

SENATE BILL No. 383

April 22, 2003, Introduced by Senator BASHAM and referred to the Committee on Local, Urban and State Affairs.

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 section 6b to chapter XIV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

CHAPTER XIV

Sec. 6. (1) ~~Whenever the council of any village shall determine~~ **If the council determines** by resolution to alter the boundaries of ~~such~~ **the** village, either by ~~taking in lands and premises~~ **annexing territory** adjoining ~~thereto~~ **the village** or by ~~taking out any lands and premises~~ **detaching territory** included in ~~such~~ **the** village, or both, ~~they~~ **the council** shall petition the **county** board of ~~supervisors~~ **commissioners** of the county in which ~~such lands and premises~~ affected thereby are **the territory is** situated to make ~~such~~ **that** change. ~~Such~~ **The**

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1 petition shall be signed by the president and clerk of the
 2 village. The petition shall ~~contain a~~ include all of the
 3 following:

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

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

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

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

1 ~~such village. At the time of presenting such petition all~~
2 ~~annexed or detached.~~

3 **(3) If a petition is presented, interested parties**
4 ~~interested~~ may appear before ~~such~~ **the county** board of
5 ~~supervisors~~ **commissioners** and be heard ~~touching the proposed~~
6 ~~boundaries of such village, and after such hearing and due~~
7 ~~consideration of such petition, it shall be the duty of the board~~
8 ~~of supervisors to order and determine as to whether the prayer~~
9 ~~contained in the petition or any part thereof shall be granted,~~
10 ~~and they shall make an order of such determination, which order~~
11 ~~shall be entered upon their records, and thereupon the boundaries~~
12 ~~of such~~ on the proposal. After the hearing and, if required
13 under section 6b of this chapter, a vote on a proposed
14 annexation, the county board of commissioners shall issue and
15 enter in its records an order determining whether to grant all or
16 part of the boundary change petitioned for. Upon issuance of the
17 order, and subject to voter approval under section 6b of this
18 chapter, the boundaries of the village shall be fixed and shall
19 exist as provided in ~~such order, and a certified copy thereof~~
20 ~~shall be transmitted~~ **the order**. Upon issuance of the order, the
21 county clerk shall transmit a copy of the order to the clerk of
22 ~~such~~ **the** village and to the secretary of state. ~~—, and such~~
23 **The** order shall be prima facie evidence of ~~such~~ **the** change of
24 boundaries of ~~such~~ **the** village and of the regularity of ~~such~~
25 **the** proceedings. ~~in all courts and places.~~

26 **Sec. 6b. (1) A village shall not proceed to annex territory**
27 **under section 6 of this chapter from any other village or a city,**

1 township, or charter township unless the question of the
2 annexation has been voted upon by the voters in the territory
3 proposed for annexation, if any, and the balance of each city,
4 village, township, or charter township affected by the annexation
5 voting independently.

6 (2) If a vote is required under subsection (1), the
7 annexation shall be considered defeated if a majority of the
8 electors voting independently on the issue in the annexing
9 village, the territory proposed for annexation, or the balance of
10 the city, village, township, or charter township within which the
11 territory proposed for annexation is located vote against the
12 annexation. Otherwise, the annexation shall be considered
13 approved and effective when the county board of commissioners
14 enters an order approving the annexation under section 6 of this
15 chapter.