

SUBSTITUTE FOR
HOUSE BILL NO. 4725

A bill to amend 1947 PA 359, entitled
"The charter township act,"
by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 34. (1) A charter township existing on June 15, 1978,
2 or a township incorporated after June 15, 1978 as a charter town-
3 ship that complies with ALL OF the following standards, is exempt
4 from annexation to any contiguous city or village except as
5 OTHERWISE 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
9 square mile to be determined by the secretary of state by
10 dividing the most recent regular or special census of population
11 by the number of square miles then under the jurisdiction of the

HB4725, As Passed House, December 12, 2001

House Bill No. 4725

2

1 charter township not to include the population or territory
2 within the jurisdiction of an incorporated village.

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

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

7 (e) Provides solid waste disposal services to township resi-
8 dents, within or without the township, by contract, license, or
9 municipal ownership.

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

12 (g) Provides police protection through contract with the
13 sheriff in addition to normal sheriff patrol, through an inter-
14 governmental contract, or through its own police department.

15 (2) THE ANNEXATION UNDER THIS SUBSECTION OF ANY TERRITORY
16 WITH MORE THAN 100 RESIDENTS FROM A CHARTER TOWNSHIP TO A CITY IS
17 SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTION 9(5) OF THE HOME
18 RULE CITY ACT, 1909 PA 279, MCL 117.9. THE ANNEXATION UNDER THIS
19 SUBSECTION OF ANY TERRITORY WITH 100 OR FEWER RESIDENTS FROM A
20 CHARTER TOWNSHIP IS SUBJECT TO SUBSECTION (17). Notwithstanding
21 subsection (1), the state boundary commission may, under proce-
22 dures initiated and conducted pursuant to section 9 of ~~Act~~
23 ~~No. 279 of the Public Acts of 1909, being section 117.9 of the~~
24 ~~Michigan Compiled Laws~~ THE HOME RULE CITY ACT, 1909 PA 279,
25 MCL 117.9, order a portion or portions of a charter township to
26 be annexed as necessary to eliminate free standing islands of the
27 CHARTER township completely surrounded by an annexing city, or to

HB4725, As Passed House, December 12, 2001

House Bill No. 4725

3

1 straighten or align the exterior boundaries of the city or
2 village ~~in a manner~~ TO ENSURE that the charter township and
3 city or village contain uniform straight boundaries wherever
4 possible.

5 (3) THE ANNEXATION UNDER THIS SUBSECTION OF ANY TERRITORY
6 WITH 100 OR FEWER RESIDENTS FROM A CHARTER TOWNSHIP IS SUBJECT TO
7 SUBSECTION (17). Notwithstanding subsection (1), a portion of a
8 charter township ~~which charter township~~ THAT is contiguous on
9 all sides with a city or village AND HAS MORE THAN 100 RESIDENTS
10 may be annexed by that city or village with the approval of a
11 majority of the electors in that portion of a charter township.

12 (4) Notwithstanding subsection (1), if a qualified elector
13 does not reside in the territory proposed to be annexed which is
14 contiguous to the city or village, other than the 1 or more per-
15 sons petitioning, or if a petition signed by 1 or more persons,
16 firms, corporations, the United States government, or the state
17 or any of its subdivisions ~~which~~ THAT collectively hold the
18 equitable title as vendee under a recorded land contract or memo-
19 randum of land contract, or recorded legal title AS RECORD FEE
20 OWNER to more than 1/2 of the area of the land in the territory
21 to be annexed is filed with the city or village and with the
22 township board of the charter township in which the territory is
23 situated, the annexation may be accomplished by the affirmative
24 majority vote of the city council or village board of the city or
25 village and the approval of the charter township board of the
26 township, WHICH MAY INCLUDE AN AGREEMENT AS DESCRIBED IN SECTION
27 9C(3) OF THE HOME RULE CITY ACT, 1909 PA 279, MCL 117.9C.

HB4725, As Passed House, December 12, 2001

House Bill No. 4725

4

1 (5) Notwithstanding ~~subsections (1) and (3)~~ SUBSECTION
2 (1), a portion of a charter township contiguous to a city or vil-
3 lage may be annexed to that city or village upon the filing of a
4 petition with the county clerk ~~which petition is~~ signed by 20%
5 of the registered electors in the area to be annexed and approval
6 by a majority of the qualified and registered electors voting on
7 the question in the city or village to which the portion is to be
8 annexed, and the portion of the township which is to be annexed,
9 with the vote in each unit to be counted separately.

10 (6) A CITY, VILLAGE, PROPERTY OWNER, OR REGISTERED ELECTORS
11 THAT INTEND TO PETITION FOR ANNEXATION OF TERRITORY TO A CITY OR
12 VILLAGE FROM A TOWNSHIP SHALL PROVIDE WRITTEN NOTICE OF THAT
13 INTENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE CLERK
14 OF ANY CITY, VILLAGE, OR TOWNSHIP THAT IS AFFECTED BY THE
15 PROPOSAL.

16 (7) THE CITY OR VILLAGE AND THE TOWNSHIP MAY NEGOTIATE AN
17 AGREEMENT CONCERNING THE ANNEXATION OF THE TERRITORY THAT
18 INCLUDES, BUT IS NOT LIMITED TO, THE SHARING OF TAX REVENUES, THE
19 FUTURE LAND USE OF THE TERRITORY, AND ANY OTHER FACTORS OR TERMS
20 THAT MAY BE CONSIDERED OR PROVIDED FOR IN A CONTRACT NEGOTIATED
21 UNDER 1984 PA 425, MCL 124.21 TO 124.30, OR AN INTERLOCAL AGREE-
22 MENT NEGOTIATED UNDER THE URBAN COOPERATION ACT OF 1967, 1967 (EX
23 SESS) PA 7, MCL 124.501 TO 124.512.

24 (8) FORTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE UNDER SUB-
25 SECTION (6), IF NO AGREEMENT HAS BEEN REACHED UNDER SUBSECTION
26 (7) BETWEEN THE CITY OR VILLAGE AND THE TOWNSHIP CONCERNING THE
27 PROPOSED ANNEXATION, A PETITION FOR ANNEXATION OF TERRITORY MAY

HB4725, As Passed House, December 12, 2001

House Bill No. 4725

5

1 BE FILED. ON THE SAME DAY THAT THE PETITION IS FILED, THE
2 PETITIONER SHALL SEND A COPY OF THE PETITION BY CERTIFIED MAIL,
3 RETURN RECEIPT REQUESTED, TO THE CLERKS OF BOTH THE CITY OR VIL-
4 LAGE AND THE TOWNSHIP IN WHICH THE TERRITORY IS LOCATED.

5 (9) IF NO AGREEMENT IS REACHED WITHIN 45 DAYS AFTER RECEIPT
6 OF THE NOTICE UNDER SUBSECTION (6), THE CITY OR VILLAGE OR THE
7 TOWNSHIP MAY FILE A CLAIM NOT LATER THAN 10 DAYS AFTER THE EXPI-
8 RATION OF THAT PERIOD IN THE CIRCUIT COURT ASSERTING THAT THE
9 OTHER PARTY DID NOT PARTICIPATE IN NEGOTIATIONS IN GOOD FAITH.
10 IF THE COURT FINDS THAT THE CITY OR VILLAGE OR THE TOWNSHIP DID
11 NOT PARTICIPATE IN NEGOTIATIONS IN GOOD FAITH, IT MAY PROVIDE
12 APPROPRIATE EQUITABLE RELIEF, INCLUDING, BUT NOT LIMITED TO, PRO-
13 HIBITING THE ANNEXATION FOR A PERIOD OF NOT MORE THAN 2 YEARS OR
14 PROHIBITING THE REFERENDUM PROVIDED FOR IN SUBSECTION (5) OR
15 (10).

16 (10) IF, WITHIN 30 DAYS AFTER RECEIPT BY THE CLERK OF THE
17 TOWNSHIP OF THE PETITION FOR ANNEXATION, A PETITION FOR A REFER-
18 ENDUM ON THE QUESTION OF ANNEXATION IS FILED WITH THE COUNTY
19 ELECTION COMMISSION THAT CONTAINS THE SIGNATURES OF AT LEAST 25%
20 OF THE REGISTERED ELECTORS IN THE AFFECTED TOWNSHIP, BASED ON THE
21 MOST RECENT CERTIFICATION OF THE NUMBER OF REGISTERED ELECTORS
22 MADE BY THE TOWNSHIP CLERK TO THE COUNTY CLERK, THE COUNTY ELEC-
23 TION COMMISSION SHALL CERTIFY THAT THE REFERENDUM PETITION MEETS
24 THE REQUIREMENTS FOR PETITIONS UNDER THE MICHIGAN ELECTION LAW,
25 1954 PA 116, MCL 168.1 TO 168.992, AND SHALL PLACE THE ISSUE ON
26 THE BALLOT AT THE SAME ELECTION AT WHICH THE QUESTION OF THE
27 PROPOSED ANNEXATION IS PRESENTED UNDER SUBSECTION (14).

HB4725, As Passed House, December 12, 2001

House Bill No. 4725

6

1 (11) IF A PETITION CONTAINING SUFFICIENT VALID SIGNATURES
2 FOR A REFERENDUM ON THE QUESTION OF ANNEXATION IS NOT FILED WITH
3 THE COUNTY ELECTION COMMISSION UNDER SUBSECTION (10), THE ELEC-
4 TION SHALL TAKE PLACE AS PROVIDED IN SUBSECTION (5).

5 (12) IF A PETITION CONTAINING SUFFICIENT VALID SIGNATURES
6 FOR A REFERENDUM ON THE QUESTION OF ANNEXATION IS FILED WITH THE
7 COUNTY ELECTION COMMISSION UNDER SUBSECTION (10), THE ANNEXATION
8 SHALL BE ALLOWED TO OCCUR ONLY IF A MAJORITY OF THE ELECTORS
9 VOTING ON THE ISSUE IN THE ANNEXING CITY OR VILLAGE, IN THE TER-
10 RITORY PROPOSED FOR ANNEXATION, AND IN THE BALANCE OF THE TOWN-
11 SHIP WITHIN WHICH THE TERRITORY PROPOSED FOR ANNEXATION IS
12 LOCATED VOTE FOR THE ANNEXATION.

13 (13) IF AN AGREEMENT IS REACHED 30 DAYS BEFORE THE DATE OF
14 AN ELECTION SCHEDULED UNDER SUBSECTION (10), THE REFERENDUM SHALL
15 BE HELD AS PROVIDED IN SUBSECTION (5).

16 (14) ~~-(6)-~~ If a petition is filed pursuant to subsection
17 (5), the county clerk, after determining the validity of the
18 petition, shall order a referendum on the question of
19 annexation. This referendum shall occur within 1 year after the
20 validation of the petitions. The referendum shall be held at the
21 first primary or general election held in that county not less
22 than 60 days after the validation of the petition, or ~~under~~
23 PURSUANT TO section 639 of the Michigan election law, ~~Act~~
24 ~~No. 116 of the Public Acts of 1954, as amended, being section~~
25 ~~168.639 of the Michigan Compiled Laws~~ 1954 PA 116, MCL 168.639.

26 (15) ~~-(7)-~~ A village having a population of 4,200 or more
27 shall not be annexed to a contiguous unit of government unless a

HB4725, As Passed House, December 12, 2001

House Bill No. 4725

7

1 majority of the qualified and registered electors residing within
2 the village vote in favor of the annexation at an election held
3 pursuant to the Michigan election law, ~~Act No. 116 of the Public~~
4 ~~Acts of 1954, as amended, being sections 168.1 to 168.992 of the~~
5 ~~Michigan Compiled Laws~~ 1954 PA 116, MCL 168.1 TO 168.992.

6 (16) ~~-(8)-~~ The common boundary of a charter township and a
7 city or village may be adjusted by resolution approved by a
8 majority of each of the respective governing bodies after the
9 governing bodies give 90 days' notice to property owners in the
10 area proposed for the boundary adjustment, and the governing
11 bodies conduct a public hearing on the proposed boundary
12 adjustment.

13 (17) THE ANNEXATION OF ANY TERRITORY UNDER SUBSECTION (2) OR
14 (3) WITH 100 OR FEWER RESIDENTS TO A CITY OR VILLAGE FROM A
15 CHARTER TOWNSHIP IS SUBJECT TO THE FOLLOWING SECTIONS:

16 (A) IN THE CASE OF ANNEXATION TO A CITY, THE ANNEXATION IS
17 SUBJECT TO SECTION 9C OF THE HOME RULE CITY ACT, 1909 PA 279,
18 MCL 117.9C.

19 (B) IN THE CASE OF ANNEXATION TO A GENERAL LAW VILLAGE, THE
20 ANNEXATION IS SUBJECT TO SECTION 6B OF CHAPTER XIV OF THE GENERAL
21 LAW VILLAGE ACT, 1895 PA 3, MCL 74.6B.

22 (C) IN THE CASE OF ANNEXATION TO A HOME RULE VILLAGE, THE
23 ANNEXATION IS SUBJECT TO SECTIONS 4 AND 5 OF THE HOME RULE VIL-
24 LAGE ACT, 1909 PA 278, MCL 78.4 AND 78.5.

25 (18) THE DETACHMENT OF ANY TERRITORY FROM A CITY OR VILLAGE
26 TO A CHARTER TOWNSHIP IS SUBJECT TO THE FOLLOWING SECTIONS:

HB4725, As Passed House, December 12, 2001

House Bill No. 4725

8

1 (A) IN THE CASE OF DETACHMENT FROM A CITY, THE DETACHMENT IS
2 SUBJECT TO SECTION 9E OF THE HOME RULE CITY ACT, 1909 PA 279,
3 MCL 117.9E.

4 (B) IN THE CASE OF DETACHMENT FROM A GENERAL LAW VILLAGE,
5 THE DETACHMENT IS SUBJECT TO SECTION 6D OF CHAPTER XIV OF THE
6 GENERAL LAW VILLAGE ACT, 1895 PA 3, MCL 74.6D.

7 (C) IN THE CASE OF DETACHMENT FROM A HOME RULE VILLAGE, THE
8 DETACHMENT IS SUBJECT TO SECTION 5B OF THE HOME RULE VILLAGE ACT,
9 1909 PA 278, MCL 78.5B.

10 Enacting section 1. This amendatory act does not take
11 effect unless all of the following bills of the 91st Legislature
12 are enacted into law:

13 (a) House Bill No. 4720.

14 (b) House Bill No. 4721.

15 (c) House Bill No. 4722.

16 (d) House Bill No. 4723.

17 (e) House Bill No. 4724.