

SENATE BILL No. 1082

September 23, 2014, Introduced by Senator ROBERTSON and referred to the Committee on Local Government and Elections.

A bill to amend 1956 PA 40, entitled
"The drain code of 1956,"
(MCL 280.1 to 280.630) by adding section 196a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 196A. NOTWITHSTANDING OTHER PROVISIONS OF THIS ACT, A
2 DRAIN COMMISSIONER OR DRAINAGE BOARD, AFTER AN INSPECTION BY A
3 LICENSED SURVEYOR OR A PROFESSIONAL ENGINEER, MAY REMOVE AN
4 OBSTRUCTION CREATED BY ICE, FALLEN TREES, LOGJAMS, OR OTHER DEBRIS,
5 OR MAY REMOVE AN UNLAWFUL OBSTRUCTION ON A WATERCOURSE THAT IS NOT
6 AN EXISTING DRAIN IF THE OBSTRUCTION HAS CAUSED OR IS CAUSING
7 FLOODING, INCREASED EROSION, CHANNEL INSTABILITY, REDUCTION IN
8 CAPACITY, OR OTHER DAMAGE TO A COUNTY OR INTERCOUNTY DRAIN
9 ESTABLISHED UNDER THIS ACT. THE DRAIN COMMISSIONER OR DRAINAGE

1 BOARD MAY UNDERTAKE THE REMOVAL OF THE OBSTRUCTION AUTHORIZED BY
2 THIS SECTION AFTER OBTAINING THE WRITTEN PERMISSION OF THE OWNER OR
3 OWNERS OF PROPERTY WHERE THE OBSTRUCTION IS LOCATED AND, IF
4 NECESSARY, THE OWNER OR OWNERS OF PROPERTY TO WHICH ACCESS IS
5 REQUIRED TO REMOVE THE OBSTRUCTION. THE COSTS INCURRED BY THE DRAIN
6 COMMISSIONER OR DRAINAGE BOARD UNDER THIS SECTION SHALL BE CHARGED
7 TO THE BENEFITING DRAINAGE DISTRICTS CONSISTENT WITH THIS ACT.