

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

280.191 County drains; maintenance and improvements; petition; determination of necessity; apportionment.

Sec. 191. (1) If a drain or portion of a drain traverses lands wholly in 1 county, if lands only in 1 county are subject to assessment, and if the drain needs cleaning out, relocating, widening, deepening, straightening, tiling, extending, or relocating along a highway, requires structures or mechanical devices that will properly purify or improve the flow of the drain or pumping equipment necessary to assist or relieve the flow of the drain, needs supplementing by the construction of 1 or more relief drains, which may consist of new drains or extensions, enlargements, or connections to existing drains, or needs 1 or more branches added to the drain, any 5 freeholders or at least 50% of the freeholders if there are fewer than 5 freeholders whose lands shall be liable to an assessment for benefits of the work, may make petition in writing to the commissioner setting forth the necessity of the proposed work. Upon filing of the petition, the commissioner shall proceed in the same manner provided in this act for the location, establishment, and construction of a drain.

(2) If the petition described in subsection (1) is necessary for the public health of 1 or more cities, villages, or townships, the petition may be signed solely by a representative of a city, village, or township if authorized by its governing body or by a combination of the cities, villages, or townships if each city, village, or township will be liable to assessments at large for a percentage of the total amount assessed for the cost of the proposed work.

(3) As soon as practicable after the board of determination determines the necessity for the work, as provided in section 72, and the commissioner files the final order of determination prescribed in section 151, the commissioner shall proceed as provided in chapter 7. However, if the apportionment is the same as the last recorded apportionments, a day of review is not required.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1956, Ex. Sess., Act 5, Imd. Eff. June 23, 1956;—Am. 1957, Act 119, Imd. Eff. May 24, 1957;—Am. 1959, Act 261, Imd. Eff. Aug. 21, 1959;—Am. 1965, Act 194, Imd. Eff. July 15, 1965;—Am. 1968, Act 79, Eff. Nov. 15, 1968;—Am. 1976, Act 196, Imd. Eff. July 15, 1976;—Am. 2018, Act 647, Eff. Mar. 28, 2019.

Popular name: Act 40