

HOUSE BILL No. 5401

December 11, 1991, Introduced by Rep. Bryant and referred to the Committee on Towns and Counties.

A bill to amend Act No. 279 of the Public Acts of 1909, entitled as amended

"An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; and to repeal certain acts and parts of acts on specific dates,"

as amended, being sections 117.1 to 117.38 of the Michigan Compiled Laws, by adding sections 9c and 9d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 279 of the Public Acts of 1909, as
2 amended, being sections 117.1 to 117.38 of the Michigan Compiled
3 Laws, is amended by adding sections 9c and 9d to read as
4 follows:

5 SEC. 9C. (1) OTHER DETACHMENT PROCEDURES IN THIS ACT OR ACT
6 NO. 191 OF THE PUBLIC ACTS OF 1968, BEING SECTIONS 123.1001 TO

1 123.1020 OF THE MICHIGAN COMPILED LAWS, NOTWITHSTANDING,
2 TERRITORY MAY BE DETACHED FROM AN EXISTING CITY AND INCORPORATED
3 AS A NEW CITY PURSUANT TO THE PROCEDURES SET FORTH IN THIS SEC-
4 TION AND SECTION 9D IF THE TERRITORY MEETS ALL OF THE FOLLOWING
5 REQUIREMENTS:

6 (A) THE POPULATION OF THE TERRITORY IS LESS THAN 20% OF THE
7 POPULATION OF THE EXISTING CITY.

8 (B) THE TERRITORY IS CONTIGUOUS.

9 (C) THE TERRITORY CONSTITUTES LESS THAN 20% OF THE AREA OF
10 THE EXISTING CITY.

11 (2) A PERSON SEEKING THE DETACHMENT OF TERRITORY MEETING THE
12 REQUIREMENTS OF SUBSECTION (1) AND ITS INCORPORATION AS A NEW
13 CITY SHALL FILE A PETITION WITH THE COUNTY CLERK OF THE COUNTY IN
14 WHICH THE TERRITORY PROPOSED TO BE DETACHED IS LOCATED. THE
15 PETITION SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

16 (A) BE ADDRESSED TO THE COUNTY BOARD OF COMMISSIONERS OF THE
17 COUNTY IN WHICH THE TERRITORY PROPOSED TO BE DETACHED IS
18 LOCATED.

19 (B) ACCURATELY DESCRIBE THE BOUNDARIES OF THE TERRITORY PRO-
20 POSED TO BE DETACHED AND HAVE ATTACHED A MAP THAT CLEARLY SHOWS
21 THE TERRITORY PROPOSED TO BE DETACHED.

22 (C) BE SIGNED BY NOT LESS THAN 20% OF THE REGISTERED ELEC-
23 TORS RESIDING WITHIN THE TERRITORY PROPOSED TO BE DETACHED.

24 (3) NOT MORE THAN 30 DAYS AFTER A PETITION MEETING THE
25 REQUIREMENTS OF SUBSECTION (2) IS FILED, THE COUNTY BOARD OF COM-
26 MISSIONERS SHALL PROVIDE BY RESOLUTION THAT THE QUESTION OF THE
27 DETACHMENT OF THE TERRITORY AND ITS INCORPORATION AS A NEW CITY

1 SHALL BE SUBMITTED TO THE REGISTERED ELECTORS RESIDING IN THE
2 TERRITORY PROPOSED TO BE DETACHED AT THE NEXT GENERAL ELECTION OR
3 PRIMARY ELECTION TO BE HELD NOT LESS THAN 70 DAYS OR MORE THAN
4 120 DAYS AFTER THE ADOPTION OF THE RESOLUTION OR AT A SPECIAL
5 ELECTION TO BE HELD AT A SPECIFIED DATE NOT LESS THAN 70 DAYS OR
6 MORE THAN 120 DAYS AFTER THE ADOPTION OF THE RESOLUTION. THE
7 COUNTY IN WHICH THE TERRITORY PROPOSED TO BE DETACHED IS LOCATED
8 SHALL CONDUCT AND BEAR THE EXPENSE OF THE ELECTION.

9 (4) THE TERRITORY SHALL BE DETACHED FROM THE EXISTING CITY
10 AND INCORPORATED AS A NEW CITY IF ALL OF THE FOLLOWING REQUIRE-
11 MENTS ARE MET:

12 (A) A MAJORITY OF THE ELECTORS VOTING ON THE ISSUE APPROVE
13 THE DETACHMENT AND INCORPORATION.

14 (B) NOT MORE THAN 90 DAYS AFTER THE ELECTION, AN INTERIM
15 CITY CHARTER THAT MEETS THE REQUIREMENTS OF SECTION 3 IS FILED
16 WITH THE COUNTY CLERK. NOT MORE THAN 5 BUSINESS DAYS AFTER THE
17 INTERIM CITY CHARTER IS FILED, THE COUNTY CLERK SHALL APPROVE THE
18 INTERIM CITY CHARTER.

19 (C) NOT MORE THAN 90 DAYS AFTER THE ELECTION, AN INTERIM
20 CITY GOVERNMENT THAT MEETS THE REQUIREMENTS OF THIS ACT IS ESTAB-
21 LISHED AND A LIST OF ALL ELECTED AND APPOINTED OFFICIALS OF THE
22 INTERIM CITY GOVERNMENT IS FILED WITH THE COUNTY CLERK. NOT MORE
23 THAN 5 BUSINESS DAYS AFTER THE LIST IS FILED, THE COUNTY CLERK
24 SHALL ACKNOWLEDGE THE INTERIM CITY GOVERNMENT.

25 (D) NOT MORE THAN 90 DAYS AFTER THE ELECTION, THE INTERIM
26 CITY GOVERNMENT PROVIDES FOR PUBLIC SAFETY WITHIN THE TERRITORY
27 OF THE NEW CITY AND FILES WITH THE COUNTY SHERIFF AND THE COUNTY

1 BOARD OF COMMISSIONERS A DESCRIPTION OF THE PUBLIC SAFETY
2 PROVISIONS. NOT MORE THAN 5 BUSINESS DAYS AFTER THE DESCRIPTION
3 IS FILED, THE COUNTY SHERIFF AND COUNTY BOARD OF COMMISSIONERS
4 SHALL ACKNOWLEDGE RECEIPT OF THE DESCRIPTION. THE INTERIM CITY
5 GOVERNMENT MAY PROVIDE FOR PUBLIC SAFETY DIRECTLY OR BY AGREEMENT
6 WITH AN ADJACENT CITY, VILLAGE, OR TOWNSHIP OR WITH THE COUNTY.

7 (5) NOT MORE THAN 1 YEAR AFTER THE REQUIREMENTS OF
8 SUBSECTION (4) ARE MET, ELECTIONS FOR ALL ELECTIVE CITY OFFICIALS
9 AND AN ELECTION ON THE QUESTION OF APPROVING THE PROPOSED CITY
10 CHARTER SHALL BE CONDUCTED.

11 SEC. 9D. (1) UPON INCORPORATION OF A NEW CITY UNDER
12 SECTION 9C, BOTH OF THE FOLLOWING BECOME PROPERTY OF THE NEW
13 CITY:

14 (A) PROPERTY OF THE EXISTING CITY, FROM WHICH THE TERRITORY
15 OF THE NEW CITY WAS DETACHED, THAT IS LOCATED WITHIN THE NEW
16 CITY.

17 (B) EQUIPMENT NORMALLY USED BY THE EXISTING CITY TO PROVIDE
18 SERVICES FOR THE DETACHED TERRITORY. THE EXISTING CITY SHALL
19 DELIVER THIS EQUIPMENT TO THE NEW CITY UPON INCORPORATION OF THE
20 NEW CITY.

21 (2) THE NEW CITY SHALL PAY THE EXISTING CITY A REASONABLE
22 AMOUNT FOR THE EQUIPMENT AND OTHER PROPERTY DESCRIBED IN
23 SUBSECTION (1). THE NEW CITY SHALL MAKE PAYMENT IN A REASONABLE
24 MANNER.

25 (3) IF THE EXISTING CITY PROVIDED WATER SERVICE, SEWER SERV-
26 ICE, OR BOTH TO THE TERRITORY OF THE NEW CITY BEFORE ITS
27 DETACHMENT UNDER SECTION 9C, AND IF THE EXISTING CITY PROVIDED

1 WATER SERVICE, SEWER SERVICE, OR BOTH TO NOT LESS THAN 3
2 MUNICIPALITIES OTHER THAN THE EXISTING CITY DURING THE 5-YEAR
3 PERIOD PRECEDING THE INCORPORATION OF THE NEW CITY, THE EXISTING
4 CITY SHALL, AT THE DISCRETION OF THE NEW CITY, CONTINUE TO PRO-
5 VIDE WATER SERVICE, SEWER SERVICE, OR BOTH TO THE NEW CITY, AS
6 LONG AS THE EXISTING CITY CONTINUES TO PROVIDE SERVICE TO ANY
7 MUNICIPALITY OTHER THAN THE EXISTING CITY AND THE NEW CITY. THE
8 EXISTING CITY SHALL NOT CHARGE A RATE FOR THE SERVICE IN THE
9 DETACHED TERRITORY GREATER THAN THE RATE CHARGED IN THE EXISTING
10 CITY.