

SENATE BILL No. 144

February 6, 2001, Introduced by Senator BENNETT and referred to the Committee on Farming, Agribusiness and Food Systems.

A bill to amend 1967 PA 288, entitled
"Land division act,"
by amending section 192 (MCL 560.192), as amended by 1982
PA 529.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 192. (1) The county drain commissioner or the govern-
2 ing body of the municipality in which the subdivision is
3 ~~situated~~ LOCATED, whichever has jurisdiction, shall require
4 ~~the following~~ as a condition of approval of the final plat ~~to~~
5 ~~(a) That~~ THAT the proprietor provide for adequate storm water
6 facilities within the lands proposed for platting and outlets
7 ~~thereto~~ FOR THE STORM WATER FACILITIES. ~~(b)~~ If adequate
8 storm water facilities within the land proposed for platting are
9 not installed before approval of the final plat, the proprietor
10 shall enter into an agreement with the governing body or county

1 drain commissioner and shall post a cash deposit, certified
2 check, or irrevocable bank letter of credit, whichever the pro-
3 prietor selects, or a surety bond acceptable to the approving
4 authority, in an amount sufficient for the faithful performance
5 of the agreement. A rebate shall be made to the proprietor, as
6 the work progresses, of amounts of any cash deposits equal to the
7 ratio of the work completed to the entire project.

8 (2) ~~(c) The county drain commissioner , or where there is~~
9 ~~no drain commissioner the body having jurisdiction~~ shall require
10 AS A CONDITION OF APPROVAL OF THE FINAL PLAT THAT the proprietor
11 at his or her expense ~~to~~ establish a county or intercounty
12 drain according to the procedure provided in ~~Act No. 40 of the~~
13 ~~Public Acts of 1956, as amended, being sections 280.1 to 280.630~~
14 ~~of the Michigan Compiled Laws, if deemed~~ THE DRAIN CODE OF 1956,
15 1956 PA 40, MCL 280.1 TO 280.630, IF CONSIDERED necessary to
16 ~~insure~~ ENSURE adequate maintenance of storm water outlet
17 facilities.

18 (3) ~~(d) That~~ THE COUNTY DRAIN COMMISSIONER OR THE GOVERN-
19 ING BODY OF THE MUNICIPALITY IN WHICH THE SUBDIVISION IS LOCATED,
20 WHICHEVER HAS JURISDICTION, SHALL REQUIRE AS A CONDITION OF
21 APPROVAL OF THE FINAL PLAT THAT the proprietor provide adequate
22 storm water retention basins where ~~deemed~~ CONSIDERED necessary
23 for all or a specified part of the ~~lands~~ LAND proposed for
24 platting. ~~and, if approved by the municipality in which these~~
25 ~~lands are located, that the~~ THE municipality MAY assume the cost
26 of operation and maintenance of the retention basins AS A
27 CONDITION OF APPROVAL OF THE FINAL PLAT. A RETENTION BASIN SHALL

1 BE DESIGNED, OPERATED, AND MAINTAINED SO AS TO RETAIN ALL STORM
2 WATER RUNOFF IN EXCESS OF THE AMOUNT OF STORM WATER RUNOFF THAT
3 WOULD HAVE BEEN GENERATED IF THE LAND WERE USED SOLELY FOR
4 AGRICULTURE.