

HOUSE BILL No. 4722

May 3, 2001, Introduced by Reps. Jamnick, Tabor, Sanborn, Gilbert, Vander Roest, George, Raczkowski, Hager, Pappageorge, Jelinek, Drolet, Voorhees, Rivet, Stewart, Jansen and Lemmons and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending section 9 (MCL 117.9), as amended by 1984 PA 352.

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
10 each city, village, or township from which territory is to be
11 taken or to which territory is to be annexed. However, ~~when~~ IF

1 a territory is proposed to be incorporated as a city only the
2 residents of the territory to be incorporated shall vote on the
3 question of incorporation. ~~When~~ IF a petition signed ~~by the~~
4 ON BEHALF OF THIS state by the appropriate agency designated by
5 the state administrative board ~~which~~ THAT holds the record
6 legal title to the entire area of the land in the territory adja-
7 cent to the city to be annexed ~~—~~ is filed with the governing
8 body of the city and with the township board of the township in
9 which ~~such~~ THE territory is situated, ~~such~~ THE annexation may
10 be accomplished by the affirmative majority vote of the governing
11 body of ~~such~~ THE city and the approval of the township board of
12 ~~such~~ THE township.

13 (2) Except as provided in subsections (1) and ~~—(8)—~~ (7), a
14 petition or resolution for annexation of territory shall be filed
15 in the Lansing office of the state boundary commission. The com-
16 mission, after determining the validity of the petition or reso-
17 lution, shall hold a public hearing in or reasonably near the
18 area proposed for annexation. The commission in processing and
19 approving, denying, or revising a petition or resolution for
20 annexation shall have the same powers and duties and SHALL be in
21 accordance with and subject to the provisions of ~~Act No. 191 of~~
22 ~~the Public Acts of 1968, relating to petitions which propose~~
23 ~~incorporations~~ 1968 PA 191, MCL 123.1001 TO 123.1020.

24 (3) If an annexation is denied by the commission, the com-
25 mission shall send a certified copy of its order to the clerk of
26 each county, city, village, and township affected.

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

9 (4) ~~-(5)-~~ If an annexation is approved, ~~and if on the date~~
10 ~~the petition or resolution was filed more than 100 persons~~
11 ~~resided in the area approved for annexation,~~ the commission
12 shall send a certified copy of its order to the clerk of each
13 county, city, village, and township affected and to the secretary
14 of state. ~~The~~ SUBJECT TO SUBSECTION (8), THE commission's
15 order shall become final 30 days after the date of the order
16 unless within that 30 days a petition is filed with the commis-
17 sion ~~which~~ THAT contains the signatures of at least 25% of the
18 registered electors residing in the portion of the territory
19 approved for annexation, in the annexing city, or in the balance
20 of the township. ~~The commission after~~ AFTER verifying the
21 validity of any referendum petition, THE COMMISSION shall order
22 that a referendum on the question of annexation be held in each
23 area from which a valid petition was filed. If a valid petition
24 is not filed within the 30 days or if the majority of the elec-
25 torate voting on the question in each area in which a referendum
26 was held, voting separately, approve the annexation, SUBJECT TO
27 SUBSECTION (8), the annexation shall be effective on a date set

1 by order of the commission, otherwise the annexation shall not
2 take effect.

3 (5) ~~-(6)-~~ The commission shall reject a petition or resolu-
4 tion for annexation of territory ~~-which-~~ THAT includes all or any
5 part of the territory ~~-which-~~ THAT was described in any petition
6 or resolution for annexation filed within the preceding 2 years
7 and ~~-which-~~ THAT was denied by the commission or was defeated in
8 an election pursuant to subsection ~~-(5)-~~ (4) OR (8).

9 (6) ~~-(7)-~~ In addition to the methods for initiating annexa-
10 tion as provided in this act, a petition or resolution ~~-as~~
11 ~~follows-~~ may be submitted to the state boundary commission in a
12 form and manner prescribed by ~~-it-~~ THE STATE BOUNDARY COMMISSION
13 AS FOLLOWS:

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

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

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

26 (7) ~~-(8)-~~ ~~Where~~ IF the territory proposed to be annexed to
27 ~~-any-~~ A city is ~~-adjacent-~~ CONTIGUOUS to the city and consists of

1 a park or vacant property located in a township and IS owned by
2 the city annexing the ~~same~~ TERRITORY, and there is no one
3 residing ~~thereon, such~~ IN THAT TERRITORY, THAT territory may be
4 annexed to the city solely by resolution of the city council of
5 the city. ~~or in any case where~~ IF the territory proposed to be
6 annexed is ~~adjacent~~ CONTIGUOUS to ~~the~~ A city and consists of
7 property owned by the city or consists of fractional parts of
8 platted subdivision lots, located in an adjoining city, village,
9 or township, ~~such~~ THE annexation may ~~also~~ be accomplished by
10 the affirmative majority vote of the legislative body of ~~such~~
11 THE city and the approval of the legislative body of ~~such~~ THE
12 adjoining city, village, or township. As an alternate method,
13 ~~where~~ IF there are no qualified electors residing in the terri-
14 tory proposed to be annexed to the city ~~—~~, other than the person
15 or persons petitioning, a petition signed by a person or persons,
16 firms, corporations, the United States government, or ~~the~~ THIS
17 state or any ~~of its subdivisions~~ POLITICAL SUBDIVISION OF THIS
18 STATE who collectively hold the equitable title as a vendee under
19 a recorded land contract or memorandum of land contract ~~—~~, or
20 record legal title AS RECORDED FEE OWNER to more than 1/2 of the
21 area of the land in the territory to be annexed is filed with the
22 city council of the city and with the township board of the town-
23 ship in which ~~such~~ THAT territory is situated, ~~such~~ THE
24 annexation may be accomplished by the affirmative majority vote
25 of the city council of ~~such~~ THE city and the approval of the
26 township board of ~~such~~ THE township. At least 10 days prior to
27 the approval by the township board, the township treasurer shall

1 notify, personally or by registered mail with return receipt
2 ~~demanded~~ REQUESTED, the owners of all real property in the ter-
3 ritory to be annexed as shown on the assessment rolls of the
4 township at the last known address on file with the township
5 treasurer. ~~This section shall not be construed so as to give~~
6 ~~any city the authority to~~

7 (8) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, A CITY
8 SHALL NOT proceed ~~hereunder~~ UNDER THIS SECTION to attach terri-
9 tory from any other city OR A VILLAGE, TOWNSHIP, OR CHARTER
10 TOWNSHIP unless the question ~~relative thereto~~ OF THE ANNEXATION
11 has been voted upon by the voters ~~of the entire cities affected,~~
12 ~~except as hereinbefore specifically provided, where the territory~~
13 ~~proposed to be annexed is adjacent to a city and consists of~~
14 ~~property owned by the city or consists of fractional parts of~~
15 ~~platted subdivision lots, located in an adjoining city~~ IN THE
16 TERRITORY PROPOSED FOR ANNEXATION, IF ANY, AND IN THE BALANCE OF
17 EACH CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP AFFECTED BY THE
18 ANNEXATION VOTING INDEPENDENTLY. IF A VOTE IS REQUIRED UNDER
19 THIS SUBSECTION, THE ANNEXATION SHALL BE CONSIDERED DEFEATED IF A
20 MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE ANNEXING
21 CITY, THE TERRITORY PROPOSED FOR ANNEXATION, OR IN THE BALANCE OF
22 THE CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP WITHIN WHICH THE
23 TERRITORY PROPOSED FOR ANNEXATION IS LOCATED VOTE AGAINST THE
24 ANNEXATION. OTHERWISE, THE ANNEXATION SHALL BE CONSIDERED
25 APPROVED AND EFFECTIVE ON THE DATE SET BY THE STATE BOUNDARY
26 COMMISSION.

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

9 (10) The provisions of sections 8 and 8a ~~shall~~ ARE not
10 ~~be~~ applicable to petitions or resolutions filed with the state
11 boundary commission.

12 (11) ~~After March 31, 1971, and so long as Act No. 191 of~~
13 ~~the Public Acts of 1968 is in effect, annexation of territory~~
14 ~~from a township or village to a home rule city shall be as pro-~~
15 ~~vided in this section and no other means of annexation shall be~~
16 ~~effective.~~ BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
17 THAT ADDED THIS SUBSECTION AND IF 1968 PA 191, MCL 123.1001 TO
18 123.1020, IS IN EFFECT, ANNEXATION OF TERRITORY FROM A CITY,
19 TOWNSHIP, CHARTER TOWNSHIP, OR VILLAGE TO A HOME RULE CITY SHALL
20 BE AS PROVIDED IN THIS SECTION EXCEPT AS OTHERWISE PROVIDED IN
21 THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO 42.34, AND IN
22 1984 PA 425, MCL 124.21 TO 124.30.