

HOUSE BILL No. 4529

April 8, 2003, Introduced by Reps. Accavitti, Dennis, Taub, Tabor, Gaffney, Hager and Pumford and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1909 PA 278, entitled
 "The home rule village act,"
 by amending sections 4 and 5 (MCL 78.4 and 78.5) and by adding
 section 5b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) ~~Said~~ A petition **under section 2** shall be
 2 addressed to the **county** board of ~~supervisors~~ **commissioners** of
 3 the county in which the territory to be affected by ~~such~~ **the**
 4 proposed incorporation, consolidation, or change of boundaries is
 5 located ~~—~~ and shall be filed with the clerk of ~~said~~ **the**
 6 **county** board **of commissioners** not less than 30 days before the
 7 ~~convening of such~~ **county** board **of commissioners convenes** in
 8 regular session ~~—~~ or in ~~any~~ **a** special session called ~~for the~~
 9 ~~purpose of considering said~~ **to consider that** petition. ~~—~~ and
 10 ~~if, before final action thereon, it shall appear to said board~~

1 or

2 (2) If a majority ~~thereof~~ of the county board of
 3 commissioners determines that ~~said~~ the petition or the ~~signing~~
 4 ~~thereof~~ ~~does~~ signatures do not conform to this act ~~,~~ or that
 5 the petition contains incorrect statements, the county board of
 6 commissioners shall hold no further proceedings ~~pursuant to~~
 7 ~~said~~ on that petition. ~~shall be had, but, if it shall appear~~
 8 If a majority of the county board of commissioners determines
 9 that ~~said~~ the petition conforms ~~in all respects~~ to the
 10 provisions of this act ~~,~~ and that the statements contained
 11 ~~therein~~ in the petition are true, ~~said~~ the county board of
 12 ~~supervisors~~ commissioners shall, by resolution, provide that
 13 the question of making the proposed incorporation, consolidation,
 14 or change of boundaries shall be submitted to the qualified
 15 electors of ~~the~~ each district to be affected at the next
 16 general election, if ~~one~~ a general election shall occur in not
 17 less than ~~40~~ 60 days and not more than 90 days after the
 18 adoption of ~~such~~ the resolution. ~~,~~ and if ~~If~~ no general
 19 election is to occur within ~~such~~ that period, ~~said~~ the
 20 resolution shall fix a date within ~~such~~ that period for a
 21 special election on ~~such~~ the question.

22 (3) After the adoption of ~~such~~ the resolution, neither the
 23 sufficiency nor the legality of the petition on which it is based
 24 ~~may~~ shall be questioned in any proceeding.

25 (4) The county board of commissioners shall not approve a
 26 proposed annexation if that proposed annexation was disapproved
 27 by the county board of commissioners or rejected by the qualified

1 electors within 2 years before the date the petition is filed
2 under subsection (1).

3 (5) The incorporation as a city by a village is not an
4 annexation under this section.

5 Sec. 5. (1) ~~The~~ A district to be affected by ~~every such~~
6 a proposed incorporation, consolidation, or change of boundaries
7 ~~—, shall be deemed to include—~~ **includes** the whole of each city,
8 village, or township from which territory is to be taken or to
9 which territory is to be annexed. ~~∴ Provided, however, That~~
10 ~~proposed~~

11 (2) **Proposed** incorporations, consolidations, or changes of
12 boundaries shall be submitted to the qualified electors residing
13 within the territory proposed to be incorporated, ~~or residing~~
14 ~~within~~ the village to which territory is to be annexed, ~~as the~~
15 ~~case may be, and also to the qualified electors of~~ **and** the city,
16 village, or township ~~—~~ from which the territory to be taken is
17 located. ~~and at the election, when the said question is voted~~
18 ~~upon,~~

19 (3) In an election for a proposed incorporation or
20 **annexation**, the city, village, or township shall ~~conduct the~~
21 ~~election in such manner as to keep~~ **record separately** the votes
22 of the qualified electors in the territory proposed to be
23 incorporated or annexed ~~or detached in a separate box from the~~
24 ~~one containing~~ **and the votes of the qualified electors** from the
25 remaining portions of ~~such~~ **the** city, village, or township. ~~—~~
26 ~~and if the returns of said election shall show~~ **If** a majority of
27 the ~~votes cast~~ **qualified electors** in the district proposed to

1 be incorporated or annexed, voting separately, ~~to be in favor~~
2 ~~of~~ **approve** the proposed incorporation or ~~change of boundary as~~
3 ~~the case may be~~ **annexation**, and if a majority of the **qualified**
4 electors ~~voting~~ in the remainder of the district to be
5 affected, ~~as herein defined,~~ voting collectively, ~~are in favor~~
6 ~~of~~ **approve** the proposed incorporation or ~~change of boundary as~~
7 ~~the case may be~~ **annexation**, then ~~such~~ **that** territory shall
8 become incorporated as a village or shall become a part of the
9 corporate territory of the village. ~~or shall be detached~~
10 ~~therefrom, as the case may be: Provided further, That in case~~
11 **If** there are no qualified electors residing within the territory
12 proposed to be ~~detached, or~~ annexed ~~,~~ **and** if a majority of
13 electors voting in the remainder of the district to be affected
14 ~~,~~ ~~as herein defined,~~ are in favor of the proposed ~~change of~~
15 ~~boundary~~ **annexation**, then ~~such~~ **that** territory shall become a
16 part of the corporate territory of the village. ~~or shall be~~
17 ~~detached therefrom, as the case may be: Provided further, That~~
18 ~~the~~ **The question of a proposed detachment of territory from a**
19 **village to a township shall be submitted to the qualified**
20 **electors as provided in section 5b.**

21 (4) **The** question of incorporating a new village from
22 territory located in a township or townships shall be determined
23 by a majority of the votes cast at an election at which only the
24 **qualified** electors residing within the territory proposed to be
25 incorporated shall vote.

26 **Sec. 5b. Notwithstanding any other provision of this act,**
27 **territory may be detached from a village to a township only if**

1 all of the following conditions are met:

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

5 (b) The territory to be detached was not annexed within the
6 previous 2 years.

7 (c) The detachment is approved by a majority vote of the
8 qualified electors residing in each of the following, counted
9 separately:

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

11 (ii) The remaining portion of the village.

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