

# SENATE BILL No. 1078

February 5, 2008, Introduced by Senators PATTERSON and BIRKHOLZ and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1947 PA 359, entitled  
 "The charter township act,"  
 by amending section 34 (MCL 42.34), as amended by 2003 PA 300.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 34. (1) A charter township existing on June 15, 1978, or  
 2 a township incorporated after June 15, 1978 as a charter township  
 3 that complies with **ALL OF** the following standards, is exempt from  
 4 annexation to any contiguous city or village except as **OTHERWISE**  
 5 provided in ~~subsections (2) to (8)~~ **THIS SECTION:**

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 square  
 9 mile to be determined by the secretary of state by dividing the

1 most recent regular or special census of population by the number  
2 of square miles then under the jurisdiction of the charter township  
3 not to include the population or territory within the jurisdiction  
4 of an incorporated village.

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

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

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

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

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

16 (2) **THE ANNEXATION UNDER THIS SUBSECTION OF ANY TERRITORY WITH**  
17 **MORE THAN 100 RESIDENTS FROM A CHARTER TOWNSHIP TO A CITY IS**  
18 **SUBJECT TO THE REQUIREMENTS SET FORTH IN SECTION 9(5) OF THE HOME**  
19 **RULE CITY ACT, 1909 PA 279, MCL 117.9. THE ANNEXATION UNDER THIS**  
20 **SUBSECTION OF ANY TERRITORY WITH 100 OR FEWER RESIDENTS FROM A**  
21 **CHARTER TOWNSHIP IS SUBJECT TO SUBSECTION (17).** Notwithstanding  
22 subsection (1), the state boundary commission may, under procedures  
23 initiated and conducted under section 9 of the home rule city act,  
24 1909 PA 279, MCL 117.9, order a portion or portions of a charter  
25 township to be annexed as necessary to eliminate free standing  
26 islands of the township completely surrounded by an annexing city,  
27 or to straighten or align the exterior boundaries of the city or

1 village in a manner that the charter township and city or village  
2 contain uniform straight boundaries wherever possible.

3 (3) **THE ANNEXATION UNDER THIS SUBSECTION OF ANY TERRITORY WITH**  
4 **100 OR FEWER RESIDENTS FROM A CHARTER TOWNSHIP IS SUBJECT TO**  
5 **SUBSECTION (17)**. Notwithstanding subsection (1), a portion of a  
6 charter township ~~, which charter township~~ **THAT** is contiguous on all  
7 sides with a city or village ~~,~~ **AND HAS MORE THAN 100 RESIDENTS** may  
8 be annexed by that city or village with the approval of a majority  
9 of the electors in that portion of a charter township.

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

27 (5) Notwithstanding ~~subsections (1) and (3)~~ **SUBSECTION (1)**, a

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

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

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

22 (8) FORTY-FIVE DAYS AFTER RECEIPT OF THE NOTICE UNDER  
23 SUBSECTION (6), IF NO AGREEMENT HAS BEEN REACHED UNDER SUBSECTION  
24 (7) BETWEEN THE CITY OR VILLAGE AND THE TOWNSHIP CONCERNING THE  
25 PROPOSED ANNEXATION, A PETITION FOR ANNEXATION OF TERRITORY MAY BE  
26 FILED. ON THE SAME DAY THAT THE PETITION IS FILED, THE PETITIONER  
27 SHALL SEND A COPY OF THE PETITION BY CERTIFIED MAIL, RETURN RECEIPT

1 REQUESTED, TO THE CLERKS OF BOTH THE CITY OR VILLAGE AND THE  
2 TOWNSHIP IN WHICH THE TERRITORY IS LOCATED.

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

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

25 (11) IF A PETITION CONTAINING SUFFICIENT VALID SIGNATURES FOR  
26 A REFERENDUM ON THE QUESTION OF ANNEXATION IS NOT FILED WITH THE  
27 COUNTY ELECTION COMMISSION UNDER SUBSECTION (10), THE ELECTION

1 SHALL TAKE PLACE AS PROVIDED IN SUBSECTION (5).

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

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

13 (14) ~~(6)~~—If a petition is filed as provided in subsection (5),  
14 the county clerk, after determining the validity of the petition,  
15 shall order a referendum on the question of annexation. This  
16 referendum shall occur within 1 year after the validation of the  
17 petitions. The referendum shall be held at the first primary or  
18 general election held in that county not less than 60 days after  
19 the validation of the petition, or in compliance with the Michigan  
20 election law, 1954 PA 116, MCL 168.1 to 168.992.

21 (15) ~~(7)~~—A village having a population of 4,200 or more shall  
22 not be annexed to a contiguous unit of government unless a majority  
23 of the qualified and registered electors residing within the  
24 village vote in favor of the annexation at an election held under  
25 the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

26 (16) ~~(8)~~—The common boundary of a charter township and a city  
27 or village may be adjusted by resolution approved by a majority of

1 each of the respective governing bodies after the governing bodies  
2 give 90 days' notice to property owners in the area proposed for  
3 the boundary adjustment, and the governing bodies conduct a public  
4 hearing on the proposed boundary adjustment.

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

8 (A) IN THE CASE OF ANNEXATION TO A CITY, THE ANNEXATION IS  
9 SUBJECT TO SECTION 9C OF THE HOME RULE CITY ACT, 1909 PA 279, MCL  
10 117.9C.

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

14 (C) IN THE CASE OF ANNEXATION TO A HOME RULE VILLAGE, THE  
15 ANNEXATION IS SUBJECT TO SECTIONS 4 AND 5 OF THE HOME RULE VILLAGE  
16 ACT, 1909 PA 278, MCL 78.4 AND 78.5.

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

19 (A) IN THE CASE OF DETACHMENT FROM A CITY, THE DETACHMENT IS  
20 SUBJECT TO SECTION 9E OF THE HOME RULE CITY ACT, 1909 PA 279, MCL  
21 117.9E.

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

25 (C) IN THE CASE OF DETACHMENT FROM A HOME RULE VILLAGE, THE  
26 DETACHMENT IS SUBJECT TO SECTION 5B OF THE HOME RULE VILLAGE ACT,  
27 1909 PA 278, MCL 78.5B.

1           Enacting section 1. This amendatory act does not take effect  
2 unless all of the following bills of the 94th Legislature are  
3 enacted into law:

4           (a) Senate Bill No. 1080.

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6           (b) Senate Bill No. 1082.

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8           (c) Senate Bill No. 1083.

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10          (d) Senate Bill No. 1079.

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12          (e) Senate Bill No. 1081.

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