

HOUSE BILL No. 4720

May 3, 2001, Introduced by Reps. Gilbert, Sanborn, Jamnick, Tabor, DeVuyst, Middaugh, 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 1895 PA 3, entitled
"The general law village act,"
by amending section 6 of chapter XIV (MCL 74.6) and by adding
section 6b to chapter XIV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIV

Sec. 6. (1) ~~Whenever the council of any village shall~~
~~determine~~ IF THE COUNCIL DETERMINES by resolution to alter the
boundaries of ~~such~~ THE village, either by ~~taking in lands and~~
~~premises~~ ANNEXING TERRITORY adjoining ~~thereto~~ THE VILLAGE or
by ~~taking out any lands and premises~~ DETACHING TERRITORY
included in ~~such~~ THE village, or both, ~~they~~ THE COUNCIL shall
petition the COUNTY board of ~~supervisors~~ COMMISSIONERS of the
county in which ~~such lands and premises affected thereby are~~
THE TERRITORY IS situated to make ~~such~~ THAT change. ~~Such~~ THE

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1 PETITION SHALL BE SIGNED BY THE PRESIDENT AND CLERK OF THE
2 VILLAGE. THE petition shall ~~contain a~~ INCLUDE ALL OF THE
3 FOLLOWING:

4 (A) A description by metes and bounds of the ~~lands and~~
5 ~~premises~~ TERRITORY proposed to be ~~added to or taken out of such~~
6 ~~village, and shall set forth the~~ ANNEXED OR DETACHED.

7 (B) THE reasons for the proposed BOUNDARY change. ~~,and~~
8 ~~shall contain a~~

9 (C) A copy of the resolution of the council in relation
10 ~~thereto, and shall be signed by the president and clerk of such~~
11 ~~village~~ TO THE BOUNDARY CHANGE.

12 (2) Before ~~such~~ THE petition ~~shall be~~ IS presented to
13 the board of ~~supervisors notice shall be given by the clerk~~
14 COMMISSIONERS, THE VILLAGE CLERK SHALL GIVE NOTICE of the time
15 and place when the ~~same~~ PETITION will be presented for consid-
16 eration, by ~~publishing the same~~ PUBLICATION in a newspaper
17 ~~published in such village for at least 3~~ OF GENERAL CIRCULATION
18 IN THE VILLAGE NOT LESS THAN ONCE EACH WEEK FOR 3 CONSECUTIVE
19 weeks immediately preceding the presentation of the ~~same, and if~~
20 ~~no newspaper is published in such village, then~~ PETITION OR by
21 posting the ~~same~~ NOTICE in at least 3 ~~of the most~~ public
22 places within the village NOT LOCATED IN ANY TERRITORY PROPOSED
23 TO BE ANNEXED OR DETACHED, and in at least 3 ~~of the most~~ public
24 places ~~of~~ IN the territory ~~directly affected thereby.~~ Such
25 PROPOSED TO BE ANNEXED OR DETACHED. THE notice shall also con-
26 tain a description of the ~~premises~~ TERRITORY proposed to be

1 ~~taken in or out of the boundaries of such village. At the time~~
2 ~~of presenting such petition all~~ ANNEXED OR DETACHED.

3 (3) IF A PETITION IS PRESENTED, INTERESTED parties
4 ~~interested~~ may appear before ~~such~~ THE COUNTY board of
5 ~~supervisors~~ COMMISSIONERS and be heard ~~touching the proposed~~
6 ~~boundaries of such village, and after such hearing and due con-~~
7 ~~sideration of such petition, it shall be the duty of the board of~~
8 ~~supervisors to order and determine as to whether the prayer con-~~
9 ~~tained in the petition or any part thereof shall be granted, and~~
10 ~~they shall make an order of such determination, which order shall~~
11 ~~be entered upon their records, and thereupon the boundaries of~~
12 ~~such~~ ON THE PROPOSAL. AFTER THE HEARING AND, IF REQUIRED UNDER
13 SECTION 6B OF THIS CHAPTER, A VOTE ON A PROPOSED ANNEXATION, THE
14 COUNTY BOARD OF COMMISSIONERS SHALL ISSUE AND ENTER IN ITS
15 RECORDS AN ORDER DETERMINING WHETHER TO GRANT ALL OR PART OF THE
16 BOUNDARY CHANGE PETITIONED FOR. UPON ISSUANCE OF THE ORDER, AND
17 SUBJECT TO VOTER APPROVAL UNDER SECTION 6B OF THIS CHAPTER, THE
18 BOUNDARIES OF THE village shall be fixed and shall exist as pro-
19 vided in ~~such order, and a certified copy thereof shall be~~
20 ~~transmitted~~ THE ORDER. UPON ISSUANCE OF THE ORDER, THE COUNTY
21 CLERK SHALL TRANSMIT A COPY OF THE ORDER to the clerk of ~~such~~
22 THE village and to the secretary of state. ~~, and such~~ THE order
23 shall be prima facie evidence of ~~such~~ THE change of boundaries
24 of ~~such~~ THE village and of the regularity of ~~such~~ THE
25 proceedings. ~~in all courts and places.~~

26 SEC. 6B. (1) A VILLAGE SHALL NOT PROCEED TO ANNEX TERRITORY
27 UNDER SECTION 6 OF THIS CHAPTER FROM ANY OTHER VILLAGE OR A CITY,

1 TOWNSHIP, OR CHARTER TOWNSHIP UNLESS THE QUESTION OF THE
2 ANNEXATION HAS BEEN VOTED UPON BY THE VOTERS IN THE TERRITORY
3 PROPOSED FOR ANNEXATION, IF ANY, AND THE BALANCE OF EACH CITY,
4 VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP AFFECTED BY THE ANNEXATION
5 VOTING INDEPENDENTLY.

6 (2) IF A VOTE IS REQUIRED UNDER SUBSECTION (1), THE ANNEXA-
7 TION SHALL BE CONSIDERED DEFEATED IF A MAJORITY OF THE ELECTORS
8 VOTING INDEPENDENTLY ON THE ISSUE IN THE ANNEXING VILLAGE, THE
9 TERRITORY PROPOSED FOR ANNEXATION, OR THE BALANCE OF THE CITY,
10 VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP WITHIN WHICH THE TERRITORY
11 PROPOSED FOR ANNEXATION IS LOCATED VOTE AGAINST THE ANNEXATION.
12 OTHERWISE, THE ANNEXATION SHALL BE CONSIDERED APPROVED AND EFFEC-
13 TIVE WHEN THE COUNTY BOARD OF COMMISSIONERS ENTERS AN ORDER
14 APPROVING THE ANNEXATION UNDER SECTION 6 OF THIS CHAPTER.