

HOUSE BILL No. 5824

February 27, 2008, Introduced by Rep. LaJoy and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

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
sections 6b, 6c, and 6d to chapter XIV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIV

Sec. 6. (1) ~~Whenever the council of any village shall~~
~~determine~~ **SUBJECT TO SECTION 6B OF THIS CHAPTER AND EXCEPT AS**
OTHERWISE PROVIDED IN SUBSECTION (6), 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**

1 shall petition the **COUNTY** board of ~~supervisors~~ **COMMISSIONERS** of the
 2 county in which ~~such lands and premises affected thereby are~~ **THE**
 3 **TERRITORY IS** situated to make ~~such~~ **THAT** change. ~~Such~~ **THE PETITION**
 4 **SHALL BE SIGNED BY THE PRESIDENT AND CLERK OF THE VILLAGE. THE**
 5 petition shall ~~contain a~~ **INCLUDE ALL OF THE FOLLOWING:**

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

9 (B) **THE** reasons for the proposed **BOUNDARY** change. ~~, and shall~~
 10 ~~contain a~~

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

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

1 also contain a description of the ~~premises~~ **TERRITORY** proposed to be
2 ~~taken in or out of the boundaries of such village. At the time of~~
3 ~~presenting such petition all~~ **ANNEXED OR DETACHED.**

4 **(3) IF A PETITION IS PRESENTED, INTERESTED** parties interested
5 may appear before ~~such~~ **THE COUNTY** board of supervisors
6 **COMMISSIONERS** and be heard ~~touching the proposed boundaries of such~~
7 ~~village, and after such hearing and due consideration of such~~
8 ~~petition, it shall be the duty of the board of supervisors to order~~
9 ~~and determine as to whether the prayer contained in the petition or~~
10 ~~any part thereof shall be granted, and they shall make an order of~~
11 ~~such determination, which order shall be entered upon their~~
12 ~~records, and thereupon the boundaries of such village shall be~~
13 ~~fixed and shall exist as provided in such order, and a certified~~
14 ~~copy thereof shall be transmitted to the clerk of such village and~~
15 ~~to the secretary of state, and such order shall be prima facie~~
16 ~~evidence of such change of boundaries of such village and of the~~
17 ~~regularity of such proceedings in all courts and places~~ **ON THE**
18 **PROPOSAL. IF THE COUNTY BOARD OF COMMISSIONERS ENTERS AN ORDER**
19 **APPROVING THE PETITION, AND IF ON THE DATE THE PETITION OR**
20 **RESOLUTION WAS FILED MORE THAN 100 PERSONS RESIDED IN THE AREA**
21 **APPROVED FOR ANNEXATION, THE COUNTY BOARD OF COMMISSIONERS SHALL**
22 **SEND A CERTIFIED COPY OF ITS ORDER TO THE CLERK OF EACH COUNTY,**
23 **VILLAGE, AND TOWNSHIP AFFECTED AND TO THE SECRETARY OF STATE. THE**
24 **COUNTY BOARD OF COMMISSIONERS' ORDER SHALL BECOME FINAL 30 DAYS**
25 **AFTER THE DATE OF THE ORDER UNLESS WITHIN THAT 30-DAY PERIOD A**
26 **PETITION IS FILED WITH THE COUNTY ELECTION COMMISSION THAT CONTAINS**
27 **THE SIGNATURES OF AT LEAST 25% OF THE REGISTERED ELECTORS RESIDING**

1 IN THE PORTION OF THE TERRITORY APPROVED FOR ANNEXATION, IN THE
2 ANNEXING VILLAGE, OR IN THE BALANCE OF THE TOWNSHIP. AFTER
3 VERIFYING THAT THE REFERENDUM PETITION MEETS THE REQUIREMENTS FOR
4 PETITIONS UNDER THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1
5 TO 168.992, THE COUNTY ELECTION COMMISSION SHALL ORDER THAT A
6 REFERENDUM ON THE QUESTION OF ANNEXATION BE HELD IN EACH AREA FROM
7 WHICH A VALID PETITION WAS FILED. IF A VALID PETITION IS NOT FILED
8 WITHIN 30 DAYS OR IF THE MAJORITY OF THE ELECTORATE VOTING ON THE
9 QUESTION IN EACH AREA IN WHICH A REFERENDUM WAS HELD, VOTING
10 SEPARATELY, APPROVES THE ANNEXATION, THE ANNEXATION SHALL BE
11 EFFECTIVE ON A DATE SET BY ORDER OF THE COUNTY BOARD OF
12 COMMISSIONERS; OTHERWISE THE ANNEXATION SHALL NOT TAKE EFFECT.

13 (4) THE COUNTY BOARD OF COMMISSIONERS SHALL NOT APPROVE A
14 PETITION FOR ANNEXATION OR DETACHMENT IF THAT PROPOSED ANNEXATION
15 OR DETACHMENT WAS DISAPPROVED BY THE COUNTY BOARD OF COMMISSIONERS
16 OR REJECTED BY THE QUALIFIED ELECTORS WITHIN 2 YEARS BEFORE THE
17 DATE THE PETITION IS FILED UNDER SUBSECTION (1), EXCEPT AS
18 OTHERWISE PROVIDED IN SECTION 6C OF THIS CHAPTER.

19 (5) TERRITORY MAY BE ANNEXED TO A VILLAGE FROM A TOWNSHIP ONLY
20 IF THE TERRITORY TO BE ANNEXED DOES NOT CONTAIN ANY REAL PROPERTY
21 OWNED BY THE TOWNSHIP, EXCEPT FOR UTILITIES AND OTHER FACILITIES
22 THAT ARE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY.

23 (6) NOTWITHSTANDING THE PROVISIONS OF SECTION 6B OF THIS
24 CHAPTER, IF THE TERRITORY PROPOSED TO BE ANNEXED TO A VILLAGE IS
25 LOCATED IN A TOWNSHIP AND IS ADJACENT TO AND OWNED BY THE VILLAGE
26 PROPOSING TO ANNEX THE TERRITORY AND IF NO PERSONS RESIDE IN THE
27 TERRITORY, THE TERRITORY MAY BE ANNEXED UNDER 1 OF THE FOLLOWING

1 METHODS:

2 (A) IF THE TERRITORY WILL BE USED FOR A PUBLIC PURPOSE FOR NOT
3 LESS THAN 8 YEARS FROM THE ADOPTION OF THE RESOLUTION, BY
4 RESOLUTION OF THE VILLAGE COUNCIL. FOR THE PURPOSE OF THIS
5 SUBDIVISION, TERRITORY IS USED FOR A PUBLIC PURPOSE IF IT IS EXEMPT
6 FROM THE COLLECTION OF TAXES UNDER THE GENERAL PROPERTY TAX ACT,
7 1893 PA 206, MCL 211.1 TO 211.155. THE TOWNSHIP FROM WHICH PROPERTY
8 IS ANNEXED UNDER THIS SUBDIVISION MAY FILE A PETITION WITH THE
9 COUNTY BOARD OF COMMISSIONERS AT ANY TIME WITHIN 8 YEARS FROM THE
10 ADOPTION OF THE RESOLUTION, ALLEGING THAT THE PROPERTY ANNEXED IS
11 NOT BEING USED FOR A PUBLIC PURPOSE. IF THE COUNTY BOARD OF
12 COMMISSIONERS FINDS AFTER A HEARING ON THE PETITION THAT THE
13 PROPERTY IS NOT BEING USED FOR A PUBLIC PURPOSE, THE COUNTY BOARD
14 OF COMMISSIONERS SHALL ISSUE AND ENTER IN ITS RECORDS AN ORDER THAT
15 THE PROPERTY BE REATTACHED TO THE TOWNSHIP FROM WHICH IT WAS
16 ANNEXED.

17 (B) BY THE AFFIRMATIVE MAJORITY VOTE OF BOTH THE VILLAGE
18 COUNCIL AND THE TOWNSHIP BOARD.

19 (7) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6), A PROPOSED
20 ANNEXATION OF TERRITORY IN WHICH 100 OR FEWER PERSONS RESIDED ON
21 THE DATE THE PETITION IS FILED IS SUBJECT TO THE PROVISIONS OF
22 SECTION 6B.

23 (8) THE INCORPORATION AS A CITY BY A VILLAGE IS NOT AN
24 ANNEXATION UNDER THIS SECTION.

25 SEC. 6B. (1) THE ANNEXATION OF ANY TERRITORY WITH 100 OR FEWER
26 RESIDENTS TO A VILLAGE FROM A TOWNSHIP FOR WHICH A PETITION IS
27 FILED WITH THE COUNTY BOARD OF COMMISSIONERS ON OR AFTER THE

1 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION IS
2 SUBJECT TO THE PROCEDURES AND CONDITIONS SET FORTH IN THIS SECTION,
3 EXCEPT AS PROVIDED IN SECTION 6C.

4 (2) A VILLAGE, PROPERTY OWNER, OR REGISTERED ELECTOR THAT
5 INTENDS TO PETITION THE COUNTY BOARD OF COMMISSIONERS FOR
6 ANNEXATION OF TERRITORY WITH 100 OR FEWER RESIDENTS TO A VILLAGE
7 FROM A TOWNSHIP SHALL PROVIDE WRITTEN NOTICE OF THAT INTENT BY
8 CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE CLERK OF ANY
9 VILLAGE OR TOWNSHIP THAT IS AFFECTED BY THE PROPOSAL AND TO THE
10 COUNTY ELECTION COMMISSION.

11 (3) THE VILLAGE AND TOWNSHIP MAY NEGOTIATE AN AGREEMENT
12 CONCERNING THE ANNEXATION OF THE TERRITORY THAT INCLUDES, BUT IS
13 NOT LIMITED TO, AN AGREEMENT NOT TO CONTEST THE ANNEXATION PETITION
14 BEFORE THE COUNTY BOARD OF COMMISSIONERS, THE SHARING OF TAX
15 REVENUES, THE FUTURE LAND USE OF THE TERRITORY, AND ANY OTHER
16 FACTORS OR TERMS THAT MAY BE CONSIDERED OR PROVIDED FOR IN A
17 CONTRACT NEGOTIATED UNDER 1984 PA 425, MCL 124.21 TO 124.30, OR AN
18 INTERLOCAL AGREEMENT NEGOTIATED UNDER THE URBAN COOPERATION ACT OF
19 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512.

20 (4) FORTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE UNDER
21 SUBSECTION (2), IF NO AGREEMENT HAS BEEN REACHED UNDER SUBSECTION
22 (3) BETWEEN THE VILLAGE AND THE TOWNSHIP CONCERNING THE PROPOSED
23 ANNEXATION, A PETITION FOR ANNEXATION OF TERRITORY MAY BE FILED
24 WITH THE COUNTY BOARD OF COMMISSIONERS. ON THE SAME DAY THAT THE
25 PETITION IS FILED, THE PETITIONER SHALL SEND A COPY OF THE PETITION
26 BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE CLERK OF BOTH
27 THE VILLAGE AND TOWNSHIP IN WHICH THE TERRITORY IS LOCATED.

1 (5) IF NO AGREEMENT IS REACHED WITHIN 45 DAYS AFTER RECEIPT OF
2 THE NOTICE UNDER SUBSECTION (2), THE VILLAGE OR THE TOWNSHIP MAY
3 FILE A CLAIM NOT LATER THAN 10 DAYS AFTER THE EXPIRATION OF THAT
4 PERIOD IN THE CIRCUIT COURT ASSERTING THAT THE OTHER PARTY DID NOT
5 PARTICIPATE IN NEGOTIATIONS IN GOOD FAITH. IF THE COURT FINDS THAT
6 THE VILLAGE OR TOWNSHIP DID NOT PARTICIPATE IN NEGOTIATIONS IN GOOD
7 FAITH, IT MAY PROVIDE APPROPRIATE EQUITABLE RELIEF, INCLUDING, BUT
8 NOT LIMITED TO, PROHIBITING THE ANNEXATION FOR A PERIOD OF NOT MORE
9 THAN 2 YEARS OR PROHIBITING THE REFERENDUM PROVIDED FOR IN
10 SUBSECTION (6).

11 (6) IF, WITHIN 30 DAYS AFTER RECEIPT BY THE CLERK OF THE
12 TOWNSHIP OF THE PETITION FOR ANNEXATION, A PETITION FOR A
13 REFERENDUM ON THE QUESTION OF ANNEXATION IS FILED WITH THE COUNTY
14 ELECTION COMMISSION THAT CONTAINS THE SIGNATURES OF AT LEAST 25% OF
15 THE REGISTERED ELECTORS IN THE AFFECTED TOWNSHIP, BASED ON THE MOST
16 RECENT CERTIFICATION OF THE NUMBER OF REGISTERED ELECTORS MADE BY
17 THE TOWNSHIP CLERK TO THE COUNTY CLERK, THE COUNTY ELECTION
18 COMMISSION SHALL CERTIFY THAT THE REFERENDUM PETITION MEETS THE
19 REQUIREMENTS FOR PETITIONS UNDER THE MICHIGAN ELECTION LAW, 1954 PA
20 116, MCL 168.1 TO 168.992, AND CALL A SPECIAL ELECTION FOR THE
21 REFERENDUM TO BE HELD IN THE TOWNSHIP WITHIN WHICH THE TERRITORY
22 PROPOSED FOR ANNEXATION IS LOCATED. IF A TOWNSHIP REFERENDUM
23 PETITION IS CERTIFIED, THE GOVERNING BODY OF THE VILLAGE MAY ALSO
24 SCHEDULE A REFERENDUM ON THE ANNEXATION TO BE HELD ON THE SAME DAY
25 IN THE VILLAGE. UP TO 30 DAYS AFTER THE REFERENDUM PETITION IS
26 FILED, THE GOVERNING BODY OF THE VILLAGE OR TOWNSHIP MAY ADOPT A
27 RESOLUTION TO DELAY SCHEDULING THE REFERENDUM TO ALLOW TIME FOR THE

1 VILLAGE AND TOWNSHIP TO CONTINUE NEGOTIATIONS CONCERNING THE
2 ANNEXATION. UPON ADOPTION OF A RESOLUTION BY THE GOVERNING BODY OF
3 THE VILLAGE OR TOWNSHIP, THE SCHEDULING OF THE REFERENDUM SHALL BE
4 DELAYED UNTIL 90 DAYS AFTER THE DATE ON WHICH THE REFERENDUM
5 PETITION IS CERTIFIED. THE COUNTY ELECTION COMMISSION SHALL NOT
6 MEET TO SCHEDULE THE REFERENDUM UNTIL 30 DAYS AFTER THE PETITION IS
7 FILED. THE SPECIAL ELECTION SHALL BE HELD NOT LESS THAN 60 DAYS OR
8 MORE THAN 90 DAYS AFTER THE COUNTY ELECTION COMMISSION MEETS TO
9 SCHEDULE THE ELECTION UNDER THIS SUBSECTION, UNLESS A PRIMARY OR
10 REGULAR ELECTION, OR A SPECIAL ELECTION CALLED FOR ANOTHER PURPOSE,
11 OCCURS NOT LESS THAN 60 DAYS OR MORE THAN 90 DAYS AFTER THE
12 REFERENDUM PETITION IS FILED. IN THAT EVENT, THE REFERENDUM SHALL
13 BE SUBMITTED AT THAT PRIMARY, REGULAR, OR SPECIAL ELECTION AND AN
14 ADDITIONAL SPECIAL ELECTION SHALL NOT BE CALLED.

15 (7) IF A PETITION CONTAINING SUFFICIENT VALID SIGNATURES FOR A
16 REFERENDUM ON THE QUESTION OF ANNEXATION IS NOT FILED WITH THE
17 COUNTY ELECTION COMMISSION UNDER SUBSECTION (6), THE COUNTY BOARD
18 OF COMMISSIONERS SHALL PROCEED TO PROCESS THE ANNEXATION PETITION
19 UNDER SECTION 6.

20 (8) IF AN AGREEMENT UNDER SUBSECTION (3) IS REACHED 30 DAYS
21 BEFORE THE DATE OF AN ELECTION SCHEDULED UNDER SUBSECTION (6), THE
22 REFERENDUM SHALL NOT BE HELD. IF NO AGREEMENT IS REACHED, THE
23 REFERENDUM SHALL BE HELD AS ORDERED BY THE COUNTY ELECTION
24 COMMISSION. THE ANNEXATION SHALL BE ALLOWED TO OCCUR ONLY IF A
25 MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE TOWNSHIP WITHIN
26 WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS LOCATED, AND IN THE
27 VILLAGE IF IT HOLDS AN ELECTION UNDER SUBSECTION (6), COUNTED

1 SEPARATELY, VOTE FOR THE ANNEXATION.

2 (9) IF A MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE
3 TOWNSHIP WITHIN WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS
4 LOCATED VOTE FOR THE ANNEXATION, AND A MAJORITY OF THE ELECTORS
5 VOTING ON THE ISSUE IN THE VILLAGE VOTE FOR THE ANNEXATION IF IT
6 HOLDS AN ELECTION UNDER SUBSECTION (6), AND THE COUNTY BOARD OF
7 COMMISSIONERS APPROVES THE ANNEXATION UNDER SECTION 6(3), THE
8 COUNTY BOARD OF COMMISSIONERS SHALL SEND A CERTIFIED COPY OF ITS
9 ORDER TO THE CLERK OF EACH COUNTY, VILLAGE, AND TOWNSHIP AFFECTED
10 AND TO THE SECRETARY OF STATE. THE ANNEXATION SHALL BE EFFECTIVE ON
11 A DATE SET FORTH IN THE COUNTY BOARD OF COMMISSIONERS' ORDER.

12 SEC. 6C. IF THE GOVERNING BODIES OF A VILLAGE AND TOWNSHIP
13 APPROVE BY RESOLUTION AN AGREEMENT TO ANNEX, OR NOT TO CONTEST THE
14 ANNEXATION OF, TERRITORY IN THE TOWNSHIP WITH 100 OR FEWER
15 RESIDENTS BEFORE A PETITION FOR ANNEXATION IS FILED WITH THE COUNTY
16 BOARD OF COMMISSIONERS, THE PROVISIONS OF SECTION 6B DO NOT APPLY
17 AND A PETITION FOR ANNEXATION MAY BE FILED AT ANY TIME.

18 SEC. 6D. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT,
19 TERRITORY MAY BE DETACHED FROM A VILLAGE TO A TOWNSHIP ONLY IF ALL
20 OF THE FOLLOWING CONDITIONS ARE MET:

21 (A) THE TERRITORY TO BE DETACHED DOES NOT CONTAIN ANY REAL
22 PROPERTY OWNED BY THE VILLAGE, EXCEPT FOR UTILITIES AND OTHER
23 FACILITIES THAT ARE LOCATED WITHIN A PUBLIC RIGHT-OF-WAY.

24 (B) THE TERRITORY TO BE DETACHED WAS NOT ANNEXED WITHIN THE
25 PREVIOUS 2 YEARS, CALCULATED FROM THE DATE THAT THE MOST RECENT
26 ANNEXATION OF THAT TERRITORY, IF ANY, WAS COMPLETED.

27 (C) THE DETACHMENT IS APPROVED BY A MAJORITY VOTE OF THE

1 QUALIFIED ELECTORS RESIDING IN EACH OF THE FOLLOWING, COUNTED
2 SEPARATELY:

3 (i) THE TERRITORY PROPOSED TO BE DETACHED FROM THE VILLAGE.

4 (ii) THE REMAINING PORTION OF THE VILLAGE.

5 (iii) THE TOWNSHIP TO WHICH THE TERRITORY WILL BE ATTACHED.

6 Enacting section 1. This amendatory act does not take effect
7 unless all of the following bills of the 94th Legislature are
8 enacted into law:

9 (a) Senate Bill No.____ or House Bill No. 5825(request no.
10 06117'07).

11 (b) Senate Bill No.____ or House Bill No. 5823(request no.
12 06118'07).

13 (c) Senate Bill No.____ or House Bill No. 5822(request no.
14 06119'07).

15 (d) Senate Bill No.____ or House Bill No. 5821(request no.
16 06120'07).

17 (e) Senate Bill No.____ or House Bill No. 5779(request no.
18 H06190'07*).