

# 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

Not Practical. No Further Action for One Year. STOP

## 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