

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

**280.103 Chairperson of drainage board; disqualification of member; determination of practicability; survey.**

Sec. 103. (1) The director of the department of agriculture and rural development or a deputy selected by the director shall act as chairperson at the meeting of the drainage board under section 102. The drainage board shall consider the application to lay out and designate a drainage district and do all of the following at the meeting:

(a) Determine the sufficiency of the signatures on the application. If the signatures are insufficient, no further action shall be taken on that application.

(b) Consider the route and type of construction of the proposed drain.

(c) Take testimony to determine the practicability of the proposed drain.

(2) If a member of the drainage board would be disqualified under sections 381 and 383 from making an apportionment of benefits, both of the following apply:

(a) The drainage board member is disqualified from participation in the determination of practicability.

(b) A special commissioner shall be appointed pursuant to section 381 to serve as a member of the drainage board to determine practicability.

(3) The owner of any lands that would be liable to assessment for benefits for the proposed drain or would be crossed by the drain or any city, township, or village affected may appear for or against the drain proceedings. If at the meeting or at any subsequent time before the entry of the order designating a drainage district, the drainage board determines that the drainage of the proposed drain area is not practicable, no further action shall be taken on that application within 1 year. If the proposed drain is determined to be practicable, then the drainage board shall cause a survey to be made by a licensed professional surveyor or engineer to ascertain the area that would be benefited by the proposed drain and the route and type of construction of drain or drains most serviceable for that purpose.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 2018, Act 647, Eff. Mar. 28, 2019.

**Popular name:** Act 40