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**CHAPTER 13  
MISCELLANEOUS**

10.1301 Sec. 13.1. **LIABILITY.**

The city shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the city, its officers or employees, nor by reason of any defective condition or obstruction in its highways and public buildings unless such person shall serve or cause to be served upon the clerk or other official authorized by law to receive process, within one hundred twenty days after the injury resulting in such damage shall have occurred, a notice in writing, which notice shall 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 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. Such notice shall also comply with the provisions of Act 170, Public Acts of 1964, and any amendment thereof. (char. eff. Nov. 25, 1974)

10.1302 Sec. 13.2. **ESTOPPEL; NO DEFENSE AGAINST CITY.**

No estoppel may be created against the city. (char. eff. Nov. 25, 1974)

10.1303 Sec. 13.3. **RECORDS TO BE PUBLIC.**

All city records shall be public and shall be available for inspection at reasonable times. All books, papers, records and accounts shall be kept in the city offices unless otherwise designated by the council for official reasons or purposes of safekeeping. (char. eff. Nov. 25, 1974)

10.1304 Sec. 13.4. **PLATS.**

No land or premises shall be laid out, divided and platted into lots, streets, and alleys within the city except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the clerk a correct survey, plan and map of such ground and subdivisions thereof, platted and subdivision as provided by the council, and made to its satisfaction; showing also the relative position and location of such lots, streets, and alleys with respect to the adjacent lots and streets of the city; nor shall the city by reason of the approval of any such lot be responsible for the improvement, care and repairs of any streets and alleys shown thereon, excepting such of them as the council shall accept and confirm by ordinance or resolution. No plat shall be approved by the council wherein the lots and subdivisions thereof are described by metes and bounds. (char. eff. Nov. 25, 1974)

10.1305 Sec. 13.5. **VACATION OF PUBLIC PLACES.**

Council action to vacate, discontinue or abolish any highway, street, lane, alley or

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other public place or part thereof shall be by resolution. After the introduction of such resolution and before its final adoption, the council shall appoint a time when it shall meet and hear objections thereto; and notice of the time, place and purpose of such meeting shall be published either separately or as part of the proceedings of the council. Objections to any such proposed resolution may be filed with the clerk in writing, and if any objections shall be filed, the highway, street, lane, alley, or other public place or part thereof shall not be vacated, discontinued or abolished except by a vote of five members of the council.  
(char. eff. Nov. 25, 1974)

**10.1306 Sec. 13.6. AMENDMENTS.**

This charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended. Should two or more amendments, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.  
(char. eff. Nov. 25, 1974)

**10.1307 Sec. 13.7. NOTICES; MAILING; PUBLICATION; REQUISITES.**

The requirement contained in this charter for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper in the English language for the dissemination of news of a general character which newspaper shall have a general circulation at regular intervals in the city or county for at least two years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer publisher of such newspaper, or 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.  
(char. eff. Nov. 25, 1974)

**10.1308 Sec. 13.8. SAVING CLAUSE.**

All franchises, ordinances, resolutions, rules and regulations of the city which are not inconsistent with this Charter and which are in force on the effective date of this Charter shall continue in full force until repealed or amended by action of the proper authorities.  
(char. eff. Nov. 25, 1974)

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**CHAPTER 14  
SCHEDULE**

10.1401 Sec. 14.1. **PURPOSE.**

The purpose of this schedule charter is to implement the government of the City of Gaylord under this Charter and it shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.  
(char. eff. Nov. 25, 1974)

10.1402 Sec. 14.2. **ELECTION ON ADOPTION OF CHARTER.**

This Charter shall be submitted for adoption to a vote of the electors of the City of Gaylord at a regular election to be held on Tuesday, November 5, 1974, between the hours of 7:00 a.m. and 8:00 p.m. The clerk shall give notice of such submission as the law requires.  
(char. eff. Nov. 25, 1974)

10.1403 Sec. 14.3. **FORM OF BALLOT.**

The form of ballot for the submission of this Charter shall be as follows:

Instruction

A cross (X) in the square before the word "yes" is in favor of the proposed Charter and a cross (X) in the square before the word "no" is against the proposed Charter. "Shall the proposed charter for the City of Gaylord as drafted by the Charter Commission elected on November 7, 1972, be adopted?"  
(char. eff. Nov. 25, 1974)

10.1404 Sec. 14.4. **CANVASS AND ADOPTION.**

A canvass of the votes taken shall be had in accordance with the procedures and rules governing such matters, under the provisions of this Charter and the election laws of the state. If, at said election, a majority of the electors voting on said Charter shall vote in favor of the adoption of said Charter, then said Charter shall be declared adopted. The Clerk of the Charter Commission shall send a Certification and two (2) copies of the Charter both to the Secretary of State and to the County Clerk.  
(char. eff. Nov. 25, 1974)

10.1405 Sec. 14.5. **ELECTIVE OFFICERS; RETENTION OF.**

All elective officers elected prior to and at the election wherein this Charter is submitted for adoption and whose terms of office shall not have expired at the time this Charter shall go into effect, shall hold their offices until the end of the terms for which they were elected. Upon the expiration of their terms of office aforesaid, all elective offices will be subject to the provisions of this Charter and the applicable state laws in such cases made and provided.

Provided, however, any vacancy created for any reason in any elective office the

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term of which has not expired, shall be filled under the provisions of the Charter.  
(char. eff. Nov. 25, 1974)

**10.1406 Sec. 14.6. EFFECTIVE DATE.**

This Charter, if adopted, shall go into effect immediately upon receipt in the office of the Secretary of State of a certified copy of the Charter as adopted by the votes of the City of Gaylord along with any other required documents.  
(char. eff. Nov. 25, 1974)

**10.1500 RESOLUTION OF ADOPTION**

At a meeting of the Charter Commission of the City of Gaylord, State of Michigan, held in the City-County Building in said City on August 28, 1974, the following members of the Charter Commission were present:

Clark Bates, Shirley Bates, Joan Glasser, Jim Mongeau and Bonnie Vance.

Absent: Carl Carlson and Thomas Nelson

Members Resigned: E. Patrick Murray and Donald Krieger Jr.

At such meeting, the following resolution was offered by Commissioner Clark Bates, and seconded by Jim Mongeau.

RESOLVED, that the Charter Commission of the City of Gaylord does hereby adopt the foregoing instrument as amended, the proposed Charter of the City of Gaylord and the Secretary of this commission is directed:

1. To transmit the same to the Governor of the State of Michigan for his approval in accordance with the provisions of Act 279, Public Acts 1909, as amended.
2. To file a copy of the same with the City Clerk.
3. To cause the same to be published in full in the Otsego County Herald Times not earlier than October 10, 1974 nor not later than October 22, 1974.

The vote on the adoption of the resolution was as follows:

Ayes: Jim Mongeau, Bonnie Vance, Clark Bates, Shirley Bates and Joan Glasser.

Nays: None

The chairperson thereupon declared the foregoing resolution to be adopted and requested the members of the Commission to authenticate said resolution to be filed along with a true copy of said proposed charter with the City Clerk and presented to the Governor of the State of Michigan for his approval.

Clark Bates

Joan Glasser

Bonnie Vance

Shirley Bates

Jim Mongeau

