

MICHIGAN DRAIN CODE PROCEDURES

ESTABLISHING DISTRICT

IMPLEMENTING PROJECT

STEP 1

INTRACOUNTY - Chapter 3
 INTERCOUNTY - Chapter 5
 MAINTENANCE & IMPROVEMENT - Chapter 8
 PUBLIC HEALTH - Chapter 20 or 21
 MDOT - Chapter 13

STEP 2

FILING OF APPLICATION
 Layout & Designate a Drainage District
 INTRACOUNTY - Chapter 3 - MCL 280.51
 INTERCOUNTY - Chapter 5 - MCL 280.101
 PUBLIC HEALTH - Chapter 20 & 21 - MCL 280.463 or 280.513
 MDOT - Chapter 13 - MCL 280.327
 MDA Handles → Go to Step 3

INTRA COUNTY → D.C. PRACTICAL or IMPRACTICAL * if Chapter 20 this is Step 5A
 Practicality, Necessity and Tentative Apportionment
 Impractical → NOTIFY APPLICANT. STOP

Practical → Employ Surveyor or Engineer to Define District and Design Drain

D.C. Obtains Treasurer's Statement on Tax Status

If More than 1/3 of Property is Delinquent. STOP

If Less than 1/3 of Property is Delinquent, Preliminary Engineering is Finalized. MCL 280.52

D.C. Determines Project Not Practical. STOP

D.C. Determines Project Practical. → Go to Step 3 * if Chapter 8 go to Step 5

Drain Board Determines Project Practical. → Go to Step 4 * if Chapter 8 go to Step 5

Receive Engineering Report with Recommended District & Drain/Facility. MCL 280.104

Proposed Drain District Deemed Practical. Employ Surveyor or Engineering to Define District & Design Drain/Facility. MCL 280.103 For Chapter 21 - MCL 280.520

Drain Board Meets & Determines Project Not Practical. STOP

STEP 3

ORDER DESIGNATION OF DRAINAGE DISTRICT
 INTRACOUNTY - MCL 280.54
 INTERCOUNTY - MCL 280.104
 MDOT - MCL 280.327

CONSTRUCTION OR MAINTENANCE DRAIN PROJECT → Go to Step 4

D.C. Forwards Application to MDA and other Counties Affected via Certified Mail

MDA Calls Meetings of Drainage Board. Post, Publish & Mail Notice. INTER 280.102 Chapter 21 - 280.463

15 - 60 DAYS

Public Hearing to Receive Testimony on Practicality, Sufficiency of Signers and Makes Decisions at Meeting by Majority Vote * if Chapter 21 this is Step 5B

STEP 4

PETITION TO LOCATE, ESTABLISH OR CONSTRUCT
 INTRACOUNTY - MCL 280.71
 INTERCOUNTY - MCL 280.121
 MDOT - MCL 280.327

INTRA COUNTY → D.C. VERIFIES SIGNERS WITH COUNTY TREASURER

D.C. APPOINTS THREE MEMBERS FOR BOARD OF DETERMINATION (SEC 72)

NOTICE OF MEETING → Go to Step 5A

INTER COUNTY → Petition to Construct a Drainage Facility is Received

D.C. Verifies Eligibility of Signers and Forwards Petition to MDA & Other Affected Counties → Go to Step 5B

If No Petition to Locate & Construct a Drain Within 5 Years, the County Drain Board Can Order Costs Assessed. STOP

STEP 5

5A BOARD OF DETERMINATION
 INTRACOUNTY - Necessity FIRST ORDER - Chapter 4 - 280.72 (3)
 MDOT - Chapter 13 - MCL 280.327
 PUBLIC HEALTH - Chapter 20 & 21 - 280.467 & 280.519

No Appeal → Go to Step 6

APPEALS PROCESS
 Landowners / Public Corporation Necessity Decision - Circuit Court (16 days)
 Public Corporation Necessity Chapter 20 - Public Health - Probate Court (15 days)

5B MDA Prepares Notice for Hearing to Determine Necessity for Publishing & Mailing to all Properties on Last Assessment Roll

Intercounty Drainage Board Conducts Hearing & Presents Engineering & Cost Information; Received Testimony Makes Decision by Majority Vote. MCL 280.122

Project Not Necessary & No Appeal

Project Dead

STEP 6

Engineering Plans & Specifications
 R.O.W. Process - Uniform Condemnation Finance
 INTRACOUNTY - MCL 280.73
 INTERCOUNTY - MCL 280.104
 PUBLIC HEALTH - MCL 280.468 & 280.520

STEP 7

FINAL ORDER OF DETERMINATION
 Chapter 7 - MCL 280.151
 Chapter 20 - 280.469
 Chapter 21 - 280.521

STEP 8

Notice of Letting & Review Apportionment
 INTRACOUNTY & INTERCOUNTY - MCL 280.154 (4) & 280.154 (4) Require 20 Day Notice Option Day of Review Requires 10 Days from Notice to Object
 CONTRACTS - Chapter 9 - MCL 280.221
 COSTS MCL - 280.261

STEP 9

MDOT OBJECTS TO APPORTIONMENT
 MCL 280.154 (4). 10 DAYS TO FILE

STEP 10

MDA REVIEWS MDOT OBJECTION
 MCL 280.154 (4)

STEP 11

MDOT ACCEPTS Final Project Review & Permit Agreements