

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

**280.196a Drain not established under act; removal of debris from watercourse; conditions; permission from property owner; costs.**

Sec. 196a. Notwithstanding other provisions of this act, a drain commissioner or drainage board may remove ice, fallen trees, logjams, or other debris on a watercourse that is not a drain established under this act if, upon inspection, a licensed professional engineer has determined that the ice, fallen trees, logjams, or other debris has caused or is causing flooding, an imminent risk of flooding, increased erosion, channel instability, reduction in capacity that may cause flooding, or other damage to 1 or more county or intercounty drains established under this act. The drain commissioner or drainage board may undertake the removal of any ice, fallen trees, logjams, or other debris authorized by this section after obtaining written permission from the owner or owners of property where the ice, fallen trees, logjams, or other debris is located and, if necessary, the owner or owners of property to which access is required to remove the ice, fallen trees, logjams, or other debris. The costs incurred by the drain commissioner or drainage board under this section shall be charged to the benefiting drainage districts consistent with this act, and are subject to the expenditure limit and conditions set forth in section 196 if the work is performed without petition.

**History:** Add. 2014, Act 544, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 40