

HOUSE BILL No. 6221

November 5, 1998, Introduced by Rep. Gubow and referred to the Committee on Local Government.

A bill to amend 1909 PA 279, entitled "The home rule city act," by amending section 6 (MCL 117.6), as amended by 1984 PA 352, and by adding section 9c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. (1) ~~Cities~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
2 ACT, CITIES may be incorporated, ~~or~~ territory MAY BE detached
3 ~~therefrom or~~ FROM A CITY, TERRITORY MAY BE added ~~thereto~~ TO A
4 CITY, or consolidation MAY BE made of 2 or more cities or vil-
5 lages into 1 city, or of a city and 1 or more villages into 1
6 city, or of 1 or more cities or villages together with additional
7 territory not included within any incorporated city or village
8 into 1 city, by proceedings originating by petition. ~~therefor~~
9 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE PETITION SHALL
10 BE signed by THE NUMBER of qualified electors who are freeholders

1 residing within the cities, villages, or townships to be
2 affected, ~~thereby, to a number~~ REPRESENTING not less than 1% of
3 the population of the territory affected ~~thereby~~ according to
4 the last preceding United States census, or according to a census
5 to be taken as ~~hereinafter~~ provided IN THIS SECTION, which
6 ~~number~~ QUALIFIED ELECTORS shall be in no case less than 100,
7 and not less than 10 of the signatures to ~~such~~ THE petition
8 shall be obtained from each city, village, or township to be
9 affected by the proposed change. ~~∴ Provided, That in~~

10 (2) IN the incorporation of a city from an existing village
11 without change of boundaries, the requisite number of signatures
12 may be obtained from throughout the village without regard to the
13 townships in which the signers are residents. ~~∴ Provided fur-~~
14 ~~ther, That as an alternate method in~~

15 (3) IN the case of an annexation proceeding in which there
16 are less than 10 persons qualified to sign the petition living in
17 ~~that~~ AN unincorporated territory of any township or townships
18 proposed to be annexed to a city, ~~that~~ the signatures on the
19 petition of persons, firms, corporations, the United States gov-
20 ernment, or the state or any of its subdivisions who collectively
21 hold equitable title as vendees under a recorded land contract or
22 memorandum of land contract, or record legal title to more than
23 1/2 of the area of the land exclusive of streets, in the terri-
24 tory to be annexed at the time of filing the petition, will suf-
25 fice in lieu of obtaining 10 signatures from the township in
26 which ~~such~~ THE area to be annexed lies. ~~∴ And provided~~
27 ~~further, That on such~~ ON THAT petition each signature shall be

1 followed by a description of the land and the area represented
2 ~~thereby~~ and a sworn statement shall also accompany ~~such~~ THE
3 petition giving the total area of the land, exclusive of streets,
4 lying within the area proposed to be annexed. ~~∴ Provided fur-~~
5 ~~ther, That before~~

6 (4) BEFORE any signatures are obtained on a petition as
7 ~~hereinbefore~~ provided IN THIS SECTION, ~~such~~ THE petition
8 shall have attached to it a map or drawing showing clearly the
9 territory proposed to be incorporated, detached, or added, and
10 each prospective signer shall be shown ~~such~~ THE map or drawing
11 before signing the petition. ~~Such~~

12 (5) A petition shall be verified by the oath of 1 or more
13 petitioners.

14 (6) The county clerk upon the presentment of a petition for
15 incorporation of a new city for filing shall ~~forthwith~~ estimate
16 all necessary expense that may be incurred by the county in the
17 incorporation proceedings, and the clerk ~~thereupon~~ shall
18 require that ~~the sum so estimated~~ AMOUNT, which in no case
19 shall exceed \$500.00, be deposited with the clerk and shall
20 refuse to accept the petition for filing until ~~the sum is so~~
21 THAT AMOUNT IS deposited. ~~∴ Provided, That in~~

22 (7) IN proceedings for the incorporation of a new city or
23 the consolidation of 2 or more cities or villages into 1 city, or
24 of a city and 1 or more villages into 1 city or of 1 or more
25 cities or villages together with additional territory not
26 included within any incorporated city or village into 1 city, a
27 petition signed by not less than 100 qualified electors who are

1 freeholders residing within the territory ~~so~~ proposed to be
2 incorporated or consolidated, ~~praying for the taking of~~
3 REQUESTING a census of the inhabitants of the territory affected,
4 ~~thereby,~~ may be filed with the county clerk of the county
5 within which ~~said~~ THE territory is located. The county clerk
6 shall, within 5 days after the filing of ~~such~~ THAT petition,
7 certify to the mayor of each city, president of each village, and
8 supervisor of each township affected, ~~thereby,~~ and to the sec-
9 retary of state that ~~such~~ THE petition has ~~so~~ been filed.
10 Within 5 days after the service of ~~such~~ THE certificate, the
11 secretary of state shall appoint an enumerator or enumerators to
12 enumerate the inhabitants of each ~~such~~ city, village, and the
13 portion of each township proposed to be ~~so~~ incorporated, or ~~a~~
14 ~~consolidation made thereof~~ CONSOLIDATED. Before entering upon
15 the duties of ~~said~~ office, each ~~such~~ enumerator shall take
16 and subscribe to the constitutional oath of office before ~~some~~
17 AN officer authorized to administer oaths and file ~~the same~~ HIS
18 OR HER OATH with the secretary of state and with the county clerk
19 of the county in which ~~such~~ THE territory is located. ~~It~~
20 ~~shall be the duty of each~~ EACH enumerator ~~so~~ appointed ~~to~~
21 SHALL enumerate all of the bona fide inhabitants of ~~such~~ THE
22 city, village, or township, territory or portion ~~thereof~~ OF
23 TERRITORY assigned to the enumerator by the secretary of state
24 and to visit each house or dwelling and to obtain the names of
25 each known resident. ~~thereof.~~ The city, village, or township
26 within which the services of the enumerator are rendered shall
27 pay for ~~such~~ THOSE services, together with any actual and

1 necessary expenses incurred by the enumerator. The rate of pay
2 and actual and necessary expenses of the enumerator shall be set
3 by the governing body of the city, village, or township in which
4 the census takes place. Upon completing ~~such~~ THE enumeration,
5 ~~it shall be the duty of the persons so appointed to~~
6 ENUMERATORS SHALL make a return in duplicate of ~~such~~ THE enu-
7 meration showing the names of the inhabitants of each ~~such~~
8 city, village, or township, territory, or district to the county
9 clerk and to the secretary of state. No ~~such~~ enumeration or
10 census shall be conducted in any city, village, or township, or
11 portion ~~thereof,~~ OF A CITY, VILLAGE, OR TOWNSHIP, within 2
12 years of the date of the last enumeration in ~~such~~ THAT
13 territory. Every ~~such~~ enumeration shall be conducted under the
14 general supervision and control of the secretary of state who ~~is~~
15 ~~hereby empowered to~~ MAY make rules and regulations for the pur-
16 pose of carrying out ~~the provisions of~~ this act.

17 SEC. 9C. (1) IN ADDITION TO THE DETACHMENT PROCEDURES OTH-
18 ERWISE AUTHORIZED BY THIS ACT, TERRITORY MAY BE DETACHED FROM A
19 CITY AND ATTACHED TO A DIFFERENT CITY IF ALL OF THE FOLLOWING
20 CONDITIONS ARE MET:

21 (A) THE COUNCIL OF THE CITY FROM WHICH THE TERRITORY IS TO
22 BE DETACHED APPROVES A RESOLUTION AUTHORIZING THE DETACHMENT OF
23 THE TERRITORY AND PLACING THE ISSUE OF THE DETACHMENT OF THE TER-
24 RITORY ON THE BALLOT AT THE NEXT REGULARLY SCHEDULED ELECTION OR
25 AT SPECIAL ELECTION CALLED FOR THAT PURPOSE.

1 (B) THE COUNCIL OF THE CITY TO WHICH THE DETACHED TERRITORY
2 IS TO BE ATTACHED APPROVES A RESOLUTION AUTHORIZING THE
3 ATTACHMENT OF THE TERRITORY.

4 (C) A MAJORITY OF THE QUALIFIED VOTERS RESIDING IN THE TER-
5 RITORY TO BE DETACHED APPROVE THE DETACHMENT AT THE REGULARLY
6 SCHEDULED ELECTION OR SPECIAL ELECTION AT WHICH THE ISSUE OF
7 DETACHMENT APPEARS ON THE BALLOT.

8 (2) THE CITIES INVOLVED IN A DETACHMENT UNDER THIS SECTION
9 MAY ENTER INTO AN INTERGOVERNMENTAL AGREEMENT THAT IMPOSES CONDI-
10 TIONS ON THE DETACHMENT. THE CONDITIONS MAY INCLUDE, BUT NEED
11 NOT BE LIMITED TO, BUILDING RESTRICTIONS, ZONING, AND WATER,
12 SEWER, POLICE, AND FIRE SERVICES WITHIN THE TERRITORY TO BE
13 DETACHED.