

**THE DRAIN CODE OF 1956 (EXCERPT)**

**Act 40 of 1956**

Chapter 8.

CLEANING, WIDENING, DEEPENING, STRAIGHTENING AND EXTENDING DRAINS.

**280.191 County drains; maintenance and improvements; petition; determination of necessity; apportionment.**

Sec. 191.

(1) If a drain or portion of a drain traverses lands wholly in 1 county, if lands only in 1 county are subject to assessment, 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 petition in writing to the commissioner setting forth the necessity of the proposed work. Upon filing of the petition, the commissioner shall proceed in the same manner provided in this act for the location, establishment, and construction of a drain.

(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 a 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 assessed for the cost of the proposed work.

(3) As soon as practicable after the board of determination determines the necessity for the work, as provided in section 72, and the commissioner files the final order of determination prescribed in section 151, the commissioner shall proceed as provided in chapter 7. However, if the apportionment is the same as the last recorded apportionments, a day of review is not required.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1956, Ex. Sess., Act 5, Imd. Eff. June 23, 1956 ;-- Am. 1957, Act 119, Imd. Eff. May 24, 1957 ;-- Am. 1959, Act 261, Imd. Eff. Aug. 21, 1959 ;-- Am. 1965, Act 194, Imd. Eff. July 15, 1965 ;-- Am. 1968, Act 79, Eff. Nov. 15, 1968 ;-- Am. 1976, Act 196, Imd. Eff. July 15, 1976 ;-- Am. 2018, Act 647, Eff. Mar. 28, 2019

**Popular Name:** Act 40

**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

### **280.193 Drains; apportionment for cleaning, widening, deepening, straightening, and extending; review; notice; consolidated districts.**

Sec. 193.

All apportionments hereunder shall be made according to the benefits received and shall be subject to appeal the same as in the first instance. In case the apportionment shall be the same as the last recorded apportionment, no day of review shall be necessary. In case the apportionment shall be changed, or in case an apportionment is made in a consolidated district which apportions benefits between lands which have not been previously assessed by the consolidated district, the procedure shall be in all respects in accordance with the provisions of chapter 7 of this act, including the notice of and the holding of a day of review.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1962, Act 103, Imd. Eff. Apr. 30, 1962

**Popular Name:** Act 40

### **280.194 Petitions and proceedings; description of drain, relief drains.**

Sec. 194.

In any petition filed under this chapter it shall not be necessary for the petitioners to describe said drain other than by its name or to describe its commencement, general route and terminus. For any work necessary to be done in cleaning out, widening, deepening, straightening, consolidating, extending, relocating, tiling or relocating along a highway, or for providing 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 or 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 thereto, and for any and all such proceedings, only 1 petition and proceeding shall be necessary.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1956, 1st Ex. Sess., Act 5, Imd. Eff. June 23, 1956 ;-- Am. 1957, Act 119, Imd. Eff. May 24, 1957 ;-- Am. 1967, Act 172, Imd. Eff. June 30, 1967

**Popular Name:** Act 40

### **280.195 Further right of way; damages.**

Sec. 195.

In case it shall be necessary to secure further right of way and allow damages therefor, for any work contemplated by this chapter, the commissioner shall take all the necessary steps to obtain such right of way as are prescribed by chapter 4, being sections 71 to 84, inclusive, of this act.

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

**Popular Name:** Act 40

**280.196 Inspection of county and intercounty drains; deposits in drain fund; expenditures for inspection, repair, and maintenance of drain; assessment; resolution approving expenditure of additional amounts; reassessment; notice; affidavit of mailing; failure to receive notice; assessment according to benefits received; determination of maximum assessment; emergency condition; excess expenditures upon request of public corporation; costs and bids where work performed by federal agency or public corporation; salaries, expenses, and benefits of certain employees.**

Sec. 196.

(1) A drain may be inspected annually. In addition, a drain shall be inspected upon the request of the governing body of a public corporation, as described in section 461, served in whole or in part by the drain. Any inspection under this subsection shall be conducted by the following:

(a) For a county drain, by the drain commissioner or a competent person appointed by the drain commissioner.

(b) For an intercounty drain, by the drainage board or a competent person appointed by the drainage board.

(2) Surplus construction funds remaining after completion of construction of a drain, or funds remaining after completion of work performed under a petition for maintenance or improvements under this chapter, shall be deposited in the drain fund of the drainage district and shall be expended for inspection, repair, and maintenance of the drain.

(3) If at any time the drain fund of a drainage district contains less than \$10,000.00 per mile or fraction of a mile of a drain, the drain commissioner or drainage board may assess the drainage district for an amount not to exceed \$5,000.00 per mile or fraction of a mile in any 1 year. The amount collected under an assessment shall be deposited in the drain fund of the drainage district for inspection, repair, and maintenance of the drain.

(4) If an inspection discloses the necessity of expending money for the maintenance or repair of a drain to keep it in working order, the drain commissioner for a county drain, or the drainage board for an intercounty drain, may without petition expend an amount not to exceed in any 1 year \$10,000.00 per mile or fraction of a mile for maintenance and repair of the drain, not including inspection and engineering fees, legal fees, and the cost of publication and mailing. The maximum expenditure allowed under this subsection shall be determined based on the total number of miles of the drain and not on the number of miles actually inspected, maintained, or repaired. Costs incurred for the inspection, maintenance, and repair of a drain performed under this section may be financed and assessed under this act for not more than 10 years. As of January 1, 2025, and each calendar year thereafter, the state treasurer shall adjust the \$10,000.00 figure in this subsection by an amount determined by the state treasurer to reflect the cumulative percentage change in the Consumer Price Index since January 1, 2024. As used in this subsection, "Consumer Price Index" means the most comprehensive and recently available index of consumer prices for this state from the Bureau of Labor Statistics of the United States Department of Labor. The state treasurer shall report the adjusted amount to the department of agriculture, which shall post and maintain the adjusted amount on its publicly accessible website.

(5) If the drain commissioner or the drainage board finds it necessary to expend funds in addition to the amount established in subsection (4) per mile or fraction of a mile in any 1 year for the maintenance and repair of a drain, except as provided in subsection (10), the additional amounts shall not be expended until approved by resolution of the governing body of each township, city, and village affected by more than 20% of the cost.

(6) If the drain fund of a drainage district does not contain sufficient funds to pay for inspection, repair, and maintenance authorized by this section, the drain commissioner or the drainage board may finance the costs for not more than 10 years and shall assess the drainage district for not more than 10 years for the inspection, repair, and maintenance according to benefits received. The first installment of an assessment under this subsection shall be made and spread upon the city or township tax assessment roll within 2 years after the completion of the inspection, repair, and maintenance. If the total expenditure is more than the amount established in subsection (4) per mile or fraction of a mile, all real property owners subject to an assessment within the drainage district shall be notified of the assessment by publication in a newspaper of general circulation within the drainage district and by first-class mail to the name and address that appears on the last city or township assessment roll. The drain commissioner shall make an affidavit of mailing. The affidavit is conclusive proof that the notices required by this subsection were mailed. The failure of a person to receive a notice by mail is not a jurisdictional defect invalidating a drain assessment if notice by publication was given as required by this subsection.

(7) An assessment under subsection (6) for the actual cost of inspection, repair, and maintenance performed on a drain, or an assessment under subsection (3) to be deposited in the drain fund of a drainage district, shall be made according to benefits received. The expenditure limit in subsection (4) per mile or fraction of a mile of drain shall be used to calculate the maximum amount that the drain commissioner or drainage board may assess in any 1 year without a petition under section 191 or 192 or a request from a public corporation under subsection (5). The

maximum assessment amount allowed without petition or request shall be based on the total number of miles of the drain and not on the number of miles actually inspected, repaired, or maintained. The property that is subject to assessment shall be based on the areas of the drainage district receiving benefits and not on the actual location of the inspection, repair, and maintenance.

(8) If an emergency condition exists that endangers the public health, crops, or property within a drainage district, and the drain commissioner or drainage board enters an order declaring and describing the emergency, the commissioner or drainage board may expend funds for maintenance and repair to alleviate the emergency.

(9) The drain commissioner or drainage board shall not levy an additional assessment for drain maintenance under this section if there is currently an assessment for previous maintenance work on the drain under this section unless subsection (8) applies or the expenditure for maintenance is approved by the governing body of each township, city, and village affected by more than 20% of the cost.

(10) The drain commissioner or the drainage board may expend funds in excess of the expenditure limit in subsection (4) per mile or fraction of a mile in any 1 year for inspection, maintenance, and repair of a drain if requested by a public corporation and if the public corporation pays the entire cost of the inspection, maintenance, and repair.

(11) For purposes of this section, the costs of maintenance and repair do not include the cost of work to be performed by a federal agency or public corporation that is not chargeable to the drainage district. The drain commissioner or the drainage board is not required to advertise for bids for that portion of the work to be done by the federal agency or public corporation.

(12) For purposes of this section, the costs of maintenance and repair include all of the following:

(a) The cost of maintaining the drain in working order to continue a normal flow of water, including the servicing or repair of necessary pumping equipment and utility charges for pumping equipment.

(b) The cost of keeping the drain free from rubbish, debris, siltation, or obstructions.

(c) The cost of repairing a portion or all of a tile or drain to continue the normal flow of water.

(d) Other costs associated with the costs described in subdivisions (a) to (c).

(13) The dollar amount limitations in subsections (4), (6), and (7) do not apply to expenditures or assessments to the extent the expenditures or assessments are necessary to pay utility charges or costs to service pumping stations, sewage treatment facilities, or detention or retention basins.

(14) Except as otherwise provided in this act, that portion of the salaries, expenses, and fringe benefits of administrative and engineering employees under the supervision of the drain commissioner that are directly attributable, but not incidental, to a drain and that are not otherwise recovered by fees established by resolution or ordinance of the county board of commissioners may be charged to the drain fund of a drainage district.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1959, Act 70, Imd. Eff. June 12, 1959 ;-- Am. 1960, Act 96, Imd. Eff. Apr. 26, 1960 ;-- Am. 1962, Act 117, Eff. Mar. 28, 1963 ;-- Am. 1968, Act 333, Imd. Eff. July 14, 1968 ;-- Am. 1972, Act 270, Imd. Eff. Oct. 11, 1972 ;-- Am. 1976, Act 344, Imd. Eff. Dec. 19, 1976 ;-- Am. 1982, Act 523, Eff. Mar. 30, 1983 ;-- Am. 1989, Act 149, Imd. Eff. July 14, 1989 ;-- Am. 2008, Act 509, Eff. Mar. 31, 2009 ;-- Am. 2020, Act 291, Eff. Mar. 24, 2021 ;-- Am. 2024, Act 237, Eff. Apr. 2, 2025

**Popular Name:** Act 40

## **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.

**280.197 Surveying drain and reviewing district boundaries, laying out revised district, or making profiles, plans, or estimates of work; retaining services of surveyor or engineer; filing data; revision of boundaries of drainage district; adding or removing lands; meeting of drainage board; order; findings; notice for review; contents; mailing; affidavit; publication; action by landowner.**

Sec. 197.

(1) Upon receipt of a petition filed under this chapter, the drain commissioner or the drainage board may retain the services of a licensed professional surveyor or engineer to make a survey of the drain and may review the drainage district boundaries, or a portion of the drain or drainage district, or if necessary, lay out a revised drainage district including the land benefited, or make profiles, plans, or estimates of the work and file all data concerning the revisions, profiles, plans, or estimates with the drain commissioner or the chairperson of the drainage board.

(2) If, after a survey of the drain or a review of the drainage district boundaries under subsection (1) or after an inspection under section 196, it appears that the boundaries of the drainage district should be revised, the drain commissioner for a county drain, or the drainage board for an intercounty drain, shall either convene the board of determination pursuant to subsection (4) or hold a day of review of district boundaries pursuant to subsection (5) and, after notice and review as provided in this section, revise the boundaries of the drainage district to include all lands benefited by the drain as recommended by a licensed professional surveyor or engineer.

(3) If, after an inspection under section 196 and a review of the drainage district boundaries, a drain commissioner or drainage board determines that the boundaries should be revised and that lands, in a county or counties not part of the original drainage district, should be added to the drainage district or lands in an intercounty drainage district should be removed resulting in the removal of a county from the intercounty drainage district, the drain commissioner or drainage board shall serve notice on the director of agriculture and rural development and the drain commissioner of each county where there are lands proposed to be added to or removed from the drainage district. The director of the department of agriculture and rural development shall call a meeting of the drainage board, which shall include the commissioner of each county where the drainage district or proposed revised drainage district is located. At least 10 days before the date of the meeting, the drainage board shall send notice of the meeting by first-class mail to each city, village, and township in the original or proposed revised district and each person whose name appears on the last city or township tax assessment roll as owning lands in the original or proposed revised drainage district, at the address shown on the roll. If an address does not appear on the roll, notice need not be mailed to that person. At the meeting, all persons owning lands in the drainage district or proposed revised drainage district liable to assessment for benefits, or any municipality affected, may appear for or against the addition or removal of the lands. The drainage board shall consider any evidence offered and determine whether the addition or removal of the lands is just and equitable. If the addition or removal of the lands is just and equitable, the board shall file an order to that effect. The order shall give the drain a name or number, designate the drainage district, describe the route and course of the drain and drainage district boundaries, and, if the drainage district as revised is an intercounty drainage district, designate the members constituting the revised drainage board and determine the apportionment between counties. A copy of the order shall be filed with the drain commissioner of each county liable for assessments of the drainage district. If the drainage district as revised is an intercounty drainage district, after the order is filed, the revised drainage board constitutes the drainage board for the revised drainage district and has all the powers and duties of drainage boards under this act. If the drainage district as revised is an intercounty drainage district, the revised drainage board shall revise the drainage district boundaries during the hearing of necessity as provided in subsection (4) or hold a day of review of drainage district boundaries as provided in subsection (5). If the drainage district as revised is a county drainage district, the original drainage board shall revise the drainage district boundaries during the hearing of necessity as provided in subsection (4) or hold a day of review of drainage district boundaries as provided in subsection (5) and, following the order revising the drainage district boundaries, the drain commissioner shall have all the powers and duties for a county drain established under this act.

(4) If, before the hearing of necessity for a petition, the drain commissioner or drainage board determines that the boundaries of the drainage district should be revised, the drain commissioner for a county drain, or the chairperson of the drainage board for an intercounty drain, may request that the board of determination revise the drainage district boundaries during the hearing of necessity as provided in section 72 or 122. If the board of determination by a majority vote of members finds that the addition or deletion of lands will more accurately define the boundaries of the land benefited by the drain and it would be just and equitable, the board shall describe the revised drainage district boundaries in the order of necessity for the drain.



(5) If the drain commissioner or drainage board determines to hold a day of review of drainage district boundaries, the lands comprising the drainage district revised under this section shall be subject to review for not less than 1 day from 9 a.m. until 5 p.m. The review shall be conducted at a location designated by the drain commissioner or drainage board. At the review, the drain commissioner or drainage board or its designee shall hear the proofs and allegations and shall carefully reconsider and review the description of land comprised within the drainage district. If the drain commissioner or drainage board finds that the addition or deletion of lands will more accurately define the boundaries of the land benefited by the drain and it would be just and equitable, the drain commissioner or drainage board shall issue an order describing and establishing the revised drainage district boundaries supported by substantial, material, and competent evidence.

(6) A notice for review of revised drainage district boundaries under subsection (5) shall specify the date, time, and place at which the review will take place and provide a general description of the lands proposed in whole or in part to be added or removed from the drainage district. This notice shall be sent by first-class mail at least 10 days before the date of the review to each city, village, and township in the revised district, and each person whose name appears on the last city or township tax assessment roll as owning lands within the revised drainage district, at the address shown on the roll. If an address does not appear on the roll, then notice need not be mailed to that person. The drain commissioner or drainage board shall make an affidavit of the mailing and shall recite in the affidavit that the persons to whom the notice was mailed constitute all of the persons whose names and addresses appear on the tax rolls as owning lands within the revised drainage district. The affidavit is conclusive proof that notice was mailed to each person to whom notice is required to be mailed by this section. Failure to receive a notice by mail is not a jurisdictional defect invalidating a drain proceeding or assessment, if notice was sent by first-class mail as provided in this section. The drain commissioner or chairperson of the drainage board shall also cause the notice to be published once in a newspaper of general circulation in the county or counties in which the drainage district is located at least 10 days before the review. All expense of notification shall be paid by the drainage district.

(7) The owner of any land in the drainage district, the state transportation department, or any city, village, township, or county having control of any highway in the drainage district, that is aggrieved by a determination to revise, or not to revise, drainage district boundaries as provided for in this section may, within 10 days after the order to revise the drainage district boundaries is entered, institute an action in the circuit court for the county in which the real property is located for a determination of whether the decision to revise, or not to revise, the drainage district boundaries is supported by substantial, material, and competent evidence. The addition or removal of a county or counties to or from the drainage district under subsection (3) is subject to review in the manner provided in section 106.

**History:** 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1958, Act 87, Imd. Eff. Apr. 11, 1958 ;-- Am. 1961, Act 212, Imd. Eff. June 6, 1961 ;-- Am. 1963, Act 215, Imd. Eff. May 17, 1963 ;-- Am. 1963, Act 228, Eff. Sept. 6, 1963 ;-- Am. 1965, Act 138, Eff. Mar. 31, 1966 ;-- Am. 1978, Act 235, Imd. Eff. June 15, 1978 ;-- Am. 2013, Act 261, Imd. Eff. Dec. 30, 2013 ;-- Am. 2017, Act 62, Imd. Eff. June 28, 2017

**Popular Name:** Act 40

## **280.198 Drain taxes; subsequent assessment.**

Sec. 198.

The assessment, collection and return of drain taxes for any work done under this chapter shall be made in the same manner and under the same provisions as in this act provided for drain taxes assessed, collected, returned and enforced in the first instance: Provided, That in all proceedings involving subsequent assessments, the drain commissioner shall furnish to the supervisor of each township containing parcels of land subject to such assessment the names of the owners of record of such parcels as of the date of the assessment.

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

**Popular Name:** Act 40

## **280.199 Cleaning out drain; apportionment of cost; use of surplus in drain fund.**

Sec. 199.

In case the necessity for cleaning out any drain arises from the act or neglect of any land owner, said act or neglect shall be taken into consideration by the commissioner in making the apportionment. In case the cost of cleaning out shall be lessened by the tiling of the source of the drain under section 425 of this act, the commissioner may take that into consideration in making the apportionment of benefits against the land so tiled, but in no case shall said benefits be considered to be less than 50% of the benefits to such land if it were not tiled. Should there be a surplus in any drain fund, the commissioner or drainage board, as the case may be, may, in their discretion, without application or notice, pay out of such funds a reasonable compensation for cleaning out any obstruction that may accumulate in the particular drain for which the fund was raised.

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

**Popular Name:** Act 40

### **280.200 Cleaning out drain; cost of maintenance and repair; public contracts.**

Sec. 200.

In lieu of assessing the cost of the maintenance and repair of any drain to parcels of land in the drainage district within any city, village, township, charter township or county, the commissioner or drainage board may contract relative to such cost with any city, village, township, charter township or county in which the drain, or any part thereof, is located, or whose residents use the drain for drainage or for the transportation of sewage. In the contract any city, village, township, charter township or county may agree (1) to pay annually to the commissioner or the drainage board certain sums for the cost of maintenance and repair of any drain and for the creation of a reserve fund therefor, or (2) to provide such sums periodically as needed, or (3) to reimburse the commissioner or drainage board for all sums expended for maintenance and repair, or (4) for any combination of the foregoing. The contract shall be approved and its execution authorized by a resolution adopted by the legislative body of the city, village, township, charter township or county and shall be executed by the commissioner or drainage board on behalf of the drainage district. The city, village, township, charter township or county may fulfill its obligation to pay in accordance with the terms of the contract out of its general funds, service charges to its residents, or any other legally available funds. The contract shall specify the manner in which the obligation to pay shall be fulfilled.

**History:** Add. 1962, Act 103, Imd. Eff. Apr. 30, 1962

**Popular Name:** Act 40

### **280.201 Entering property for excavation or tree removal; notice; exception.**

Sec. 201.

(1) At least 7 days before entering property for any excavation or tree removal to be performed under this chapter, the drain commissioner or drainage board shall mail notice of the expected entry by first-class mail to the property owner.

(2) Subsection (1) does not apply to work performed under section 196(8) or 196a.

**History:** Add. 2016, Act 171, Eff. Sept. 12, 2016

**Popular Name:** Act 40