THE DRAIN CODE OF 1956 (EXCERPT)

Act 40 of 1956

280.530 Drainage board; continuation; responsibility; expenses; relinquishment; moneys, disposition; consent.

Sec. 530.

(1) The drainage board for each project shall continue in existence with changes in personnel that result from changes in the offices of director of the department of agriculture and rural development and drain commissioners. The drainage board is responsible for the operation and maintenance of the drain.

(2) Any necessary expenses incurred in administration and in the operation and maintenance of the drain and not covered by contract shall be paid by the several public corporations assessed for the cost of the drain. The assessments shall be in the same proportion as the cost of the drain was assessed unless the drainage board establishes a different proportion for the assessments after notice and hearing as provided in section 521.

(3) The drainage board, by resolution, may relinquish jurisdiction and control over all or part of a drain if there is no outstanding indebtedness or contract liability of its drainage district. Jurisdiction and control may be relinquished to a county, township, city, village, or authority in which all of the part of the drain and the area the drain or part of the drain services is wholly located or to the board of county road commissioners or the state transportation department if all or part of the drain and the area the drain or part of the drain services is within the public right-of-way. The county, township, city, village, authority, board of county road commissioners, or director of the state transportation department, as applicable, must request or consent to the relinquishment of jurisdiction and control by resolution of its governing body. Indebtedness or contract liability of any drainage district that will be paid in full when jurisdiction and control is relinquished is not considered to be outstanding. If relinquishment of jurisdiction and control is to a county, the resolution of the governing body of the county shall specify the county agency, such as board of public works, road department, or parks and recreation commission, that will thereafter be responsible for exercise of jurisdiction and control.

(4) If jurisdiction and control is relinquished over all of a drain, money in the drain fund of the drain shall be used to pay any indebtedness or contract liability of its drainage district, and the balance shall be turned over to the county, township, city, village, authority, board of county road commissioners, or state transportation department to be used solely with respect to the drain over which jurisdiction and control is assumed.

(5) If the relinquishment of jurisdiction and control relates to a part of a drain or drain project, the relinquishment and turnover does not become effective until consented to by resolution of the governing body of each public corporation that has paid a part of the cost of the drain or drain project.

History: 1956, Act 40, Imd. Eff. Mar. 28, 1956 ;-- Am. 1963, Act 215, Imd. Eff. May 17, 1963 ;-- Am. 1969, Act 90, Imd. Eff. July 24, 1969 ;-- Am. 2018, Act 645, Eff. Mar. 28, 2019
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