92	154
numbering of	53	88
park buildings, control over	69	118h
permits for erection of	94	158

BURIAL GROUNDS (See Cemeteries)

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	PAGE	SEC.
BURIALS		
prohibited when	65	112
regulation of	51	88
BUTCHERS		
licensing of	51	88
C		
CANVASS OF VOTES		
council makes when	22	26
inspectors make on election day	22	24
manner of making	22	25
CARCASSES		
regulation of unwholesome	50	88
CARRIAGES		
licensing of	53	88
CARTS AND CARTMEN		
regulation of	52	88
CATTLE		
running at large, regulation of	50	88
CELLARS		
council's power over	54	88
board of public works, power over	84	136
health regulations concerning	98	167
CEMETERIES		
appropriations for	65	113
buildings erected in	71	119
deeds in	29	52
establishment of	47–65	88–112
preservation of	66	115
regulation of	47–66	88–114
CENSUS		
council may provide for taking	53	88
CERTIFICATES		
assessment rolls attached to	102	175
assessor's on special rolls	77	130c
clerk's on special rolls	78	130g
buildings erected in fire limits	95	159
cashier of bank as to deposits	38	65
election by council	22	26
by inspectors of election	22	24
ordinance, of passage of	56	92
of publication of	57	95
CHALLENGE		
elector challenged to take oath	16	6
CHIEF OF FIRE DEPARTMENT		
appointment of	91	147
assistance in fires, may be commanded	91	150

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	PAGE	SEC.
CHIEF OF FIRE DEPARTMENT—*Continued*		
buildings, may destroy at fire when	93	156
inspection of	95	159
building permits, to issue	94	158
certificate of proper construction of building	95	159
compensation of	93	155
duties of	91	149
exemption of from jury duty	93	155
fees to be paid into treasury	94	158
investigation into causes of fires	95	160
report of, to board of fire commissioners	95	160
to city clerk	94	158
to chief of police and prosecuting attorney	95	160
CHIEF OF POLICE		
absence or disability of	37	63
arrests upon view	35–64	61–110
appointment of	35	61
assistance, may call on citizens for	35	61
may call for at fires	91	150
chief of police, acts as	35	61
has direction of police	64	109
complaints entered by	35	61
constables, to obey orders of	35	60
council meetings, attends	43	77
duties of	37	62
fines, to be paid in to city treasury by	37	62
impounds animals when	66	116
mayor has direction of	35	61
consent of, necessary to leave city	37	63
oath of office	25	37
process served by	35	61
may arrest without them	35	61
powers, has of constable	64	110
removal, or suspension of	45	83
report of arrests to council	37	62
of fines collected to council	37	62
of chief of fire department to	95	160
salary of	40	69
term of	25	35
warrants, served by	58	98
CHIMNEY SWEEPS		
regulation of	52	88
CHIMNEYS		
regulation of	92	153
CIRCUIT COURT		
appeals to from justice court	33–60	56–102
CIRCUSES		
regulation of	48	88
CISTERNS		
construction of	91	148

CITY ATTORNEY (See Attorney, City)

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CITY CLERK	PAGE	SEC.
absence from council meeting of	42	72
accounts, audits all	29	52
books of	29	52
filed with	29	52
report of to finance committee	29	52
with treasurer	32	53
annual report of	29	52
assessment rolls, certifies to general	102	175
certifies special district	76	130b
duties relating to special	77–79	130c–g
makes copy of when	104	179
ballot boxes to be kept by	20	16
to be returned to	22	24
bond of, filed with treasurer	25	38
bonds, countersigns	29	52
registers	32	53
of city officers filed with	25	38
books, complete set of to be kept	29–32	52–53
have charge of city's	32	53
of ordinances	57	94
of proceedings of council	42	72
of proceedings of board of public works	88	141
to be deposited with	44	81
to be open to inspection	44	81
calls, special meetings of council	42	73
cemetery deeds, signed by	29	52
certificates by, amount to be raised by tax	106	181
to assessment rolls	102	175
to special assessment rolls	78	130g
to claims of certain officers	46	86
to election returns	22	26
to ordinances, passage of	56	92
to ordinances, publication of	57	95
to park appropriations	68	118d
to pay rolls	29	52
certified copies of ordinances	57	96
of records	29	51
clerk of all boards and committees	32	53
of board of fire commissioners	91	147
of board of public works	88	141
of board of park commissioners	70	118k
of board of review	101	174
of common council	29–42	51–72
of special elections	103	177
clerk hire, amount of	40	69
comptroller, duties of	29	52
contracts, deposited with	44	81
signs	29	52
council proceedings, to present to mayor	47	87
countersigns, bonds and deeds	29	52
deputy, may appoint	29	51
documents to be kept by	29	51
duties of	29–33	51–54
additional prescribed by council	32	54
same as township clerk	29–111	51–190

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CITY CLERK—*Continued*	PAGE	SEC.
election of	23	30
estimates of expenses	32	54
fees for licenses	29	51
for building permits	94	158
files, all records of city	29–44	51–81
new official bonds, when	26	39
oaths of officers	25	37
official bonds	25	38
open to inspection	44	81
park bills	68	118e
receipts for fees and fines	37	62
veto messages	47–56	87–91
vouchers of treasurer	38	65
vouchers of city	44	81
jurors, to make list of	110	187
licenses registered with	29	51
fees for	29	51
mandamus, when lies against	29	52
notice of elections	19	15
of first election in seventh ward	13	2
of meeting of board of review	77	130d
of registration	18–19	9–10
of special elections	19	14
of special council meetings	42	73
that funds are exhausted	29	52
tc officials, of appointment or election	23	28
oath of office	25	37
administered by	29	51
office hours of	33	55
provided with	33	55
officials to report to	29	52
ordinances, certified copies of	57	96
presented to mayor	56	91
publication certified	57	95
recorded in book	57	94
pay rolls, made by	29	52
poll lists, deposited with	22	24
powers of (See duties)		
purchasing agent, of city	29	52
records all, filed with	44	81
arrangement of	44	81
certified copies of	29	51
registers licenses	29	51
report of, annual	29	52
appropriations to treasurer	29	52
bills audited to finance committee	29	52
council proceedings	42	72
council proceedings to contain what	43	75
detailed statement to council	32	54
estimated expenses to council	32	54
exhausted funds to council	29	52
fees on building permits	94	158
liabilities and resources to council	29	52
monthly, to council	32	53
proceedings of board of review	78	130f

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
CITY CLERK—*Continued*		
veto to council	56	92
report, neglect of officers failing to post bond	23	29
reports to from other officers	29	52
from treasurer	38	65
salary of	40	69
seal of city kept by	29	51
sealer of weights and measures	32	54
summons served on	59	100
supervision over city property	29–32	52–53
taxes, amount to be raised certified	29–106	52–181
may bid off lands sold for	80	132
return of unpaid special	104	179
vacancy, in office of	26	43
vouchers kept by	32–44	53–81
treasurer's filed with	38	65
warrant for special assessments	104	179
warrants drawn on treasurer	29–37–109	52–64–186
when to refuse to draw	29	52
when void	29	52
CITY HALL		
local act relating to	116	
construction of	84	136
CITY LOCKUP		
imprisonment in	55–58	90–97
vagrants sent to	62	105
CITY TREASURER (See Treasurer)		
CLAIMS		
allowed by council	29–46–100–109	52–86–170–186
audited by city clerk	29	52
certified to under oath	46	86
examined by finance committee	29	52
filed with clerk	29	52
for buildings destroyed	93	150
itemized before presentation	46	86
must be presented before suit	59	100
reported to council	29	52
warrants for payment of	29	52
CLERK (See City Clerk)		
CLERK HIRE		
allowance for clerk and treasurer	40	69
CLERKS OF ELECTION		
appointment by whom	20	19
duties of	21	23
oath and qualifications of	20	19
paid how	46	86

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
COLLECTION OF TAXES		
city taxes	106	181
state, county and school taxes	108	183
special taxes	104	179
COMBUSTIBLES		
inspection of places where kept	92	151
regulation of storage of	92	153
COMMISSIONER OF HIGHWAYS		
council are	73	126
COMMISSIONERS OF POLICE (See Police Commission)		
COMMITTEES		
appointment of	41	71
clerk of	32	53
duties of standing	44	80
president of council member of all	41	71
COMMON COUNCIL		
appointments, made by	23	31
appropriations, made how	42	74
approval, by mayor of proceedings of	47	87
from overdrawn funds	29	52
for parks	68	118d
how may provide for	29	52
assessments local	75	130
confirm roll for	78	130f
determine districts for	76	130a
direct spreading on general rolls	78	130g
expense of health regulation	98	167
proportion cost of	76	130a
attendance	42	74
attorney, city, legal advisor of	40	68
to attend all meetings of	40	68
audit and acounts chargeable against city by	46	86
ballot boxes, to provide	20	16
board of review, when meet as	77	130e
procedure as	77	130e
bonding, action necessary for	109	186
bonds, official, approval of	25	38
to require	25	38
when to require new	26	39
bridges, building or vacating	74	127
buildings, to buy, sell or erect	66	118
dangerous, to tear down	99	168
may own outside city limits	71	119
cemeteries, cared for by	65	113
established by	65–71	112–119
protected by	65–66	114–115
regulations concerning	65	114
claims, audit	46	86
authority to settle all	100–109	170–186
certified to by board of public works	86	139
certified to by park commission	68	118e

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Original from UNIVERSITY OF MICHIGAN

COMMON COUNCIL—*Continued*	PAGE	SEC.
for witness fees	60	101
must be presented to, before suit	59	100
provide funds for payment of	100	170
reported by clerk	29	52
clerk of council	29–42	51–72
may impose further duties on	32	54
pro tem, when appointed	42	72
committees, aldermen appointed on	28	50
standing to be provided for	44	80
compensation for buildings destroyed	93	156
change that fixed by public works	86	139
for firemen	93	155
for injuries to firemen	93	155
for services	40	69
confirmation of appointed city officers	23	31
appointments of board of public works	82	134
appointments of fire commissioners	90	145
chief of fire department	91	147
city clerk to fill vacancy	26	43
deputy clerk	29	51
members of board of health	96	161
members of board of public works	82	134
members of park commission	67	118b
treasurer's successor	39	66
constables, may impose duties on	35	60
control over records, etc	44	81
over park expenses	69	118f
depository for city funds, to designate	39	67
to approve sureties of	39	67
to prescribe conditions of contract	39	67
dry earth closets, may provide for	71	121
duties, same as imposed on township boards	111	190
elections, ballot boxes provided for	20	16
polling places designated	19	12
results of, determined	22	26
special, may order	19–27	13–43
special, notice of	19	14
special, to vote money	109	186
tie vote, how settled	23	27
finances, control over	43	78
fire commissioners, consent to purchases by	91	148
funds, appropriations for prior to tax levy	101	172
established by ordinance	101	172
transfer of	101	172
garbage crematory, erection of	120	
general powers of	47–55	88
include those of township boards	111	190
highways, commissioners of	73	126
investigations by	46	85
judge of election returns and qualifications of members	42	73
legislative authority vested in	41	70
liquor dealers, power to tax	100	171
members of	41	70
compel attendance of	42	74

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Original from UNIVERSITY OF MICHIGAN

COMMON COUNCIL.—*Continued*	PAGE	SEC.
expulsion of	45	83
judge of qualifications of	42	73
punished how	43	76
meetings of, to be public	42	74
regular	42	73
special called	42	73
office hours for clerk	33	55
room for board of public works	83	135
room for clerk	33	55
offices to create new	23	31
officials required to attend meetings	43	77
ordinances may be enacted by	43	79
collection of special taxes	105	180
establishing fire limits	92	152–153
establishing funds	101	172
imposing further duties on board of works	84	136
may inflict penalties	55	90
passing over veto	56	91
providing for fire department	90–92	146–153
providing for parks	69	118i
providing for paving	73	126
providing for public health	98	167
providing for report of diseases	98	165
providing for sewers	112	
relating to cemeteries	65	114
vote necessary on	55	89
what purpose may be enacted for	47–55	88
pavement bonds issued	109	186
penalty for destroying or injuring the records	44	81
police force provided for	63	107
number designated by	35	61
pay fixed by	65	111
regulations	63	108
regulations beyond city limits	71	119
special, authorized by	35–63	61–107
poll tax, power to levy	80	131
pounds, established by	66	116
fees for, prescribed by	66	117
powers, general of	47–55	88
auctions, conduct of	50	88
bathing or swimming, regulation of	50	88
cattle, restraint of running at large	50	88
chimney sweeps, regulation of	52	88
cellars, privies, sinks, etc., regulation of	54	88
cemeteries and death records	51	88
census of city, provision for	53	88
disorderly conduct, regulation of	48	88
drunkards, arrest of	50	88
gunpowder, fire works, etc., use of	49	88
hotels, regulation of	52	88
intoxicating liquors, regulation of	48	88
market places, regulation of	50	88
nuisances, the abatement of	49	88
officers, appointment by; regulation of their duties, etc.	53	88

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Original from UNIVERSITY OF MICHIGAN

COMMON COUNCIL—*Continued*	PAGE	SEC.
omnibuses, regulation of	53	88
poor persons and paupers, provision of their care by	54	88
railroad crossings and use of railroad engines	49–54	88
reservoirs, regulation of	51	88
sextons	51	88
sidewalks, streets, alleys, bridges, use of	49–50	88
slaughter houses, markets, stables, location of	49	88
sports, regulation of	48	88
street lighting, regulation of	53	88
street numbers, regulation of	53	88
taxi cabs, regulation of	53	88
vice, prevention of	47	88
watchmen, fines and duties of	51	88
water supply, regulation of	51	88
weights and measures, regulation of	54	88
wells, regulation of	51	88
precincts, divide wards into	15	3
provide election inspectors for	20	18
provide registration books for	15	3
president acting, appointed when	41	71
proceedings, to be published	43	75
what to contain	43	75
property, control over	43	78
public improvements, authorize contracts for	84	137
bids reported to	84	137
estimate of cost	84	137
plans to be approved	84	137
referred to board of works	84	137
quorum of	42	74
real estate, may acquire	66–71	118–119
recommendations of mayor to	28	46
of clerk to	29	52
registration to designate places for	17	8
to fill vacancies on board	17	7
removal of elective officers	45	83
charges to be filed	45	83
consent to removal appointive officers	45	83
investigation to be had	46	84-85
members board of public works	89	143
officers not filing bonds	26	42
officers not filing new bonds	26	39
their own appointees	23	31
reports to, board of public works	87	140
claims against city	29	52
clerk's detailed statement	32	54
clerk's monthly	32	53
estimates by park board	68	118d
fines by justices	62	104
liabilities by clerk	29	52
licenses granted	29	51
marshal's	37	62
overdrawn funds	32	53
treasurer's annual	38	65
treasurer's monthly	38	65

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Original from UNIVERSITY OF MICHIGAN

COMMON COUNCIL—*Continued*	PAGE	SEC.
resignations to be made to	26	40
rules of proceedure, to make	43	75
salaries, to allow	40	69
may increase when	40	69
members of board of health	100	169
police, fixed by	65	111
seal of city, may alter	9	1
sewers and drains, certify to amount to be levied	12	
fees for connecting with	72	123
local act relating to	111	
may construct	71	121
ordinance relating to	73	125
power over	71	120
special assessment for	72	124
sidewalks, to repair or build	80	132
spread tax for	80	132
streets, power over	73	126
opening or vacating	73–75	127–128
sprinkling, to levy tax for	79	130h
storm sewers, to pass on	72	125a
supervision of property by	29	52
taxes, certify to assessor	34	58
special, how levied	104	179
tax levy, action necessary to increase	103	177
limit of	100	171
veto of mayor	47	87
passing over veto	47	87
vote, necessary to pass resolution	42	74
necessary to pass over veto	47–56	87–91
reconsidered at special meeting	42	74
transfer of funds	101	172
two-thirds required	42–45–56	74–83–91
water courses, changing	74–75	127–128

COMPENSATION

firemen	93	155
officers designated in charter	40	69
appointed by council	53	88
park employees	69	118g
policemen	65	111

COMPLAINTS

violation of ordinances	58	98

COMPTROLLER

clerk is for city	29	52

CONDEMNATION

land for public use	74	127

CONSTABLES

duties of	35	60
election of	23	30
fees of	35–40	60–69
marshal may act as when	37	63
oath of office	25	37

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
CONSTABLES—*Continued*		
obey orders of mayor, etc.	35	60
powers of	35	60
removal of	35	60
may serve process under ordinances	35	60
serve warrants	58	98
CONTINGENT FUND		
fees paid into	40	69
interest paid into	39	67
CONTRACTS		
attorney to approve form of	86	138
board of public works make when	84	137
clerk signs	29	52
keeps	32	53
council authorizes	84	137
lighting of streets	115	
old, carried out by board	90	144
prosecution for breach of	86	138
water, may be made for	51	88
work under, suspended	86	138
CORPORATE NAME		
city's	9	1
COSTS		
double allowed city officers	111	189
COUNCIL (See Common Council)		
COUNTERSIGNS		
clerk, shall bonds, debts and transfers	29	52
COUNTY TAXES		
levied and collected	104	178
CROSSWALKS		
encumbering of	49	88
powers of board of works relative to	84	136
CRYING OF GOODS		
ordinances may regulate	51	88
CULVERTS		
assessments for	75	130
board of works has charge of	84	136
CURBSTONES		
assessments for	75	130

D

DAMAGES		
buildings destroyed at fires	93	156
sidewalks defective	82	133
street openings	75	128

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
DEBT		
contracted only after vote of electors	109	186
DEEDS		
signed by clerk	49	52
DEFAULTER		
ineligible to office	25	36
votes for void	25	36
vacates office	26	41
DELINQUENT TAXES		
collected how	37	64
DEPUTY CLERK		
clerk appoints	29	51
DESERTION		
? wives and children	63	106
DETROIT HOUSE OF CORRECTION		
sentences to	55–58	90–97
DISORDERLY HOUSES		
restrained by ordinance	47	88
DISORDERLY PERSONS		
arrest by chief of police	35	61
power to	50	88
parks, found in	69	118i
who is deemed	63	106
DISTURBANCES		
meetings	47	88
streets	50	88
DITCHES		
encumbering of	49	88
DOGS		
fights, power to prevent	50	88
running at large	50	88
taxes on	50	88
DONATIONS		
parks, for use of	69	118f
DRAINS		
assessments for	72–75	124–130
connecting with sewer	72	122
fees for	72	123
construction of, ordered	71	121
expense of a lien	71	120
encumbering	49	88
establishment of	71	120
low lands, council to provide for	47-98	88-167
special tax for	75	130
ordinance for control of	73	125
provisions for	47	88
regulation of	47	88

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
DRAYS		
licensing of	53	88
DRIVING		
regulation of	49	88
DRUNKARDS		
arrested and punished	50	88
habitual punished	62	105
DRY EARTH CLOSETS		
regulation of	71	121
DWELLINGS		
inspected by fire wardens	92	151

E

ELECTIONS		
chairman of board	20	19
charter, canvas of votes at	22	25
conducted how	21	20
held when and where	19	12
hours polls open	19	17
notice of	19	15
officers elected at	23	30
precincts in	15	3
seventh ward, first in	13–20	2–33
clerks, how appointed	20	19
general, powers of council concerning	111	190
inspectors	20	18
power of council in election tie	23	27
special, appointed how	19	13
conducted how	19	14
held when	26	43
notice of	19	14
notice of, contains what	19	15
time polls are open	20	17
ELECTORS		
challenged, procedure when	16	6
qualifications of	16	4
registration of	17-18	8-9-10
re-registration of	17	8
residence of, how determined	16	5
ELECTRIC LIGHT		
authorization of, contracting for city streets (local act No. 376)	115	
ENACTING CLAUSE		
ordinances to contain	55	89
ENACTMENT		
ordinances deemed enacted when	56	91
ENCROACHMENT		
title against city not gained by	75	129

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
ENCUMBRANCES		
regulation of on streets	49	88
ENGINEER, CITY		
appointment of	86	139
assistants appointed by	86	139
confirmation of	86	139
compensation of	86	139
discharge of	86	139
duties of	86	139
relating to parks	70	118k
elegibility to hold office	89	143
interest in contracts or purchases	89	143
surveys, etc., belong to city	90	144
ENGINE HOUSES		
care of	90	146
construction of	84	136
ERASURE OF NAMES		
charter elections at	18	10
mistakes corrected, how	18	9
registration books, on	18	9
EQUALIZATION OF TAXES		
supervisors make how	103	176
EXECUTION		
fines, for	61	103
judgment, on	58	98
EXHIBITION		
regulation of	48	88
EXPENSES		
city, reported by clerk	29–32	52–54
prosecution under city ordinances	58	97
prosecution under state law	59	99
EXPLOSIVES		
inspection of places where kept	92	151
regulation of storage of	92	153

F

FARES		
rates, regulation of	53	88
FEES		
building permits	94	158
chief of police, paid to city	37	62
report to council on	37	62
clerk for licenses	29	51
constables	35	60
justices	40	69
poundmaster	66	117
treasurer for collecting taxes	108	184
for collecting special taxes	104	179
paid to contingent fund	40	69

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
FENCES		
removal of	99	168
in street opening cases	75	128
FIELD NOTES		
property of city	90	144
FINANCE		
council supervision over	100	170
FINANCE COMMITTEE		
examine clerk's audit of bills	29	52
FINES		
buildings not erected on established line	51	88
chief of police collects	37	62
defacing or mutilating records	44	81
member of council, misdemeanor of	44	82
non-attendance at council meetings	43	76
ordinances, health, breach of	98	166
violation of	55	90
violation of, go into city treasury	62	104
railroad employees	54	88
report of, to city council	62	104
suit for	61	103
treasurer, all to be paid to	62	104
FIREARMS		
regulation of	49	88
FIRE COMPANIES		
organization of	90	146
FIRE COMMISSIONERS (See Board of Fire Commissioners)		
FIRE DEPARTMENT (See Board of Fire Commissioners)		
FIRE ENGINES		
chief of fire department in charge of	91	149
right of way, have	93	157
rules for care of	90	146
FIRE LIMITS		
buildings in	94	158
establishment of	47–92	88–152
FIRES		
investigation into cause	95	160
removal of dangerous buildings	49	88
buildings to check	93	156
FIREMEN		
appointment of	90	146
compensation of	93	155
exempt from jury duty	93	155
injuries to	93	155
FIRE WARDENS		
appointment and duties of	92	151

Digitized by Google

Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
FISCAL YEAR		
when terminates	100	170
FISH		
putrid	51	88
regulation of sale of	51	88
FLAGMEN		
required, when may be	55	88
FORFEITURES		
violation of ordinances	55	90
FOUNTAINS		
construction of	84	136
FOWLS		
fees for impounding	66	117
impounding of	66	116
FRUITS		
regulation of sale of	51	88
FUNDS		
amount in each determined when	101	172
clerk reports credited to	29	52
to show condition of on his books	29	52
estimates needed funds	29	52
condition of, report on	38	65
designated by ordinance	101	172
exhausted, procedure when	29	52
taxes, credited to	29	52
transfer of	101	172
treasurer keeps account with all	32	64
warrants designate particular	29	52
drawn on particular	37	64
void, drawn on exhausted	29	52
FURNACES		
examination of	92	151

G

GAMING		
regulation of	48	88
GARBAGE CREMATORY		
authorization for building of	120–122	
GAS LIGHT		
authorization for city use (local act No. 376)	115	
GEESE		
fees for impounding	66	117
impounding of	66	116
running at large	50	88

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
GRADES		
change in, made by council	84	136
recommended by board of works	84	136
control over by council	73	126
established for streets and sidewalks	54	88
at street crossings	54	88
railroads, designation of by council	49	88
GRADING		
assessing expense of	75	130
GUNPOWDER (See Explosives)		
selling and using	49	88
GUTTERS		
construction of	84	136
local assessment for	75	130

H

HACKS		
licensing of	53	88
regulation of	53	88
HAY		
regulation of sale of	51	88
HEALTH OFFICER (See Board of Health		
appointment of by mayor	96	161
compensation of	96	161
duties of	96	161
in removal of sick	96	162
fumigating done by	96	161
qualifications of	96	161
HIDES		
regulations regarding putrid	51	88
HIGHWAYS		
control over by council	73	126
powers of council concerning	50	88
of board of public works	84	136
HOG PENS		
abatement of	49	88
HORSES		
driving, immoderate, prevention of	49	88
racing, regulation of	50	88
running at large, control over	50	88
HOSE		
cutting or driving over	93	157
HOSPITALS		
erection of	71–96	119–162
maintenance of	98	166
University, bonds for aid of	115	
HOTELS		
licensing of	52	88
sewers, to connect with	112	

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
HOUSES		
gaming, regulation of	48	88
ill,fame, regulation of	48	88
sewers, to connect with	112	
HURON RIVER		
cleansing of	53	88
salubrity of waters of	53	88
I		
ICE		
sidewalks to be kept clear of	50–80	88–132
IMMORALITY		
regulations to prevent	48	88
IMPRISONMENT		
ordinances, may prescribe	55	90
may direct it where	58	97
expense of, paid by city	58	97
waived when	61	103
state law, expenses paid by county	59	99
IMPROVEMENTS		
bids to be asked for	84	137
charge of board of public works	84	136
cost of to be estimated	84	137
contracts for, carried out	90	144
plans for, approved by council	84	137
referred to board of public works	84	137
INCORPORATION		
city with its boundaries	9	1
INDEBTEDNESS OF CITY		
authorized by electors, must be	109	186
INDECENT EXPOSURE		
power to punish for	50	88
INFECTIOUS DISEASES		
board of health's power over	96	162
reports of	97–98	163–165
INFECTED PROPERTY		
prohibition of its being brought in city	98	164
INJURIES		
firemen compensated for	93	155
INSPECTION		
buildings in fire limits	95	159
INSPECTORS OF ELECTION		
chairman of, supervisor to be	20	19
clerks to be appointed by	20	19
compensation of	40	69
how paid	46	86
duties of, to canvas vote	22	24
to conform to state law	22	25
to deposit ballots in box	21	23
to proclaim opening and closing of polls	20	17
to preserve order	21	20

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
LIGHTS		
regulations of use of	92	153
LIMITS		
city	9	1
LIQUORS		
regulation of sale of	47–100	88–171
of impure or adulterated	51	88
LOCKUP (See City Lockup)		
LOW GROUNDS		
drainage of	53	88
LUMBER YARDS		
location of	92	153

M

MANDAMUS		
city clerk, when lies against	29	52
MARKETS		
location of	51	88
regulation of	51	88
owned, may be by city	66	118
MARSHALL (See Chief of Police)		
MAYOR		
absence or disability of	28	49
appointments by	23	31
made when	24	32
city clerk to fill vacancy	26	43
health officer	96	161
inspectors of election in precincts	20	18
marshal	35	61
members of board of fire commissioners	90	145
members of board of health	96	161
members of board of park commissioners	67	118b
members of board of public works	82	134
new city treasurer when	39	66
patrolmen	35–63	61–107
temporary policemen	35–63	61–107
vacancy board of public works	89	143
vacancies in office	26	43
approval of council proceedings	47	87
of ordinances	56	91
attorney, city, require legal duties of	40	68
authenticates record book of ordinances	57	94
calls special meetings of council	42	73
chief of police, consents to leaving city	37	63
designates acting	37	63
subject to direction of	35	61
conservator of the peace, is a	28	47
constable, to obey orders of	35	60
duties of	28	46
by ordinance	28	48
election of	23	30

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Original from UNIVERSITY OF MICHIGAN

MAYOR—*Continued*	PAGE	SEC.
enforces ordinances and laws	28	46
examines books and papers	28	48
fires, consents to removal of buildings at	93	156
malignant diseases reported to	97	163
messages to council	28	46
oath of office	25	37
removal of officers by	45–65	83–111
sends reasons to council	45	83
riot and disorder, to suppress	28	47
salary of	49	69
special assessment warrant signed by	104	179
subpoenas for witnesses at investigations	46	84
summons against city served on when	59	100
term of office	24	33
vacancy in office	26	43
veto, of council proceedings	47	87
of ordinances	56	91
warrants, signs	37–109	64–186
MAYORS OF CITY OF ANN ARBOR 1851-1923	4	
MEAT		
putrid, a nuisance	51	88
regulation of sale of	51	88
MEETINGS		
council, regular	42	73
special	42	73
board of review	101	174
electors to vote tax	103	177
MINORS		
sale of liquor to prohibited	48	88
MISDEMEANOR		
bringing infected property into city	98	164
failure to deliver books to successor	27	45
obstructing firemen	93	157
MORTGAGES		
custody of those belonging to city	37	64

N

NEWSBOYS		
licensing of	48	88
NEWSPAPERS		
indecent and obscene prohibited	48	88
NOISE		
streets, on	50	88
NON-RESIDENTS		
notice to, for opening of streets, etc	75	128
NOTE		
city not to give unless electors authorize it	109	186

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
NOTICE		
appointment to office	23	28
election to office	23	28
elections	19	15
first in seventh ward	13	2
special	19	14
to vote bonds or taxes	103	177
meeting of council, special	42	73
opening of streets or alleys	74	127
registration preceding charter election	18	10
preceding general election	18	9
re-registration every eight years	17	8
removal of buildings or fences	73–99	128–168
review of special assessment roll	75	130d
sidewalks building or repairing	80	132
tax roll open for inspection	106–108	181–183
NUISANCES		
abatement of	49	88
by board of health	96	162
buildings, when they are	92	154
putrid meat, hides, etc., deemed	51	88
NUMBERING		
houses, council's power relating to	53	88
O		
OATH		
administered by clerk	29	51
by president or chairman	46	85
by member of board of review	102	175
electors, prescribed for at elections	16	6
false, when perjury	110	188
inspectors of election and clerks	20	10
justices of the peace	25	37
officers, elected or appointed	25	37
failure to take or file	26	42
failure to file reported to council	23	29
OBSTRUCTIONS		
sidewalks may be required free from	50	88
OFFICE HOURS		
clerk's	33	55
treasurer's	106–108	181–183
OFFICERS		
appointed by mayor	23	31
by mayor when	24	32
by council under ordinances	23	31
by council, duties of	53	88
bonds prescribed by council	53	88
required of	25	38
required to give new	26	39
books and papers to deliver to successors	27	45
failure to deliver a misdemeanor	27	45
city and ward	23	30
clerk, duty to examine doings of	32	53

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
OFFICERS—*Continued*		
compensation of	40	69
how increased	40	69
costs, double, when may recover	111	189
defaulter, not eligible	25	36
vacates office	26	41
elected, who deemed to be	23	27
oath of office of	25	37
powers of township officers have	111	190
qualifications required	25	36
removal from city or ward vacates office	26	41
appointive or elective	45	83
officers created by ordinance	23	31
for not filing new bonds	26	39
does not exonerate from liability	27	44
salaries of	40	69
vacate, by being a defaulter	26	41
by neglecting to file oath or bond	26	42
OFFICES		
creation of	42	74
vacancy, by becoming a non-resident	26	41
by not taking oath	26	42
by resignation	27	44–45
how filled	26	43
OFFICIAL NEWSPAPER		
proceedings of council published in	43	75
of board of public works in	88	141
OILS		
regulation of storage of	92	153
OMNIBUSES		
regulation and licensing of	53	88
OPENING		
streets and alleys	74–75	127–128
ORDERS		
drawn on treasurer	109	186
ORDINANCES		
actions against city under	59	100
actions, choice of for enforcing	61	103
amending, must re-enact whole section	56	93
approval of	56	91
assessments, collecting special	105	180
attendance at council meetings, to compel	42	74
bonds may be required by	25	38
paving, issue of	109	186
burials, regulation or removal of bodies	65	112
cemeteries, regarding	65	114
preservation of	66	115
chief of police to enforce	35	61
closets, dry earth, relating to	71	121
complaints under, made by police	64	110
constables may serve papers	35	60
prescribing duties of	35	60

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

ORDINANCES—*Continued*	PAGE	SEC.
conviction under	58	98
declaration in assumpsit for fines under	61	103
diseases, reporting malignant	98	165
drains, relating to	72–73	122–125
drunkards, habitual, relating to	62	105
duration of	111	191
effect, time of taking	55	89
enforcement of	58–64	97–110
expenses arising under	59	99
fines imposed by, may be collected in assumpsit	61	103
for violation of, paid to city	62	104
fires, prevention of	92	153
regarding disobedience of orders at	91	150
fire department, relating to	87	140
fire limits, establishing	92	152
funds, designating general	101	172
general powers, to enact	47–55	88
health, preservation of	98	167
imprisonment under, expense of	58	97
where, may be directed	58	97
jail, use of under	58	97
judicial notice of	57	96
jury trial under	60	102
lighting streets	115	
mayor, approval of	56	91
prescribing new duties for	28	48
necessary to carry out powers or duties	43	79
offices, creating new	23	31
old, remain in force	111	191
parks, relating to	69–71	118i–119
paving, relating to	73	126
penalties for violation of	55	90
police, complaints for violation made by	64	110
force, providing for	63	107
proof of, what constitutes in court	57	96
prosecutions before justices	33	57
under	58	98
publication of	57	95
public buildings, relating to	71	119
punishment under	55	90
records intrusted to custody of certain officers by	29	51
record, book of	57	94
repealed, not revived without repassing	56	93
revival of repeal	56	93
style of	55	89
vagrants, relating to	62	105
veto of, by mayor	56	91
passage over veto	56	91
vote on, by yeas and nays	43	75
required to pass	55	89
required to pass over veto	56	91
work house, relating to	71	119

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P

	PAGE	SEC.
PARKS		
acquired by city	66	118
appropriation for	68	118d
bequests for	69	118f
board of park commissioners in charge of	67	118a
control, board have exclusive over improvements	69	118h
council, over	73	126
police, over	71	119
donations for	69	118f
expenses of	68	118e
ordinances relating to	69	118i
reports on	70	118j
rules for	69	118i
PARK COMMISSIONERS (See Board of Park Commissioners)		
PARK FUND		
establishment of	68	118e
PATROLMEN (See Policemen)		
PAUPERS		
sent into city	54	88
PAVING		
bonds for	109	186
streets	73	126
assessing expense of	75	130
PAY ROLLS		
certified by clerk	29	52
PAWNBROKERAGE		
regulation and licensing of	52	88
PEACE		
ordinance to preserve	48	88
PEDDLERS		
regulation and licensing of	52	88
PENALTIES		
failure to perform duty	53	88
neglect to turn over books	27	45
to execute warrants	58	98
ordinances prescribe	55	90
paid into city treasury	62	104
weights and measures, using false	54	88
PERJURY		
what deemed	110	188
PERMITS		
building	94	158
PERSONAL PROPERTY		
power to use, hold or dispose of	9	1
PEST HOUSES		
established and maintained	71–96	119–162
fines to go to	98	165

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
PETITIONS		
opening streets and alleys	74	127
paving streets and alleys	76	130a
street sprinkling, for	79	130h
storm sewers for	72	124
vacating streets and alleys	74	127
PHYSICIANS		
infectious diseases, to certify to	96	162
to report	98	165
PLATS		
engineers, belong to city	90	144
submitted to board before recording	84	136
POLICE		
maintained and regulated	48	88
provided for by council	63	107
regulations beyond city limits	71	119
may be provided by council	63	108
POLICE COMMISSION		
appointed by	35	61
chief of police, appointed by	36	61
compensation of	36	61
number	35	61
powers of	36	61
qualifications	35	61
removal of	35	61
report of	35	61
term of office	35	61
POLICEMEN		
arrests upon view, when	64	110
appointment of, by mayor	35–63	61–107
compensation of	65	111
complaints, made by	64	110
duties of, at fires	91	150
council may prescribe	63	108
under charter	64	110
marshal to have direction of	64	109
when designated as acting	37	63
powers of	63–64	108–110
same as constable	64	110
removal of	45–65	83–111
special, appointed by mayor	35–63	61–107
suspension of	65	111
temporary, appointed by mayor	63	108
POLICE STATIONS		
construction of	84	136
POLL LISTS		
elections, kept at	21	23
POLL TAX		
power to impose	80	131
POLLING PLACES		
designated by council	19	12
open when	20	17

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
POOR		
commissioners, power to establish	54	88
overseer of, power to establish	54	88
protection and care of	54	88
PORTERS		
regulation and licensing of	52	88
POSTING		
notices of elections	19	15
of elections to increase taxes	103	177
in street opening cases	74	127
of tax collection	106–108	181–183
POULTRY		
running at large	47–66	88–116
sale of unwholesome	45	88
POUNDS		
stablishment and regulation of	47–66	88–116
POUND MASTERS		
appointment and duties of	66	116
fees of, regulated by council	66	117
PRECINCTS		
division of ward into	15	3
inspectors of election in	23	18
registration and election in	15	3
PRESIDENT OF COMMON COUNCIL		
absence of	41	71
bondsman or surety, cannot be	44	82
committees appoints	41	71
member of all	41	71
council, calls special meetings of	42	73
presides over	41	71
preserves order in	41	71
member of	41	70
election of	23	30
from 1889-1923	5	
ineligible to paid appointive office	44	82
mayor, when acting	28	49
oath of office	25	37
vacancy in office	26	43
votes on all questions	41	71
PRIVIES		
ordinance relative to	98	167
regulation of	49–54	88
PROPERTY		
control of council over	43	78
rights remain in city	111	191
PROSTITUTES		
punishment of	50	88
PROVISIONS		
regulation of sale of	51	88

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
PUBLIC BUILDINGS		
construction of	84	136
power of council over, sale, etc.	66	118
PUBLIC GROUNDS		
control of by council	73	126
power of council over, sale, etc.	66	118
(See Parks)		
PUBLICATION		
board of public works proceedings	88	141
council, proceedings of	48	75
election notices	12	15
order to tear down buildings	99	168
ordinances	57	95
treasurer's report	38	65
PUBLIC HEALTH (See Board of Public Health)		
PUMPS		
establishment of public	52	88
PURCHASES		
materials, etc., by clerk	29	52
Q		
QUALIFICATIONS		
electors	16	4
inspectors of election	20	19
officers	25	36
QUORUM		
board of registration, city	18	9
in wards	19	11
board of review	101	174
board of public works	88	141
council	42	74
R		
RACING		
prevented in streets	50	88
RAILROADS		
flagmen may be required	54	88
lights may be required at crossings	54	88
regulation of by council	50	88
of speed of trains	54	88
of stations	53	88
reports infectious diseases	97	163
routes and grades determined	49	88
street crossing grades fixed	55	88
REAL ESTATE		
acquired by city	66	118
control of	97	88
held, purchased or conveyed	9	1
sale, vote necessary for	42	74
taxation of	41	171

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
RECOGNIZANCE		
appeals to the circuit court	60	102
not necessary city to give	60	102
RECORDS		
board of public works, of	88	141
certified copies of	29	51
clerk to keep	29	51
to be deposited with	44	81
council proceedings, of	43	75
evidence of	57	96
injury to punished	44	81
open to inspection	44	81
ordinances of	57	94
REGISTRATION		
board of, for voting	17	7
books for, council to provide	17	8
when former books invalid	17	8
charter elections, preceding	18	10
erasure of names	18	9–10
first in seventh ward	13	2
general elections preceding	18	9
hours for	17–18	8–9
manner of making	17	8
new, when	17	8
notice of re-registration	17	8
precincts in	15	3
quorum of board of	18	9
rules governing	18	8
session of board of	18	9
special elections preceding	18	10
(See Board of Registration)		
REMOVAL		
constables, of	35	60
justices of the peace, of	62	104
liability, does not exonerate from	27	44
marshal and patrolmen	45	83
officers, of, appointive	45	83
of, appointed by council	23	31
of, elective	45	83
not filing new bonds	26	39
treasurer of	39	66
vacates, from city or ward	26	41
RENDERING WORKS		
regulation of	49	88
REPAIRS		
city property to	29	52
control of board of public works	84	136
sidewalks	80	132
REPEAL		
acts concerning city	111	192
RESERVOIRS		
construction of	84–91	136–148
public	52	88

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
RESIDENCE		
electors, of	16	5
RESIGNATION		
officers, of	26	40
does not exonerate	27	44
RESOURCES		
reported to council	29	52
shown on clerk's books	32	53
RESTAURANTS		
regulation and license of	52	88
RIGHT OF WAY		
condemnation of	74	127
firemen have	93	157
obstruction of, penalty for	93	157
RIOTS		
duties of police in	64	110
of chief of police in	35	61
mayor in	28	47
prevention and quelling of	47	88
RULES AND REGULATIONS		
board of public works, of	88	141
council, of	43	75
fire department, of	90	146
police, of	63	108
S		
SABBATH		
violation of	48	88
SALARIES		
appointees of board of public works	86	139
board of health, of	100	169
firemen	93	155
health officer	96	161
officers of city	40	69
SALOONS		
district in which prohibited	48	88
licensing of	52	88
taxation or regulation of	100	171
SCAVENGERS		
regulation of	52	88
SCHOOL DISTRICT NO. 1		
charter does not alter special act	112	193
SCHOOL		
taxes, collection of	104–111	178–190
how paid over to school treasurer	109	186
treasurer may not use	39	66

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
SEAL		
city, may have and alter	9	1
corporate, city clerk to keep	29	51
SEALER OF WEIGHTS AND MEASURES		
city clerk to be	32	54
duties prescribed by council	54	88
SEWERS		
act of legislature authorizing	112	
assessment for	114	
expense defrayed by special	72	124
local, for	71–75	121–130
construction of, under special act	112–114	
council's power	71	120
board of public works to direct	84	136
drains, private connected with	71	121
charges for connecting with	72	123
private property taken for	71	120
regulation and protection of	73	125
SEXTONS		
regulations relating to	52	88
SHADE TREES		
control over by council	73	126
board of park commissioners has exclusive	67	118a
trimming and care of	69	118h
SHERIFF		
custody of	58	97
SHOPS		
location of	92	153
SIDEWALKS		
assessment expense of building or repairing	80	132
local for	75	130
construction or repair of	80	132
failure to	80	132
damages for defective	82	133
encumbering of, to prevent	50	88
grade to be established by council	54	88
obstructions removed	73	126
snow, to be kept clean of	51–81	88–132
supervision of	84	136
SKINS		
prohibiting keeping of putrid	51	88
SLAUGHTER HOUSES		
location of	49–52	88
regulation of	49	88
SNOW		
removal of from sidewalk	51–81	88–132
SOAP FACTORIES		
regulation of	49	88

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
SPECIFICATIONS		
property of city	90	144
SPECIAL MEETINGS		
council called	42	73
SPEED		
railroad trains, regulation of	54	88
SPORTS		
regulation of	49	88
SPRINKLING		
streets or alleys	79	130h
when discontinued	79	130h
STABLES		
cleansing of	49	88
lights in	49	88
location of	49	88
STANDS		
carriages, for	53	88
hay, produce and wood, for	53	88
STATE TAXES		
collection of	104–109	178–185
STATEMENT		
annual of treasurer	38	65
of board of public works	87	140
STORM SEWERS		
special assessment for	72	124a
STOVES		
examined by fire wardens	92	151
STREETS		
alteration of	74-75	127-128
assessment local, for	75	130
control over by board of public works	84	136
by council	73	126
disturbances in	51	88
encumbering of	50	88
grade of, established by council	34	88
immoderate driving on	49	88
lapse of time runs not against city	75	129
lighting of	53–73	88–126
opening of	74–75	127–128
removal of fences in	75	128
paving of, (see paving)		
poll tax, collection of for	80	131
railroad crossings, regulation of	54	88
shade trees, in	67–73	118a–126
sprinkling of	79	130h
vacating	74–75	127–128
vote on	42	74
water pipes, laying of in	52	88

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
STREET COMMISSIONER		
appointment of	86	139
attends council meetings	43	77
bond of	89	142
compensation of	86	139
contract, not to be interested in city	89	143
duties of	86	139
office, not to hold when	89	143
removal of	86	139
STREET WALKERS		
punishment of	50	88
SUITS		
city, against	59	100
by, for damage judgments	82	133
by board of public works	86	138
officers, against	111	189
(See Actions)		
SUMMONS		
city, against, how and on whom served	59	100
SUPERINTENDENT OF PARKS		
appointment may be made	69	118g
SUPERVISORS		
board of registration, on	17	7
board of review, on	101	174
board of supervisors, on	34	59
compensation of	40	69
duties of	34	59
election of	23	30
inspector of elections	20	18
chairman of	20	19
members of board of 1923-1924	6	
oath of office	25	37
petit jurors, makes list of	110	187
term of	24	34
SUPERVISORS, BOARD OF		
audits criminal expenses under state laws	59	99
appropriations not to be certified to	106	181
taxes, certify to	34	58
equalized by	103	176
SUPPORT OF POOR		
regulations for	54	88
SURETIES		
aldermen cannot be when	44	82
penalty for being	44	82
approved by council	25	38
new, may be required	20	39
resignation does not relieve	27	44
treasurer's not responsible for money in bank	39	67
SWINE		
running at large	50	88

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Original from UNIVERSITY OF MICHIGAN

T

	PAGE	SEC.
TAXES		
account of, kept by treasurer	37	62
additional amount of	103	177
amount raised reported to treasurer	29	52
authority to levy them	100	171
collection of by treasurer	37	64
time when made	106–108	181–183
collection fee, part of	108	184
delinquent, return to	37	64
divided among general funds	101	172
dog, may be levied	44	82
lien on property	100	171
limit of	100	171
liquor dealers	100	171
local improvements for	75	130
manner of levying and collecting	104	178
meetings to vote	103	177
on garbage crematory	120	
ordered by council by two-thirds vote	42	74
parks for	68	118d
paving for	75	130
on petition of property owners	76	130a
power to assess and levy	100	171
publication of notices	108	183
sewers for	112	
sidewalks for	80	132
special	104	
special assessment districts	78	130g
sprinkling streets	79	130h
voted by people	103	177
limit of	103	177
warrant for collection of	106–107	181–182
TAX ROLLS		
delivered to treasurer	106	181
notice of, to people	106–108	181–183
returned to assessor when	106	181
sewers for	112	
sidewalk taxes placed on	80	132
special, how made	104	179
special assessments for	75	130b
TERM OF OFFICE		
officers appointive	25	35
elective	24	33–34
THEATRICAL EXHIBITIONS		
regulation of	49	88
THREE-FOURTHS VOTE		
necessary when	101	172
TIE VOTE		
election decided how	23	27
TITLE		
streets, lanes and alleys, to	75	129
adverse cannot be acquired against city	75	129

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Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
TRANSIENT TRADERS		
defined	53	88
regulation of	53	88
TREASURER, CITY		
accounts, kept how	37	64
appointment of	23	31
when made	24	32
authority for paying out money	109	186
bank, deposits funds in	39	67
interest to be credited to	39	67
not responsible for deposits in	39	67
bond of	37	64
filed with clerk	25	38
new, when required	28	39
of clerk filed with	25	38
custodian of money, bonds, etc	37	64
duties of	37–39	64–67
fees for collecting taxes	108	184
credited to contingent fund	40	69
for building permits paid to	94	158
fines paid to	37	62
keeping city and public school money separate	39	66
levy, power to make for taxes	106	181
money deposited where	39	67
oath of office	25	37
office hours of	106–108	181–183
powers of	37–39	64–67
of township treasurer	37	64
in collecting taxes	109	185
prohibited using city money	39	66
removal of, from office	39–45	66–83
reports of annual	38	65
monthly	38	65
bank certificate accompanies	38	65
unpaid taxes	78	130g
to be published	38	65
salary of	40	69
school moneys, how paid out	109	186
special assessment collected by	78	130g
fees for collecting	104	179
duty of in collecting	104	179
returns rolls to assessor	78	130g
taxes collects	37	64
manner of collecting special	104	179
clerk reports amount to	29	52
gives notice when to be paid	105–108	181–183
summer, collection of	106	181
winter, collection of	108	183
when to pay county treasurer	109	185
tax rolls, delivery to	106	181
kept open for inspection	106	181
returned to assessor	106	181
taxes paid marked on	106	181
term of	25	35
vouchers filed with clerk	38	65

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

	PAGE	SEC.
TREASURER, CITY—*Continued*		
warrants paid by	109	186
void when fund exhausted	29	52
warrant for collecting taxes	107	182
TRIAL		
ordinance cases in	58	98
TWO-THIRDS VOTE		
necessary when	42	74
to remove officer	45	83
to pass over veto	47–56	87–91
to call city hall election	116	
to call garbage crematory election	120	
U		
UNDERTAKERS		
regulation of	52	88
V		
VACANCIES		
ballots, how designated on	21	22
board of registration, filled how	17	7
declaration of, by council	26	42
elective offices, how and when filled	26	43
inspectors of election filled how	20	18
mayor	28	49
removal from city or ward creates	26	41
VACTING		
streets or alleys	74–75	127–128
VAGRANTS		
imprisoned may be	62	105
punished may be	50	88
VEGETABLES		
regulation of sale of	51	88
VEHICLES		
regulation of	52	88
VETO		
council proceedings of	47	87
ordinances of	56	91
VICE		
ordinance to prevent	48	88
VOTES		
clerk to make certificates of results	22	26
council to canvas	22	26
to declare and certify	22	26
inspectors to canvas	22	24
to file statement of with clerk	22	24
precinct, where received	15	3
void for defaulter	25	36

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W

	PAGE	SEC.
WARDS		
boundaries of, in city of Ann Arbor	13	2
division of, into precincts	15	3
WARRANT		
justice in ordinance cases	58	98
special assessment roll attached to	78	130g
made by clerk, when	104	179
taxes, for collection of	107	182
WARRANTS, CITY		
contain what	37	64
designate fund drawn on	29	52
drawn by clerk on treasurer	29	52
filed with clerk when paid	38	65
school moneys for	109	186
total of, not to exceed taxes	109	186
treasurer cancels	37	64
pays	37	64
WATCHMEN		
night, appointment of	63	107
powers and duties of	51	88
railroad crossings at	54	88
WATER		
waste of	52	88
WATER COURSES		
changing of	74	127
WATER PIPES		
laying of	52	88
WATERWORKS		
built, may be	71	119
purchased, may be	118	
regulation of	52	88
WEIGHTS AND MEASURES		
clerk is sealer of	32	54
regulation of	54	88
WELLS AND RESERVOIRS		
constructed by fire commissioners	91	148
regulation and establishment of	52	88
WINE		
prohibition of adulterated	52	88
WITNESSES		
investigations by common council	46	85
subpoena of, for city	60	101
WOOD		
location of as to fires	92	153
regulations for vending	51	88
sidewalks to be kept clear of	51	88

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	PAGE	SEC.
WORK HOUSES		
erection of	71	119

Y

YEAS AND NAYS		
board of public works, when required	88	141
council, when required	43	75

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