

SENATE BILL No. 1167

June 5, 2012, Introduced by Senator MEEKHOF and referred to the Committee on Local Government and Elections.

A bill to amend 1909 PA 278, entitled "The home rule village act," (MCL 78.1 to 78.28) by amending the title, as amended by 1998 PA 148, and by adding sections 27a, 27b, 27c, 27d, 27e, 27f, 27g, 27h, 27i, 27j, 27k, 27l, 27m, and 27n.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; to validate bonds issued and obligations previously incurred; **TO PROVIDE FOR THE DISINCORPORATION OF VILLAGES**; and to prescribe penalties and provide remedies.

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1 SEC. 27A. (1) TO INITIATE THE DISINCORPORATION OF A VILLAGE, A
2 PETITION SIGNED BY NOT LESS THAN 15% OF THE REGISTERED ELECTORS OF
3 THE VILLAGE REQUESTING A VOTE ON THE QUESTION OF WHETHER THE
4 VILLAGE SHALL DISINCORPORATE SHALL BE FILED WITH THE TOWNSHIP
5 CLERK.

6 (2) A PETITION SHALL DESIGNATE THE TOWNSHIP OR TOWNSHIPS INTO
7 WHICH THE VILLAGE IS PROPOSED TO BE DISINCORPORATED. A VILLAGE
8 SHALL BE DISINCORPORATED INTO THE TOWNSHIP OR TOWNSHIPS IN WHICH IT
9 IS LOCATED, ALONG EXISTING TOWNSHIP BOUNDARIES.

10 (3) AFTER THE PETITION IS FILED WITH THE TOWNSHIP CLERK, A
11 PETITION AFFECTING THE VILLAGE SHALL NOT BE FILED WITH THE STATE
12 BOUNDARY COMMISSION AND A PETITION REQUESTING DISINCORPORATION OF
13 THE VILLAGE INTO A DIFFERENT TOWNSHIP SHALL NOT BE FILED UNDER THIS
14 ACT UNTIL THE DISINCORPORATION PROCESS PROVIDED FOR BY THIS ACT HAS
15 CONCLUDED.

16 (4) BY NOT MORE THAN 14 DAYS AFTER THE PETITION IS FILED, THE
17 TOWNSHIP CLERK SHALL VERIFY THE SIGNATURES AND DETERMINE THE
18 SUFFICIENCY OF THE PETITION. UNLESS THE COUNCIL PROCEEDS UNDER
19 SECTIONS 27E TO 27N, IF THE CLERK DETERMINES THAT THE PETITION IS
20 SUFFICIENT, THE QUESTION OF THE DISINCORPORATION OF THE VILLAGE
21 SHALL APPEAR ON THE BALLOT AT THE NEXT GENERAL OR SPECIAL ELECTION
22 TO BE HELD IN THE VILLAGE, SUBJECT TO THE MICHIGAN ELECTION LAW,
23 1954 PA 116, MCL 168.1 TO 168.992. THE TOWNSHIP CLERK SHALL PREPARE
24 THE BALLOT LANGUAGE, IN SUBSTANTIALLY THE FOLLOWING FORM:

25 "SHALL INCORPORATION OF THE VILLAGE OF _____ BE VACATED?
26 () YES
27 () NO".

1 (5) THE COUNTY ELECTION COMMISSION OF THE COUNTY IN WHICH THE
2 GREATEST NUMBER OF ELECTORS OF THE VILLAGE RESIDE SHALL PROVIDE
3 BALLOTS FOR THE ELECTION.

4 (6) THE CLERK AND ELECTION OFFICIALS OF EACH TOWNSHIP INTO
5 WHICH THE VILLAGE IS PROPOSED TO BE DISINCORPORATED SHALL CONDUCT
6 THE ELECTION ON THE PROPOSED DISINCORPORATION IN THE VILLAGE AND
7 THE PORTIONS OF THE TOWNSHIP OUTSIDE THE BOUNDARIES OF THE VILLAGE,
8 RESPECTIVELY.

9 (7) IF THE ELECTION ON THE PROPOSED DISINCORPORATION IS TO BE
10 HELD IN CONJUNCTION WITH A GENERAL ELECTION OR A STATE PRIMARY
11 ELECTION IMMEDIATELY BEFORE A GENERAL ELECTION, THE NOTICES OF
12 CLOSE OF REGISTRATION AND ELECTION SHALL BE PUBLISHED AS PROVIDED
13 FOR BY THE STATE ELECTION LAWS. OTHERWISE, THE COUNTY CLERK OF THE
14 COUNTY IN WHICH THE GREATEST NUMBER OF ELECTORS OF THE VILLAGE
15 RESIDE SHALL PUBLISH THE NOTICES OF CLOSE OF REGISTRATION AND
16 ELECTION. THE NOTICE OF CLOSE OF REGISTRATION SHALL INCLUDE THE
17 BALLOT LANGUAGE OF THE PROPOSAL.

18 (8) THE RESULTS OF THE ELECTION ON THE PROPOSED
19 DISINCORPORATION SHALL BE CANVASSED BY THE BOARD OF CANVASSERS OF
20 THE VILLAGE AND THE BOARD OF CANVASSERS OF EACH TOWNSHIP IN WHICH
21 THE VILLAGE IS LOCATED.

22 (9) THE DISINCORPORATION OF THE VILLAGE SHALL TAKE PLACE UNDER
23 THIS SECTION ONLY IF 2/3 OF THE ELECTORS VOTING ON THE QUESTION
24 VOTE "YES". IF THE DISINCORPORATION IS APPROVED, THE COUNCIL SHALL
25 IMMEDIATELY CAUSE A TRANSCRIPT OF ALL THE PROCEEDINGS IN THE CASE
26 TO BE CERTIFIED TO BOTH OF THE FOLLOWING:

27 (A) THE COUNTY CLERK OF THE COUNTY IN WHICH THE VILLAGE OR THE

1 PRINCIPAL PART OF THE VILLAGE IS LOCATED.

2 (B) THE SECRETARY OF STATE.

3 SEC. 27B. UPON RECEIVING THE TRANSCRIPT OF THE PROCEEDINGS IN
4 SUBMITTING TO A VOTE OF THE ELECTORS THE QUESTION OF VACATING THE
5 INCORPORATION OF ANY VILLAGE AS PROVIDED IN SECTION 27A, THE COUNTY
6 CLERK SHALL SUBMIT THE TRANSCRIPT TO THE COUNTY BOARD OF
7 COMMISSIONERS, WHICH SHALL, AT ITS NEXT REGULAR ANNUAL MEETING,
8 PASS A RESOLUTION VACATING THE INCORPORATION OF THE VILLAGE.

9 SEC. 27C. (1) UPON THE VACATION OF THE INCORPORATION OF ANY
10 VILLAGE UNDER SECTIONS 27A AND 27B, THE OFFICERS OF THE VILLAGE
11 SHALL IMMEDIATELY DEPOSIT ALL BOOKS, PAPERS, RECORDS, AND FILES
12 RELATING TO THE ORGANIZATION OF OR BELONGING TO THE VILLAGE THAT
13 ARE IN THEIR CUSTODY AS VILLAGE OFFICERS WITH THE COUNTY CLERK OF
14 THE COUNTY IN WHICH THE VILLAGE OR THE PRINCIPAL PART OF THE
15 VILLAGE IS LOCATED FOR SAFE KEEPING AND REFERENCE. THE INDEBTEDNESS
16 OF THE VACATED VILLAGE, WHETHER BONDED OR OTHERWISE, SHALL BE
17 ASSESSED, LEVIED, AND COLLECTED UPON THE TERRITORY EMBRACED WITHIN
18 THE BOUNDARIES OF THE VILLAGE IMMEDIATELY PRIOR TO THE VACATION.
19 THE TOWNSHIP BOARD OF THE TOWNSHIP OR TOWNSHIPS IN WHICH THE
20 TERRITORY FORMERLY EMBRACED WITHIN THE LIMITS OF THE VACATED
21 VILLAGE SHALL LEVY UPON THE ASSESSMENT ROLL OR ROLLS OF THE
22 TOWNSHIP UPON THE PROPERTY FORMERLY EMBRACED WITHIN THE LIMITS OF
23 THE VILLAGE, THE INDEBTEDNESS OF THE VILLAGE, OR SUCH PORTION OF
24 THE VILLAGE THAT IS APPORTIONED TO THE PART OF THE TERRITORY
25 FORMERLY CONSTITUTING THE VILLAGE THAT LIES WITHIN THE TOWNSHIP AS
26 PROVIDED IN SUBSECTION (2). THIS LEVY SHALL BE MADE NOT MORE THAN 1
27 YEAR AFTER THE DATE THAT THE VILLAGE INCORPORATION IS VACATED.

1 HOWEVER, IF THE INDEBTEDNESS FALLS DUE AT A SPECIFIED TIME, AN
2 ASSESSMENT SHALL BE MADE THAT WILL SATISFY THE INDEBTEDNESS WHEN IT
3 FALLS DUE.

4 (2) THE TAXES ASSESSED AND LEVIED UNDER SUBSECTION (1) SHALL
5 BE COLLECTED THE SAME AS OTHER TAXES, AND SHALL BE PLACED IN A
6 SEPARATE FUND AND APPLIED TO THE PAYMENT OF THE INDEBTEDNESS. THE
7 MANNER OF THE PAYMENT OF THE INDEBTEDNESS SHALL BE FIXED BY
8 RESOLUTION OF THE TOWNSHIP BOARD OR BOARDS DESCRIBED IN SUBSECTION
9 (1).

10 SEC. 27D. (1) IF THE TERRITORY FORMERLY EMBRACED WITHIN A
11 VILLAGE VACATED PURSUANT TO SECTIONS 27A AND 27B CONSISTS OF
12 TERRITORY OF 2 OR MORE TOWNSHIPS IN THE SAME COUNTY, THE TOWNSHIP
13 BOARDS SHALL APPORTION, AMONG THEIR TOWNSHIPS, THE AMOUNT OF THE
14 INDEBTEDNESS OF THE VACATED VILLAGE THAT EACH TOWNSHIP SHALL BEAR.

15 (2) IF A VILLAGE VACATED PURSUANT TO SECTIONS 27A AND 27B WAS
16 COMPRISED OF TERRITORY FROM 2 DIFFERENT COUNTIES, THE COUNTY BOARDS
17 OF COMMISSIONERS OF THE 2 COUNTIES SHALL DETERMINE WHAT PORTION OF
18 THE INDEBTEDNESS OF THE VACATED VILLAGE EACH COUNTY SHALL BEAR,
19 USING AS A BASIS THE LAST PRECEDING ASSESSMENT ROLL OF THE VACATED
20 VILLAGE BEFORE ITS VACATION. THE INDEBTEDNESS, WHEN SO APPORTIONED,
21 SHALL BE ASSESSED, LEVIED, AND COLLECTED AS PROVIDED IN SECTION
22 27C.

23 SEC. 27E. NOT LATER THAN THE NEXT MEETING OF COUNCIL HELD
24 AFTER THE CLERK VERIFIES THE PETITION SIGNATURES AND DETERMINES THE
25 SUFFICIENCY OF THE PETITION UNDER SECTION 27A, THE COUNCIL MAY BY
26 RESOLUTION ELECT TO PROCEED UNDER THIS SECTION AND SECTIONS 27F TO
27 27N.

1 SEC. 27F. (1) A DISINCORPORATION COMMISSION SHALL BE COMPOSED
2 OF 3 MEMBERS REPRESENTING EACH TOWNSHIP INTO WHICH THE VILLAGE IS
3 PROPOSED TO BE DISINCORPORATED AND A NUMBER OF MEMBERS REPRESENTING
4 THE VILLAGE EQUAL TO THE NUMBER OF MEMBERS REPRESENTING TOWNSHIPS.

5 (2) THE VILLAGE PRESIDENT, WITH APPROVAL OF THE VILLAGE
6 COUNCIL, SHALL APPOINT THE MEMBERS REPRESENTING THE VILLAGE. THE
7 TOWNSHIP SUPERVISOR OF A TOWNSHIP, WITH APPROVAL OF THE TOWNSHIP
8 BOARD, SHALL APPOINT THE MEMBERS REPRESENTING THE TOWNSHIP.

9 (3) DISINCORPORATION COMMISSION MEMBERS MAY BE VILLAGE OR
10 TOWNSHIP OFFICIALS.

11 SEC. 27G. (1) AN INDIVIDUAL APPOINTED TO THE DISINCORPORATION
12 COMMISSION SHALL TAKE THE CONSTITUTIONAL OATH OF OFFICE.

13 (2) A VACANCY IN THE DISINCORPORATION COMMISSION IS CREATED IN
14 THE MANNER PROVIDED IN SECTION 3 OF 1846 RS 15, MCL 201.3.

15 (3) IF A MEMBER OF A DISINCORPORATION COMMISSION VACATES
16 OFFICE, THE VACANCY SHALL BE FILLED BY APPOINTMENT IN THE SAME
17 MANNER AS PROVIDED IN SECTION 27F.

18 SEC. 27H. (1) THE PRESIDENT OF THE VILLAGE SHALL APPOINT 1 OF
19 THE VILLAGE MEMBERS AS CHAIRPERSON OF THE DISINCORPORATION
20 COMMISSION.

21 (2) THE VILLAGE CLERK SHALL CALL THE FIRST MEETING OF THE
22 DISINCORPORATION COMMISSION AND SHALL SERVE AS SECRETARY OF THE
23 COMMISSION AND KEEP ITS MINUTES AND RECORDS.

24 (3) AT ITS FIRST MEETING, THE DISINCORPORATION COMMISSION
25 SHALL ELECT OTHER OFFICERS IT CONSIDERS ADVISABLE.

26 (4) THE DISINCORPORATION COMMISSION SHALL ADOPT BYLAWS TO
27 GOVERN THE CONDUCT OF ITS BUSINESS.

1 (5) A MAJORITY OF THE MEMBERS OF THE DISINCORPORATION
2 COMMISSION CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS AT A
3 MEETING OF THE COMMISSION. A MAJORITY OF THE MEMBERS ARE REQUIRED
4 FOR OFFICIAL ACTION OF THE DISINCORPORATION COMMISSION.

5 (6) THE DISINCORPORATION COMMISSION SHALL CONDUCT ITS BUSINESS
6 AT A PUBLIC MEETING HELD IN COMPLIANCE WITH THE OPEN MEETINGS ACT,
7 1976 PA 267, MCL 15.261 TO 15.275.

8 (7) A WRITING PREPARED, OWNED, USED, IN POSSESSION OF, OR
9 RETAINED BY THE DISINCORPORATION COMMISSION IN THE PERFORMANCE OF
10 AN OFFICIAL FUNCTION IS SUBJECT TO THE FREEDOM OF INFORMATION ACT,
11 1976 PA 442, MCL 15.231 TO 15.246.

12 SEC. 27I. (1) THE DISINCORPORATION COMMISSION MAY CONTRACT FOR
13 CONSULTANTS AND ADVISORS AS MAY BE REASONABLY NECESSARY IN ITS
14 DISCRETION TO CARRY OUT ITS RESPONSIBILITIES.

15 (2) THE VILLAGE COUNCIL SHALL APPROPRIATE FOR THE
16 DISINCORPORATION COMMISSION SUFFICIENT FUNDS FOR THE COMMISSION TO
17 REASONABLY CARRY OUT ITS RESPONSIBILITIES.

18 (3) THE DISINCORPORATION COMMISSION MAY ACCEPT ANY PRIVATE OR
19 PUBLIC FUNDING.

20 SEC. 27J. (1) THE DISINCORPORATION COMMISSION MAY ADOPT A
21 DISINCORPORATION PLAN FOR THE VILLAGE. ADOPTION OF A
22 DISINCORPORATION PLAN REQUIRES THE AFFIRMATIVE VOTE OF 2/3 OF THE
23 MEMBERS REPRESENTING THE VILLAGE AND 2 OF THE MEMBERS REPRESENTING
24 EACH TOWNSHIP OF THE DISINCORPORATION COMMISSION.

25 (2) THE DISINCORPORATION PLAN SHALL PROVIDE AN ORDERLY PROCESS
26 FOR DISINCORPORATION OF THE VILLAGE. THE DISINCORPORATION PLAN
27 SHALL INCLUDE ALL OF THE FOLLOWING ELEMENTS:

1 (A) AN INTERIM LAND USE PLAN AND INTERIM ZONING OF THE
2 PROPERTY WITHIN THE LIMITS OF THE VILLAGE.

3 (B) PROVISION FOR PAYMENT OF ALL INDEBTEDNESS OF THE VILLAGE,
4 INCLUDING ANY OUTSTANDING JUDGMENTS, OR JUDGMENTS THAT MAY RESULT
5 FROM PENDING OR FUTURE LITIGATION TO WHICH THE VILLAGE MAY BECOME A
6 PARTY.

7 (C) DISPOSITION OF REAL AND PERSONAL PROPERTY AND OTHER
8 ASSETS, INCLUDING FUNDS, DEPOSITS, AND INVESTMENTS.

9 (D) DISPOSITION OF ALL PUBLIC RECORDS OF THE VILLAGE IN
10 ACCORDANCE WITH A RECORDS RETENTION PLAN AS PROVIDED BY LAW,
11 INCLUDING FILES, BOOKS, AND PAPERS.

12 (E) TRANSFER OR TERMINATION OF EMPLOYEES, AND CONTRACTS OF
13 EMPLOYMENT, AND DISPOSITION OF EMPLOYEE BENEFITS, INCLUDING
14 RETIREMENT, HEALTH AND LIFE INSURANCE, UNEMPLOYMENT COMPENSATION,
15 ACCRUED SICK AND VACATION LEAVE, AND ANY OTHER BENEFITS.

16 (F) JURISDICTION OVER STREETS, ROADS, BRIDGES, ALLEYS,
17 SIDEWALKS, AND ANY PUBLIC EASEMENTS IN THE VILLAGE, AND FOR THEIR
18 MAINTENANCE AND REPAIR, INCLUDING STREET LIGHTS AND SNOW REMOVAL.

19 (G) JURISDICTION OVER TRAFFIC CONTROL AND TRAFFIC CONTROL
20 DEVICES.

21 (H) PROVISION FOR ANY SPECIAL ASSESSMENTS OR SPECIAL
22 ASSESSMENT DISTRICTS WITHIN THE VILLAGE, INCLUDING, BUT NOT LIMITED
23 TO, STREET MAINTENANCE, STREET SWEEPING, AND PRIVATE ROAD SERVICE.

24 (I) THE TRANSFER OR TERMINATION OF PUBLIC UTILITIES AND PUBLIC
25 SERVICES OF THE VILLAGE, INCLUDING, BUT NOT LIMITED TO, WATER,
26 SEWER, DRAINAGE, CABLE TELEVISION, STREET LIGHTING, ELECTRIC
27 SERVICE, AND GARBAGE AND REFUSE SERVICE.

1 (J) REGULATION OR ORDERLY TRANSFER OF RESPONSIBILITY FOR ANY
2 SPECIAL DISTRICTS, INCLUDING, BUT NOT LIMITED TO, ESTABLISHED
3 HISTORIC DISTRICTS, DOWNTOWN DEVELOPMENT DISTRICTS, TAX INCREMENT
4 FINANCING DISTRICTS, AND LAND SUBJECT TO ANY LAND TRANSFER
5 AGREEMENTS.

6 (K) PROVISION FOR ANY AUTHORITIES THAT THE VILLAGE HAS
7 ESTABLISHED OR IN WHICH THE VILLAGE IS A MEMBER.

8 (L) FINDINGS AS TO THE FISCAL IMPACT OF DISSOLUTION UPON THE
9 TOWNSHIP OR TOWNSHIPS INTO WHICH THE VILLAGE IS PROPOSED TO BE
10 DISINCORPORATED AND THE RESIDENTS OF THE VILLAGE, INCLUDING THE
11 ESTIMATED REVENUES GAINED BY THE TOWNSHIP AND LOSSES TO EACH
12 MUNICIPALITY FROM PROPERTY TAXES AND FROM STATE REVENUE SHARING AND
13 FROM GAS AND WEIGHT TAX REVENUES DISTRIBUTED BY THIS STATE TO THE
14 VILLAGE AND ANY TOWNSHIP INTO WHICH THE VILLAGE IS PROPOSED TO BE
15 DISINCORPORATED.

16 (M) A PROCESS FOR THE RESOLUTION OF ANY DISPUTE THAT MAY ARISE
17 OVER THE IMPLEMENTATION OF THE PLAN, IF ADOPTED, AND THE PROCEDURE
18 THAT A PARTY TO ANY DISPUTE MAY UTILIZE FOR THIS PROCESS.

19 (3) THE DISINCORPORATION COMMISSION MAY MAKE FINDINGS AS TO
20 THE EFFECT OF DISINCORPORATION UPON COLLATERAL MATTERS INCLUDING,
21 BUT NOT LIMITED TO, PROPERTY VALUES, PUBLIC SERVICE LEVELS AND
22 COSTS, AND LOCAL PROPERTY TAX RATES.

23 SEC. 27K. A DISINCORPORATION PLAN ADOPTED UNDER SECTION 27J
24 SHALL BE SUBMITTED TO THE COUNCIL AND TO THE TOWNSHIP BOARD OF EACH
25 AFFECTED TOWNSHIP. THE COUNCIL AND TOWNSHIP BOARD OR BOARDS MAY
26 RATIFY THE DISINCORPORATION PLAN. IF THE COUNCIL AND THE TOWNSHIP
27 BOARD OF EACH AFFECTED TOWNSHIP RATIFY THE PLAN, THE QUESTION OF

1 DISINCORPORATION PURSUANT TO THE PLAN SHALL BE PLACED ON THE BALLOT
 2 PURSUANT TO SECTION 27I. IF THE COUNCIL OR THE TOWNSHIP BOARD OF
 3 EACH AFFECTED TOWNSHIP FAILS TO RATIFY THE DISINCORPORATION PLAN,
 4 THE QUESTION OF DISINCORPORATION SHALL BE SUBMITTED TO THE
 5 ELECTORATE AS DESCRIBED IN SECTION 27A NOT MORE THAN 1 YEAR AFTER
 6 THE DATE THE DISINCORPORATION PETITION WAS FILED UNDER SECTION 27A.

7 SEC. 27I. (1) IF THE DISINCORPORATION PLAN IS APPROVED UNDER
 8 SECTION 27K, THE CLERK OF THE DISINCORPORATION COMMISSION SHALL
 9 PREPARE AND CERTIFY TO THE COUNTY CLERK OF EACH COUNTY WHERE THE
 10 VILLAGE IS LOCATED BALLOT LANGUAGE DESCRIBING THE PROPOSED
 11 DISINCORPORATION AND THAT INCLUDES THE FOLLOWING IN SUBSTANTIALLY
 12 THE FOLLOWING FORM:

13 "SHALL THE VILLAGE OF _____ BE DISINCORPORATED
 14 PURSUANT TO THE PLAN ADOPTED BY THE DISINCORPORATION COMMISSION?

15 () YES

16 () NO".

17 (2) THE CLERK OF THE DISINCORPORATION COMMISSION SHALL CERTIFY
 18 THE PROPOSED DISINCORPORATION FOR INCLUSION ON THE BALLOT AT THE
 19 NEXT GENERAL ELECTION, THE STATE PRIMARY IMMEDIATELY PRECEDING THE
 20 GENERAL ELECTION, OR A SPECIAL ELECTION NOT OCCURRING WITHIN 45
 21 DAYS OF A STATE PRIMARY OR A GENERAL ELECTION, AS SPECIFIED BY THE
 22 CLERK OF THE DISINCORPORATION COMMISSION. HOWEVER, THE CLERK OF THE
 23 DISINCORPORATION COMMISSION SHALL NOT CERTIFY THE PROPOSED
 24 DISINCORPORATION FOR INCLUSION ON THE BALLOT AT EITHER OF THE
 25 FOLLOWING:

26 (A) AN ELECTION TO BE HELD LESS THAN 60 DAYS AFTER THE DATE OF
 27 CERTIFICATION.

1 (B) AN ELECTION TO BE HELD MORE THAN 1 YEAR AFTER THE TOWNSHIP
2 CLERK VERIFIES THE PETITION SIGNATURES AND DETERMINES THAT THE
3 PETITION IS SUFFICIENT UNDER SECTION 27A.

4 (3) IF A SPECIAL ELECTION IS REQUESTED BY THE CLERK OF THE
5 DISINCORPORATION COMMISSION, THE COUNTY CLERK OF THE COUNTY IN
6 WHICH THE GREATEST NUMBER OF ELECTORS OF THE VILLAGE RESIDE SHALL
7 SCHEDULE THE ELECTION IN COMPLIANCE WITH SECTION 641 OF THE
8 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.641. THE PROPOSAL SHALL
9 BE SUBMITTED TO THE QUALIFIED AND REGISTERED ELECTORS RESIDING IN
10 THE VILLAGE AND EACH TOWNSHIP INTO WHICH THE VILLAGE IS PROPOSED TO
11 BE DISINCORPORATED AT THAT ELECTION.

12 (4) IF A DISINCORPORATION COMMISSION FAILS TO ADOPT A PLAN
13 UNDER SECTION 27J OR THE CLERK OF THE DISINCORPORATION COMMISSION
14 DOES NOT CERTIFY THE PROPOSED DISINCORPORATION FOR INCLUSION ON THE
15 BALLOT UNDER THIS SECTION, THE QUESTION OF DISINCORPORATION SHALL
16 BE SUBMITTED TO THE ELECTORS AS DESCRIBED IN SECTION 27A NOT MORE
17 THAN 1 YEAR AFTER THE DATE THE DISINCORPORATION PETITION WAS FILED
18 UNDER SECTION 27A.

19 SEC. 27M. (1) THE PROPOSED DISINCORPORATION IS APPROVED BY THE
20 ELECTORS AND SHALL TAKE PLACE PURSUANT TO THE PLAN ADOPTED UNDER
21 SECTION 27J ONLY IF A MAJORITY OF EACH OF THE FOLLOWING VOTES CAST
22 ON THE QUESTION OF THE PROPOSED DISINCORPORATION ARE IN FAVOR OF
23 THE DISINCORPORATION:

24 (A) THE VOTES CAST BY ELECTORS OF THE VILLAGE.

25 (B) THE VOTES CAST BY THE ELECTORS OF EACH TOWNSHIP INTO WHICH
26 THE VILLAGE IS PROPOSED TO BE DISINCORPORATED, COUNTED SEPARATELY,
27 AND EXCLUDING VOTES CAST BY RESIDENTS OF THE VILLAGE.

1 (2) UNLESS THE PROPOSED DISINCORPORATION IS APPROVED AS
2 PROVIDED IN SUBSECTION (1), THE PROPOSED DISINCORPORATION PURSUANT
3 TO A PLAN ADOPTED UNDER SECTION 27J IS DISAPPROVED BY THE ELECTORS
4 AND THE VILLAGE SHALL NOT BE DISINCORPORATED PURSUANT TO THE PLAN.

5 SEC. 27N. A NEW PETITION SHALL NOT BE FILED UNDER SECTION 27A
6 LESS THAN 2 YEARS AFTER THE ELECTION IF THE DISINCORPORATION IS
7 DISAPPROVED BY THE ELECTORS AT AN ELECTION HELD PURSUANT TO SECTION
8 27A OR 27I.