

THE RURAL MUNICIPALITY OF PINEY

“Drainage Improvement Policy”

Subject: **Drainage Improvement**

Effective Date: **March 29th, 2017**

Replaces Policy: **New**

Resolution No.: **90** **Resolution Date:** **March 28th, 2017**

PURPOSE

The purpose of this policy is to ensure that the Municipality maintains effective drainage as well as ensuring the meaningful use of the limited taxpayer’s dollars. This policy applies to existing drains and the future maintenance of those drains. The municipality will focus drainage efforts on agriculturally productive lands as identified in the Canada Land Inventory Soil Capability for Agriculture Class 1 to 4 and settlement centers (Appendix C).

EXCLUSION

This policy does not cover or effect on farm drainage approved and licensed by the Province of Manitoba.

APPROVALS

Multiple levels of approval may be required prior to the establishment or cleaning of a drain. Provincial license approvals are required prior to proceeding with the drainage works. In certain instances, federal approval shall be required and must be attained prior to work commencing.

POLICY

1. Request for Improvement

A Ratepayer must submit a request for drainage improvements in writing before January 15th of the current year. The ratepayer request letter must include:

- Sketch of the area
- Description
- Issue
- Location
- Goal
- Direction of flow

The RM of Piney recommends that ratepayers utilize the standard “Application for Drainage Works” provided by the RM of Piney here attached as Schedule “A”.

2. Preliminary Assessment

The Public Works Supervisor will conduct a site assessment once feasible.

The Public Works Supervisor will determine and report the extent of the drainage concern. The Report should include the recommended course of action and a preliminary estimate of cost if applicable.

3. Determine Jurisdiction

a) Provincial Jurisdiction

- If it is a Provincial Waterway, the R.M. shall act as a lobby group to achieve the requested improvements.
- If the drainage concern is along a Provincial road or trunk highway, the R.M. shall assist the landowner in detailing the extent of the problem and lobby the Province to undertake the necessary improvements. The RM, by resolution of council, may act as a facilitator for the landowner to undertake and complete the work requested.

b) Municipal Jurisdiction

- i) External Approval: The Public Works Supervisor must apply for and obtain a Water Rights License where applicable as per the Province of Manitoba;
- ii) Internal Approval:
 - Minor drainage work under \$500.00 may be authorized by the Public Works Supervisor;
 - Drainage work between \$500.00 and \$1000.00 may be authorized by the Public Works Supervisor if within budget limits of the Financial Plan;
 - Major Drainage work may have to be Budgeted for in future Financial Plans;
- iii) The Public Works Supervisor must request Utility Locates where and when applicable;
- iv) When it is deemed necessary or acceptable to place spoil on a private property, permission must be obtained from the land owner;

4. Design:

- a) Prior to the commencement of work, the R.M. shall develop a ditch profile for the affected area. Once the profile is complete, areas of concern shall be identified and a grade line of 0.05% or better will be applied;
- b) Erosion Control
During the design work, Public Works shall determine the need for erosion control to minimize environmental impacts;

5. Private Property:
- a) Ditching on Private Property is the Land Owners Responsibility;
 - b) Ditching on Private Property (By Easement)
The R.M. shall undertake drainage on private property only when the R.M. holds or registers an easement and only for regional benefit;
 - c) Private Drains that drain into Municipal Drainage shall do so at the private property owners own risk. Property owners constructing and/or maintaining private drains shall make reasonable effort to prevent erosion or the depositing of sediment in the municipal drain. As per municipal By-Law 95/2013, private land owners may be responsible for cleanup costs of sediment;
 - d) Private property drains spilling into municipal drains should not be ditched lower than the municipal drains. The municipality may not lower municipal drains to account for private property drains;
 - e) The intent of municipal drains is not to be lower than the lowest point on private property. It is not the responsibility of the municipality to drain private property. Municipal drains must provide communal benefit or improve municipal infrastructure;
 - f) Municipal drains shall not be deepened or constructed to drain seasonal or permanent wetlands;
6. Emergency:
In the case of an emergency, the Public Works Supervisor has the power to mitigate flooding of property that impacts yard sites and private dwellings.
7. Drainage Works
- a) When brush/vegetation impedes water flow on Municipal Drains, the R.M. may undertake reasonable corrective action to remedy the issue.
 - b) Approaches
 - i) Private approach culverts are the responsibility of the private landowner.
 - ii) The R.M. will attend to culvert replacement when required as part of a municipal project.
 - iii) In situations where a ditch requires excavation as part of the **construction** of the ditch and requires an approach to be built to an affected property, the construction of the access (with the appropriately sized culvert) is the responsibility of the project applicant.
 - c) The R.M. may utilize erosion control to minimize environmental impact of erosion.
 - d) The applicant/installer of any drainage works is responsible to perform any required traffic control measures, which may include
 - i) Contacting interested organizations of the road closure;
 - ii) Performing all traffic control procedures: i.e. flagging, barricades and **warning** signs;

Schedule "A"
Application for Drainage Works
RM of Piney

Applicant Name _____

Company Name (If applicable) _____

Mailing Address _____

Postal Code _____ Telephone No. (H) _____ (C) _____

Fax No. _____ E-Mail _____

Fill out only what applies:

Who will be completing the work: Applicant Requesting RM to complete work

Proposed work is located on: Private property only Municipal Right of Way only Both

Land Description: _____

i.e. NE-22-02-04W

Location of work proposed: _____

i.e. Road 28, South of Road 12 in West ditch

Please provide details in description and/or sketch that apply:

- Full description of work/issue (Ditch work, Culvert install/repair, Pipe install, Road crossing etc.)
- Method of construction (Surface excavation, Trench, Road cut, Directional push, etc.)
- Land and Road descriptions.
- Full details on facilities proposed. (Type, location, depth, length, size, etc.)
- Measures taken for erosion control.
- Indicate direction of water flow.
- # acres of land proposed to be drained.

Sketch/Map Attached :



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Schedule "B"

Private Drainage Works in Municipal Drain Letter of Understanding

The Rural Municipality of Piney will permit the work in municipal right of way once the landowner and/or the applicant has reviewed this agreement letter and returned a signed copy to our office, confirming the acceptance of the following conditions:

LOCATION: _____

PROPERTY OWNER: _____

1. The property owner will acquire the necessary drainage license from Manitoba Water Stewardship. A copy of the license must be forwarded to the Rural Municipality of Piney with a signed copy of this agreement, and before any works commence;
2. The work shall be constructed as per the conditions outlined in the approved Drainage License from Manitoba Water Stewardship;
3. The applicant and/or the landowner will ensure that proper erosion control methods are followed, including the use of erosion control blankets, rip-rap material and temporary biodegradable erosion control blanket;
4. The applicant and/or the landowner will request all utility locates and shall be responsible for all utility re-location and protection, including MTS, Manitoba Hydro and Water Distribution Systems, and shall be liable for damage caused to utilities located at this site;
5. When requested, all disturbed areas (i.e. grade slopes, ditches, field drains) shall be trimmed, re-seeded and restored to an acceptable condition within 60 days of completion;
6. The applicant and/or the landowner shall be responsible for the restoration of any erosion, slope failure, or road settlements resulting from the drainage works within the municipal right of way, for a period extended to December 31 of the year following the date on which work has completed the construction or modification;
7. Any excess excavated material shall be disposed of or leveled to an acceptable condition;
8. The construction, installation, and maintenance operations of the permitted drainage works, shall be accomplished with minimal interference of the use, operation and maintenance of ~~the Province's~~ any right-of-way, and shall in no way endanger the general public in its authorized/legal use of the right-of-way;
9. The applicant and/or the landowner, shall contact the Municipality a minimum of 48 hours in advance of the work being undertaken;

10. The applicant and/or the landowner shall be held liable for any damage, injury, or destruction resulting from the negligence of their staff and/or agents and maintain ongoing \$5 million liability insurance coverage for the duration of the work, and if requested shall provide evidence;

11. This agreement is subject to any restrictions and/or regulations imposed by any other Government body (i.e. Manitoba Environment, DFO) and does not relieve the landowner and/or applicant from having to comply with those requirements;

12. If remedial works are required to be done by the Municipality to rectify a drain that does not comply with the Manitoba Water Stewardship License and the Drainage Plan of the Municipality as approved, the costs of such works will be the responsibility of the landowner.

Thank you for your cooperation in this matter. Construction must not commence until the applicant and/or the landowner has received a signed copy back from the Rural Municipality of Piney.

ACKNOWLEDGEMENT:

I, _____ of _____

agree to comply with the conditions and recommendations outlined in this letter.

IN WITNESS WHEREOF the parties hereto agree to the above conditions.

Signatures:

Date: _____

Landowner(required signature)

Witness

Applicant(only if different
from the landowner)

Witness

Rural Municipality of Piney:

Chief Administrative Officer

Schedule "C" Piney Drainage Capacity

