

HOUSE BILL No. 5641

March 9, 1992, Introduced by Rep. Palamara and referred to the Committee on Agriculture, Forestry and Minerals.

A bill to amend the title of Act No. 40 of the Public Acts of 1956, entitled as amended
"The drain code of 1956,"
as amended, being sections 280.1 to 280.630 of the Michigan Compiled Laws; and to add section 490a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title of Act No. 40 of the Public Acts of
2 1956, as amended, being sections 280.1 to 280.630 of the Michigan
3 Compiled Laws, is amended and section 490a is added to read as
4 follows:

TITLE

6 An act to codify the laws relating to the laying out of
7 drainage districts, the consolidation of drainage districts, the
8 construction and maintenance of drains, sewers, pumping
9 equipment, bridges, culverts, fords, and the structures and

1 mechanical devices to properly purify the flow of drains; to
2 provide for flood control projects; to provide for water manage-
3 ment, water management districts ~~—~~ and subdistricts, and ~~for~~
4 flood control and drainage projects within drainage districts; to
5 provide for the assessment and collection of taxes; to provide
6 for the investment of funds; to provide for ~~the deposit of funds~~
7 ~~for future~~ FINANCING THE OPERATION AND maintenance of drains; to
8 authorize public corporations to impose taxes for the payment of
9 assessments in anticipation of which bonds are issued; to provide
10 for the issuance of bonds by drainage districts and for the
11 pledge of the full faith and credit of counties for payment of
12 the bonds; to authorize counties to impose taxes when necessary
13 to pay principal and interest on bonds for which full faith and
14 credit is pledged; to validate certain acts and bonds; and to
15 prescribe penalties.

16 SEC. 490A. (1) TO PAY THE EXPENSE OF OPERATION AND MAINTENANCE OF A DRAIN APPORTIONED AGAINST A PUBLIC CORPORATION, THE
17 PUBLIC CORPORATION MAY EXACT CONNECTION, READINESS TO SERVE,
18 AVAILABILITY, OR SERVICE CHARGES TO BE PAID BY OWNERS OF LAND
19 DIRECTLY OR INDIRECTLY CONNECTED WITH THE DRAIN, PURSUANT TO THIS
20 SECTION.

21 (2) IF THE LEGISLATIVE BODY OF A PUBLIC CORPORATION DETERMINES THAT LAND IN THE PUBLIC CORPORATION IS DIRECTLY OR INDIRECTLY CONNECTED WITH THE DRAIN AND THAT IT MAY BE ADVISABLE FOR
22 THE PUBLIC CORPORATION TO EXACT A CONNECTION, READINESS TO SERVE,
23 AVAILABILITY, OR SERVICE CHARGE FROM THE OWNERS OF THE LAND, THE
24 LEGISLATIVE BODY SHALL PREPARE A PLAN FOR THE EXACTION OF THE

1 CHARGE AND HOLD A MEETING PURSUANT TO THE OPEN MEETINGS ACT, ACT
2 NO. 267 OF THE PUBLIC ACTS OF 1976, BEING SECTIONS 15.261 TO
3 15.275 OF THE MICHIGAN COMPILED LAWS, TO RECEIVE COMMENTS ON THE
4 PLAN.

5 (3) THE LEGISLATIVE BODY SHALL GIVE NOTICE OF THE MEETING AS
6 REQUIRED BY ACT NO. 267 OF THE PUBLIC ACTS OF 1976 AND SHALL ALSO
7 GIVE NOTICE BY PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION
8 IN THE PUBLIC CORPORATION NOT LESS THAN 10 OR MORE THAN 20 DAYS
9 BEFORE THE DATE OF THE MEETING. ALL NOTICES REQUIRED BY THIS
10 SUBSECTION SHALL CONTAIN THE FOLLOWING INFORMATION, IN ADDITION
11 TO THE INFORMATION REQUIRED BY ACT NO. 267 OF THE PUBLIC ACTS OF
12 1976:

13 (A) A GENERAL DESCRIPTION OF THE DRAIN.

14 (B) A STATEMENT OF THE BENEFITS OF THE DRAIN.

15 (C) A GENERAL DESCRIPTION OF THE PLAN FOR THE EXACTION OF
16 THE CONNECTION, READINESS TO SERVE, AVAILABILITY, OR SERVICE
17 CHARGE.

18 (4) AFTER HOLDING THE MEETING REQUIRED BY SUBSECTION (2),
19 THE LEGISLATIVE BODY OF THE PUBLIC CORPORATION MAY ADOPT AND
20 IMPLEMENT A PLAN TO EXACT A CONNECTION, READINESS TO SERVE,
21 AVAILABILITY, OR SERVICE CHARGE, WHETHER OR NOT SUCH A CHARGE IS
22 PERMITTED BY THE CHARTER OF THE PUBLIC CORPORATION, IF ANY.

23 (5) A PERSON WHOSE NAME AND ADDRESS APPEARS UPON THE TAX
24 ROLLS AS OWNING LAND WITHIN THE DISTRICT DIRECTLY OR INDIRECTLY
25 CONNECTED WITH THE DRAIN AND FEELING AGGRIEVED BY ACTION OR INAC-
26 TION OF THE LEGISLATIVE BODY UNDER SUBSECTION (4) MAY APPEAL THE
27 DECISION OF THE LEGISLATIVE BODY BY INSTITUTING AN ACTION IN THE

1 CIRCUIT COURT FOR THE COUNTY IN WHICH THE REAL PROPERTY IS
2 LOCATED. THE ACTION SHALL BE FILED BY THE PERSON AGGRIEVED
3 WITHIN 45 DAYS AFTER THE DETERMINATION OF THE LEGISLATIVE BODY.