



## MUNICIPALITY OF GRASSLAND

### POLICY No. DRAIN - 01: TILE DRAINAGE POLICY

EFFECTIVE DATE: August 10, 2022

RESOLUTION# 2022-206

#### 1. PURPOSE

The Municipality is responsible for controlling and managing the impacts of tile drainage on municipal infrastructure including municipal roads, ditches, approaches, etc. If a proposed outlet flows into a provincial or natural waterway, the province does not require municipal approval.

The purpose of this policy is to establish the Municipality of Grassland's authority for all tile drainage projects in its jurisdiction, that may affect municipal infrastructure including roads, ditches, as well as existing and new approaches. Drainage is the natural or constructed method of moving surface and subsurface water from one area to another.

The Tile Drainage Policy is to provide guidelines and procedures for all tile drainage projects that may affect municipal infrastructure including the roads, ditches, as well as existing and new approaches. This includes providing clarity on the jurisdiction and authority held by the Municipality on all types of sub surface drainage works that may be undertaken as they affect municipal infrastructure.

#### 2. BACKGROUND

Landowners are responsible for complying with provincial regulations regarding tile drainage works on their private property and must follow Provincial Drainage Guidelines.

Provincial Drainage Guidelines can be found at:

→ <https://www.gov.mb.ca/sd/water/water-rights/drainage-and-water-control/index.html>

Best management practices for sub surface drainage, and the Ag Action program can be found at:

→ <https://www.gov.mb.ca/agriculture/canadian-agricultural-partnership/pubs/guidebook/ag-action-mb-program-guide-for-farmers.pdf>

Keep in mind that unauthorized tile drainage may negatively impact another person's property either upstream or downstream. Landowners are obligated to follow the required authorization process to ensure that upstream and downstream landowners are considered for the collective good of the landscape and the watershed.

#### 3. GUIDELINES AND PROCEDURES

##### 3.1. Application Process

**3.1.1.** Any tile drainage project must comply with provincial drainage guidelines.

**3.1.2.** The landowner is required to submit a written application to the Municipality with respect to drainage improvement plans that involve the movement of water onto, through or along municipal right of way. The application must include a detailed site plan including maps that depict the drainage design in detail, including size, type, and location of outlets. The plan

must be developed by a designer who has taken an approved course regarding tile drainage in Manitoba, as outlined by the Minister. There are currently no standardized certifications for tile installers in Manitoba. Landowners are strongly recommended to consult professional engineers or designers on the proposed design of the drainage project.

- 3.1.3.** The Municipality will review the potential impact of the proposed drainage improvements and determine the extent of consultations and approvals that will be necessary as well as the stakeholders that will be impacted.
- 3.1.4.** The applicant shall complete the required application forms and submit to the Municipal Office at least three (3) months prior to proposed construction, for council review. The Public Works Foreman will attend the site for review of the project prior to approval. The application will include start and end dates of the project.
- 3.1.5.** As per provincial regulations, all proposed tile drainage projects on private property require a permit from Manitoba Environment, Climate and Parks in all cases. Noncompliance can result in fines issued by Manitoba Environment, Climate and Parks (formerly Water Stewardship).
- 3.1.6.** Landowners must submit a copy of the **Water Control Work Registration Certificate** obtained from Manitoba Environment, Climate and Parks, as well as a copy of the approval letter to the Municipality **prior to commencement of any work**.
- 3.1.7.** The proposed tile project must be completed within 4 years following the approval of the application. Should the installation not be completed by this time, a second or renewed application must be submitted to the Municipality.
- 3.1.8.** The applicant shall submit an “as constructed” document to the Municipality including the installation plan with GIS layer (if available) following the completion of the project. This report must be submitted to the Municipality within 1 year following the project’s completion.

### **3.2. Requirements**

- 3.2.1.** The Municipality will require proponents to obtain written consent from adjacent property owners that may be affected by the water run-off.
- 3.2.2.** There is no obligation by the Municipality to improve the existing municipal drainage system to accommodate a tile drainage project.
- 3.2.3.** The Municipality may authorize the proponent to perform private works in a municipal drain to accommodate a tile drainage project (ex. erosion control, deepening ditches, installing new culverts, stabilizing slopes, etc.) however the Municipality would first establish the elevation levels and hiring of a contractor to perform this work and the proponent would be responsible for all costs associated with this work.
- 3.2.4.** Erosion control measures must be installed and maintained at the outlet(s) by the Applicant/Landowner.
- 3.2.5.** If the proponent proposed to install any infrastructure under or through a municipal right of way, the proponent must receive approval from the Municipality prior to the installation of the pipe.
- 3.2.6.** Any modifications to an existing tile drainage system will require approval from the Municipality and the cost of modifications shall be the sole responsibility of the applicant.

- 3.2.7.** Tile drainage water shall only be discharged into a natural grassed waterway, municipal or provincial drain and shall not cross private lands without prior licensed approval. Tile drain outlets should discharge into natural or provincial waterways as directly as possible to minimize impact on downstream municipal drains. If tile drain outlets require a source of power, the powerlines must be marked and may be required to be buried at a depth determined by council. Council may require all tile outlet lines to be buried on private land with any required easements in place prior to the installation.
- 3.2.8.** All tile drainage projects may be required to include the installation of an approved control device to restrict or shut off the discharge of water into a municipal or natural drain. It is council's discretion to exempt a tile drainage project from this requirement, depending on the potential impact to municipal infrastructure.
- 3.2.9.** The applicant and/or landowner shall be responsible for the restoration of any erosion, slope failure, or road settlements, for a period extended to December 31 of the year following the date on which work has completed the construction or modification.
- 3.2.10.** The licence holder of the tile drainage must be responsible for mowing and maintenance of ditches downstream of tile outlets up to the natural waterway to mitigate against future cattails growth.
- 3.2.11.** Where possible, tile water should be part of an integrated water management strategy including drainage, retention, and recycling.
- 3.2.12.** If the Municipality has required control works on the project, no discharge of water from a tile drainage network into municipal drains will be permitted after October 1, unless written authorization from the Municipality is obtained to extend this date.
- 3.2.13.** The Municipality may at any time instruct the landowner(s) to discontinue discharge of water from the tile drainage due to overloading of the Municipal ditches as per the Public Works Foreman. If turn off instructions are not followed the landowner will be liable to fines as per the Municipal Act.

#### **4. Procedure in the case of non-compliance:**

In the event that landowners complete tile drainage works affecting municipal property without council approval, the Municipality has the following authority:

- 4.1.** Send written notification to the landowner requesting that the drainage works affecting municipal infrastructure be removed and that the property be returned to its prior condition within a designated time.
- 4.2.** The Municipality has the authority to authorize a municipal employee or other person to enter upon the ratepayer's land for the purpose of inspecting the drainage works.
- 4.3.** If the landowner does not comply with the request to remove the drainage works and return the property to its prior condition within the designated time, the Municipality may authorize the removal of the drainage works and recover all costs from the landowner.
- 4.4.** The Municipality has the authority to impose fines for completing drainage works on municipal property without council approval and/or for noncompliance in remedying unauthorized works.

#### **5. Fines and Penalties**

- 5.1.** A person is guilty when proceeding, starting, or entering into any type of drainage works without an approved application and provincial permit, and is liable to a fine in an amount not less than

\$500 and not exceeding \$10,000. The following fine amounts are established for Municipal purposes only and have no bearing on any other government agency:

- \$5,000 for any offence in which a landowner or tenant enters municipal property or right of way adjacent to a municipal right of way to make any form of soil adjustment, drainage, culvert installation, etc. without an approved Municipal permit.
- \$1,000 application fee for obtaining a permit after the work has already started.
- \$500 inspection fee for the Municipality to determine if the work is acceptable to municipal standards.

**5.2. If the work is unacceptable the Municipality shall order the following:**

The landowner is to restore or improve the work to Municipal Standards. If the work is not completed within 1 day, the Municipality will perform the work and the landowner will be responsible for the remedial costs incurred by the Municipality. This remedial amount will be above and beyond the fines and penalties.

**5.3. If work is acceptable and conforms to Municipal Standards:**

The landowner shall be responsible for all fines, penalties and inspection costs and such costs are not paid by December 31<sup>st</sup> of the current year, the amount will be transferred and collected in the same manner as taxes.



**TILE DRAINAGE WORKS PERMIT APPLICATION FORM**

Name of Property Owner:		Mailing Address:	
Legal Land Description:	Phone:	Email:	
<i>Office Use Only:</i> License No.:		Date Work is to Commence:	

<b>PRIMARY USAGE:</b>	
New drainage: <input type="checkbox"/>	Agricultural: <input type="checkbox"/>
Maintenance to existing drainage: <input type="checkbox"/>	

<p><b>Designer's Name and Contact Information:</b></p> <p><b>Installer's Name and Contact Information</b></p> <p><b>Proposed Start Date of Project:</b></p> <p><b>Proposed Completion Date of Project:</b></p> <p><b>Describe the proposed control device to restrict or shut off the discharge of water into municipal or natural drain. (Please note that the control device must restrict the discharge of water into municipal or natural drains between October 30 to April 1).</b></p> <p><b>Names of adjacent property owners that may be affected by the water run off. (attach letters of consent to this application).</b></p>
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**PROPOSED PLAN:**

Include a professionally generated plan for the location and the intended work consistent with your application for the Water Control Works and Drainage License or include a copy of your application.

*Construction must not commence until the applicant and/or landowner have received a signed copy of this application from the Municipality of Grassland.*

**ACKNOWLEDGEMENT**

I, \_\_\_\_\_, of \_\_\_\_\_  
Agree to comply with the conditions and recommendations outlined in this document.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Applicant’s Signature

\_\_\_\_\_  
Landowner’s Signature (required)

Submit this application with a copy of your Tile Drainage Plan and a copy of the Manitoba Environment, Climate and Parks Development Application for *License to Construct Water Control Works*, to the Municipal Office.

**MUNICIPAL AUTHORITY**

\_\_\_\_\_  
Chief Administrative Officer  
Municipality of Grassland

\_\_\_\_\_  
Date