

# HOUSE BILL No. 5859

March 4, 2008, Introduced by Reps. Meadows and Corriveau and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

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

1 territory to be detached.

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

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

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

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

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

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

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

1 ~~123.1001 to 123.1020 of the Michigan Compiled Laws; or Act No. 359~~  
2 ~~of the Public Acts of 1947, being sections 42.1 to 42.34 of the~~  
3 ~~Michigan Compiled Laws 1968 PA 191, MCL 123.1001 TO 123.1020, OR~~  
4 **THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO 42.34.**

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

7 (6) **A CHARTER TOWNSHIP THAT MEETS ALL OF THE REQUIREMENTS OF**  
8 **SECTION 34(9) OF THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.34,**  
9 **IS NOT PERMITTED TO DETACH TERRITORY FROM A CITY.**

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