

SENATE BILL No. 854

October 26, 1999, Introduced by Senator EMMONS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1895 PA 3, entitled "The general law village act," by amending section 6 of chapter XIV (MCL 74.6) and by adding section 6b to chapter XIV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIV

1
2 Sec. 6. (1) ~~Whenever the council of any village shall~~
3 ~~determine~~ IF THE COUNCIL DETERMINES by resolution to alter the
4 boundaries of ~~such~~ THE village, either by ~~taking in lands and~~
5 ~~premises~~ ANNEXING TERRITORY adjoining ~~thereto~~ THE VILLAGE or
6 by ~~taking out any lands and premises~~ DETACHING TERRITORY
7 included in ~~such~~ THE village, or both, ~~they~~ THE COUNCIL shall
8 petition the COUNTY board of ~~supervisors~~ COMMISSIONERS of the
9 county in which ~~such lands and premises affected thereby are~~
10 THE TERRITORY IS situated to make ~~such~~ THAT change. ~~Such~~ THE

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1 PETITION SHALL BE SIGNED BY THE PRESIDENT AND CLERK OF THE
2 VILLAGE. THE petition shall ~~contain a~~ INCLUDE ALL OF THE
3 FOLLOWING:

4 (A) A description by metes and bounds of the ~~lands and~~
5 ~~premises~~ TERRITORY proposed to be ~~added to or taken out of such~~
6 ~~village, and shall set forth the~~ ANNEXED OR DETACHED.

7 (B) THE reasons for the proposed BOUNDARY change. ~~, and~~
8 ~~shall contain a~~

9 (C) A copy of the resolution of the council in relation
10 ~~thereto, and shall be signed by the president and clerk of such~~
11 ~~village~~ TO THE BOUNDARY CHANGE.

12 (2) Before ~~such~~ THE petition ~~shall be~~ IS presented to
13 the board of ~~supervisors notice shall be given by the clerk~~
14 COMMISSIONERS, THE VILLAGE CLERK SHALL GIVE NOTICE of the time
15 and place when the ~~same~~ PETITION will be presented for consid-
16 eration, by ~~publishing the same~~ PUBLICATION in a newspaper
17 ~~published in such village for at least 3~~ OF GENERAL CIRCULATION
18 IN THE VILLAGE NOT LESS THAN ONCE EACH WEEK FOR 3 CONSECUTIVE
19 weeks immediately preceding the presentation of the ~~same, and if~~
20 ~~no newspaper is published in such village, then~~ PETITION OR by
21 posting the ~~same~~ NOTICE in at least 3 ~~of the most~~ public
22 places within the village NOT LOCATED IN ANY TERRITORY PROPOSED
23 TO BE ANNEXED OR DETACHED, and in at least 3 ~~of the most~~ public
24 places ~~of~~ IN the territory ~~directly affected thereby.~~ Such
25 PROPOSED TO BE ANNEXED OR DETACHED. THE notice shall also con-
26 tain a description of the ~~premises~~ TERRITORY proposed to be

1 ~~taken in or out of the boundaries of such village. At the time~~
 2 ~~of presenting such petition all~~ ANNEXED OR DETACHED.

3 (3) IF A PETITION IS PRESENTED, INTERESTED parties
 4 ~~interested~~ may appear before ~~such~~ THE COUNTY board of
 5 ~~supervisors~~ COMMISSIONERS and be heard ~~touching the proposed~~
 6 ~~boundaries of such village, and after such hearing and due con-~~
 7 ~~sideration of such petition, it shall be the duty of the board of~~
 8 ~~supervisors to order and determine as to whether the prayer con-~~
 9 ~~tained in the petition or any part thereof shall be granted, and~~
 10 ~~they shall make an order of such determination, which order shall~~
 11 ~~be entered upon their records, and thereupon the boundaries of~~
 12 ~~such~~ ON THE PROPOSAL. AFTER THE HEARING AND A VOTE ON A PRO-
 13 POSED ANNEXATION AS REQUIRED UNDER SECTION 6B, THE COUNTY BOARD
 14 OF COMMISSIONERS SHALL ISSUE AND ENTER IN ITS RECORDS AN ORDER
 15 DETERMINING WHETHER TO GRANT ALL OR PART OF THE BOUNDARY CHANGE
 16 PETITIONED FOR. UPON ISSUANCE OF THE ORDER, AND SUBJECT TO VOTER
 17 APPROVAL UNDER SECTION 6B, THE BOUNDARIES OF THE village shall be
 18 fixed and shall exist as provided in ~~such order, and a certified~~
 19 ~~copy thereof shall be transmitted~~ THE ORDER. UPON ISSUANCE OF
 20 THE ORDER, THE COUNTY CLERK SHALL TRANSMIT A COPY OF THE ORDER to
 21 the clerk of ~~such~~ THE village and to the secretary of state. ~~,~~
 22 ~~and such~~ THE order shall be prima facie evidence of ~~such~~ THE
 23 change of boundaries of ~~such~~ THE village and of the regularity
 24 of ~~such~~ THE proceedings. ~~in all courts and places.~~

25 SEC. 6B. A VILLAGE SHALL NOT PROCEED TO ANNEX TERRITORY
 26 UNDER SECTION 6 OF THIS CHAPTER FROM ANY OTHER VILLAGE OR A CITY,
 27 TOWNSHIP, OR CHARTER TOWNSHIP UNLESS THE QUESTION OF THE

1 ANNEXATION HAS BEEN VOTED UPON BY THE VOTERS IN THE TERRITORY
2 PROPOSED FOR ANNEXATION, IF ANY, AND THE BALANCE OF EACH CITY,
3 VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP AFFECTED BY THE ANNEXATION
4 VOTING INDEPENDENTLY. THE ANNEXATION SHALL BE CONSIDERED
5 DEFEATED IF A MAJORITY OF THE ELECTORS VOTING ON THE ISSUE IN THE
6 ANNEXING VILLAGE, THE TERRITORY PROPOSED FOR ANNEXATION, OR THE
7 BALANCE OF THE CITY, VILLAGE, TOWNSHIP, OR CHARTER TOWNSHIP
8 WITHIN WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS LOCATED
9 VOTE AGAINST THE ANNEXATION. OTHERWISE, THE ANNEXATION SHALL BE
10 CONSIDERED APPROVED AND EFFECTIVE WHEN THE COUNTY BOARD OF COM-
11 MISSIONERS ENTERS AN ORDER APPROVING THE ANNEXATION UNDER SECTION
12 6 OF THIS CHAPTER.