

# Chapter 20 Drain



**PRESENTED BY:  
JOE COLAIANNE AND TERENCE DONNELLY**

**JANUARY 10-11, 2013  
MACDC NEW DRAIN COMMISSIONERS  
SCHOOL**

# Brief Historical Overview of the Drain Code Act 40



- ❑ **ESTABLISHED IN 1956 BY THE LEGISLATURE**
- ❑ **JURISDICTION OF COUNTY DRAIN COMMISSIONERS**

# What is a “drain”?

- Creeks, rivers, watercourses, open or closed ditches, storm and sanitary sewers and related facilities



# What is a Chapter 20 Drain?



- ❑ APPLIES TO “INTRA-COUNTY DRAINS”
- ❑ GOVERNED BY A STATUTORY DRAINAGE BOARD CONSISTING OF:
  - ❑ Drain Commissioner
  - ❑ Chairperson of the County Board of Commissioners
  - ❑ Finance Chairperson of the County

# What is a Chapter 4 Drain?



- Applies to an “intra-county” drain
- Governed by Drainage Board consisting of:
  - Drain Commissioner from each county where lands are benefiting from the drain
  - Director of Michigan Department of Agriculture

# Chapter 20 vs. Chapter 4



## MAJOR DIFFERENCES

- 1) **FUNDING**
- 2) **ESTABLISHMENT**

# Funding



## Chapter 20

- Assessed wholly against public corporations benefiting from projects
  - Through special assessments, fees, and other charges

## Chapter 4

- Funded by private parties and those benefiting from projects
  - Through special assessment fees and taxes

# Procedural Requirements



## Chapter 20

- ✓ Petition must be filed
- ✓ Assessment against public corporation
- ✓ Notice from Water Resources commissioner
- ✓ First meeting of Drainage board
- ✓ Final order of determination
- ✓ Apportionments
- ✓ Special assessment roll
- ✓ Drain bonds and notes

## Chapter 4

- ✓ Drainage District Application must be filed
- ✓ Survey must be conducted
- ✓ Petition to Locate, Establish, and Construct a Drain
- ✓ Board of Determination is appointed
- ✓ Assessment against properties within the Drainage District or Public Corporations affected by the project



# Establishment Requirements Defined



- ✓ **PETITION MUST BE FILED**
- ✓ **ASSESSMENT AGAINST PUBLIC CORPORATION**
- ✓ **NOTICE FROM WATER RESOURCES COMMISSIONER**
- ✓ **FIRST MEETING OF DRAINAGE BOARD**
- ✓ **FINAL ORDER OF DETERMINATION**
- ✓ **APPORTIONMENTS**
- ✓ **SPECIAL ASSESSMENT ROLL**
- ✓ **DRAIN BONDS AND NOTES**

# Advantages of a Chapter 20 Drain

- More efficient and less expensive to incorporate a project into one larger improvement