

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

280.425 Petition to construct open or closed drain; permission of commissioners or drainage board; consent of landowners; expense; time and manner of construction; protection of drain entrance; signature of applicant or petitioner; tiling source of drain or open drain; permit to tile established drain.

Sec. 425. A landowner in the drainage district whose land requires additional drainage may petition the commissioner for permission to construct an open or closed drain, or a combination thereof, to a regularly established drain, and permission shall be granted by the commissioner or drainage board when, in their opinion, the nature of the ground to be crossed will admit thereof and the surface of the land can be restored and for that purpose the drain may traverse the lands of other freeholders in the district. Before permission may be granted by the commissioner, consent in writing by the owner or owners of the lands to be traversed by the proposed drain shall be obtained. If permission is refused by the owner or owners of the lands to be traversed by the proposed drain, the drain may be established by following the provisions of this act governing the location, establishment, and construction of county or intercounty drainage districts and drains therein. The entire expense thereof shall be borne by the petitioner, and the construction of an open or closed drain or combination thereof shall be done at a time and in a manner as the commissioner or drainage board shall prescribe. When drains are constructed, the drain entrance shall be substantially protected from driftwood and debris. An application to lay out and designate a drainage district or petition to locate, establish, and construct a drain under the foregoing provisions of this section shall only require the signature of the petitioning landowner or owners, other provisions of this act notwithstanding. If permission is granted to tile the source of a drain, the commissioner shall further prescribe the amount and part of the drain to be tiled and the manner of tiling. A person through whose land an open drain has been established and constructed may make a written request to the county drain commissioner to be permitted, at his own expense, to tile and cover with earth the whole or a part thereof that may traverse his land, and the commissioner may grant the request, but in doing so he shall prescribe the size of the tile to be used. A permit shall not be issued to tile or crock an established drain that will decrease the area of the drain as established.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1957, Act 119, Imd. Eff. May 24, 1957;—Am. 1976, Act 28, Imd. Eff. Mar. 4, 1976.

Popular name: Act 40