

HOUSE BILL No. 4822

June 12, 2013, Introduced by Rep. Heise and referred to the Committee on Local Government.

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-EXCEPT AS PROVIDED IN SUBSECTIONS (2) TO (5), A~~
2 charter township existing on June 15, 1978, or a township
3 incorporated after June 15, 1978 as a charter township that
4 complies with the following standards, is exempt from annexation to
5 any contiguous city or village: ~~except as provided in subsections~~
6 ~~(2) to (8):~~

7 (a) Has a state equalized valuation of not less than
8 \$25,000,000.00.

9 (b) Has a minimum population density of 150 persons per square
10 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 **OR RECYCLING**
9 **SERVICES** to township residents, within or without the township, by
10 contract, license, or 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) Notwithstanding subsection (1), the state boundary
17 commission may, under procedures initiated and conducted under
18 section 9 of the home rule city act, 1909 PA 279, MCL 117.9, order
19 a portion or portions of a charter township to be annexed as
20 necessary to eliminate free standing islands of the township
21 completely surrounded by an annexing city, or to straighten or
22 align the exterior boundaries of the city or village in a manner
23 that the charter township and city or village contain uniform
24 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 a
27 city or village, may be annexed by that city or village ~~with the~~

1 ~~approval of a majority of the electors in that portion of a charter~~
2 ~~township.~~ **AS PROVIDED IN SUBSECTION (8).**

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

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

26 ~~—— (6) If a petition is filed as provided in subsection (5), the~~
27 ~~county clerk, after determining the validity of the petition, shall~~

1 ~~order a referendum on the question of annexation. This referendum~~
2 ~~shall occur within 1 year after the validation of the petitions.~~
3 ~~The referendum shall be held at the first primary or general~~
4 ~~election held in that county not less than 60 days after the~~
5 ~~validation of the petition, or in compliance with the Michigan~~
6 ~~election law, 1954 PA 116, MCL 168.1 to 168.992.~~ **AS PROVIDED IN**
7 **SUBSECTION (8).**

8 (6) ~~(7)~~ A village having a population of 4,200 or more shall
9 not be annexed to a contiguous unit of government unless a majority
10 of the qualified and registered electors residing within the
11 village vote in favor of the annexation at an election held under
12 the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

13 (7) ~~(8)~~ The common boundary of a charter township and a city
14 or village may be adjusted by resolution approved by a majority of
15 each of the respective governing bodies after the governing bodies
16 give 90 days' notice to property owners in the area proposed for
17 the boundary adjustment, and the governing bodies conduct a public
18 hearing on the proposed boundary adjustment.

19 (8) **NOTWITHSTANDING ANY PROVISION OF LAW AND BEGINNING ON THE**
20 **EFFECTIVE DATE OF THE 2013 AMENDATORY ACT THAT ADDED THIS**
21 **SUBSECTION, UPON THE FILING OF A PETITION OR RESOLUTION TO ANNEX**
22 **PROPERTY LOCATED IN A CHARTER TOWNSHIP, THE CHARTER TOWNSHIP AND**
23 **THE LOCAL GOVERNMENT INVOLVED IN THE PROPOSED ANNEXATION SHALL**
24 **ATTEMPT TO ENTER INTO A CONTRACT FOR A CONDITIONAL TRANSFER OF THE**
25 **PROPERTY INVOLVED AS PROVIDED IN 1984 PA 425, MCL 124.21 TO 124.30.**
26 **IF THE CHARTER TOWNSHIP AND THE LOCAL GOVERNMENT INVOLVED IN THE**
27 **PROPOSED ANNEXATION DO NOT ENTER INTO A CONTRACT UNDER 1984 PA 425,**

1 MCL 124.21 TO 124.30, WITHIN 180 DAYS OF THE DATE THE ANNEXATION
2 PETITION OR RESOLUTION IS FILED, THE PROPOSED ANNEXATION SHALL BE
3 DETERMINED BY THE CIRCUIT COURT OF THE COUNTY IN WHICH THE PROPERTY
4 SUBJECT TO ANNEXATION IS LOCATED AS PROVIDED IN SECTION 608 OF THE
5 REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.608.

6 Enacting section 1. This amendatory act does not take effect
7 unless Senate Bill No. ____ or House Bill No. 4823 (request no.
8 03074'13 a) of the 97th Legislature is enacted into law.