

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

280.192 Intercounty drain; cleaning out; petition; drainage board; procedure.

Sec. 192. (1) If a drain or portion of a drain traverses lands in more than 1 county or lands in more than 1 county are subject to assessments 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 a petition in writing to the commissioner of any county having lands in the drainage district setting forth the necessity of the proposed work.

(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 any 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 to be assessed for the cost of the proposed work. The percentage of cost apportioned to a city, village, or township shall be based upon the benefits to accrue to the city, village, or township and also the extent to which it contributes to the conditions that make the drain necessary.

(3) Upon receipt of a petition under subsection (1), the commissioner shall notify other members of the drainage board as constituted under section 122. The chairperson shall call a meeting of the drainage board within the time and in the manner prescribed in section 122. If the drainage board determines that the petition is practicable, the drainage board may cause a survey of the drain to be made by a licensed professional surveyor or engineer. After the surveyor or engineer has filed all data with the drainage board, the chairperson shall call a meeting as provided in section 122, and thereafter the drainage board shall proceed as provided under chapter 6 upon a petition for the location, establishment, and construction of a drain.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1957, Act 119, Imd. Eff. May 24, 1957;—Am. 1959, Act 261, Imd. Eff. Aug. 21, 1959;—Am. 1963, Act 36, Eff. Sept. 6, 1963;—Am. 1965, Act 194, Imd. Eff. July 15, 1965;—Am. 1968, Act 79, Eff. Nov. 15, 1968;—Am. 2018, Act 647, Eff. Mar. 28, 2019.

Popular name: Act 40