

# HOUSE BILL No. 4161

February 1, 2011, Introduced by Rep. Meadows and referred to the Committee on Local, Intergovernmental, and Regional Affairs.

A bill to amend 1909 PA 279, entitled  
"The home rule city act,"  
by amending sections 6 and 9b (MCL 117.6 and 117.9b), section 6 as amended by 1984 PA 352 and section 9b as added by 1982 PA 465.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 6. Cities may be incorporated or, **EXCEPT AS OTHERWISE**  
2 **PROVIDED IN THIS SECTION** territory detached therefrom, or added  
3 thereto, or consolidation made of 2 or more cities or villages into  
4 1 city, or of a city and 1 or more villages into 1 city, or of 1 or  
5 more cities or villages together with additional territory not  
6 included within any incorporated city or village into 1 city, by  
7 proceedings originating by petition ~~therefor~~ signed by qualified  
8 electors who are freeholders residing within the cities, villages,

1 or townships to be affected thereby, to a number not less than 1%  
2 of the population of the territory affected thereby according to  
3 the last preceding United States census, or according to a census  
4 to be taken as hereinafter provided, which number shall be in no  
5 case less than 100, and not less than 10 of the signatures to ~~such~~  
6 **THE** petition shall be obtained from each city, village, or township  
7 to be affected by the proposed change. ~~:- Provided, That in NO~~  
8 **TERRITORY MAY BE DETACHED FROM A CITY OR VILLAGE TO A CHARTER**  
9 **TOWNSHIP WITH A POPULATION OF MORE THAN 20,000 THAT MEETS ALL OF**  
10 **THE REQUIREMENTS UNDER SECTION 34(1)(A) THROUGH (G) OF THE CHARTER**  
11 **TOWNSHIP ACT, 1947 PA 359, MCL 42.34. THE PROVISIONS OF THE**  
12 **PREVIOUS SENTENCE DO NOT PREVENT THE CONSOLIDATION OF 2 OR MORE**  
13 **MUNICIPALITIES AS PROVIDED UNDER THIS ACT. IN** the incorporation of  
14 a city from an existing village without change of boundaries, the  
15 requisite number of signatures may be obtained from throughout the  
16 village without regard to the townships in which the signers are  
17 residents. ~~:- Provided further, That as~~ **AS** an alternate method in  
18 the case of an annexation proceeding in which there are less than  
19 10 persons qualified to sign the petition living in that  
20 unincorporated territory of any township or townships proposed to  
21 be annexed to a city, ~~that~~ the signatures on the petition of  
22 persons, firms, corporations, the United States government, or the  
23 state or any of its subdivisions who collectively hold equitable  
24 title as vendees under a recorded land contract or memorandum of  
25 land contract, or record legal title to more than 1/2 of the area  
26 of the land exclusive of streets, in the territory to be annexed at  
27 the time of filing the petition, will suffice in lieu of obtaining

1 10 signatures from the township in which ~~such~~ **THE** area to be  
2 annexed lies. ~~And provided further, That on such~~ **ON THE** petition  
3 each signature shall be followed by a description of the land and  
4 the area represented thereby and a sworn statement shall also  
5 accompany ~~such~~ **THE** petition giving the total area of the land,  
6 exclusive of streets, lying within the area proposed to be annexed.  
7 ~~Provided further, That before~~ **BEFORE** any signatures are obtained  
8 on a petition as ~~hereinbefore provided, such~~ **PROVIDED IN THIS**  
9 **SECTION, THE** petition shall have attached to it a map or drawing  
10 showing clearly the territory proposed to be incorporated,  
11 detached, or added, and each prospective signer shall be shown ~~such~~  
12 **THE** map or drawing before signing the petition. ~~Such~~ **THE** petition  
13 shall be verified by the oath of 1 or more petitioners. The county  
14 clerk, upon the presentment of a petition for incorporation of a  
15 new city for filing, shall forthwith estimate all necessary expense  
16 that may be incurred by the county in the incorporation  
17 proceedings, and the clerk thereupon shall require that the sum so  
18 estimated, which ~~in no case shall~~ **NOT** exceed \$500.00, be deposited  
19 with the clerk and shall refuse to accept the petition for filing  
20 until the sum is ~~so~~ deposited. ~~Provided, That in~~ **IN** proceedings  
21 for the incorporation of a new city or the consolidation of 2 or  
22 more cities or villages into 1 city, or of a city and 1 or more  
23 villages into 1 city or of 1 or more cities or villages together  
24 with additional territory not included within any incorporated city  
25 or village into 1 city, a petition signed by not less than 100  
26 qualified electors who are freeholders residing within the  
27 territory ~~so~~ proposed to be incorporated or consolidated, praying

1 for the taking of a census of the inhabitants of the territory  
2 affected thereby, may be filed with the county clerk of the county  
3 within which ~~said~~**THE** territory is located. The county clerk shall,  
4 within 5 days after the filing of ~~such~~**THE** petition, certify to the  
5 mayor of each city, president of each village, and supervisor of  
6 each township affected thereby, and to the secretary of state that  
7 ~~such~~**THE** petition has ~~so~~ been filed. Within 5 days after the  
8 service of ~~such~~**THE** certificate, the secretary of state shall  
9 appoint an enumerator or enumerators to enumerate the inhabitants  
10 of each ~~such~~ city, village, and the portion of each township  
11 proposed to be so incorporated, or a consolidation made thereof.  
12 Before entering upon the duties of ~~said~~**THE** office, each ~~such~~  
13 enumerator shall take and subscribe to the constitutional oath of  
14 office before some officer authorized to administer oaths and file  
15 the same with the secretary of state and with the county clerk of  
16 the county in which ~~such~~**THE** territory is located. It ~~shall be~~**IS**  
17 the duty of each enumerator ~~so~~ appointed to enumerate all of the  
18 bona fide inhabitants of ~~such~~**THE** city, village, or township,  
19 territory or portion thereof assigned to the enumerator by the  
20 secretary of state and to visit each house or dwelling and to  
21 obtain the names of each known resident thereof. The city, village,  
22 or township within which the services of the enumerator are  
23 rendered shall pay for ~~such~~**THE** services together with any actual  
24 and necessary expenses incurred by the enumerator. The rate of pay  
25 and actual and necessary expenses of the enumerator shall be set by  
26 the governing body of the city, village, or township in which the  
27 census takes place. Upon completing ~~such~~**THE** enumeration, it ~~shall~~

1 ~~be~~**IS** the duty of the persons ~~so~~appointed to make a return in  
2 duplicate of ~~such~~**THE** enumeration showing the names of the  
3 inhabitants of each such city, village, or township, territory or  
4 district to the county clerk and to the secretary of state. ~~No such~~  
5 **AN** enumeration or census shall **NOT** be conducted in any city,  
6 village, or township, or portion thereof, within 2 years of the  
7 date of the last enumeration in ~~such~~**THE** territory. Every ~~such~~  
8 enumeration shall be conducted under the general supervision and  
9 control of the secretary of state who is ~~hereby~~empowered to make  
10 rules and regulations for the purpose of carrying out the  
11 provisions of this act.

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

16       (a) The territory to be detached was annexed to the city after  
17 the city was incorporated.

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

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

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

25       (e) The legislative body of the municipality from which the  
26 territory to be detached was annexed approves a resolution  
27 authorizing detachment of the territory and confirming an agreement

1 related to the detachment.

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

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

9 (a) The city can and agrees to provide water and sewer  
10 services, the city certifies these facts to the state boundary  
11 commission, and the state boundary commission finds that the city  
12 can provide water and sewer services to this territory.

13 (b) The municipality to which the territory was reattached  
14 fails to comply with the intergovernmental agreement, the city  
15 certifies that fact to the state boundary commission, and the state  
16 boundary commission finds that the municipality is not in  
17 compliance.

18 (4) Reannexation pursuant to subsection (3) shall not be  
19 subject to the annexation requirements and restrictions of this  
20 act, ~~; Act No. 191 of the Public Acts of 1968, being sections~~  
21 ~~123.1001 to 123.1020 of the Michigan Compiled Laws; or Act No. 359~~  
22 ~~of the Public Acts of 1947, being sections 42.1 to 42.34 of the~~  
23 ~~Michigan Compiled Laws 1968 PA 191, MCL 123.1001 TO 123.1020, OR~~  
24 **THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO 42.34.**

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

27 **(6) NO TERRITORY MAY BE DETACHED FROM A CITY OR VILLAGE TO A**

1 CHARTER TOWNSHIP WITH A POPULATION OF MORE THAN 20,000 THAT MEETS  
2 ALL OF THE REQUIREMENTS UNDER SECTION 34(1)(A) THROUGH (G) OF THE  
3 CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.34. THE PROVISIONS OF  
4 THIS SUBSECTION DO NOT PREVENT THE CONSOLIDATION OF 2 OR MORE  
5 MUNICIPALITIES AS PROVIDED UNDER THIS ACT.