

THE DRAIN CODE OF 1956 (EXCERPT)
Act 40 of 1956

280.101 Intercounty drainage districts; application; filing; signatures; eligibility.

Sec. 101. (1) Before any action is taken on a petition to locate, establish, and construct a drain that will traverse lands in more than 1 county, or affect more than 1 county, an application must be filed with a commissioner having jurisdiction of any of the lands to lay out and designate a drainage district. The application shall tentatively describe the location and route of the proposed drain. Except as provided in subsection (2), the application shall be signed by ten or more freeholders of the cities, villages, or townships in which the proposed drain or the lands proposed to be benefitted by the drain are located. Five or more of the signers shall be the freeholders whose lands will be liable for an assessment for the construction of the proposed drain. However, if it appears to the drain commissioner to whom the application is submitted that the drainage district may not include at least 20 freeholders whose lands will be liable for an assessment, the application shall be received if at least 1 of the signers is a freeholder whose land will be liable for an assessment. The eligibility of the signers to the application shall be determined by their interest of record in the office of the register of deeds, in the probate court, or in the circuit court of the county in which the lands are located at the time the application is filed.

(2) An application under subsection (1) need only be signed by a representative of a city, village, or township who is authorized by its governing body, if both of the following apply:

(a) The proposed drain is necessary for the public health of the city, village, or township.

(b) The city, village, or township will be liable for an assessment at large for a percentage of the cost of the proposed drain.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1957, Act 119, Imd. Eff. May 24, 1957;—Am. 2014, Act 551, Imd. Eff. Jan. 15, 2015;—Am. 2018, Act 647, Eff. Mar. 28, 2019.

Popular name: Act 40