

CHAPTER XV

MISCELLANEOUS

Section 15.1 Liability Of City; Procedure For Filing Claim.

The city shall have all the governmental immunities from claims for damages for injury to persons or property as may be permitted by law. The procedures in regard to filing of claims and disposition of the same shall be as permitted by law.

Section 15.2 Records.

All records of the city shall be public, shall be kept in city offices except when required for official reasons or for purpose of safe keeping to be elsewhere, and shall be available to the general public at all reasonable times in compliance with the provisions of the Freedom of Information Act.

Section 15.3 Estoppel Against City.

No estoppel may be created against the city.

Section 15.4 Processes Against City.

All processes against the city shall run against the city in the corporate name thereof, and may be served by leaving a true copy with the mayor or clerk.

Section 15.5 Trusts For Municipal Purposes.

All trusts established for any municipal purpose shall be used and contained 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 purposes, except in cases where the cy pres doctrine shall apply.

Section 15.6 Quorum Generally.

Except as provided otherwise in this charter, a quorum of any board or commission created by and pursuant to this charter shall be a majority of the members of such board or commission in office at the time, but not less than two (2) members.

Section 15.7 Saturdays, Sundays And City Holidays.

Whenever the date fixed by this charter for the doing or completion of any act falls on a Saturday, Sunday or City Holiday, such act shall be done or completed on the next succeeding day that is not on a Saturday, Sunday, or City Holiday.

Section 15.8 Chapter, Section and Subsection Headings of Charter.

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

Section 15.9 Amendment Of Charter.

This charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

Section 15.10 Severability Of Charter Provisions.

Should any provision or section, or portion thereof, of this charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this charter as a whole or of any remaining portion of such provision or section, it being hereby declared to be the intent of the charter commission, and of the electors who voted thereon, that such unconstitutionality or illegality shall not affect the validity of any other part of this charter.

Section 15.1 1 Saving Clause.

The amendment or repeal of this charter, ordinance, resolution, order or regulation or any charter, ordinance, resolution, order and regulation provision shall have no effect upon prosecution commenced prior to the effective date of this charter if prosecution is based on actions taken prior to the effective date of this charter. Those prosecutions shall be conducted under the charter provision in effect prior to the effective date of this charter.

Section 15.12 Definitions-Generally.

Except as otherwise specifically provided or indicated by the context or is further extended and defined:

- (a) 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.
- (b) The singular number shall include the plural, the plural number shall include the singular and masculine gender shall extend to and include the feminine gender and the neuter.

- (c) The word “person” may extend and be applied to bodies politic and corporate, and to partnerships as well as to individuals.
- (d) The word “printed” and “printing” shall include reproductions by printing, engraving, stencil, duplicating, lithographing or any similar reproduction method.
- (e) Except in reference to signatures, the words “written” and “in writing” shall include printing and typewriting and any other currently-acceptable similar method.
- (f) The word “officer” shall include the mayor and other members of the council, the administrative officers, members of the city boards and commissions created by or pursuant to this charter.
- (g) The word “employee” shall mean those persons not holding elective or appointive office, one who is generally subordinate to the officer and performs only those duties specifically assigned by a contract, department head or other governmental body.
- (h) The word “freeholder” shall include any person who is purchasing property or land.
- (i) The word “default” shall include being delinquent in taxes.
- (j) The word “statute” shall denote the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the word “statute” is to be applied.
- (k) 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.
- (l) The word “law” denotes applicable federal law, the constitution and statutes of the State of Michigan, and the applicable common law.
- (m) All reference to section numbers shall refer to section numbers of this charter.
- (n) The word “city” shall mean the City of the Village of Douglas.
- (o) The word “council” shall mean the council of the City of the Village of Douglas.

- (p) The words “public utility” shall include all common carriers in the public streets; water, sewage, disposal; electric light and power; gas; telephone and telegraph lines and systems; cable television; garbage and refuse collection and disposal and reduction plants; transportation; and such other and different enterprises as the council may determine or designate.
- (q) For the purpose of this charter, the offense of “misconduct” in office includes doing a wrongful act, doing a lawful act in a wrongful manner, failure to perform an act required by the duties of the office or by rule established by the council.
- (r) “Public record” means a writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record is subject to the Freedom of Information Act, 1976 PA 442, 15.321 to 15.246.
- (s) The word “family” shall include: spouse, child, grandchild, father, mother, grandmother, grandfather, sister, half-sister, brother, half-brother and spouse of any of them, and all relationships including those arising from adoption.
- (t) The term “member of the council” shall mean all elected or appointed members of the council.

Section 15.13 Definition Of Publication And Mailing Notices.

The requirement contained in this charter for the publishing or publication of notices, ordinances or proceedings shall be met by publishing at least once an 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 one year immediately preceding the time it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his or her 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 time 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.

Section 15.14 Vested Rights.

After the effective date of this charter, the city shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the Village of Douglas. No right or liability, either in favor or

against the Village of Douglas, existing at the time of this charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the Village of Douglas shall be the debts and liabilities of The City of the Village of Douglas and all fines and penalties imposed at the time of such change shall be collected.

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