

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

280.463 Petition to locate, establish, and construct county drain; determination; filing and contents of petition; notice; certified copy of resolution; authorizing execution; order of determination.

Sec. 463. (1) Before filing a petition under this section, the legislative body of a public corporation shall first determine whether the drain project contemplated may necessitate the levy of a special assessment, fee, or charge under section 490. If the legislative body determines that a special assessment, fee, or charge may be made under section 490, before filing a petition under this section, the legislative body shall proceed as provided in section 489a.

(2) If it is necessary for the public health to locate, establish, and construct a county drain, a petition for that purpose may be filed with the county drain commissioner signed by 2 or more public corporations which will be subject to assessments to pay the cost of the drain. The petition shall state that it is filed pursuant to this chapter and shall describe the location and route of the proposed drain sufficiently to determine with reasonable certainty the areas to be serviced by the drain.

(3) Not more than 20 days after the petition is filed, the county drain commissioner shall notify each public corporation which may be subject to an assessment or in which is located any of the areas to be drained, as described in the petition, that a petition was filed.

(4) A certified copy of the resolution of the governing body of each signer authorizing the affixing of the signature of the governing body to the petition shall be attached to the petition. The petition may be filed in more than 1 counterpart. For a petition filed by a county, the county board of commissioners shall authorize the execution of the petition, and for a petition filed by the state, the state transportation commission shall authorize the execution of the petition. As provided in section 423, an order of determination of the water resources commission shall also serve as a petition made pursuant to this chapter.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956;—Am. 1968, Act 333, Imd. Eff. July 14, 1968;—Am. 1973, Act 208, Imd. Eff. Jan. 11, 1974;—Am. 1979, Act 135, Eff. Mar. 27, 1980.

Popular name: Act 40