

SUBSTITUTE FOR
HOUSE BILL NO. 6072

A bill to amend 1909 PA 279, entitled
"The home rule city act,"
by amending sections 6 and 9b (MCL 117.6 and 117.9b), section 6 as
amended by 1984 PA 352 and section 9b as added by 1982 PA 465.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 6. Cities may be incorporated or, **EXCEPT AS OTHERWISE**
2 **PROVIDED IN THIS SECTION** territory detached therefrom, or added
3 thereto, or consolidation made of 2 or more cities or villages into
4 1 city, or of a city and 1 or more villages into 1 city, or of 1 or
5 more cities or villages together with additional territory not
6 included within any incorporated city or village into 1 city, by
7 proceedings originating by petition ~~therefor~~ signed by qualified
8 electors who are freeholders residing within the cities, villages,
9 or townships to be affected thereby, to a number not less than 1%

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of the population of the territory affected thereby according to

the last preceding United States census, or according to a census

to be taken as hereinafter provided, which number shall be in no

case less than 100, and not less than 10 of the signatures to ~~such~~

THE petition shall be obtained from each city, village, or township

to be affected by the proposed change. ~~÷ Provided, That in NO~~

**TERRITORY MAY BE DETACHED FROM A CITY [OR VILLAGE] TO A CHARTER TOWNSHIP
WITH A**

POPULATION OF MORE THAN 20,000 THAT MEETS ALL OF THE REQUIREMENTS

UNDER SECTION 34(1) (A) THROUGH (G) OF THE CHARTER TOWNSHIP ACT,

1947 PA 359, MCL 42.34. THE PROVISIONS OF THE PREVIOUS SENTENCE DO

NOT PREVENT THE CONSOLIDATION OF 2 OR MORE MUNICIPALITIES AS

PROVIDED UNDER THIS ACT. IN the incorporation of a city from an

existing village without change of boundaries, the requisite number

of signatures may be obtained from throughout the village without

regard to the townships in which the signers are residents. ~~÷~~

~~Provided further, That as AS~~ an alternate method in the case of an

annexation proceeding in which there are less than 10 persons

qualified to sign the petition living in that unincorporated

territory of any township or townships proposed to be annexed to a

city, ~~that~~ the signatures on the petition of persons, firms,

corporations, the United States government, or the state or any of

its subdivisions who collectively hold equitable title as vendees

under a recorded land contract or memorandum of land contract, or

record legal title to more than 1/2 of the area of the land

exclusive of streets, in the territory to be annexed at the time of

filing the petition, will suffice in lieu of obtaining 10

signatures from the township in which ~~such~~ **THE** area to be annexed

1 lies. ~~And provided further, That on such~~ **ON THE** petition each
 2 signature shall be followed by a description of the land and the
 3 area represented thereby and a sworn statement shall also accompany
 4 ~~such~~ **THE** petition giving the total area of the land, exclusive of
 5 streets, lying within the area proposed to be annexed. ~~Provided~~
 6 ~~further, That before~~ **BEFORE** any signatures are obtained on a
 7 petition as ~~hereinbefore provided, such~~ **PROVIDED IN THIS SECTION,**
 8 **THE** petition shall have attached to it a map or drawing showing
 9 clearly the territory proposed to be incorporated, detached, or
 10 added, and each prospective signer shall be shown ~~such~~ **THE** map or
 11 drawing before signing the petition. ~~Such~~ **THE** petition shall be
 12 verified by the oath of 1 or more petitioners. The county clerk,
 13 upon the presentment of a petition for incorporation of a new city
 14 for filing, shall forthwith estimate all necessary expense that may
 15 be incurred by the county in the incorporation proceedings, and the
 16 clerk thereupon shall require that the sum so estimated, which ~~in~~
 17 ~~no case~~ shall **NOT** exceed \$500.00, be deposited with the clerk and
 18 shall refuse to accept the petition for filing until the sum is ~~so~~
 19 deposited. ~~Provided, That in~~ **IN** proceedings for the incorporation
 20 of a new city or the consolidation of 2 or more cities or villages
 21 into 1 city, or of a city and 1 or more villages into 1 city or of
 22 1 or more cities or villages together with additional territory not
 23 included within any incorporated city or village into 1 city, a
 24 petition signed by not less than 100 qualified electors who are
 25 freeholders residing within the territory ~~so~~ proposed to be
 26 incorporated or consolidated, praying for the taking of a census of
 27 the inhabitants of the territory affected thereby, may be filed

1 with the county clerk of the county within which ~~said~~**THE** territory
2 is located. The county clerk shall, within 5 days after the filing
3 of ~~such~~**THE** petition, certify to the mayor of each city, president
4 of each village, and supervisor of each township affected thereby,
5 and to the secretary of state that ~~such~~**THE** petition has ~~so~~ been
6 filed. Within 5 days after the service of ~~such~~**THE** certificate, the
7 secretary of state shall appoint an enumerator or enumerators to
8 enumerate the inhabitants of each ~~such~~ city, village, and the
9 portion of each township proposed to be so incorporated, or a
10 consolidation made thereof. Before entering upon the duties of ~~said~~
11 **THE** office, each ~~such~~ enumerator shall take and subscribe to the
12 constitutional oath of office before some officer authorized to
13 administer oaths and file the same with the secretary of state and
14 with the county clerk of the county in which ~~such~~**THE** territory is
15 located. It ~~shall be~~**IS** the duty of each enumerator ~~so~~ appointed to
16 enumerate all of the bona fide inhabitants of ~~such~~**THE** city,
17 village, or township, territory or portion thereof assigned to the
18 enumerator by the secretary of state and to visit each house or
19 dwelling and to obtain the names of each known resident thereof.
20 The city, village, or township within which the services of the
21 enumerator are rendered shall pay for ~~such~~**THE** services together
22 with any actual and necessary expenses incurred by the enumerator.
23 The rate of pay and actual and necessary expenses of the enumerator
24 shall be set by the governing body of the city, village, or
25 township in which the census takes place. Upon completing ~~such~~**THE**
26 enumeration, it ~~shall be~~**IS** the duty of the persons ~~so~~ appointed to
27 make a return in duplicate of ~~such~~**THE** enumeration showing the

1 names of the inhabitants of each such city, village, or township,
2 territory or district to the county clerk and to the secretary of
3 state. ~~No such~~ **AN** enumeration or census shall **NOT** be conducted in
4 any city, village, or township, or portion thereof, within 2 years
5 of the date of the last enumeration in ~~such~~ **THE** territory. Every
6 ~~such~~ enumeration shall be conducted under the general supervision
7 and control of the secretary of state who is ~~hereby~~ empowered to
8 make rules and regulations for the purpose of carrying out the
9 provisions of this act.

10 Sec. 9b. (1) In addition to the detachment procedures
11 otherwise authorized by this act, **AND EXCEPT AS PROVIDED IN**
12 **SUBSECTION (6)**, territory may be detached from a city if all of the
13 following conditions are met:

14 (a) The territory to be detached was annexed to the city after
15 the city was incorporated.

16 (b) The territory to be detached is to be reattached to the
17 municipality from which that territory was annexed.

18 (c) The city does not provide water or sewer service in the
19 territory to be detached.

20 (d) The council of the city from which the territory is being
21 detached approves a resolution authorizing the detachment of the
22 territory and confirming an agreement relating to the detachment.

23 (e) The legislative body of the municipality from which the
24 territory to be detached was annexed approves a resolution
25 authorizing detachment of the territory and confirming an agreement
26 related to the detachment.

27 (2) The city and municipality involved in a detachment under

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1 this section may enter into an intergovernmental agreement which
2 imposes conditions on the detachment. The conditions may include,
3 but need not be limited to, building restrictions and zoning within
4 the territory to be detached.

5 (3) Territory detached under this section is immediately
6 reannexed to the detaching city if any of the following occurs:

7 (a) The city can and agrees to provide water and sewer
8 services, the city certifies these facts to the state boundary
9 commission, and the state boundary commission finds that the city
10 can provide water and sewer services to this territory.

11 (b) The municipality to which the territory was reattached
12 fails to comply with the intergovernmental agreement, the city
13 certifies that fact to the state boundary commission, and the state
14 boundary commission finds that the municipality is not in
15 compliance.

16 (4) Reannexation pursuant to subsection (3) shall not be
17 subject to the annexation requirements and restrictions of this
18 act, ~~; Act No. 191 of the Public Acts of 1968, being sections~~
19 ~~123.1001 to 123.1020 of the Michigan Compiled Laws; or Act No. 359~~
20 ~~of the Public Acts of 1947, being sections 42.1 to 42.34 of the~~
21 ~~Michigan Compiled Laws 1968 PA 191, MCL 123.1001 TO 123.1020, OR~~
22 **THE CHARTER TOWNSHIP ACT, 1947 PA 359, MCL 42.1 TO 42.34.**

23 (5) All or part of territory detached under this section shall
24 not be subject to annexation.

25 (6) **NO TERRITORY MAY BE DETACHED FROM A CITY [OR VILLAGE] TO A**
26 **CHARTER**
TOWNSHIP WITH A POPULATION OF MORE THAN 20,000 THAT MEETS ALL OF
27 **THE REQUIREMENTS UNDER SECTION 34(1)(A) THROUGH (G) OF THE CHARTER**

1 TOWNSHIP ACT, 1947 PA 359, MCL 42.34. THE PROVISIONS OF THIS
2 SUBSECTION DO NOT PREVENT THE CONSOLIDATION OF 2 OR MORE
3 MUNICIPALITIES AS PROVIDED UNDER THIS ACT.

4 Enacting section 1. This amendatory act does not take effect
5 unless House Bill No. 6071 of the 95th Legislature is enacted into
6 law.