

THE DRAIN CODE OF 1956 (EXCERPT)

Act 40 of 1956

CHAPTER 16.

SPECIAL COUNTY COMMISSIONER.

280.381 Disqualification of commissioner; petition filed with probate judge.

Sec. 381. Whenever the commissioner of any county shall receive a petition asking for the laying out, construction, cleaning out, deepening or widening of any drain, or a petition asking proceedings by virtue of which any assessment upon lands for benefits received would result, wherein such commissioner shall be interested by reason of himself, wife or child, owning lands that would be liable to an assessment for benefits upon the work or proceeding proposed to be done or had, and in cases where such commissioner may be otherwise disqualified to act in the making of apportionment of benefits, such commissioner shall file a copy of such petition with the judge of probate of the county, together with a statement signed by him, showing that he is disqualified to act in making such apportionment of benefits.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956.

Popular name: Act 40

280.382 Disqualification of commissioner; appointment of disinterested commissioner; duties as to county drain.

Sec. 382. Upon receiving such petition and certificate aforesaid, the judge of probate shall, within not less than 15 days, appoint a disinterested commissioner of an adjoining or nearby county to make the apportionment of benefits on said drain. It shall be the duty of said disinterested commissioner, so appointed, to make and complete within a period of 30 days, or within such reasonable time thereafter as may be necessary, an apportionment of the benefits of said drain and file the same with the said disqualified commissioner, and said apportionment shall be adopted for said drain, subject to the same rights of appeal as provided in this act. Said disqualified commissioner shall furnish the commissioner so appointed with a copy of his final order of determination on said drain.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956.

Popular name: Act 40

280.383 Disqualification of commissioner; appointment in case of intercounty drain.

Sec. 383. In the case of a drain affecting more than 1 county, and any commissioner shall be disqualified to make the apportionments thereon, a commissioner for the county shall be appointed in the manner herein provided, with powers and duties mentioned in this act.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956.

Popular name: Act 40

280.384 Disinterested commissioner; salary and expenses, assessment.

Sec. 384. The salary of the commissioner so appointed, which shall be the same as that received by him from the county of which he is commissioner, together with all expenses actually and necessarily incurred by him, shall be assessed against the drain in connection with which said services were performed and shall be paid in the same manner as other expenses are paid.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956.

Popular name: Act 40