

HOUSE BILL No. 6187

September 24, 1998, Introduced by Rep. Gagliardi and referred to the Committee on Local Government.

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 the provi-
2 sions of this act and ~~Act No. 191 of the Public Acts of 1968,~~
3 ~~being sections 123.1001 to 123.1020 of the Michigan Compiled~~
4 ~~Laws~~ 1968 PA 191, MCL 123.1001 TO 123.1020, regarding an incor-
5 poration or consolidation, the provisions of ~~Act No. 191 of the~~
6 ~~Public Acts of 1968~~ 1968 PA 191, MCL 123.1001 TO 123.1020, shall
7 govern. The district to be affected by ~~every such~~ A proposed
8 incorporation, consolidation, or change of boundaries shall be
9 deemed to include the whole of each city, village, or township
10 from which territory is to be taken or to which territory is to
11 be annexed. However, ~~when~~ IF a territory is proposed to be

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

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

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

26 ~~(4) If an annexation is approved, and if on the date the~~
27 ~~petition or resolution was filed 100 persons or less resided in~~

~~1 the area approved for annexation, the commission's order shall~~
~~2 not be subject to a referendum. The commission shall send a cer-~~
~~3 tified copy of its order to the clerk of each county, city, vil-~~
~~4 lage, and township affected and to the secretary of state. The~~
~~5 annexation shall be effective on a date set forth in the~~
~~6 commission's order.~~

7 (4) ~~-(5)-~~ If an annexation is approved, ~~and if on the date~~
8 ~~the petition or resolution was filed more than 100 persons~~
9 ~~resided in the area approved for annexation,~~ the commission
10 shall send a certified copy of its order to the clerk of each
11 county, city, village, and township affected and to the secretary
12 of state. The commission's order shall become final 30 days
13 after the date of the order unless within that 30 days a petition
14 is filed with the commission ~~which~~ THAT contains the signatures
15 of at least 25% of the registered electors residing in the por-
16 tion of the territory approved for annexation, in the annexing
17 city, or in the balance of the township. ~~The commission after~~
18 AFTER verifying the validity of any referendum petition, THE
19 COMMISSION shall order that a referendum on the question of
20 annexation be held in each area from which a valid petition was
21 filed. If a valid petition is not filed within the 30 days or if
22 the majority of the electorate voting on the question in each
23 area in which a referendum was held, voting separately, approve
24 the annexation, the annexation shall be effective on a date set
25 by order of the commission, otherwise the annexation shall not
26 take effect.

1 (5) ~~—(6)—~~ The commission shall reject a petition or
2 resolution for annexation of territory ~~—which—~~ THAT includes all
3 or any part of the territory ~~—which—~~ THAT was described in any
4 petition or resolution for annexation filed within the preceding
5 2 years and ~~—which—~~ THAT was denied by the commission or was
6 defeated in an election pursuant to subsection ~~—(5)—~~ (4).

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

12 (a) By resolution of the legislative body of the city,
13 CHARTER TOWNSHIP, OR TOWNSHIP to which the area is proposed to be
14 annexed.

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

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

25 (7) ~~—(8)—where—~~ IF the territory proposed to be annexed to
26 ~~—any—~~ A city is adjacent to the city and consists of a park or
27 vacant property located in a township and IS owned by the city

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

1 property in the territory to be annexed as shown on the
2 assessment rolls of the township at the last known address on
3 file with the township treasurer. ~~This~~ NEITHER THIS section
4 NOR 1968 PA 191, MCL 123.1001 TO 123.1020, shall ~~not~~ be con-
5 strued ~~so as~~ to give any city, VILLAGE, TOWNSHIP, OR CHARTER
6 TOWNSHIP the authority to proceed ~~hereunder~~ UNDER THIS SECTION
7 to attach territory from any other city, VILLAGE, TOWNSHIP, OR
8 CHARTER TOWNSHIP THAT HAS A POPULATION OF 3,000 OR MORE AS SHOWN
9 BY THE LAST FEDERAL DECENNIAL CENSUS OR ANY SPECIAL FEDERAL OR
10 STATE CENSUS HELD AFTER THE LAST FEDERAL DECENNIAL CENSUS OR HAS
11 A STATE EQUALIZED VALUATION OF \$25,000,000.00 OR MORE unless the
12 question ~~relative thereto~~ OF THE ANNEXATION has been voted upon
13 by the voters ~~of the entire cities affected~~ IN THE TERRITORY
14 PROPOSED FOR ANNEXATION, IF ANY, AND THE BALANCE OF EACH CITY,
15 VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP AFFECTED BY THE ANNEXATION
16 VOTING INDEPENDENTLY, except as ~~hereinbefore~~ specifically pro-
17 vided IN THIS SECTION, where the territory proposed to be annexed
18 is adjacent to a city, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP and
19 consists of property owned by the city, VILLAGE, TOWNSHIP, OR
20 CHARTER TOWNSHIP or consists of fractional parts of platted sub-
21 division lots, located in an adjoining city, VILLAGE, TOWNSHIP,
22 OR CHARTER TOWNSHIP. IF A VOTE IS REQUIRED, THE ANNEXATION SHALL
23 BE CONSIDERED DEFEATED IF A MAJORITY OF THE ELECTORS VOTING ON
24 THE ISSUE IN EITHER THE ANNEXING CITY, VILLAGE, TOWNSHIP OR
25 CHARTER TOWNSHIP IN THE TERRITORY PROPOSED FOR ANNEXATION OR IN
26 THE BALANCE OF THE CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP
27 WITHIN WHICH THE TERRITORY IS LOCATED VOTE AGAINST THE

1 ANNEXATION. OTHERWISE, THE ANNEXATION SHALL BE CONSIDERED
2 APPROVED AND EFFECTIVE ON THE DATE SET BY THE STATE BOUNDARY
3 COMMISSION.

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

12 (9) ~~(10)~~ The provisions of sections 8 and 8a ~~shall~~ ARE
13 not ~~be~~ applicable to petitions or resolutions filed with the
14 state boundary commission.

15 (10) ~~(11) After March 31, 1971, and so long as Act No. 191~~
16 ~~of the Public Acts of 1968~~ BEGINNING ON THE EFFECTIVE DATE OF
17 THE 1998 AMENDATORY ACT THAT AMENDED THIS SECTION AND IF 1968
18 PA 191, MCL 123.1001 TO 123.1020, is in effect, annexation of
19 territory from a township, ~~or~~ village, OR CITY to a home rule
20 city shall be as provided in this section and no other means of
21 annexation shall be effective.