

HOUSE BILL No. 4007

January 13, 2011, Introduced by Rep. Heise and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 1947 PA 359, entitled "The charter township act," by amending section 34 (MCL 42.34), as amended by 2003 PA 300.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) ~~A~~**EXCEPT AS PROVIDED IN SUBSECTION (9), A** charter
2 township existing on June 15, 1978, or a township incorporated
3 after June 15, 1978 as a charter township that complies with the
4 following standards, is exempt from annexation to any contiguous
5 city or village except as 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 square
9 mile to be determined by the secretary of state by dividing the
10 most recent regular or special census of population by the number

1 of square miles then under the jurisdiction of the charter township
2 not to include the population or territory within the jurisdiction
3 of an incorporated village.

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

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

7 (e) Provides solid waste disposal services **OR RECYCLING**
8 **SERVICES** to township residents, within or without the township, by
9 contract, license, or municipal ownership.

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

15 (2) Notwithstanding subsection (1), **AND EXCEPT AS PROVIDED IN**
16 **SUBSECTION (9)**, the state boundary commission may, under procedures
17 initiated and conducted under section 9 of the home rule city act,
18 1909 PA 279, MCL 117.9, order a portion or portions of a charter
19 township to be annexed as necessary to eliminate free standing
20 islands of the township completely surrounded by an annexing city,
21 or to straighten or align the exterior boundaries of the city or
22 village in a manner that the charter township and city or village
23 contain uniform straight boundaries wherever possible.

24 (3) Notwithstanding subsection (1), **AND EXCEPT AS PROVIDED IN**
25 **SUBSECTION (9)**, a portion of a charter township, which charter
26 township is contiguous on all sides with a city or village, may be
27 annexed by that city or village with the approval of a majority of

1 the electors in that portion of a charter township.

2 (4) Notwithstanding subsection (1), **AND EXCEPT AS PROVIDED IN**
3 **SUBSECTION (9)**, if a qualified elector does not reside in the
4 territory proposed to be annexed that is contiguous to the city or
5 village, other than the 1 or more persons petitioning, or if a
6 petition signed by 1 or more persons, firms, corporations, the
7 United States government, or the state or any of its subdivisions
8 that collectively hold the equitable title as vendee under a
9 recorded land contract or memorandum of land contract, or recorded
10 legal title to more than 1/2 of the area of the land in the
11 territory to be annexed is filed with the city or village and with
12 the township board of the charter township in which the territory
13 is situated, the annexation may be accomplished by the affirmative
14 majority vote of the city council or village board of the city or
15 village and the approval of the charter township board of the
16 township.

17 (5) Notwithstanding subsections (1) and (3), **AND EXCEPT AS**
18 **PROVIDED IN SUBSECTION (9)**, a portion of a charter township
19 contiguous to a city or village may be annexed to that city or
20 village upon the filing of a petition with the county clerk which
21 petition is signed by 20% of the registered electors in the area to
22 be annexed and approval by a majority of the qualified and
23 registered electors voting on the question in the city or village
24 to which the portion is to be annexed, and the portion of the
25 township which is to be annexed, with the vote in each unit to be
26 counted separately.

27 (6) If a petition is filed as provided in subsection (5), the

1 county clerk, after determining the validity of the petition, shall
2 order a referendum on the question of annexation. This referendum
3 shall occur within 1 year after the validation of the petitions.
4 The referendum shall be held at the first primary or general
5 election held in that county not less than 60 days after the
6 validation of the petition, or in compliance with the Michigan
7 election law, 1954 PA 116, MCL 168.1 to 168.992.

8 (7) A village having a population of 4,200 or more shall not
9 be annexed to a contiguous unit of government unless a majority of
10 the qualified and registered electors residing within the village
11 vote in favor of the annexation at an election held under the
12 Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

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

19 **(9) BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
20 **ADDED THIS SUBSECTION, A CHARTER TOWNSHIP WITH A POPULATION OF MORE**
21 **THAN 20,000 THAT MEETS ALL OF THE REQUIREMENTS UNDER SUBSECTION**
22 **(1) (A) THROUGH (G) IS EXEMPT FROM ANNEXATION AND IS NOT PERMITTED**
23 **TO DETACH TERRITORY.**

24 Enacting section 1. This amendatory act applies to any
25 annexation or detachment pending on or initiated after the
26 effective date of this amendatory act.