

SUBSTITUTE FOR
SENATE BILL NO. 383

A bill to amend 1895 PA 3, entitled
"The general law village act,"
by amending section 6 of chapter XIV (MCL 74.6) and by adding
sections 6b, 6c, and 6d to chapter XIV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIV

1
2 Sec. 6. (1) ~~Whenever the council of any village shall~~
3 ~~determine~~ **Subject to section 6b of this chapter and except as**
4 **otherwise provided in subsection (6), if the council determines**
5 by resolution to alter the boundaries of ~~such~~ **the** village,
6 either by ~~taking in lands and premises~~ **annexing territory**
7 adjoining ~~thereto~~ **the village** or by ~~taking out any lands and~~
8 ~~premises~~ **detaching territory** included in ~~such~~ **the** village, or
9 both, ~~they~~ **the council** shall petition the **county** board of
10 ~~supervisors~~ **commissioners** of the county in which ~~such lands~~

1 ~~and premises affected thereby are~~ **the territory is** situated to
 2 make ~~such~~ **that** change. ~~Such~~ **The petition shall be signed by**
 3 **the president and clerk of the village.** The petition shall
 4 ~~contain a~~ **include all of the following:**

5 (a) A description by metes and bounds of the ~~lands and~~
 6 ~~premises~~ **territory** proposed to be ~~added to or taken out of such~~
 7 ~~village, and shall set forth the~~ **annexed or detached.**

8 (b) **The** reasons for the proposed **boundary** change. ~~, and shall~~
 9 ~~contain a~~

10 (c) A copy of the resolution of the council in relation
 11 ~~thereto, and shall be signed by the president and clerk of such~~
 12 ~~village~~ **to the boundary change.**

13 (2) Before ~~such~~ **the** petition ~~shall be~~ **is** presented to the
 14 **county** board of ~~supervisors notice shall be given by the clerk~~
 15 **commissioners, the village clerk shall give notice** of the time
 16 and place when the ~~same~~ **petition** will be presented for
 17 consideration, by ~~publishing the same~~ **publication** in a
 18 newspaper ~~published in such village for at least 3~~ **of general**
 19 **circulation in the village and the territory proposed to be**
 20 **annexed or detached not less than once each week for 3**
 21 **consecutive** weeks immediately preceding the presentation of the
 22 ~~same, and if no newspaper is published in such village, then~~
 23 **petition or** by posting the ~~same~~ **notice** in at least 3 ~~of the~~
 24 ~~most~~ public places within the village **not located in any**
 25 **territory proposed to be annexed or detached,** and in at least 3
 26 ~~of the most~~ public places ~~of~~ **in** the territory ~~directly~~
 27 ~~affected thereby. Such~~ **proposed to be annexed or detached.** **The**

1 notice shall also contain a description of the ~~premises~~
2 **territory** proposed to be ~~taken in or out of the boundaries of~~
3 ~~such village. At the time of presenting such petition all~~
4 **annexed or detached.**

5 **(3) If a petition is presented, interested parties**
6 ~~interested~~ may appear before ~~such~~ **the county** board of
7 ~~supervisors~~ **commissioners** and be heard ~~touching the proposed~~
8 ~~boundaries of such village, and after such hearing and due~~
9 ~~consideration of such petition, it shall be the duty of the board~~
10 ~~of supervisors to order and determine as to whether the prayer~~
11 ~~contained in the petition or any part thereof shall be granted,~~
12 ~~and they shall make an order of such determination, which order~~
13 ~~shall be entered upon their records, and thereupon the boundaries~~
14 ~~of such village shall be fixed and shall exist as provided in~~
15 ~~such order, and a certified copy thereof shall be transmitted to~~
16 ~~the clerk of such village and to the secretary of state, and such~~
17 ~~order shall be prima facie evidence of such change of boundaries~~
18 ~~of such village and of the regularity of such proceedings in all~~
19 ~~courts and places~~ on the proposal. **If the county board of**
20 **commissioners enters an order approving the petition, and if on**
21 **the date the petition or resolution was filed more than 100**
22 **persons resided in the area approved for annexation, the county**
23 **board of commissioners shall send a certified copy of its order**
24 **to the clerk of each county, village, and township affected and**
25 **to the secretary of state. The county board of commissioners'**
26 **order shall become final 30 days after the date of the order**
27 **unless within that 30-day period a petition is filed with the**

1 county election commission that contains the signatures of at
2 least 25% of the registered electors residing in the portion of
3 the territory approved for annexation, in the annexing village,
4 or in the balance of the township. After verifying that the
5 referendum petition meets the requirements for petitions under
6 the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, the
7 county election commission shall order that a referendum on the
8 question of annexation be held in each area from which a valid
9 petition was filed. If a valid petition is not filed within 30
10 days or if the majority of the electorate voting on the question
11 in each area in which a referendum was held, voting separately,
12 approves the annexation, the annexation shall be effective on a
13 date set by order of the county board of commissioners; otherwise
14 the annexation shall not take effect.

15 (4) The county board of commissioners shall not approve a
16 petition for annexation or detachment if that proposed annexation
17 or detachment was disapproved by the county board of
18 commissioners or rejected by the qualified electors within
19 2 years before the date the petition is filed under subsection
20 (1), except as otherwise provided in section 6c of this chapter.

21 (5) Territory may be annexed to a village from a township
22 only if the territory to be annexed does not contain any real
23 property owned by the township, except for utilities and other
24 facilities that are located within a public right-of-way.

25 (6) Notwithstanding the provisions of section 6b of this
26 chapter, if the territory proposed to be annexed to a village is
27 located in a township and is adjacent to and owned by the village

1 proposing to annex the territory and if no persons reside in the
2 territory, the territory may be annexed under 1 of the following
3 methods:

4 (a) If the territory will be used for a public purpose for
5 not less than 8 years from the adoption of the resolution, by
6 resolution of the village council. For the purpose of this
7 subdivision, territory is used for a public purpose if it is
8 exempt from the collection of taxes under the general property
9 tax act, 1893 PA 206, MCL 211.1 to 211.157. The township from
10 which property is annexed under this subdivision may file a
11 petition with the county board of commissioners at any time
12 within 8 years from the adoption of the resolution, alleging that
13 the property annexed is not being used for a public purpose. If
14 the county board of commissioners finds after a hearing on the
15 petition that the property is not being used for a public
16 purpose, the county board of commissioners shall issue and enter
17 in its records an order that the property be reattached to the
18 township from which it was annexed.

19 (b) By the affirmative majority vote of both the village
20 council and the township board.

21 (7) Except as otherwise provided in subsection (6), a
22 proposed annexation of territory in which 100 or fewer persons
23 resided on the date the petition is filed is subject to the
24 provisions of section 6b.

25 (8) The incorporation as a city by a village is not an
26 annexation under this section.

27 Sec. 6b. (1) The annexation of any territory with 100 or

1 fewer residents to a village from a township for which a petition
2 is filed with the county board of commissioners on or after the
3 effective date of the amendatory act that added this section is
4 subject to the procedures and conditions set forth in this
5 section, except as provided in section 6c.

6 (2) A village, property owner, or registered elector that
7 intends to petition the county board of commissioners for
8 annexation of territory with 100 or fewer residents to a village
9 from a township shall provide written notice of that intent by
10 certified mail, return receipt requested, to the clerk of any
11 village or township that is affected by the proposal and to the
12 county election commission.

13 (3) The village and township may negotiate an agreement
14 concerning the annexation of the territory that includes, but is
15 not limited to, an agreement not to contest the annexation
16 petition before the county board of commissioners, the sharing of
17 tax revenues, the future land use of the territory, and any other
18 factors or terms that may be considered or provided for in a
19 contract negotiated under 1984 PA 425, MCL 124.21 to 124.30, or
20 an interlocal agreement negotiated under the urban cooperation
21 act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

22 (4) Forty-five days after receipt of the notice under
23 subsection (2), if no agreement has been reached under
24 subsection (3) between the village and the township concerning
25 the proposed annexation, a petition for annexation of territory
26 may be filed with the county board of commissioners. On the same
27 day that the petition is filed, the petitioner shall send a copy

1 of the petition by certified mail, return receipt requested, to
2 the clerk of both the village and township in which the territory
3 is located.

4 (5) If no agreement is reached within 45 days after receipt
5 of the notice under subsection (2), the village or the township
6 may file a claim not later than 10 days after the expiration of
7 that period in the circuit court asserting that the other party
8 did not participate in negotiations in good faith. If the court
9 finds that the village or township did not participate in
10 negotiations in good faith, it may provide appropriate equitable
11 relief, including, but not limited to, prohibiting the annexation
12 for a period of not more than 2 years or prohibiting the
13 referendum provided for in subsection (6).

14 (6) If, within 30 days after receipt by the clerk of the
15 township of the petition for annexation, a petition for a
16 referendum on the question of annexation is filed with the county
17 election commission that contains the signatures of at least 25%
18 of the registered electors in the affected township, based on the
19 most recent certification of the number of registered electors
20 made by the township clerk to the county clerk, the county
21 election commission shall certify that the referendum petition
22 meets the requirements for petitions under the Michigan election
23 law, 1954 PA 116, MCL 168.1 to 168.992, and call a special
24 election for the referendum to be held in the township within
25 which the territory proposed for annexation is located. If a
26 township referendum petition is certified, the governing body of
27 the village may also schedule a referendum on the annexation to

1 be held on the same day in the village. Up to 30 days after the
2 referendum petition is filed, the governing body of the village
3 or township may adopt a resolution to delay scheduling the
4 referendum to allow time for the village and township to continue
5 negotiations concerning the annexation. Upon adoption of a
6 resolution by the governing body of the village or township, the
7 scheduling of the referendum shall be delayed until 90 days after
8 the date on which the referendum petition is certified. The
9 county election commission shall not meet to schedule the
10 referendum until 30 days after the petition is filed. The
11 special election shall be held not less than 60 days or more than
12 90 days after the county election commission meets to schedule
13 the election under this subsection, unless a primary or regular
14 election, or a special election called for another purpose,
15 occurs not less than 60 days or more than 90 days after the
16 referendum petition is filed. In that event, the referendum
17 shall be submitted at that primary, regular, or special election
18 and an additional special election shall not be called.

19 (7) If a petition containing sufficient valid signatures for
20 a referendum on the question of annexation is not filed with the
21 county election commission under subsection (6), the county board
22 of commissioners shall proceed to process the annexation petition
23 under section 6.

24 (8) If an agreement under subsection (3) is reached 30 days
25 before the date of an election scheduled under subsection (6),
26 the referendum shall not be held. If no agreement is reached,
27 the referendum shall be held as ordered by the county election

1 commission. The annexation shall be allowed to occur only if a
2 majority of the electors voting on the issue in the township
3 within which the territory proposed for annexation is located,
4 and in the village if it holds an election under subsection (6),
5 counted separately, vote for the annexation.

6 (9) If a majority of the electors voting on the issue in the
7 township within which the territory proposed for annexation is
8 located vote for the annexation, and a majority of the electors
9 voting on the issue in the village vote for the annexation if it
10 holds an election under subsection (6), and the county board of
11 commissioners approves the annexation under section 6(3), the
12 county board of commissioners shall send a certified copy of its
13 order to the clerk of each county, village, and township affected
14 and to the secretary of state. The annexation shall be effective
15 on a date set forth in the county board of commissioners' order.

16 Sec. 6c. If the governing bodies of a village and township
17 approve by resolution an agreement to annex, or not to contest
18 the annexation of, territory in the township with 100 or fewer
19 residents before a petition for annexation is filed with the
20 county board of commissioners, the provisions of section 6b do
21 not apply and a petition for annexation may be filed at any time.

22 Sec. 6d. (1) Notwithstanding any other provision of this
23 act, territory may be detached from a village to a township only
24 if all of the following conditions are met:

25 (a) The territory to be detached does not contain any real
26 property owned by the village, except for utilities and other
27 facilities that are located within a public right-of-way.

1 (b) The territory to be detached was not annexed within the
2 previous 2 years, calculated from the date that the most recent
3 annexation of that territory, if any, was completed.

4 (c) The detachment is approved by a majority vote of the
5 qualified electors residing in each of the following, counted
6 separately:

7 (i) The territory proposed to be detached from the village.

8 (ii) The remaining portion of the village.

9 (iii) The township to which the territory will be attached.