

SENATE BILL No. 384

April 22, 2003, Introduced by Senators BARCIA and BIRKHOLZ and referred to the Committee on Local, Urban and State Affairs.

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
3 township that complies with **all of** the following standards, is
4 exempt from annexation to any contiguous city or village except
5 as **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
8 residents, within or without the township, by contract, license,
9 or 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
14 intergovernmental contract, or through its own police
15 department.

16 (2) **The annexation under this subsection of any territory**
17 **with more than 100 residents from a charter township to a city is**
18 **subject to the requirements set forth in section 9(5) of the home**
19 **rule city act, 1909 PA 279, MCL 117.9. The annexation under this**
20 **subsection of any territory with 100 or fewer residents from a**
21 **charter township is subject to subsection (17).** Notwithstanding
22 subsection (1), the state boundary commission may, under
23 procedures initiated and conducted pursuant to section 9 of ~~Act~~
24 ~~No. 279 of the Public Acts of 1909, being section 117.9 of the~~
25 ~~Michigan Compiled Laws~~ **the home rule city act, 1909 PA 279,**
26 **MCL 117.9,** order a portion or portions of a charter township to
27 be annexed as necessary to eliminate free standing islands of the

1 **charter** township completely surrounded by an annexing city, or to
2 straighten or align the exterior boundaries of the city or
3 village ~~in a manner~~ **to ensure** that the charter township and
4 city or village contain uniform straight boundaries wherever
5 possible.

6 (3) **The annexation under this subsection of any territory**
7 **with 100 or fewer residents from a charter township is subject to**
8 **subsection (17).** Notwithstanding subsection (1), a portion of a
9 charter township ~~which charter township~~ **that** is contiguous on
10 all sides with a city or village **and has more than 100 residents**
11 may be annexed by that city or village with the approval of a
12 majority of the electors in that portion of a charter township.

13 (4) Notwithstanding subsection (1), if a qualified elector
14 does not reside in the territory proposed to be annexed which is
15 contiguous to the city or village, other than the 1 or more
16 persons petitioning, or if a petition signed by 1 or more
17 persons, firms, corporations, the United States government, or
18 the state or any of its subdivisions ~~which~~ **that** collectively
19 hold the equitable title as vendee under a recorded land contract
20 or memorandum of land contract, or recorded legal title **as record**
21 **fee owner** to more than 1/2 of the area of the land in the
22 territory to be annexed is filed with the city or village and
23 with the township board of the charter township in which the
24 territory is situated, the annexation may be accomplished by the
25 affirmative majority vote of the city council or village board of
26 the city or village and the approval of the charter township
27 board of the township, **which may include an agreement as**

1 described in section 9c(3) of the home rule city act, 1909
2 PA 279, MCL 117.9c.

3 (5) Notwithstanding ~~subsections (1) and (3)~~ **subsection**
4 **(1)**, a portion of a charter township contiguous to a city or
5 village may be annexed to that city or village upon the filing of
6 a petition with the county clerk ~~which petition is~~ signed by
7 20% of the registered electors in the area to be annexed and
8 approval by a majority of the qualified and registered electors
9 voting on the question in the city or village to which the
10 portion is to be annexed, and the portion of the township which
11 is to be annexed, with the vote in each unit to be counted
12 separately.

13 (6) A city, village, property owner, or registered electors
14 that intend to petition for annexation of territory to a city or
15 village from a township shall provide written notice of that
16 intent by certified mail, return receipt requested, to the clerk
17 of any city, village, or township that is affected by the
18 proposal.

19 (7) The city or village and the township may negotiate an
20 agreement concerning the annexation of the territory that
21 includes, but is not limited to, the sharing of tax revenues, the
22 future land use of the territory, and any other factors or terms
23 that may be considered or provided for in a contract negotiated
24 under 1984 PA 425, MCL 124.21 to 124.30, or an interlocal
25 agreement negotiated under the urban cooperation act of 1967,
26 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

27 (8) Forty-five days after receipt of the notice under

1 subsection (6), if no agreement has been reached under subsection
2 (7) between the city or village and the township concerning the
3 proposed annexation, a petition for annexation of territory may
4 be filed. On the same day that the petition is filed, the
5 petitioner shall send a copy of the petition by certified mail,
6 return receipt requested, to the clerks of both the city or
7 village and the township in which the territory is located.

8 (9) If no agreement is reached within 45 days after receipt
9 of the notice under subsection (6), the city or village or the
10 township may file a claim not later than 10 days after the
11 expiration of that period in the circuit court asserting that the
12 other party did not participate in negotiations in good faith.
13 If the court finds that the city or village or the township did
14 not participate in negotiations in good faith, it may provide
15 appropriate equitable relief, including, but not limited to,
16 prohibiting the annexation for a period of not more than 2 years
17 or prohibiting the referendum provided for in subsection (5) or
18 (10).

19 (10) If, within 30 days after receipt by the clerk of the
20 township of the petition for annexation, a petition for a
21 referendum on the question of annexation is filed with the county
22 election commission that contains the signatures of at least 25%
23 of the registered electors in the affected township, based on the
24 most recent certification of the number of registered electors
25 made by the township clerk to the county clerk, the county
26 election commission shall certify that the referendum petition
27 meets the requirements for petitions under the Michigan election

1 law, 1954 PA 116, MCL 168.1 to 168.992, and shall place the issue
2 on the ballot at the same election at which the question of the
3 proposed annexation is presented under subsection (14).

4 (11) If a petition containing sufficient valid signatures
5 for a referendum on the question of annexation is not filed with
6 the county election commission under subsection (10), the
7 election shall take place as provided in subsection (5).

8 (12) If a petition containing sufficient valid signatures
9 for a referendum on the question of annexation is filed with the
10 county election commission under subsection (10), the annexation
11 shall be allowed to occur only if a majority of the electors
12 voting on the issue in the annexing city or village, in the
13 territory proposed for annexation, and in the balance of the
14 township within which the territory proposed for annexation is
15 located vote for the annexation.

16 (13) If an agreement is reached 30 days before the date of
17 an election scheduled under subsection (10), the referendum shall
18 be held as provided in subsection (5).

19 (14) ~~-(6)-~~ If a petition is filed pursuant to subsection
20 (5), the county clerk, after determining the validity of the
21 petition, shall order a referendum on the question of
22 annexation. This referendum shall occur within 1 year after the
23 validation of the petitions. The referendum shall be held at the
24 first primary or general election held in that county not less
25 than 60 days after the validation of the petition, or ~~under~~
26 **pursuant to** section 639 of the Michigan election law, ~~Act~~
27 ~~No. 116 of the Public Acts of 1954, as amended, being section~~

1 ~~168.639 of the Michigan Compiled Laws 1954 PA 116, MCL 168.639.~~

2 (15) ~~—(7)—~~ A village having a population of 4,200 or more
3 shall not be annexed to a contiguous unit of government unless a
4 majority of the qualified and registered electors residing within
5 the village vote in favor of the annexation at an election held
6 pursuant to the Michigan election law, ~~Act No. 116 of the Public~~
7 ~~Acts of 1954, as amended, being sections 168.1 to 168.992 of the~~
8 ~~Michigan Compiled Laws 1954 PA 116, MCL 168.1 to 168.992.~~

9 (16) ~~—(8)—~~ The common boundary of a charter township and a
10 city or village may be adjusted by resolution approved by a
11 majority of each of the respective governing bodies after the
12 governing bodies give 90 days' notice to property owners in the
13 area proposed for the boundary adjustment, and the governing
14 bodies conduct a public hearing on the proposed boundary
15 adjustment.

16 (17) The annexation of any territory under subsection (2) or
17 (3) with 100 or fewer residents to a city or village from a
18 charter township is subject to the following sections:

19 (a) In the case of annexation to a city, the annexation is
20 subject to section 9c of the home rule city act, 1909 PA 279,
21 MCL 117.9c.

22 (b) In the case of annexation to a general law village, the
23 annexation is subject to section 6b of chapter XIV of the general
24 law village act, 1895 PA 3, MCL 74.6b.

25 (c) In the case of annexation to a home rule village, the
26 annexation is subject to sections 4 and 5 of the home rule
27 village act, 1909 PA 278, MCL 78.4 and 78.5.

1 (18) The detachment of any territory from a city or village
2 to a charter township is subject to the following sections:

3 (a) In the case of detachment from a city, the detachment is
4 subject to section 9e of the home rule city act, 1909 PA 279,
5 MCL 117.9e.

6 (b) In the case of detachment from a general law village,
7 the detachment is subject to section 6d of chapter XIV of the
8 general law village act, 1895 PA 3, MCL 74.6d.

9 (c) In the case of detachment from a home rule village, the
10 detachment is subject to section 5b of the home rule village act,
11 1909 PA 278, MCL 78.5b.

12 Enacting section 1. This amendatory act does not take
13 effect unless all of the following bills of the 92nd Legislature
14 are enacted into law:

15 (a) Senate Bill No. 383

16 .

17 (b) Senate Bill No. 380

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19 (c) Senate Bill No. 382

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21 (d) Senate Bill No. 381

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23 (e) Senate Bill No. 379

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