

10.1300

**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 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)