

SUBSTITUTE FOR
HOUSE BILL NO. 5859

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 (a) The territory to be detached was annexed to the city after
6 the city was incorporated.

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

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

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

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

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

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

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

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

24 (4) Reannexation pursuant to subsection (3) shall not be
25 subject to the annexation requirements and restrictions of this
26 act, ~~Act No. 191 of the Public Acts of 1968, being sections~~
27 ~~123.1001 to 123.1020 of the Michigan Compiled Laws; or Act No. 359~~

1 ~~of the Public Acts of 1947, being sections 42.1 to 42.34 of the~~
2 ~~Michigan Compiled Laws 1968 PA 191, MCL 123.1001 TO 123.1020, OR~~
3 **THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO 42.34.**

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

6 (6) **NO TERRITORY MAY BE DETACHED FROM A CITY TO A CHARTER**
7 **TOWNSHIP THAT MEETS ALL OF THE REQUIREMENTS OF SECTION 34(9) OF THE**
8 **CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.34.**

9 Enacting section 1. This amendatory act does not take effect
10 unless House Bill No. 5779 of the 94th Legislature is enacted into
11 law.