

HOUSE BILL No. 4674

May 13, 1999, Introduced by Reps. Tabor, Sanborn, DeRossett, Rivet, Patterson, Pumford, Mead, Vear and Lemmons and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1947 PA 359, entitled
"The charter township act,"
by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) A charter township existing on June 15, 1978,
2 or a township incorporated after June 15, 1978 as a charter town-
3 ship that complies with ALL OF the following standards, is exempt
4 from annexation to any contiguous city or village except as
5 OTHERWISE provided in subsections (2) to (8):
6 (a) Has a state equalized valuation of not less than
7 \$25,000,000.00.
8 (b) Has a minimum population density of 150 persons per
9 square mile to be determined by the secretary of state by
10 dividing the most recent regular or special census of population
11 by the number of square miles then under the jurisdiction of the

1 charter township not to include the population or territory
2 within the jurisdiction of an incorporated village.

3 (c) Provides fire protection service by contract or
4 otherwise.

5 (d) Is governed by a comprehensive zoning ordinance or
6 master plan.

7 (e) Provides solid waste disposal services to township resi-
8 dents, within or without the township, by contract, license, or
9 municipal ownership.

10 (f) Provides water or sewer services, or both, by contract
11 or otherwise.

12 (g) Provides police protection through contract with the
13 sheriff in addition to normal sheriff patrol, through an inter-
14 governmental contract, or through its own police department.

15 (2) Notwithstanding subsection (1) AND SUBJECT TO SUBSECTION
16 (9), the state boundary commission may, under procedures initi-
17 ated and conducted pursuant to section 9 of ~~Act No. 279 of the~~
18 ~~Public Acts of 1909, being section 117.9 of the Michigan Compiled~~
19 ~~Laws~~ THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.9, order a
20 portion or portions of a charter township to be annexed as neces-
21 sary to eliminate free standing islands of the CHARTER township
22 completely surrounded by an annexing city, or to straighten or
23 align the exterior boundaries of the city or village ~~in a~~
24 ~~manner~~ TO ENSURE that the charter township and city or village
25 contain uniform straight boundaries wherever possible.

26 (3) Notwithstanding subsection (1), a portion of a charter
27 township ~~which charter township~~ THAT is contiguous on all sides

1 with a city or village may be annexed by that city or village
2 ~~with the approval of a majority of the electors in that portion~~
3 ~~of a charter township~~ IF APPROVED AS PROVIDED IN SUBSECTION
4 (9).

5 (4) Notwithstanding subsection (1), if ~~a~~ NO qualified
6 ~~elector does not~~ ELECTORS reside in the territory proposed to
7 be annexed ~~which~~ THAT is contiguous to the city or village,
8 other than the 1 or more persons petitioning, or if a petition
9 signed by 1 or more persons, firms, corporations, the United
10 States government, or the state or any of its subdivisions
11 ~~which~~ THAT collectively hold the equitable title as vendee
12 under a recorded land contract or memorandum of land contract, or
13 recorded legal title to more than 1/2 of the area of the land in
14 the territory to be annexed is filed with the city or village and
15 with the township board of the charter township in which the ter-
16 ritory is situated, the annexation may be accomplished ~~by the~~
17 ~~affirmative majority vote of the city council or village board of~~
18 ~~the city or village and the approval of the charter township~~
19 ~~board of the township~~ IF APPROVED AS PROVIDED IN SUBSECTION
20 (9).

21 (5) Notwithstanding subsections (1) and (3), a portion of a
22 charter township contiguous to a city or village may be annexed
23 to that city or village upon the filing of a petition with the
24 county clerk ~~which petition is~~ signed by 20% of the registered
25 electors in the area to be annexed ~~and approval by a majority of~~
26 ~~the qualified and registered electors voting on the question in~~
27 ~~the city or village to which the portion is to be annexed, and~~

1 ~~the portion of the township which is to be annexed, with the vote~~
2 ~~in each unit to be counted separately~~ IF APPROVED AS PROVIDED IN
3 SUBSECTION (9).

4 (6) If a petition is filed pursuant to subsection (5), the
5 county clerk, after determining the validity of the petition,
6 shall order a referendum on the question of annexation AS PRO-
7 VIDED IN SUBSECTION (9). This referendum shall occur within 1
8 year after the validation of the petitions. The referendum shall
9 be held at the first primary or general election held in that
10 county not less than ~~60~~ 70 days after the validation of the
11 petition, or ~~under~~ PURSUANT TO section 639 of the Michigan
12 election law, ~~Act No. 116 of the Public Acts of 1954, as~~
13 ~~amended, being section 168.639 of the Michigan Compiled Laws~~
14 1954 PA 116, MCL 168.639.

15 (7) A village having a population of ~~4,200~~ 3,000 or more
16 shall not be annexed to a contiguous unit of government unless ~~a~~
17 ~~majority of the qualified and registered electors residing within~~
18 ~~the village vote in favor of the annexation at an election held~~
19 ~~pursuant to the Michigan election law, Act No. 116 of the Public~~
20 ~~Acts of 1954, as amended, being sections 168.1 to 168.992 of the~~
21 ~~Michigan Compiled Laws~~ APPROVED AS PROVIDED IN SUBSECTION (9).

22 (8) The common boundary of a charter township and a city or
23 village may be adjusted by resolution approved by a majority of
24 each of the respective governing bodies after the governing
25 bodies give 90 days' notice to property owners in the area pro-
26 posed for the boundary adjustment, and the governing bodies
27 conduct a public hearing on the proposed boundary adjustment.

1 (9) TERRITORY IN A CHARTER TOWNSHIP WITH A POPULATION OF
2 3,000 OR MORE AS SHOWN BY THE LAST FEDERAL DECENNIAL CENSUS OR
3 ANY SPECIAL FEDERAL OR STATE CENSUS HELD AFTER THE LAST FEDERAL
4 DECENNIAL CENSUS OR WITH A STATE EQUALIZED VALUATION OF
5 \$25,000,000.00 OR MORE SHALL NOT BE ANNEXED UNLESS THE QUESTION
6 OF THE ANNEXATION HAS BEEN VOTED UPON BY THE VOTERS IN THE TERRI-
7 TORY PROPOSED FOR ANNEXATION, IF ANY, AND THE BALANCE OF EACH
8 CHARTER TOWNSHIP, TOWNSHIP, CITY, OR VILLAGE AFFECTED BY THE
9 ANNEXATION VOTING INDEPENDENTLY. IF A VOTE IS REQUIRED UNDER
10 THIS SUBSECTION, THE ANNEXATION SHALL BE CONSIDERED DEFEATED IF A
11 MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE ANNEXING
12 CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP, THE TERRITORY PRO-
13 POSED FOR ANNEXATION, OR THE BALANCE OF THE TOWNSHIP WITHIN WHICH
14 THE TERRITORY PROPOSED FOR ANNEXATION IS LOCATED VOTE AGAINST THE
15 ANNEXATION.