

## CHAPTER X. MISCELLANEOUS CITY RECORDS

Section 10.1 All records of the city shall be public.

### EFFECT OF ILLEGALITY OF ANY PART OF CHARTER

Section 10.2 Should any portion of this charter be declared void, illegal and unconstitutional, such finding shall not invalidate the remainder of the charter.

### AMENDMENTS

Section 10.3 This charter may be amended at any time in the manner provided in Act Number 279 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

Statutory reference:

For codified provisions of Public Act 279 of 1909, see M.C.L.A. §§ 117.1 et seq.

### CITY RECORDS

Section 10.4 All books, records, compilations, etc., in and pertaining to any city office, elective or appointive, shall be and remain the property of the city.

### CITY LIABILITY

Section 10.5 The city shall not be liable for damages sustained by any person to his person or property by reason of the negligence of the city, its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the City Clerk, within sixty (60) days after the injury resulting in such damages shall have occurred, a notice in writing, which notice shall be set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant, and a statement that the person sustaining such damages intends to hold the city liable for such damages as may have been sustained by him.

The city shall not be liable for any damages to person or property arising out of any such injury unless there shall have been first presented to the City Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of damages claimed by reason thereof. No person shall bring any action against the city for any such damages until such claim shall have been filed with the City Clerk and until the Council shall have been given opportunity to act thereon either by allowing or refusing to allow the claim.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the city under this section that the notice of injury and the verified proof

of claim as in this section required were not presented and filed within the time and in the manner as herein provided.

#### NO ESTOPPEL

Section 10.6 No estoppel may be created against the city.

#### TRUSTS

Section 10.7 All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purpose except in cases where the cy pres doctrine shall apply.

#### DEFINITION OF PUBLICATION - MAILING OF NOTICES

Section 10.8 The requirement contained in this charter for the publishing or publication of notices, ordinances or proceedings shall be met by publishing any appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city for at least two (2) years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication. In any case in which this charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

#### SUNDAYS AND HOLIDAYS

Section 10.9 Whenever the date fixed by this charter for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

#### CHAPTER AND SECTION HEADINGS

Section 10.10 The chapter, section and sub-section headings used in this charter are for convenience only and shall not be considered as part of the charter.

#### INTERPRETATIONS

Section 10.11 Except as otherwise specifically provided or indicated by the context:

10.11:1 All words used in this charter indicating the present tense shall not be limited to the time of the adoption of this charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.

10.11:2 The singular number shall include the plural, the plural number shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.

10.11:3 The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

10.11:4 The words "printed" and "printing" shall include reproduction by printing, engraving, stencil duplicating, lithographing or any similar method.

10.11:5 Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.

10.11:6 The word "office" shall include the members of the Council, the administrative officers and the Justice of the Peace. [See Editor's Note at Chapter IX.]

10.11:7 All references to statutes shall be considered to be references to such statutes as amended.

10.11:8 The word "default" shall be defined to include being delinquent in taxes and public utility service charges among its meanings.

10.11:9 All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.

10.11:10 The words "law" or "general laws of the state" or "statute" denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the words "law" or "general laws of the state" or "statutes" is to be applied, and applicable common law.

10.11:11 All references to section numbers shall refer to section numbers of this charter.

10.11:12 The words "assessed valuation" or "assessed value" shall mean the local assessment as approved or changed and corrected through the process of state equalization.

#### PENALTIES FOR VIOLATIONS OF CHARTER

Section 10.12 Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed ninety (90) days or both in the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant, as provided in Section 4.28.

Editor's note:

The provisions for declaring an office vacant are found at Sections 4.26 and 4.27; Section 4.28 deals with removal from office.