

SENATE BILL NO. 789

October 6, 1999, Introduced by Senator MC COTTER and referred to the Committee on Local, Urban and State Affairs.

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~~ territory MAY
2 BE detached ~~therefrom or~~ FROM A CITY SUBJECT TO THE CONDITIONS
3 SET FORTH IN SECTION 9B, TERRITORY MAY BE added ~~thereto~~ TO A
4 CITY, or consolidation made of 2 or more cities or villages into
5 1 city, or of a city and 1 or more villages into 1 city, or of 1
6 or more cities or villages together with additional territory not
7 included within any incorporated city or village into 1 city, by
8 proceedings originating by petition. ~~therefor~~ EXCEPT AS
9 OTHERWISE PROVIDED IN THIS SECTION, THE PETITION SHALL BE signed

1 by THE NUMBER of qualified electors who are freeholders residing
 2 within the cities, villages, or townships to be affected,
 3 ~~thereby, to a number~~ REPRESENTING not less than 1% of the popu-
 4 lation of the territory affected ~~thereby~~ according to the last
 5 preceding United States census, or according to a census to be
 6 taken as ~~hereinafter~~ provided IN THIS SECTION, which ~~number~~
 7 QUALIFIED ELECTORS shall be in no case less than 100, and not
 8 less than 10 of the signatures to ~~such~~ THE petition shall be
 9 obtained from each city, village, or township to be affected by
 10 the proposed change. ~~∴ Provided, That in~~

11 (2) IN the incorporation of a city from an existing village
 12 without change of boundaries, the requisite number of signatures
 13 may be obtained from throughout the village without regard to the
 14 townships in which the signers are residents. ~~∴ Provided fur-~~
 15 ~~ther, That as an alternate method in~~

16 (3) IN the case of an annexation proceeding in which there
 17 are less than 10 persons qualified to sign the petition living in
 18 ~~that~~ AN unincorporated territory of any township or townships
 19 proposed to be annexed to a city, ~~that~~ the signatures on the
 20 petition of persons, firms, corporations, the United States gov-
 21 ernment, or the state or any of its subdivisions who collectively
 22 hold equitable title as vendees under a recorded land contract or
 23 memorandum of land contract, or record legal title to more than
 24 1/2 of the area of the land exclusive of streets, in the terri-
 25 tory to be annexed at the time of filing the petition, will suf-
 26 fice in lieu of obtaining 10 signatures from the township in
 27 which ~~such~~ THE area to be annexed lies. ~~∴ And provided~~

1 ~~further, That on such~~ ON THAT petition each signature shall be
 2 followed by a description of the land and the area represented
 3 ~~thereby~~ and a sworn statement shall also accompany ~~such~~ THE
 4 petition giving the total area of the land, exclusive of streets,
 5 lying within the area proposed to be annexed. ~~∴ Provided fur-~~
 6 ~~ther, That before~~

7 (4) BEFORE any signatures are obtained on a petition as
 8 ~~hereinbefore~~ provided IN THIS SECTION, ~~such~~ 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
 11 each prospective signer shall be shown ~~such~~ THE map or drawing
 12 before signing the petition. ~~Such~~

13 (5) A petition shall be verified by the oath of 1 or more
 14 petitioners.

15 (6) The county clerk upon the presentment of a petition for
 16 incorporation of a new city for filing shall ~~forthwith~~ estimate
 17 all necessary expense that may be incurred by the county in the
 18 incorporation proceedings, and the clerk ~~thereupon~~ shall
 19 require that ~~the sum so estimated~~ AMOUNT, which in no case
 20 shall exceed \$500.00, be deposited with the clerk and shall
 21 refuse to accept the petition for filing until ~~the sum is so~~
 22 THAT AMOUNT IS deposited. ~~∴ Provided, That in~~

23 (7) IN proceedings for the incorporation of a new city or
 24 the consolidation of 2 or more cities or villages into 1 city, or
 25 of a city and 1 or more villages into 1 city or of 1 or more
 26 cities or villages together with additional territory not
 27 included within any incorporated city or village into 1 city, a

1 petition signed by not less than 100 qualified electors who are
2 freeholders residing within the territory ~~so~~ proposed to be
3 incorporated or consolidated, ~~praying for the taking of~~
4 REQUESTING a census of the inhabitants of the territory affected,
5 ~~thereby,~~ may be filed with the county clerk of the county
6 within which ~~said~~ THE territory is located. The county clerk
7 shall, within 5 days after the filing of ~~such~~ THAT petition,
8 certify to the mayor of each city, president of each village, and
9 supervisor of each township affected, ~~thereby,~~ and to the sec-
10 retary of state that ~~such~~ THE petition has ~~so~~ been filed.
11 Within 5 days after the service of ~~such~~ THE certificate, the
12 secretary of state shall appoint an enumerator or enumerators to
13 enumerate the inhabitants of each ~~such~~ city, village, and the
14 portion of each township proposed to be ~~so~~ incorporated, or ~~a~~
15 ~~consolidation made thereof~~ CONSOLIDATED. Before entering upon
16 the duties of ~~said~~ office, each ~~such~~ enumerator shall take
17 and subscribe to the constitutional oath of office before ~~some~~
18 AN officer authorized to administer oaths and file ~~the same~~ HIS
19 OR HER OATH with the secretary of state and with the county clerk
20 of the county in which ~~such~~ THE territory is located. ~~It~~
21 ~~shall be the duty of each~~ EACH enumerator ~~so~~ appointed ~~to~~
22 SHALL enumerate all of the bona fide inhabitants of ~~such~~ THE
23 city, village, or township, territory or portion ~~thereof~~ OF
24 TERRITORY assigned to the enumerator by the secretary of state
25 and to visit each house or dwelling and to obtain the names of
26 each known resident. ~~thereof.~~ The city, village, or township
27 within which the services of the enumerator are rendered shall

1 pay for ~~such~~ THOSE services, together with any actual and
2 necessary expenses incurred by the enumerator. The rate of pay
3 and actual and necessary expenses of the enumerator shall be set
4 by the governing body of the city, village, or township in which
5 the census takes place. Upon completing ~~such~~ THE enumeration,
6 ~~it shall be the duty of the persons so appointed to~~
7 ENUMERATORS SHALL make a return in duplicate of ~~such~~ THE enu-
8 meration showing the names of the inhabitants of each ~~such~~
9 city, village, or township, territory, or district to the county
10 clerk and to the secretary of state. No ~~such~~ enumeration or
11 census shall be conducted in any city, village, or township, or
12 portion ~~thereof,~~ OF A CITY, VILLAGE, OR TOWNSHIP, within 2
13 years of the date of the last enumeration in ~~such~~ THAT
14 territory. Every ~~such~~ enumeration shall be conducted under the
15 general supervision and control of the secretary of state who ~~is~~
16 ~~hereby empowered to~~ MAY make rules and regulations for the pur-
17 pose of carrying out ~~the provisions of~~ this act.

18 Sec. 9b. (1) ~~In addition to the detachment procedures oth-~~
19 ~~erwise authorized by this act, territory~~ TERRITORY may be
20 detached from a city ONLY if all of the following conditions are
21 met:

22 (a) The territory to be detached was annexed to the city
23 after the city was incorporated.

24 (B) THE TERRITORY TO BE DETACHED WAS ANNEXED TO THE CITY NOT
25 LESS THAN 5 YEARS PRIOR TO THE DATE THE TERRITORY IS TO BE
26 DETACHED.

1 (C) THE CITY HAS NOT PROVIDED INFRASTRUCTURE IMPROVEMENTS IN
2 THE TERRITORY TO BE DETACHED.

3 (D) ~~(b)~~ The territory to be detached is to be reattached
4 to the municipality from which that territory was annexed.

5 (E) ~~(c)~~ The city does not provide water ~~or~~ SERVICE,
6 sewer service, OR OTHER UTILITIES in the territory to be
7 detached.

8 (F) THE DETACHMENT IS APPROVED BY A MAJORITY VOTE OF THE
9 QUALIFIED ELECTORS RESIDING IN THE TERRITORY PROPOSED TO BE
10 DETACHED AND BY A MAJORITY VOTE OF THE QUALIFIED ELECTORS RESID-
11 ING IN THE REMAINING PORTION OF THE CITY COUNTED SEPARATELY.

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

16 (H) ~~(e)~~ The legislative body of the municipality from
17 which the territory to be detached was annexed approves a resolu-
18 tion authorizing detachment of the territory and confirming an
19 agreement related to the detachment.

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

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

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 ~~shall not be subject to annexation.~~