

HOUSE BILL No. 5424

March 3, 2016, Introduced by Rep. Heise and referred to the Committee on Local Government.

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending sections 6 and 9b (MCL 117.6 and 117.9b), section 6 as
amended by 1984 PA 352 and section 9b as added by 1982 PA 465.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) Cities may be incorporated or, **EXCEPT AS OTHERWISE**
2 **PROVIDED IN THIS SECTION**, territory detached therefrom, or added
3 thereto, or consolidation made of 2 or more cities or villages into
4 1 city, or of a city and 1 or more villages into 1 city, or of 1 or
5 more cities or villages together with additional territory not
6 included within any incorporated city or village into 1 city, by
7 proceedings originating by petition ~~therefor~~—signed by qualified
8 electors who are freeholders residing within the cities, villages,
9 or townships to be affected thereby, to a number not less than 1%

1 of the population of the territory affected thereby according to
2 the last preceding United States census, or according to a census
3 to be taken as ~~hereinafter~~ provided **IN THIS SECTION**, which number
4 shall **NOT** be ~~in no case~~ less than 100, and not less than 10 of the
5 signatures to ~~such~~ **THE** petition shall be obtained from each city,
6 village, or township to be affected by the proposed change. ÷
7 ~~Provided, That in~~ **EXCEPT AS PROVIDED IN SUBSECTIONS (2) TO (4),**
8 **TERRITORY MAY NOT BE DETACHED FROM A CITY OR VILLAGE TO A CHARTER**
9 **TOWNSHIP THAT MEETS ALL OF THE REQUIREMENTS UNDER SECTION 34(1) (A)**
10 **THROUGH (G) OF THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.34.**
11 **THE PROVISIONS OF THE PREVIOUS SENTENCE DO NOT PREVENT THE**
12 **CONSOLIDATION OF 2 OR MORE MUNICIPALITIES AS PROVIDED UNDER THIS**
13 **ACT. IN** the incorporation of a city from an existing village
14 without change of boundaries, the requisite number of signatures
15 may be obtained from throughout the village without regard to the
16 townships in which the signers are residents. ÷ ~~Provided further,~~
17 ~~That as~~ **AS** an alternate method in the case of an annexation
18 proceeding in which there are less than 10 persons qualified to
19 sign the petition living in that unincorporated territory of any
20 township or townships proposed to be annexed to a city, ~~that~~ the
21 signatures on the petition of persons, firms, corporations, the
22 United States government, or the state or any of its subdivisions
23 who collectively hold equitable title as vendees under a recorded
24 land contract or memorandum of land contract, or record legal title
25 to more than 1/2 of the area of the land exclusive of streets, in
26 the territory to be annexed at the time of filing the petition,
27 will suffice ~~in lieu~~ **INSTEAD** of obtaining 10 signatures from the

1 township in which ~~such~~ **THE** area to be annexed lies. ~~And provided~~
 2 ~~further, That on such~~ **ON THE** petition each signature shall be
 3 followed by a description of the land and the area represented
 4 thereby and a sworn statement shall also accompany ~~such~~ **THE**
 5 petition giving the total area of the land, exclusive of streets,
 6 lying within the area proposed to be annexed. ~~And provided further,~~
 7 ~~That before~~ **BEFORE** any signatures are obtained on a petition as
 8 ~~hereinbefore provided, such~~ **PROVIDED IN THIS SECTION, THE** petition
 9 shall have attached to it a map or drawing showing clearly the
 10 territory proposed to be incorporated, detached, or added, and each
 11 prospective signer shall be shown ~~such~~ **THE** map or drawing before
 12 signing the petition. ~~Such~~ **THE** petition shall be verified by the
 13 oath of 1 or more petitioners. The county clerk, upon the
 14 presentment of a petition for incorporation of a new city for
 15 filing, shall forthwith estimate all necessary expense that may be
 16 incurred by the county in the incorporation proceedings, and the
 17 clerk thereupon shall require that the sum so estimated, which ~~in~~
 18 ~~no case shall~~ **NOT** exceed \$500.00, be deposited with the clerk and
 19 shall refuse to accept the petition for filing until the sum is ~~so~~
 20 deposited. ~~And provided, That in~~ **IN** proceedings for the incorporation
 21 of a new city or the consolidation of 2 or more cities or villages
 22 into 1 city, or of a city and 1 or more villages into 1 city or of
 23 1 or more cities or villages together with additional territory not
 24 included within any incorporated city or village into 1 city, a
 25 petition signed by not less than 100 qualified electors who are
 26 freeholders residing within the territory ~~so~~ proposed to be
 27 incorporated or consolidated, praying for the taking of a census of

1 the inhabitants of the territory affected thereby, may be filed
2 with the county clerk of the county within which ~~said~~**THE** territory
3 is located. The county clerk shall, within 5 days after the filing
4 of ~~such~~**THE** petition, certify to the mayor of each city, president
5 of each village, and supervisor of each township affected thereby,
6 and to the secretary of state that ~~such~~**THE** petition has ~~so~~ been
7 filed. Within 5 days after the service of ~~such~~**THE** certificate, the
8 secretary of state shall appoint an enumerator or enumerators to
9 enumerate the inhabitants of each ~~such~~ city, village, and the
10 portion of each township proposed to be so incorporated, or a
11 consolidation made thereof. Before entering upon the duties of ~~said~~
12 **THE** office, each ~~such~~ enumerator shall take and subscribe to the
13 constitutional oath of office before some officer authorized to
14 administer oaths and file the same with the secretary of state and
15 with the county clerk of the county in which ~~such~~**THE** territory is
16 located. It ~~shall be~~**IS** the duty of each enumerator ~~so~~ appointed to
17 enumerate all of the bona fide inhabitants of ~~such~~**THE** city,
18 village, or township, territory or portion thereof assigned to the
19 enumerator by the secretary of state and to visit each house or
20 dwelling and to obtain the names of each known resident thereof.
21 The city, village, or township within which the services of the
22 enumerator are rendered shall pay for ~~such~~**THE** services together
23 with any actual and necessary expenses incurred by the enumerator.
24 The rate of pay and actual and necessary expenses of the enumerator
25 shall be set by the governing body of the city, village, or
26 township in which the census takes place. Upon completing ~~such~~**THE**
27 enumeration, it ~~shall be~~**IS** the duty of the persons ~~so~~ appointed to

1 make a return in duplicate of ~~such~~**THE** enumeration showing the
2 names of the inhabitants of each such city, village, or township,
3 territory or district to the county clerk and to the secretary of
4 state. ~~No such~~**AN** enumeration or census shall **NOT** be conducted in
5 any city, village, or township, or portion thereof, within 2 years
6 of the date of the last enumeration in ~~such~~**THE** territory. Every
7 ~~such~~ enumeration shall be conducted under the general supervision
8 and control of the secretary of state who is ~~hereby~~ empowered to
9 make rules and regulations for the purpose of carrying out the
10 provisions of this act.

11 (2) NOTWITHSTANDING SUBSECTION (1), TERRITORY MAY BE DETACHED
12 FROM A CITY OR VILLAGE TO A CHARTER TOWNSHIP THAT MEETS ALL OF THE
13 REQUIREMENTS UNDER SECTION 34(1)(A) THROUGH (G) OF THE CHARTER
14 TOWNSHIP ACT, 1947 PA 359, MCL 42.34, UPON BOTH OF THE FOLLOWING
15 OCCURRING:

16 (A) THE FILING OF A PETITION WITH THE COUNTY CLERK, WHICH
17 PETITION IS SIGNED BY 20% OF THE REGISTERED ELECTORS FROM THE AREA
18 TO BE DETACHED.

19 (B) THE GOVERNING BODY OF THE CITY OR VILLAGE, BY RESOLUTION,
20 AND THE GOVERNING BODY OF THE CHARTER TOWNSHIP, BY RESOLUTION,
21 APPROVE THE PROPOSED DETACHMENT.

22 (3) NOTWITHSTANDING SUBSECTIONS (1) AND (2), TERRITORY MAY BE
23 DETACHED FROM A CITY OR VILLAGE TO A CHARTER TOWNSHIP THAT MEETS
24 ALL OF THE REQUIREMENTS UNDER SECTION 34(1)(A) THROUGH (G) OF THE
25 CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.34, UPON ALL OF THE
26 FOLLOWING OCCURRING:

27 (A) THE FILING OF A PETITION WITH THE COUNTY CLERK, WHICH

1 PETITION IS SIGNED BY 20% OF THE REGISTERED ELECTORS FROM THE AREA
2 TO BE DETACHED.

3 (B) THE GOVERNING BODY OF THE CITY OR VILLAGE, BY RESOLUTION,
4 DOES NOT APPROVE THE PROPOSED DETACHMENT.

5 (C) THE APPROVAL BY A MAJORITY OF THE QUALIFIED AND REGISTERED
6 ELECTORS VOTING ON THE QUESTION IN THE ENTIRE CITY OR VILLAGE FROM
7 WHICH THE PORTION IS TO BE DETACHED, AND THE APPROVAL BY A MAJORITY
8 OF THE QUALIFIED AND REGISTERED ELECTORS VOTING ON THE QUESTION IN
9 THE ENTIRE CHARTER TOWNSHIP, WITH THE VOTE IN EACH UNIT TO BE
10 COUNTED SEPARATELY.

11 (4) IF A PETITION IS FILED AS PROVIDED IN SUBSECTION (3) AND
12 THE GOVERNING BODY OF THE CITY OR VILLAGE DOES NOT APPROVE THE
13 PROPOSED DETACHMENT, THE COUNTY CLERK, AFTER DETERMINING THE
14 VALIDITY OF THE PETITION, SHALL ORDER A REFERENDUM ON THE QUESTION
15 OF DETACHMENT. THIS REFERENDUM SHALL OCCUR WITHIN 1 YEAR AFTER THE
16 VALIDATION OF THE PETITIONS. THE REFERENDUM SHALL BE HELD AT THE
17 FIRST PRIMARY OR GENERAL ELECTION HELD IN THAT COUNTY NOT LESS THAN
18 60 DAYS AFTER THE VALIDATION OF THE PETITION, OR IN COMPLIANCE WITH
19 THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992.

20 Sec. 9b. (1) In addition to the detachment procedures
21 otherwise authorized by this act, **AND EXCEPT AS PROVIDED IN SECTION**
22 **6**, territory may be detached from a city if all of the following
23 conditions are met:

24 (a) The territory to be detached was annexed to the city after
25 the city was incorporated.

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

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

3 (d) The council of the city from which the territory is being
4 detached approves a resolution authorizing the detachment of the
5 territory and confirming an agreement relating to the detachment.

6 (e) The legislative body of the municipality from which the
7 territory to be detached was annexed approves a resolution
8 authorizing detachment of the territory and confirming an agreement
9 related to the detachment.

10 (2) The city and municipality involved in a detachment under
11 this section may enter into an intergovernmental agreement which
12 imposes conditions on the detachment. The conditions may include,
13 but need not be limited to, building restrictions and zoning within
14 the territory to be detached.

15 (3) Territory detached under this section is immediately
16 reannexed to the detaching city if any of the following occurs:

17 (a) The city can and agrees to provide water and sewer
18 services, the city certifies these facts to the state boundary
19 commission, and the state boundary commission finds that the city
20 can provide water and sewer services to this territory.

21 (b) The municipality to which the territory was reattached
22 fails to comply with the intergovernmental agreement, the city
23 certifies that fact to the state boundary commission, and the state
24 boundary commission finds that the municipality is not in
25 compliance.

26 (4) Reannexation pursuant to subsection (3) shall not be
27 subject to the annexation requirements and restrictions of this

1 act, ~~; Act No. 191 of the Public Acts of 1968, being sections~~
2 ~~123.1001 to 123.1020 of the Michigan Compiled Laws; or Act No. 359~~
3 ~~of the Public Acts of 1947, being sections 42.1 to 42.34 of the~~
4 ~~Michigan Compiled Laws.~~ **1968 PA 191, MCL 123.1001 TO 123.1020, OR**
5 **THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO 42.34.**

6 (5) All or part of territory detached under this section shall
7 not be subject to annexation.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.

10 Enacting section 2. This amendatory act does not take effect
11 unless House Bill No. 4004 of the 98th Legislature is enacted into
12 law.