

HOUSE BILL No. 4004

January 15, 2015, Introduced by Rep. Heise and referred to the Committee on Local Government.

A bill to amend 1947 PA 359, entitled
"The charter township act,"
by amending section 34 (MCL 42.34), as amended by 2003 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) A charter township existing on June 15, 1978, or
2 a township incorporated after June 15, 1978 as a charter township
3 that complies with the following standards, is exempt from
4 annexation to any contiguous city or village except as provided in
5 subsections (2) to (8):

6 (a) Has a state equalized valuation of not less than
7 \$25,000,000.00.

8 (b) Has a minimum population density of 150 persons per square

1 mile to be determined by the secretary of state by dividing the
2 most recent regular or special census of population by the number
3 of square miles then under the jurisdiction of the charter township
4 not to include the population or territory within the jurisdiction
5 of an incorporated village.

6 (c) Provides fire protection service by contract or otherwise.

7 (d) Is governed by a comprehensive zoning ordinance or master
8 plan.

9 (e) Provides solid waste disposal services to township
10 residents, within or without the township, by contract, license, or
11 municipal ownership.

12 (f) Provides water or sewer services, or both, by contract or
13 otherwise.

14 (g) Provides police protection through contract with the
15 sheriff in addition to normal sheriff patrol, through an
16 intergovernmental contract, or through its own police department.

17 (2) Notwithstanding subsection (1), the state boundary
18 commission may, under procedures initiated and conducted under
19 section 9 of the home rule city act, 1909 PA 279, MCL 117.9, order
20 a portion or portions of a charter township to be annexed as
21 necessary to eliminate free standing islands of the township
22 completely surrounded by an annexing city, or to straighten or
23 align the exterior boundaries of the city or village in a manner
24 that the charter township and city or village contain uniform
25 straight boundaries wherever possible.

26 (3) Notwithstanding subsection (1), a portion of a charter
27 township, which charter township is contiguous on all sides with a

1 city or village, may be annexed by that city or village with the
2 approval of a majority of the electors in that portion of a charter
3 township.

4 (4) Notwithstanding subsection (1), if a qualified elector
5 does not reside in the territory proposed to be annexed that is
6 contiguous to the city or village, other than the 1 or more persons
7 petitioning, or if a petition signed by 1 or more persons, firms,
8 corporations, the United States government, or the state or any of
9 its subdivisions that collectively hold the equitable title as
10 vendee under a recorded land contract or memorandum of land
11 contract, or recorded legal title to more than 1/2 of the area of
12 the land in the territory to be annexed is filed with the city or
13 village and with the township board of the charter township in
14 which the territory is situated, the annexation may be accomplished
15 by the affirmative majority vote of the city council or village
16 board of the city or village and the approval of the charter
17 township board of the township.

18 (5) Notwithstanding subsections (1) and (3), a portion of a
19 charter township contiguous to a city or village may be annexed to
20 that city or village upon ~~the~~ **ALL OF THE FOLLOWING OCCURRING:**

21 (A) **THE** filing of a petition with the county clerk which
22 petition is signed by 20% of the registered electors in the area to
23 be annexed. ~~and~~

24 (B) **THE GOVERNING BODY OF THE CHARTER TOWNSHIP, BY RESOLUTION,**
25 **APPROVES HAVING THE QUESTION OF ANNEXING A PORTION OF THE CHARTER**
26 **TOWNSHIP BEING PLACED ON THE BALLOT FOR VOTER APPROVAL.**

27 (C) **THE** approval by a majority of the qualified and registered

1 electors voting on the question in the city or village to which the
2 portion is to be annexed, and the portion of the township which is
3 to be annexed, with the vote in each unit to be counted separately.

4 (6) If a petition is filed as provided in subsection (5), the
5 county clerk, after determining the validity of the petition **AND IF**
6 **THE GOVERNING BODY OF THE CHARTER TOWNSHIP, BY RESOLUTION, APPROVES**
7 **HAVING THE QUESTION OF ANNEXING A PORTION OF THE CHARTER TOWNSHIP**
8 **BEING PLACED ON THE BALLOT FOR VOTER APPROVAL,** shall order a
9 referendum on the question of annexation. This referendum shall
10 occur within 1 year after the validation of the petitions. The
11 referendum shall be held at the first primary or general election
12 held in that county not less than 60 days after the ~~validation of~~
13 ~~the petition,~~ **GOVERNING BODY OF THE CHARTER TOWNSHIP, BY**
14 **RESOLUTION, APPROVES HAVING THE QUESTION OF ANNEXING A PORTION OF**
15 **THE CHARTER TOWNSHIP BEING PLACED ON THE BALLOT FOR VOTER APPROVAL,**
16 or in compliance with the Michigan election law, 1954 PA 116, MCL
17 168.1 to 168.992.

18 (7) A village having a population of 4,200 or more shall not
19 be annexed to a contiguous unit of government unless a majority of
20 the qualified and registered electors residing within the village
21 vote in favor of the annexation at an election held under the
22 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

23 (8) The common boundary of a charter township and a city or
24 village may be adjusted by resolution approved by a majority of
25 each of the respective governing bodies after the governing bodies
26 give 90 days' notice to property owners in the area proposed for
27 the boundary adjustment, and the governing bodies conduct a public

1 hearing on the proposed boundary adjustment.