

SENATE BILL No. 1202

March 13, 2002, Introduced by Senator HAMMERSTROM and referred to the Committee on Government Operations.

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 the following standards, is exempt from
4 annexation to any contiguous city or village except as provided
5 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

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) Notwithstanding subsection (1), the state boundary com-
16 mission may, under procedures initiated and conducted pursuant to
17 section 9 of ~~Act No. 279 of the Public Acts of 1909, being sec-~~
18 ~~tion 117.9 of the Michigan Compiled Laws~~ THE HOME RULE CITY ACT,
19 1909 PA 279, MCL 117.9, order a portion or portions of a charter
20 township to be annexed as necessary to eliminate free standing
21 islands of the township completely surrounded by an annexing
22 city, or to straighten or align the exterior boundaries of the
23 city or village in a manner that the charter township and city or
24 village contain uniform straight boundaries wherever possible.

25 (3) Notwithstanding subsection (1), a portion of a charter
26 township, which charter township is contiguous on all sides with
27 a city or village, may be annexed by that city or village with

1 the approval of a majority of the electors in that portion of a
2 charter township.

3 (4) Notwithstanding subsection (1), if a qualified elector
4 does not reside in the territory proposed to be annexed ~~which~~
5 THAT is contiguous to the city or village, other than the 1 or
6 more persons petitioning, or if a petition signed by 1 or more
7 persons, firms, corporations, the United States government, or
8 the state or any of its subdivisions ~~which~~ THAT collectively
9 hold the equitable title as vendee under a recorded land contract
10 or memorandum of land contract, or recorded legal title to more
11 than 1/2 of the area of the land in the territory to be annexed
12 is filed with the city or village and with the township board of
13 the charter township in which the territory is situated, the
14 annexation may be accomplished by the affirmative majority vote
15 of the city council or village board of the city or village and
16 the approval of the charter township board of the township.

17 (5) Notwithstanding subsections (1) and (3), a portion of a
18 charter township contiguous to a city or village may be annexed
19 to that city or village upon the filing of a petition with the
20 county clerk which petition is signed by 20% of the registered
21 electors in the area to be annexed and approval by a majority of
22 the qualified and registered electors voting on the question in
23 the city or village to which the portion is to be annexed, and
24 the portion of the township which is to be annexed, with the vote
25 in each unit to be counted separately.

26 (6) If a petition is filed pursuant to subsection (5), the
27 county clerk, after determining the validity of the petition,

1 shall order a referendum on the question of annexation. This
2 referendum shall occur within 1 year after the validation of the
3 petitions. The referendum shall be held at the first primary or
4 general election held in that county not less than 60 days after
5 the validation of the petition, or ~~under section 639 of the~~
6 ~~Michigan election law, Act No. 116 of the Public Acts of 1954, as~~
7 ~~amended, being section 168.639 of the Michigan Compiled Laws~~ IN
8 COMPLIANCE WITH THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1
9 TO 168.992.

10 (7) A village having a population of 4,200 or more shall not
11 be annexed to a contiguous unit of government unless a majority
12 of the qualified and registered electors residing within the vil-
13 lage vote in favor of the annexation at an election held pursuant
14 to the Michigan election law, ~~Act No. 116 of the Public Acts of~~
15 ~~1954, as amended, being sections 168.1 to 168.992 of the Michigan~~
16 ~~Compiled Laws~~ 1954 PA 116, MCL 168.1 TO 168.992.

17 (8) The common boundary of a charter township and a city or
18 village may be adjusted by resolution approved by a majority of
19 each of the respective governing bodies after the governing
20 bodies give 90 days' notice to property owners in the area pro-
21 posed for the boundary adjustment, and the governing bodies con-
22 duct a public hearing on the proposed boundary adjustment.