



Kent County Road Commission

The Kent County Road Commission (KCRC) and the Kent County Drain Commissioner (KCDC) do not have ordinance authority; however, both agencies have regulatory mechanisms to address illicit discharges.

The KCDC has broad authority to control water pollution in county drains provided by the state Drain Code of 1956. The following are pertinent excerpts.

The Michigan Drain Code states:

Sec. 423. (1) A person shall not continue to discharge or permit to be discharged into any county drain or intercounty drain of the state any sewage or waste matter capable of producing in the drain detrimental deposits, objectionable odor nuisance, injury to drainage conduits or structures, or capable of producing such pollution of the waters of the state receiving the flow from the drains as to injure livestock, destroy fish life, or be injurious to public health.

(10) Failure to comply with any of the provisions of this section subjects the offender to the penalties described in section 602.

Sec. 602. If any person shall willfully or maliciously remove any section or grade stake set along the line of any drain, or obstruct or injure any drain, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$100.00 and the costs of prosecution, or in default of the payment thereof, by imprisonment in the county jail not exceeding 90 days.

The KCRC has limited authority under state law to control water pollution in statutory road right-of-ways. When evidence of an illicit discharge to a KCRC ditch or drain is found, and voluntary correction is not forthcoming, the KCRC will contact the appropriate agency, depending on the nature of the illicit discharge and work with the KCDC, Kent County Health Department, local unit of government, local policing authority and/or the Michigan Department of Environmental Quality (MDEQ) to require elimination. The MDEQ has broad authority to control pollution, either directly or indirectly, to waters of the state provided by Act 451 of 1994.