

SUBSTITUTE FOR
HOUSE BILL NO. 4722

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending sections 9 and 9b (MCL 117.9 and 117.9b), section 9
as amended by 1984 PA 352 and section 9b as added by 1982 PA 465,
and by adding sections 9c, 9d, and 9e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) ~~In the event of a conflict between~~ IF the
2 provisions of this act and ~~Act No. 191 of the Public Acts of~~
3 ~~1968, being sections 123.1001 to 123.1020 of the Michigan~~
4 ~~Compiled Laws~~ 1968 PA 191, MCL 123.1001 TO 123.1020, regarding
5 an incorporation or consolidation CONFLICT, the provisions of
6 ~~Act No. 191 of the Public Acts of 1968~~ 1968 PA 191,
7 MCL 123.1001 TO 123.1020, shall govern. The district to be
8 affected by ~~every such~~ A proposed incorporation, consolidation,
9 or change of boundaries shall be deemed to include the whole of

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

2

1 each city, village, or township from which territory is to be
2 taken or to which territory is to be annexed. However, ~~when~~ IF
3 a territory is proposed to be incorporated as a city only the
4 residents of the territory to be incorporated shall vote on the
5 question of incorporation. ~~When~~

6 (2) IF a petition signed ~~by the~~ ON BEHALF OF THIS state by
7 the appropriate agency designated by the state administrative
8 board ~~which~~ THAT holds the record legal title to the entire
9 area of the land in the territory adjacent to the city to be
10 annexed ~~—~~ is filed with the governing body of the city and with
11 the township board of the township in which ~~such~~ THE territory
12 is situated, ~~such~~ THE annexation may be accomplished by the
13 affirmative majority vote of the governing body of ~~such~~ THE
14 city and the approval of the township board of ~~such~~ THE
15 township.

16 (3) ~~(2)~~ Except as provided in subsections ~~(1)~~ (2) and
17 ~~(8)~~ (9), a petition or resolution for annexation of territory
18 shall be filed in the Lansing office of the state boundary
19 commission. The commission, after determining the validity of
20 the petition or resolution, shall hold a public hearing in or
21 reasonably near the area proposed for annexation. The commission
22 in processing and approving, denying, or revising a petition or
23 resolution for annexation shall have the same powers and duties
24 and SHALL be in accordance with and subject to the provisions of
25 ~~Act No. 191 of the Public Acts of 1968, relating to petitions~~
26 ~~which propose incorporations~~ 1968 PA 191, MCL 123.1001 TO
27 123.1020. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (8), A

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

3

1 COMMISSION ORDER CONCERNING THE ANNEXATION OF TERRITORY IN WHICH
2 100 OR FEWER PERSONS RESIDED ON THE DATE THE PETITION OR RESOLU-
3 TION FOR ANNEXATION WAS FILED IS SUBJECT TO THE PROVISIONS OF
4 SECTION 9C.

5 (4) ~~-(3)-~~ If an annexation is denied by the commission, the
6 commission shall send a certified copy of its order to the clerk
7 of each county, city, village, and township affected.

8 ~~-(4) If an annexation is approved, and if on the date the~~
9 ~~petition or resolution was filed 100 persons or less resided in~~
10 ~~the area approved for annexation, the commission's order shall~~
11 ~~not be subject to a referendum. The commission shall send a cer-~~
12 ~~tified copy of its order to the clerk of each county, city, vil-~~
13 ~~lage, and township affected and to the secretary of state. The~~
14 ~~annexation shall be effective on a date set forth in the~~
15 ~~commission's order.~~

16 (5) If an annexation is approved, and if on the date the
17 petition or resolution was filed more than 100 persons resided in
18 the area approved for annexation, the commission shall send a
19 certified copy of its order to the clerk of each county, city,
20 village, and township affected and to the secretary of state.

21 ~~The~~ EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10), THE
22 commission's order shall become final 30 days after the date of
23 the order unless within that 30 days a petition is filed with the
24 commission ~~which~~ THAT contains the signatures of at least 25%
25 of the registered electors residing in the portion of the terri-
26 tory approved for annexation, in the annexing city, or in the
27 balance of the township. ~~The commission after~~ AFTER verifying

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

4

1 the validity of any referendum petition, THE COMMISSION shall
2 order that a referendum on the question of annexation be held in
3 each area from which a valid petition was filed. If a valid
4 petition is not filed within the 30 days or if the majority of
5 the electorate voting on the question in each area in which a
6 referendum was held, voting separately, approve the annexation,
7 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10), the annexation
8 shall be effective on a date set by order of the commission, oth-
9 erwise the annexation shall not take effect.

10 (6) The commission shall ~~reject~~ PROCESS PETITIONS OR RESO-
11 LUTIONS FOR ANNEXATION AS FOLLOWS:

12 (A) REJECT a petition or resolution for annexation of terri-
13 tory ~~which~~ THAT includes all or any part of the territory
14 ~~which~~ THAT was described in any petition or resolution for
15 annexation filed within the preceding 2 years and ~~which~~ THAT
16 was denied by the commission or was defeated in an election pur-
17 suant to subsection (5) OR (10) OR SECTION 9C.

18 (B) IF A NOTICE OF INTENT TO PETITION THE COMMISSION FOR
19 ANNEXATION HAS BEEN PROVIDED BY A CITY, A PROPERTY OWNER, OR
20 QUALIFIED ELECTORS UNDER SECTION 9C(2), FINALLY DISPOSE OF AN
21 ANNEXATION PETITION OF THE CITY, PROPERTY OWNER, OR QUALIFIED
22 ELECTORS THAT HAS BEEN SO NOTICED BEFORE PROCESSING ANY OTHER
23 PETITIONS THAT DEAL WITH ALL OR ANY PART OF THE SAME TERRITORY.

24 (7) In addition to the methods for initiating annexation as
25 provided in this act, a petition or resolution ~~as follows~~ may
26 be submitted to the state boundary commission in a form and

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

5

1 manner prescribed by ~~it~~ THE STATE BOUNDARY COMMISSION AS
2 FOLLOWS:

3 (a) By resolution of the legislative body of the city to
4 which the area is proposed to be annexed.

5 (b) By petition by the persons, firms, corporations, the
6 United States government, or ~~the~~ THIS state or any ~~of its~~
7 ~~subdivisions~~ POLITICAL SUBDIVISION OF THIS STATE who collec-
8 tively hold equitable title as a vendee under a recorded land
9 contract or memorandum of land contract, or record title AS
10 RECORDED FEE OWNER to 75% or more of the area of the land, exclu-
11 sive of streets, in the territory proposed for annexation at the
12 time ~~of filing~~ the petition IS FILED.

13 (c) By petition by 20% of the registered electors who reside
14 in the area proposed for annexation.

15 (8) ~~Where the territory proposed to be annexed to any city~~
16 ~~is adjacent to the city and consists of a park or vacant property~~
17 ~~located in a township and owned by the city annexing the same,~~
18 ~~and there is no one residing thereon, such territory may be~~
19 ~~annexed to the city solely by resolution of the city council of~~
20 ~~the city or in any case where~~ NOTWITHSTANDING THE PROVISIONS OF
21 SECTION 9C, IF THE TERRITORY PROPOSED TO BE ANNEXED TO A CITY IS
22 LOCATED IN A TOWNSHIP, HAS NO RESIDENTS, AND IS ADJACENT TO AND
23 OWNED BY THE CITY PROPOSING TO ANNEX THE TERRITORY, THE TERRITORY
24 MAY BE ANNEXED UNDER 1 OF THE FOLLOWING METHODS:

25 (A) IF A RESOLUTION TO ANNEX THE TERRITORY IS ADOPTED BY THE
26 CITY COUNCIL BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
27 ADDED SECTION 9C, AND THE TERRITORY CONSISTS OF PARK OR VACANT

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

6

1 PROPERTY, THE TERRITORY MAY BE ANNEXED SOLELY BY THAT RESOLUTION
2 OF THE CITY COUNCIL.

3 (B) IF A RESOLUTION TO ANNEX THE TERRITORY IS ADOPTED BY THE
4 CITY COUNCIL ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
5 THAT ADDED SECTION 9C, AND THE TERRITORY WILL BE USED FOR A
6 PUBLIC PURPOSE FOR A PERIOD THAT BEGINS WITH THE ADOPTION OF THE
7 RESOLUTION AND LASTS NOT LESS THAN 8 YEARS, THE TERRITORY IS
8 ANNEXED BY THAT RESOLUTION OF THE CITY COUNCIL. FOR THE PURPOSE
9 OF THIS SUBDIVISION, TERRITORY IS USED FOR A PUBLIC PURPOSE IF IT
10 IS EXEMPT FROM THE COLLECTION OF TAXES UNDER THE GENERAL PROPERTY
11 TAX ACT, 1893 PA 206, MCL 211.1 TO 211.157. THE TOWNSHIP FROM
12 WHICH PROPERTY IS ANNEXED UNDER THIS SUBDIVISION MAY FILE A PETI-
13 TION WITH THE COMMISSION AT ANY TIME WITHIN THE 8-YEAR PERIOD
14 BEGINNING WITH THE ADOPTION OF THE RESOLUTION, ALLEGING THAT THE
15 PROPERTY ANNEXED IS NOT BEING USED FOR A PUBLIC PURPOSE. IF THE
16 COMMISSION FINDS AFTER A HEARING ON THE PETITION THAT THE PROP-
17 ERTY IS NOT BEING USED FOR A PUBLIC PURPOSE, THE COMMISSION SHALL
18 ISSUE AND ENTER IN ITS RECORDS AN ORDER THAT THE PROPERTY BE
19 REATTACHED TO THE TOWNSHIP FROM WHICH IT WAS ANNEXED.

20 (C) BY THE AFFIRMATIVE MAJORITY VOTES OF BOTH THE CITY COUN-
21 CIL AND THE TOWNSHIP BOARD.

22 (9) IF the territory proposed to be annexed is adjacent to
23 ~~the~~ A city and consists of property owned by the city or con-
24 sists of fractional parts of platted subdivision lots, located in
25 an adjoining city, village, or township, ~~such~~ THE annexation
26 may ~~also~~ be accomplished by the affirmative majority vote of
27 the legislative body of ~~such~~ THE city and the approval of the

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

7

1 legislative body of ~~such~~ THE adjoining city, village, or
2 township. As an alternate method, ~~where~~ IF there are no quali-
3 fied electors residing in the territory proposed to be annexed to
4 the city ~~—~~ other than the person or persons petitioning, a
5 petition signed by a person or persons, firms, corporations, the
6 United States government, or ~~the~~ THIS state or any ~~of its~~
7 ~~subdivisions~~ POLITICAL SUBDIVISION OF THIS STATE who collec-
8 tively hold the equitable title as a vendee under a recorded land
9 contract or memorandum of land contract ~~—~~ or record legal title
10 AS RECORDED FEE OWNER to more than 1/2 of the area of the land in
11 the territory to be annexed is filed with the city council of the
12 city and with the township board of the township in which ~~such~~
13 THAT territory is situated, ~~such~~ THE annexation may be accom-
14 plished by the affirmative majority vote of the city council of
15 ~~such~~ THE city and the approval of the township board of ~~such~~
16 THE township. At least 10 days prior to the approval by the
17 township board, the township treasurer shall notify, personally
18 or by registered mail with return receipt ~~demanded~~ REQUESTED,
19 the owners of all real property in the territory to be annexed as
20 shown on the assessment rolls of the township at the last known
21 address on file with the township treasurer. ~~This section shall~~
22 ~~not be construed so as to give any city the authority to~~
23 (10) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (9), A CITY
24 SHALL NOT proceed ~~hereunder~~ UNDER THIS SECTION to attach terri-
25 tory from any other city unless the question ~~relative thereto~~
26 OF THE ANNEXATION has been ~~voted upon~~ APPROVED by the voters of
27 the entire cities affected. ~~—, except as hereinbefore~~

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

8

1 ~~specifically provided, where the territory proposed to be annexed~~
2 ~~is adjacent to a city and consists of property owned by the city~~
3 ~~or consists of fractional parts of platted subdivision lots,~~
4 ~~located in an adjoining city.~~

5 (11) ~~-(9)-~~ The provisions of section 14 ~~shall~~ ARE not ~~be~~
6 applicable to an annexation approved ~~by the commission~~ UNDER
7 THIS SECTION of part of a township or village to a city except in
8 the event of outstanding bonds or other evidences of indebtedness
9 of the township or village. In ~~such~~ THAT event, the STATE
10 BOUNDARY commission shall determine and order an equitable divi-
11 sion of assets and liabilities ~~which~~ THAT relate to the bonds
12 or other indebtedness.

13 (12) ~~-(10)-~~ The provisions of sections 8 and 8a ~~shall~~ ARE
14 not ~~be~~ applicable to petitions or resolutions filed with the
15 state boundary commission.

16 (13) ~~-(11) After March 31, 1971, and so long as Act No. 191~~
17 ~~of the Public Acts of 1968 is in effect, annexation~~ ANNEXATION
18 of territory FROM A VILLAGE, OR OF TERRITORY WITH MORE THAN 100
19 RESIDENTS from a township, ~~or village~~ to a home rule city shall
20 be as provided in this section and no other means of annexation
21 ~~shall be~~ IS effective.

22 (14) TERRITORY MAY BE ANNEXED TO A CITY FROM A TOWNSHIP ONLY
23 IF THE TERRITORY TO BE ANNEXED DOES NOT CONTAIN ANY REAL PROPERTY
24 OWNED BY THE TOWNSHIP, EXCEPT FOR UTILITIES AND OTHER FACILITIES
25 THAT ARE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY.

26 (15) THE INCORPORATION AS A CITY BY A VILLAGE IS NOT AN
27 ANNEXATION UNDER THIS ACT.

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

9

1 Sec. 9b. (1) ~~In addition to the detachment procedures~~
2 ~~otherwise authorized by this act, territory~~ TERRITORY may be
3 detached from a city TO ANOTHER CITY OR VILLAGE ONLY if all of
4 the following conditions are met:

5 (a) The territory to be detached was annexed to the city
6 after the city was incorporated.

7 (b) The territory to be detached is to be reattached to the
8 municipality from which that territory was annexed.

9 (c) The city does not provide water or sewer service in the
10 territory to be detached.

11 (d) The council of the city from which the territory is
12 being detached approves a resolution authorizing the detachment
13 of the territory and confirming an agreement relating to the
14 detachment.

15 (e) The legislative body of the municipality from which the
16 territory to be detached was annexed approves a resolution autho-
17 rizing detachment of the territory and confirming an agreement
18 related to the detachment.

19 (2) The city and municipality involved in a detachment under
20 ~~this section~~ SUBSECTION (1) may enter into an intergovernmental
21 agreement ~~which~~ THAT imposes conditions on the detachment. The
22 conditions may include, but need not be limited to, building
23 restrictions and zoning within the territory to be detached.

24 (3) Territory detached under ~~this section~~ SUBSECTION (1)
25 is immediately reannexed to the detaching city if any of the fol-
26 lowing occurs:

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

10

1 (a) The city can and agrees to provide water and sewer
2 services, the city certifies these facts to the state boundary
3 commission, and the state boundary commission finds that the city
4 can provide water and sewer services to this territory.

5 (b) The municipality to which the territory was reattached
6 fails to comply with the intergovernmental agreement, the city
7 certifies that fact to the state boundary commission, and the
8 state boundary commission finds that the municipality is not in
9 compliance.

10 (4) Reannexation pursuant to subsection (3) ~~shall~~ IS not
11 ~~be~~ subject to the annexation requirements and restrictions of
12 this act ~~; Act No. 191 of the Public Acts of 1968, being sec-~~
13 ~~tions 123.1001 to 123.1020 of the Michigan Compiled Laws; or Act~~
14 ~~No. 359 of the Public Acts of 1947, being sections 42.1 to 42.34~~
15 ~~of the Michigan Compiled Laws~~ OR ANY OF THE FOLLOWING:

16 (A) 1968 PA 191, MCL 123.1001 TO 123.1020.

17 (B) THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO
18 42.34.

19 (5) All or part of territory detached under ~~this section~~
20 SUBSECTION (1) shall not be subject to annexation.

21 SEC. 9C. (1) THE ANNEXATION OF ANY TERRITORY WITH 100 OR
22 FEWER RESIDENTS TO A CITY FROM A TOWNSHIP FOR WHICH A PETITION IS
23 FILED WITH THE COMMISSION ON OR AFTER THE EFFECTIVE DATE OF THE
24 AMENDATORY ACT THAT ADDED THIS SECTION IS SUBJECT TO THE PROCE-
25 DURES AND CONDITIONS SET FORTH IN THIS SECTION, EXCEPT AS PRO-
26 VIDED IN SECTION 9D.

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

11

1 (2) A CITY, PROPERTY OWNER, OR REGISTERED ELECTORS THAT
2 INTEND TO PETITION THE STATE BOUNDARY COMMISSION FOR ANNEXATION
3 OF TERRITORY WITH 100 OR FEWER RESIDENTS TO A CITY FROM A TOWN-
4 SHIP SHALL PROVIDE WRITTEN NOTICE OF THAT INTENT BY CERTIFIED
5 MAIL, RETURN RECEIPT REQUESTED, TO THE CLERK OF ANY CITY OR TOWN-
6 SHIP THAT IS AFFECTED BY THE PROPOSAL AND TO THE STATE BOUNDARY
7 COMMISSION.

8 (3) THE CITY AND TOWNSHIP MAY NEGOTIATE AN AGREEMENT CON-
9 CERNING THE ANNEXATION OF THE TERRITORY THAT INCLUDES, BUT IS NOT
10 LIMITED TO, AN AGREEMENT NOT TO CONTEST THE ANNEXATION PETITION
11 BEFORE THE COMMISSION, THE SHARING OF TAX REVENUES, THE FUTURE
12 LAND USE OF THE TERRITORY, AND ANY OTHER FACTORS OR TERMS THAT
13 MAY BE CONSIDERED OR PROVIDED FOR IN A CONTRACT NEGOTIATED UNDER
14 1984 PA 425, MCL 124.21 TO 124.30, OR AN INTERLOCAL AGREEMENT
15 NEGOTIATED UNDER THE URBAN COOPERATION ACT OF 1967, 1967 (EX
16 SESS) PA 7, MCL 124.501 TO 124.512.

17 (4) FORTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE UNDER SUB-
18 SECTION (2), IF NO AGREEMENT HAS BEEN REACHED UNDER SUBSECTION
19 (3) BETWEEN THE CITY AND THE TOWNSHIP CONCERNING THE PROPOSED
20 ANNEXATION, A PETITION FOR ANNEXATION OF TERRITORY MAY BE FILED
21 IN THE LANSING OFFICE OF THE STATE BOUNDARY COMMISSION. ON THE
22 SAME DAY THAT THE PETITION IS FILED, THE PETITIONER SHALL SEND A
23 COPY OF THE PETITION BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED,
24 TO THE CLERKS OF BOTH THE CITY AND THE TOWNSHIP IN WHICH THE TER-
25 RITORY IS LOCATED.

26 (5) IF NO AGREEMENT IS REACHED WITHIN 45 DAYS AFTER RECEIPT
27 OF THE NOTICE UNDER SUBSECTION (2), THE CITY OR THE TOWNSHIP MAY

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

12

1 FILE A CLAIM NOT LATER THAN 10 DAYS AFTER THE EXPIRATION OF THAT
2 PERIOD IN THE CIRCUIT COURT ASSERTING THAT THE OTHER PARTY DID
3 NOT PARTICIPATE IN NEGOTIATIONS IN GOOD FAITH. IF THE COURT
4 FINDS THAT THE CITY OR TOWNSHIP DID NOT PARTICIPATE IN NEGOTIA-
5 TIONS IN GOOD FAITH, IT MAY PROVIDE APPROPRIATE EQUITABLE RELIEF,
6 INCLUDING, BUT NOT LIMITED TO, PROHIBITING THE ANNEXATION FOR A
7 PERIOD OF NOT MORE THAN 2 YEARS OR PROHIBITING THE REFERENDUM
8 PROVIDED FOR IN SUBSECTION (6).

9 (6) IF, WITHIN 30 DAYS AFTER RECEIPT BY THE CLERK OF THE
10 TOWNSHIP OF THE PETITION FOR ANNEXATION, A PETITION FOR A REFER-
11 ENDUM ON THE QUESTION OF ANNEXATION IS FILED WITH THE COUNTY
12 ELECTION COMMISSION THAT CONTAINS THE SIGNATURES OF AT LEAST 25%
13 OF THE REGISTERED ELECTORS IN THE AFFECTED TOWNSHIP, BASED ON THE
14 MOST RECENT CERTIFICATION OF THE NUMBER OF REGISTERED ELECTORS
15 MADE BY THE TOWNSHIP CLERK TO THE COUNTY CLERK, THE COUNTY ELEC-
16 TION COMMISSION SHALL CERTIFY THAT THE REFERENDUM PETITION MEETS
17 THE REQUIREMENTS FOR PETITIONS UNDER THE MICHIGAN ELECTION LAW,
18 1954 PA 116, MCL 168.1 TO 168.992, AND CALL A SPECIAL ELECTION
19 FOR THE REFERENDUM TO BE HELD IN THE TOWNSHIP WITHIN WHICH THE
20 TERRITORY PROPOSED FOR ANNEXATION IS LOCATED. IF A TOWNSHIP REF-
21 ERENDUM PETITION IS CERTIFIED, THE GOVERNING BODY OF THE CITY MAY
22 ALSO SCHEDULE A REFERENDUM ON THE ANNEXATION TO BE HELD IN THE
23 CITY ON THE SAME DAY AS THE TOWNSHIP REFERENDUM. UP TO 30 DAYS
24 AFTER THE REFERENDUM PETITION IS FILED, THE GOVERNING BODY OF THE
25 CITY OR TOWNSHIP MAY ADOPT A RESOLUTION TO DELAY THE SCHEDULING
26 OF THE REFERENDUM TO ALLOW TIME FOR THE CITY AND TOWNSHIP TO
27 CONTINUE NEGOTIATIONS CONCERNING THE ANNEXATION. UPON ADOPTION

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

13

1 OF A RESOLUTION BY THE GOVERNING BODY OF THE CITY OR TOWNSHIP,
2 THE SCHEDULING OF THE REFERENDUM SHALL BE DELAYED UNTIL 90 DAYS
3 AFTER THE DATE ON WHICH THE REFERENDUM PETITION IS CERTIFIED.
4 THE COUNTY ELECTION COMMISSION SHALL NOT MEET TO SCHEDULE THE
5 REFERENDUM UNTIL 30 DAYS AFTER THE PETITION IS FILED. THE SPE-
6 CIAL ELECTION SHALL BE HELD NOT LESS THAN 60 DAYS OR MORE THAN
7 90 DAYS AFTER THE COUNTY ELECTION COMMISSION MEETS TO SCHEDULE
8 THE ELECTION UNDER THIS SUBSECTION, UNLESS A PRIMARY OR REGULAR
9 ELECTION, OR A SPECIAL ELECTION CALLED FOR ANOTHER PURPOSE,
10 OCCURS NOT LESS THAN 60 DAYS OR MORE THAN 90 DAYS AFTER THE REF-
11 ERENDUM PETITION IS FILED. IN THAT EVENT, THE REFERENDUM SHALL
12 BE SUBMITTED AT THAT PRIMARY, REGULAR, OR SPECIAL ELECTION AND AN
13 ADDITIONAL SPECIAL ELECTION SHALL NOT BE CALLED.

14 (7) IF A PETITION CONTAINING SUFFICIENT VALID SIGNATURES FOR
15 A REFERENDUM ON THE QUESTION OF ANNEXATION IS NOT FILED WITH THE
16 COUNTY ELECTION COMMISSION UNDER SUBSECTION (6), THE STATE BOUND-
17 ARY COMMISSION SHALL PROCEED TO PROCESS THE ANNEXATION PETITION
18 UNDER SECTION 9.

19 (8) IF AN AGREEMENT UNDER SUBSECTION (3) IS REACHED 30 DAYS
20 BEFORE THE DATE OF AN ELECTION SCHEDULED UNDER SUBSECTION (6),
21 THE REFERENDUM SHALL NOT BE HELD. IF NO AGREEMENT IS REACHED,
22 THE REFERENDUM SHALL BE HELD AS ORDERED BY THE COUNTY ELECTION
23 COMMISSION. THE ANNEXATION SHALL BE ALLOWED TO OCCUR ONLY IF A
24 MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE TOWNSHIP
25 WITHIN WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS LOCATED,
26 AND IN THE CITY IF IT HOLDS AN ELECTION UNDER SUBSECTION (6),
27 COUNTED SEPARATELY, VOTE FOR THE ANNEXATION.

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

14

1 (9) IF A MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE
2 TOWNSHIP WITHIN WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS
3 LOCATED, AND IN THE CITY IF IT HOLDS AN ELECTION UNDER
4 SUBSECTION (6), VOTE FOR THE ANNEXATION, AND THE COMMISSION
5 APPROVES THE ANNEXATION UNDER SECTION 9(3), THE COMMISSION SHALL
6 SEND A CERTIFIED COPY OF ITS ORDER TO THE CLERK OF EACH COUNTY,
7 CITY, AND TOWNSHIP AFFECTED AND TO THE SECRETARY OF STATE. THE
8 ANNEXATION SHALL BE EFFECTIVE ON A DATE SET FORTH IN THE
9 COMMISSION'S ORDER.

10 (10) AS USED IN THIS SECTION, "COMMISSION" MEANS THE STATE
11 BOUNDARY COMMISSION ESTABLISHED UNDER 1968 PA 191, MCL 123.1001
12 TO 123.1020.

13 SEC. 9D. IF THE GOVERNING BODIES OF A CITY AND TOWNSHIP
14 APPROVE BY RESOLUTION AN AGREEMENT TO ANNEX, OR NOT TO CONTEST
15 THE ANNEXATION OF, TERRITORY IN THE TOWNSHIP WITH 100 OR FEWER
16 RESIDENTS BEFORE A PETITION FOR ANNEXATION IS FILED WITH THE COM-
17 MISSION, THE PROVISIONS OF SECTION 9C DO NOT APPLY AND A PETITION
18 FOR ANNEXATION MAY BE FILED AT ANY TIME. IF THE TERRITORY MEETS
19 THE REQUIREMENTS OF SECTION 9(9), THE ANNEXATION MAY PROCEED
20 UNDER SECTION 9(9).

21 SEC. 9E. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ACT,
22 TERRITORY MAY BE DETACHED FROM A CITY TO A TOWNSHIP ONLY IF ALL
23 OF THE FOLLOWING CONDITIONS ARE MET:

24 (A) THE TERRITORY TO BE DETACHED DOES NOT CONTAIN ANY REAL
25 PROPERTY OWNED BY THE CITY, EXCEPT FOR UTILITIES AND OTHER FACIL-
26 ITIES THAT ARE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY.

HB4722, As Passed House, December 12, 2001

House Bill No. 4722

15

1 (B) THE TERRITORY TO BE DETACHED WAS NOT ANNEXED WITHIN THE
2 PREVIOUS 2 YEARS, CALCULATED FROM THE DATE THAT THE MOST RECENT
3 ANNEXATION OF THAT TERRITORY, IF ANY, WAS COMPLETED.

4 (C) THE DETACHMENT IS APPROVED BY A MAJORITY VOTE OF THE
5 QUALIFIED ELECTORS RESIDING IN EACH OF THE FOLLOWING, COUNTED
6 SEPARATELY:

7 (i) THE TERRITORY PROPOSED TO BE DETACHED FROM THE CITY.

8 (ii) THE REMAINING PORTION OF THE CITY.

9 (iii) THE TOWNSHIP TO WHICH THE TERRITORY WILL BE ATTACHED.

10 Enacting section 1. This amendatory act does not take
11 effect unless all of the following bills of the 91st Legislature
12 are enacted into law:

13 (a) House Bill No. 4720.

14 (b) House Bill No. 4721.

15 (c) House Bill No. 4723.

16 (d) House Bill No. 4724.

17 (e) House Bill No. 4725.