

HOUSE BILL No. 4822

June 10, 2003, Introduced by Reps. Jamnick, Hummel, Farhat, Brandenburg, Garfield, Drolet, Hoogendyk, Amos, Casperson, Emmons, Wenke, Tabor, Palsrok, Sheen, Stahl, Vander Veen, Acciavatti, LaJoy, Steil, Walker, Pastor, Stakoe, Meyer, Voorhees, Taub, Ward, Ruth Johnson, Rocca, Kooiman, Robertson, Moolenaar and Richardville and referred to the Committee on Local Government and Urban Policy.

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
3 township that complies with the following standards, is exempt
4 from annexation to any contiguous city or village except as
5 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

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 master
6 plan.

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

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

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

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

27 (3) Notwithstanding subsection (1), a portion of a charter

1 township, which charter township is contiguous on all sides with
2 a city or village, may be annexed by that city or village with
3 the approval of a majority of the electors in that portion of a
4 charter township.

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

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

1 (6) If a petition is filed ~~pursuant to~~ **as provided in**
 2 subsection (5), the county clerk, after determining the validity
 3 of the petition, shall order a referendum on the question of
 4 annexation. This referendum shall occur within 1 year after the
 5 validation of the petitions. The referendum shall be held at the
 6 first primary or general election held in that county not less
 7 than 60 days after the validation of the petition, or ~~under~~
 8 ~~section 639 of the Michigan election law, Act No. 116 of the~~
 9 ~~Public Acts of 1954, as amended, being section 168.639 of the~~
 10 ~~Michigan Compiled Laws~~ **in compliance with the Michigan election**
 11 **law, 1954 PA 116, MCL 168.1 to 168.992.**

12 (7) A village having a population of 4,200 or more shall not
 13 be annexed to a contiguous unit of government unless a majority
 14 of the qualified and registered electors residing within the
 15 village vote in favor of the annexation at an election held
 16 ~~pursuant to~~ **under** the Michigan election law, ~~Act No. 116 of~~
 17 ~~the Public Acts of 1954, as amended, being sections 168.1 to~~
 18 ~~168.992 of the Michigan Compiled Laws~~ **1954 PA 116, MCL 168.1 to**
 19 **168.992.**

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

26 Enacting section 1. This amendatory act takes effect
 27 January 1, 2005.

1 Enacting section 2. This amendatory act does not take
2 effect unless all of the following bills of the 92nd Legislature
3 are enacted into law:

4 (a) Senate Bill No. _____ or House Bill No. 4821 (request
5 no. 01919'03 *).

6 (b) Senate Bill No. _____ or House Bill No. 4824 (request
7 no. 01920'03 *).