



POLICY No. DRAIN - 02 : SURFACE DRAINAGE POLICY

EFFECTIVE DATE: December 20, 2023

RESOLUTION#: 2023-273

1. PURPOSE

The Municipality of Grassland is the drainage authority for all lands within its jurisdiction, except for natural waterways and Province of Manitoba designated drains and as such this policy outlines the Municipality's procedure regarding all drainage projects that fall within the Municipality's jurisdiction.

The Surface Drainage Policy is to provide guidelines and procedures for making any improvements or changes to municipal drains (roads, ditches, as well as existing and new approaches, etc.), or completing any upstream or downstream work on private land that may impact municipal drains. This includes providing clarity on the jurisdiction and authority held by the Municipality on all types of drainage works that may be undertaken as they affect municipal infrastructure regarding drainage works.

2. REFERENCES

- 2.1. *The Municipal Act*
- 2.2. *The Water Rights Act*

3. DEFINITIONS

- 3.1. **Drainage** – the natural or artificial removal of surface water and sub-surface water from an area
- 3.2. **Works** – any excavation, cleaning, repair, installation, structure, operation, or contrivance that diverts, or may divert, or is likely to divert water.
- 3.3. **Drainage System** – any ditch, swale, drain, culvert, cross culverts, driveway culvert, store sewer culvert, box culvert, drainage inlet that handles roadway drainage and lot drainage.

4. GUIDELINES AND PROCEDURES

4.1. Construction of Drainage Works on Municipal Infrastructure

- 4.1.1. Construction and maintenance of municipal ditches are the jurisdiction of the Municipality of Grassland and Manitoba Water Stewardship.
- 4.1.2. Construction and maintenance of Manitoba Infrastructure and Transportation (MIT) provincial highway ditches are the jurisdiction of the Municipality of Grassland, Manitoba Water Stewardship and MIT.

- 4.1.3. Construction and maintenance of Provincial drains and natural waterways are the jurisdiction of Manitoba Water Resources and Manitoba Water Stewardship.
- 4.1.4. The Municipality requires all private drains to be licenced in compliance with Manitoba Provincial Government rules and regulations. The Municipality will refuse drainage requests if the landowner is not in compliance.
- 4.1.5. Landowners may request drainage works to be completed on Municipal Infrastructure that abuts or impacts their private property. This work may include such requests as clearing or reforming ditches, removing cattails, clearing bush or trees or debris adjacent to and impacting private land. To request such work, the following procedures are to be taken:
- Landowner completes and submits a *DRAINAGE WORKS PERMIT APPLICATION FORM* (Schedule A) . This must take place prior to commencement of any drainage work on municipal property. Requests should be submitted by February 1 of each calendar year to allow time for council to review and take into consideration for their annual budget.
 - Public Works will contact the landowner and complete an initial review of the request which may include an onsite meeting with the landowner, identification of possible solutions, and/or a preliminary survey.
 - Council will review all requests and will determine who should be responsible for completing the work and who should be responsible to pay for the work. There are two categories:
 - **CATEGORY 1:** A drainage request from a landowner that is approved under the Municipality's annual budget and therefore will be the responsibility of the Municipality to complete and pay for the drainage work. All approved work will be scheduled based on priority and license approval.
 - **CATEGORY 2:** A drainage request from a landowner that is declined under the Municipality's annual budget the landowner will be contacted and given the opportunity to apply for the Two-Tiered Drainage Option (see policy below). If landowner wishes to not proceed with the Two-Tiered Drainage option, they may re-submit the request 2 years after the original request was denied.
- 4.1.6. **For all approved requests for drainage works to be completed on Municipal property, the Municipality of Grassland is responsible to acquire the necessary drainage licences from Manitoba Conservation and Climate. The approved works will not proceed until the licence is approved by the province.**
- 4.1.7. The Municipality has the right to enter onto private property to inspect any drainage works affecting municipal infrastructure as outlined in the Municipal Act.
- 4.1.8. The excess material excavated during construction shall be stored directly adjacent to the maintained drain. The Municipality will undertake to spread the materials in the same calendar year as the works is completed or as soon as practically possible.

4.1.9. The landowner may request use of the material. The landowner will be required to sign an excess stockpiled material agreement complying with conditions as per municipal policy, attached as schedule "C "

4.2. Two-Tiered Drainage Option Policy:

4.2.1. This policy is offering an alternative to landowners wanting drainage works projects completed that were not approved in the annual budget and expedites the completion of drainage works projects. This policy shall provide the process on how these works shall be applied for, reviewed, and managed:

- If the landowner's drainage works project was declined by the Municipality's annual budget, they will be notified in writing and given the opportunity to have their application stand for the Two-Tiered Drainage Option. If the landowner is interested, they must confirm in writing that they wish to proceed with their previously submitted application under this policy at their cost.
- The application will go through a review process to ensure the completion of the survey, design, and drainage license application. It is to be noted that the municipality does not have control over the length of time that is taken for the provincial review process. Projects will not proceed without a provincial drainage license.
- The Project will undergo a review by Public Works to ensure that the project makes sense and will not be detrimental to or have a negative impact downstream or to the watershed.
- Prior to the commencement of work, the landowner is responsible to:
 - Sign an agreement prepared by the Municipality of Grassland and provide a \$5000.00 deposit cheque to the Municipality.
 - Inform public works at least 1 week prior to commencement.
 - Obtain utility location notifications for any utilities near the proposed work area.
 - Follow excess material procedures (4.1.8 and 4.1.9)

4.2.2 The Municipality will set the required grades for the work; spot inspections will be completed as deemed necessary.

4.2.3 The Municipality will not monitor the work full time and has the authority to stop the work at any time if required (incorrect spec, excessive damage etc.)

4.2.4 If the Municipality is required to return to the site due to persistent issues with construction, the time cost will be taken from the deposit.

- 4.2.5 If the landowner neglects to repair damage or finish the work, then the Municipality will complete the work and taken from the deposit. Any work required over and above the deposit will be billed to the landowner.
- 4.2.6 The Municipality will inspect the work within 60 days after construction has completed to determine if it is considered complete or more work is needed. If approved, the Municipality will return the remaining amount of the deposit and sign-off.

4.3. Right-of-way Culverts

- 4.3.1. The Municipality is responsible for one access per property, if an additional approach construction, culvert installation, replacements (and extensions, if deemed necessary) are requested it must be in accordance with the following procedures:
- The landowner will complete a Driveway Application with all details.
 - Public works will review the application, approve the location, and submit it to council.
 - The landowner may request approval from council for the Municipality to pay 50% of the cost of the culvert if the size requirement exceeds 900mm diameter.
 - The landowner must contact public works prior to installation of the culvert and approach to inspect that all specifications have been met. If the work does not meet specifications, Public Works will request that the landowner rectify the deficiencies. If the landowner refuses, the Municipality has the right to remove or complete the works to rectify deficiencies and levy the cost against the landowner's property.
 - Once all specifications have been met, Public Works will issue approval for the driveway and approach.

5. Emergency Procedure

- 5.1. The Municipality is responsible for emergency works related to failures of drainage systems within the Municipality's right-of-way and shall complete works to if deemed necessary or desirable by Council.
- 5.2. Emergency works (i.e.: pumping of floodwaters and / or the cutting open of municipal roadways or berms) will be assessed in the following cases:
- 5.2.1. To protect loss of life and the public's health, safety, and welfare
 - 5.2.2. To alleviate the flooding of taxpayer's residence or other buildings
 - 5.2.3. To alleviate the flooding of public roadways
 - 5.2.4. Any other situations as deemed necessary by Council.
- 5.3. In a non-state-of-emergency situation, the Municipality may request approval to access landowners' property to alleviate flooding.

6. Interference with Drains

- 6.1. Where any person depositing or placing into any drain, soil, stones, refuse, waste, brush, trees or other matter whatsoever, the municipality may require that person to remove any such materials, and if the person fails to do so, the municipality, at the expense of the person in default, may remove those materials and, if necessary to do so, may enter onto any lands in accordance with the powers and procedures set out under the Municipal Act.
- 6.2. Where any person deepens, widens, alters, diverts, or stops-up or in any way interferes with a drain, the municipality may require that person to return the said drain to its previous state, and if the person fails to do so, the municipality, at the expense of the person in default, may return the municipal drain to its previous state and, if necessary to do so, may enter onto any lands in accordance with the powers and procedures set out under the Municipal Act.

7. Procedure in the case of non-compliance:

- 7.1. In the event that a landowner completes drainage works affecting municipal property without council approval, the municipality has the following authority:
 - 7.1.1. 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.
 - 7.1.2. The municipality has the authority to authorize a municipal employee or other person to enter the land for the purpose of inspecting the drainage works.
 - 7.1.3. 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.
 - 7.1.4. 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.

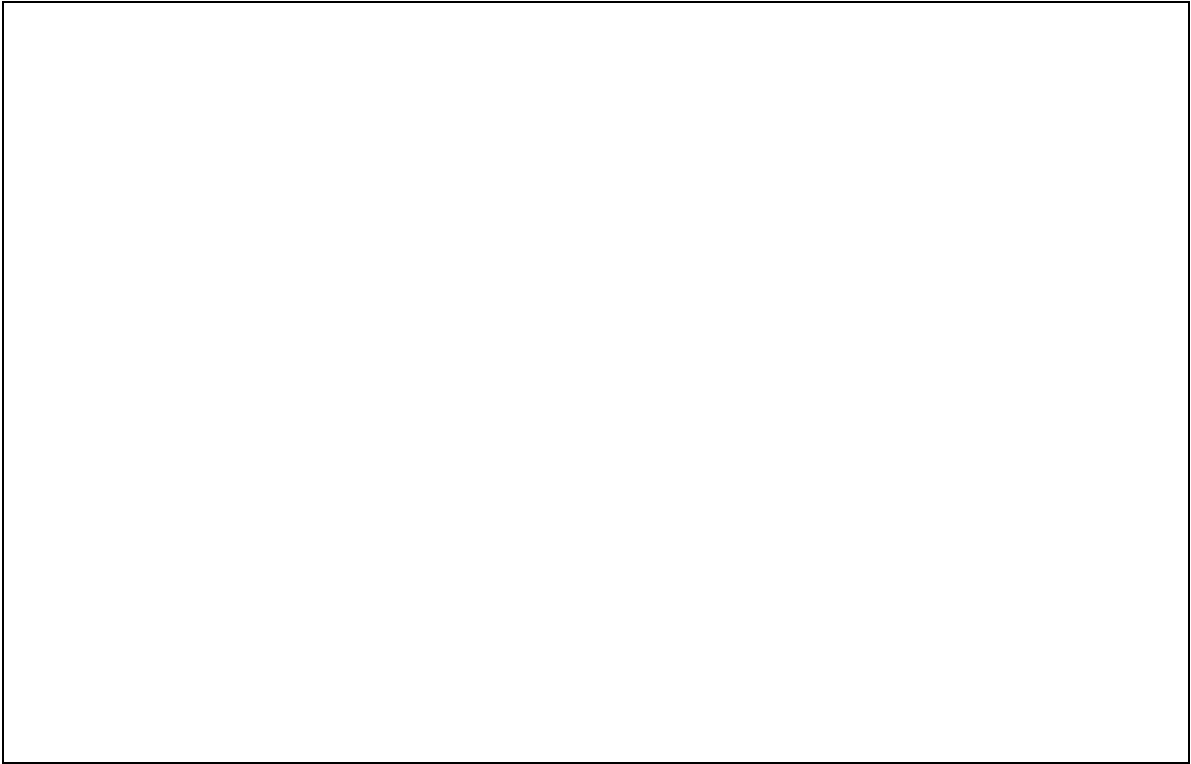
7.2. Fines and Penalties

- 7.2.1. A person is guilty when proceeding, starting, entering any type of drainage, without an approved application and provincial permit, 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.

PROPOSED PLAN:

Include a sketch of 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.

A large, empty rectangular box with a thin black border, intended for a sketch or application. It occupies the central portion of the page below the text instructions.



Schedule B
DRIVEWAY APPLICATION

APPLICANT COMPLETE:

1) DRIVEWAY INFORMATION

Location: Section: _____ Township: _____ Range: _____
Address: _____ Roll #: _____

Applying:	<input type="checkbox"/> New Driveway	<input type="checkbox"/> Existing driveway	<input type="checkbox"/> Replace existing driveway
Type:	<input type="checkbox"/> Agriculture	<input type="checkbox"/> Residential	<input type="checkbox"/> Other: _____
Info:	Proposed driving surface width: _____ Property have existing access: Yes / No		

Additional information:

2) SKETCH Applicant must provide a sketch of property showing proposed driveway location (show: distance of proposed driveway to property lines, roads, existing driveways)

3) REVIEW CONDITIONS

- The applicant is responsible to ensure the culvert installation and driveway construction is in accordance with the current Municipality of Grassland Surface Drainage Policy.
- The Municipality will inspect the proposed location and inform the applicant of the required culvert size and specifications.
- When complete, the Municipality will inspect the final construction to confirm specifications have been met.

4) APPLICANT INFORMATION

Name: _____
Address: _____
Phone: _____
Email: _____

By signing below the applicant acknowledges they understand all conditions and requirements of the Driveway permit.

Signature: _____
Date: _____

LANDOWNER (if different from applicant)

Name: _____
Address: _____
Phone: _____
Email: _____

By signing below the applicant acknowledges they understand all conditions and requirements of the Driveway permit.

Signature: _____
Date: _____

OFFICE USE

Application received:	Public Works approved:
Council approved:	Final inspection:



Schedule C

APPLICATION FOR EXCESS STOCKPILED MATERIAL AGREEMENT

The Municipality of Grassland will permit the excess stockpiled material to be used by the landowner and / or the applicant that has made their formal request in writing and has been reviewed and approved by council.

The excess material excavated during construction shall be stored directly adjacent to the maintained drain. If the Municipality has approved the excess stockpiled material use by the landowner and / or the applicant, the must undertake to use / spread the material within the next calendar year, no later than October 31st. If the landowner / applicant does not use / spread the excess stockpiled material by the deadline, the Municipality will undertake to spread the material as soon as practically possible. The Municipality reserves the right to deny any future requests of this nature if the requirements are not complied by then.

The landowner and / or the applicant is not allowed to receive any remuneration for the excess stockpiled material that they have been granted the use of.

Use of the excess stockpiled material must not commence until the landowner and / or applicant has received a signed copy back for the Municipality of Grassland.

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)

Witness

Applicant (if different from landowner)

Witness

APPROVAL: _____
Municipality of Grassland, CAO