

Municipality of WestLake-Gladstone

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Municipal Drainage Policy

Works & Operations

No. 2017-01

Adopted By:	Date Adopted:	Reviewed by Council:	Amended:
Resolution No.18	November 21, 2017		

PURPOSE:

To ensure that any work conducted within the Municipal Right of Way for the purpose of drainage improvement is:

- designed and constructed to be safe with vehicular traffic
- constructed so as to not be a nuisance for the municipality or adjacent/affected landowners; and
- conforms to provincial legislation and municipal by-laws.

The Municipality of WestLake-Gladstone is the drainage authority for all lands in its jurisdiction with the exception of natural waterways and Province of Manitoba designated drains. This policy outlines the Municipality's policy and procedures in regards to all drainage projects that fall within the Municipalities jurisdiction. The Municipality offers three drainage options.

DEFINITIONS:

Drainage- a natural or artificial channel or subsurface tile which provides a course for water flowing continuously or intermittently.

¼" 24 Hours Coefficient –

pipng sized so that it can remove a maximum of a ¼" of water (the water has to first get through the soil to be removed) from the parcel of land over a one-day period (1/4"/day is approximately 0.01 cfs/acre pr 4.71 gpm/acre). For example, a 160-acre system, designed with a ¼"/day drainage coefficient, would remove approximately 1.6 cfs or 753.6 gpm.

PREAMBLE:

1. Construction and maintenance of municipal ditches are the jurisdiction of the Municipality and Manitoba Sustainable Development.
2. Construction and maintenance of Manitoba Transportation provincial highway ditches are the jurisdiction of Manitoba Sustainable Development and Manitoba Infrastructure.
3. Construction and maintenance of Provincial drains and natural waterways are the jurisdiction of Manitoba Sustainable Development, Stewardship Division.
4. The Municipality requires ALL private drains to be licenced in compliance with Manitoba Provincial Government rules and regulations.

PROCEDURE FOR DRAINAGE WORK APPROVAL:

The landowner is required to make written application to the municipality with respect to drainage improvement plans and requests that involve the movement of water onto, through or along municipal right-of-way.

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.

The applicant shall complete the required application forms and submit to the Municipal Office not later than November 15th to be considered for the following year's drainage plan.

- Not all applications are guaranteed to be done in the following year;
- Annual Drainage plan shall be approved by Council by March 31st for the upcoming construction season;
- No person, persons, or public corporation shall undertake to construct or improve any municipal or provincial drain without first receiving written permission from all required government agencies
- The municipality will send notification to all affected land owners for their opinion prior to approving this agreement.
- the Municipality will refuse drainage requests if the landowner has non-permitted work throughout the Municipality and/or is non-compliant with previous/existing drainage permits.

SURFACE DRAINAGE APPLICATION OPTION 1

1. Land owner requests for improvements to municipal drains should be made to the Municipality in writing using the “Application to Construct or Request Drainage Work” by November 15 (attached as Schedule “A”).
2. All requests received will be reviewed by Council. The Council of the Municipality may establish an annual municipal drainage work plan to be funded as part of the municipal budget. Additional drainage projects may be added as time and budget allow.
3. The Public Works Foreman delegates and completes the surveying for provincial licensing approval.
4. The excess material excavated during construction shall be stored directly adjacent to the maintained ditch. *(Please see Excess Material section of this policy for more information).*
5. The Landowner may request use of the material by applying for an Excess Stockpiled Material Agreement and complying with conditions as per application (attached as Schedule “B”).
6. Erosion control methods of field drain outlets into municipal drains are an important component of erosion mitigation. The Municipality attempts to mitigate erosion which may occur as a result of new drainage works.
7. The Municipality does not allow private works in municipal right of ways without express written permission.
8. Landowners or residents that allow private works or perform private works in municipal right of ways without written permission will be responsible for all costs incurred by the municipality to restore or improve the work to Municipal Standards or the Municipality will perform the work and the landowner shall be responsible for the remedial costs incurred by the Municipality in addition to the municipal inspection and review costs incurred by the Municipality.
9. Requests for additional culverts or modified field approaches are addressed as per the “Approaches and Culverts” Policy.

SURFACE DRAINAGE APPLICATION OPTION 2 - TWO-TIERED

On any given year, the municipality receives many drainage requests from landowners. As the municipality prioritizes its projects for the annual drainage plan, many smaller projects are deemed to not have as much benefit to the overall municipal drainage system compared to the projects approved on the annual municipal drainage plan.

The municipality is offering an alternative to landowners wanting these minor drainage projects to be completed in a timely manner. The “Two-Tiered Drainage Option” should help attain this goal.

The Municipality would like to offer the landowner an opportunity to fund the drainage project under this policy to expedite the completion of the works. The following provides the process on how these works shall be applied for, reviewed, managed, and funded.

1. Once the municipality has approved the Annual Municipal Drainage Plan in early spring, the CAO or designate shall contact the landowners to inform them that their projects were not approved for the current year. They will be offered the opportunity to apply for the Two-Tiered Drainage Option.
2. If the Landowner is interested, a signed Application to Construct or Request Drainage Work (attached as Schedule “A”) must be submitted in writing to the Municipal Office for review. The application will be reviewed by council to ensure that the project makes sense and will not be detrimental or will not have a negative impact.
3. The project will also be reviewed by Manitoba Sustainable Development as part of the Drainage License Application process. Projects will not proceed without a provincial drainage license.
4. All costs incurred, by the municipality, for the Two-Tiered project will be invoiced to the landowner. Any unpaid invoices as of December 31st of the current year will be collected in the same manner as taxes.
5. The Landowner shall be responsible for the actual cost of the drainage project, which will include hard costs such as the contractor services, licensing, culverts and utility clearances. The municipality shall complete the surveying of levels at their cost.
6. The municipality will review and inspect the project. At no time shall a landowner intervene or control the contractor if hired by the municipality.
7. A Letter of Understanding for Private Works (attached as Schedule “B”), will be signed by both the Applicant and the Municipality prior to any work commencing.

TILE DRAINAGE APPLICATION

Tile drainage is a widely used drainage system for crop producing areas. Installations shall be in accordance with the following rules and regulations:

1. Tile drainage must comply with all rules and regulations of the Province of Manitoba, and specifically in accordance with the “Drainage and Water Control Licensing Tile Drainage Requirements.
2. Tile Drainage Projects will be reviewed in large part based on location within the Municipality and specifically in relation to soil types found within the municipal boundaries. Poorly draining soils with high water table components or artesian conditions will be noted as areas of concern. Manitoba Agricultural Services Maps will be used to assist in soil quality determination (attached as Schedules “E” and “F”).
3. Tile drainage with outlets into the municipal drainage system must be approved by Council as per the following requirements:
 - a) Initial request shall be directed to the Municipal Office on “Application for Tile Drainage” form (attached as Schedule “C”);
 - b) That a satisfactory and complete engineering report, also know as an “Opinion of Impact of Tile Drainage System for Field” be submitted to the municipality confirming that municipal infrastructure will not negatively be impacted by the proposed tile drainage infrastructure;
 - c) Council shall require copies of tile drainage licenses issued by Manitoba Sustainable Development to be completed prior to the commencement of installation of tile drainage. Landowners seeking tile drainage approvals will have the applications reviewed by the Municipality within a 60-day period;
 - d) The application shall be dated, have the designer’s and the installer’s name and contact information. The maps must be clear and depict the drainage design in detail including type and location of outlets and all design parameters;
 - e) Drainage co-efficient of the tile outlet shall not exceed one quarter of an inch. Tile drainage installations shall not use perforated main drains unless prior approval has been received;
 - f) Tile drainage must have a valve control or shut off value preceding exit location. All valves must remain closed between October 15th and May 15th of each year unless written permission has been granted by the Municipality;
 - g) Erosion control measures of all outlets shall be installed to the satisfaction of the Municipality;
 - h) Tile drainage water shall only be discharged into a natural grassed waterway, municipal or provincial drain and shall not cross private lands without prior license approval. Tile drain outlets should discharge into natural or provincial waterways as directly as possible to minimize impact on downstream municipal drains;

- i) Where possible, tile water should be part of an integrated water management strategy including drainage and irrigation.
- 4. Tile drainage projects requiring modifications to existing municipal drains shall be the sole financial responsibility of the applicant and shall comply with the Application to Construct or Request Drainage Work, (attached as "Schedule A").

EXCESS MATERIAL:

1. The Landowner may request use of the material that has been excavated out from the drain by applying for an Application for Excess Material (attached as Schedule "D").
2. The excess material excavated during construction may, with municipal permission, be stored directly adjacent to the maintained ditch for berm purposes. All berm slopes are to be maintained and mowed annually by landowner.
3. The landowner must comply with conditions that the Municipality may order on the Excess Material Application.
4. All construction procedures including removal of ditching material and access on private lands will be dealt with on a project by project basis and will be managed by Public Works notwithstanding the further requirement for the applicant to address downstream drainage concerns as identified by the municipality.

FINES AND PENALTIES

A person is guilty when proceeding, starting, entering any type of drainage, without an approved 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:

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

If the Work is unacceptable the Municipality shall order the following:

The landowner to restore or improve the work to Municipal Standards. If such request is not completed within 10 days then 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.

If the Municipality determines that the work performed is acceptable and conforms to Municipal Standards:

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

PRIORITIZATION:

Municipality will:

- i. create a list of projects from the applications received by November 15;
- ii. Identify urgent versus important;
- iii. Assess beneficial value.

After projects are identified as urgent OR important they will be given the following priority:

Urgent:

Imminent Danger and/or Flooding Impact:

- residential occupied yard sites
- bridges and roads that access homes
- health care services and businesses.

Important:

- Several applications are submitted from the same area.
- Minor Flooding
- Access to farmland
- Erosion Control
- Damage to Private Property
- Drain Swampy areas to reduce road damage

Nuisance flooding that causes little or no actual damage will receive a lower priority.

Municipality of WestLake-Gladstone

Schedule "A"

Application to Construct or Request Surface Drainage Work

Applicant: _____ Company Name (if applicable) _____

Mailing Address: _____

Postal Code: _____ Telephone No. (h) _____ (c) _____

Who will be completing the work:

- ☐ Applicant
- ☐ Request Municipality to complete work

Proposed Work is located on:

- ☐ Municipal Right of Way
- ☐ Private Property (refer to private works application)

Land Description: _____

i.e. NE 23-23-23W

Location of work proposed: _____

i.e. Road 101N, east of 65W in south 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 description
- Full details on facilities proposed (Type, location, depth, length, size, etc.)
- Measures taken for erosion control
- Indicate direction of water flow.
- # of acres of land proposed to be drained

Description:

Date work is planned for: _____
(Applicant Only)

Estimated hours required to complete the project: _____

Name of individual/contractor completing the work: _____
(Applicant Only)

A survey and/or aerial photo must be attached to all ditch excavation work in the municipal right of way unless assistance is provided by the Municipality of WestLake-Gladstone.

Survey must include:

- 1) Existing and proposed ditch bottom profile
- 2) Culvert – location, elevation, type, size
- 3) Cross section (if requested by the municipality)
- 4) Drain outlets – location, elevation (Coordinates preferred)
- 5) North Arrow
- 6) Land Description

Construction must not commence until the applicant and/or the landowner has received a signed copy back from the Municipality of WestLake-Gladstone.

Applicants Name & Signature

Date

Landowners Name & Signature

Date

THIS SECTION TO BE COMPLETED BY THE MUNICIPALITY

Received by: _____ Date Received: _____

The municipality has notified the following landowners within a minimum of two miles of property which may be affected by this application:

Date Reviewed: _____ Date Approved or Denied: _____

Municipality of WestLake-Gladstone
Drainage Policy
Schedule “B”

LETTER OF UNDERSTANDING FOR PRIVATE WORKS
WITHIN MUNICIPALITY OF WESTLAKE-GLADSTONE DRAINS

The Municipality of WestLake-Gladstone will permit work once the landowner and the applicant have reviewed this agreement letter and returned a signed copy to our office, confirming the acceptance of the following conditions.

I, _____ of _____ in the Province of Manitoba, do hereby agree to construct all drain works to Municipal Design conditions within _____ (drain name) at _____ (legal location) on land that I do _____ do not _____ control (*please check appropriate box*).

I hereby agree, upon signature, to adhere to all terms and conditions as set out by the Municipality of WestLake-Gladstone and the Department of Sustainable Development as specified below:

1. Construct improvements to the specified waterway to be completed as per Municipality of WestLake-Gladstone design conditions, and Manitoba Sustainable License conditions including all sloping and erosion control techniques required as part of the original design; as well as any additional erosion control that may be required such as the use of erosion control blankets, rip-rap material and temporary biodegradable erosion control blanket;
2. The applicant and/or landowner will request all utility locates and shall be responsible for all utility re-location and protection, including MTS, Manitoba Hydro and Municipality of WestLake-Gladstone Water Distribution System, and shall be liable for damage caused to utilities located at this site;
3. Applications to the Municipality for tile drainage approval should include a completed Schedule C, Application for Tile Drainage; Schedule D, Excess Stockpiled Material Agreement; copy of License to Construct Water Control Works issued by Manitoba Sustainable Development or copy of the application for such license;
4. Any excess excavated material will be agreed upon as per the Excess Stockpiled Material Agreement;
5. Seed down all exposed areas once construction is completed;
6. Obtain and utilize all required survey levels (from a qualified source) in the project construction, as well as provide any additional survey information that may be required by the Water Resource Officer;
7. Any damages to the drain and all remedial work requested by the Department of Sustainable Development is the responsibility of the applicant;
8. Any damages to the municipal road and all remedial work requested by the Municipality of WestLake-Gladstone is the responsibility of the applicant;
9. Any remedial works that may be required as a result of any violations of the Water Rights Act is the responsibility of the applicant;
10. If remedial works are required to be done by the Municipality to rectify a drain that does not comply with the Manitoba Sustainable Development License and/or Drainage Plan of the Municipality as approved, the costs of such works will be the responsibility of the landowner named in this agreement;

11. 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 right-of-way, and shall in no way endanger the general public in its authorized/legal use of the right-of-way;
12. The landowner, shall contact the Municipality a minimum of 10 working days in advance of the work being undertaken;
13. This agreement is subject to any restrictions and/or regulations imposed by any other Government body (i.e. Manitoba Sustainable Development, Disaster Financial Officer) and does not relieve the landowner and/or applicant from having to comply with those requirements.

I hereby declare that I have read, understand, accept and agree to the terms and conditions of the Private Works within the Municipality of WestLake-Gladstone Drainage Policy.

Signatures

Date: _____

Landowner Signature (required signature)

Witness

Applicant Signature (only if different from the landowner)

Witness

Municipality of WestLake-Gladstone:

Chief Administrative Officer

Date

Municipality of WestLake-Gladstone
Drainage Policy
Schedule "C"

APPLICATION FOR TILE DRAINAGE

All applicants for tile drainage must complete this application prior to obtaining a license to construct water control works from Manitoba Sustainable Development

Applicant Name: _____ Date of Application: _____

By completing and signing this application the applicant agrees to the terms of the Tile Drainage Policy No. 2017-01 and amendments:

1. Designer's Name & Contact Information: _____

2. Installers Name & Contact Information: _____

3. Proposed Start Date of Project: _____

4. Proposed Completion Date: _____

5. Describe the proposed control devise to restrict or shut off the discharge of water into municipal or natural drain. *(Please note that the pumped must be turned off from October 15th to May 15th).*

6. Names of adjacent property owners that may be affected by the water run-off:

Terms of Compliance:

1. All tile drainage project must be installed with a ¼" 24 hours coefficient.
2. There is no obligation on the Municipality to improve the existing municipal drainage system to accommodate a tile drainage project.
3. The Municipality may authorize the landowner to perform private works in a municipal drain to accommodate a tile drainage project, however the Municipality would establish the elevation levels and if require, hire a contractor to perform the work, and the landowner would be responsible for all costs associated with the work.
4. The landowner may be responsible for any future drain maintenance costs such as mowing, removal of siltation and/or blocks in the drain. The landowner may be required to enter into an agreement with the Municipality if the tile drainage project will be discharging water into a municipal drainage system. Such Agreement will address future maintenance cost, erosion control and any other matters that council feels are required
5. If the landowner proposes to install any infrastructure under or through a municipal right-of-way the landowner must receive approval from the Municipality prior to the installation of the pipe and the method of the installation may be by boring (directional drilling). This would require the landowner to enter into a Right of Way agreement with the Municipality.

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

ACKNOWLEDGEMENT

I, _____, of _____
agree to comply with the conditions and recommendations outlined in this document.

Dates this _____ day of _____, 20____.

Applicant's Signature

Landowner's Signature *(required Signature)*

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

MUNICIPALITY APPROVAL:

Chief Administrative Officer
Municipality of WestLake-Gladstone

Date

Municipality of WestLake-Gladstone
Drainage Policy
Schedule "D"

Application for Excess Stockpiled Material Agreement

The Municipality of WestLake-Gladstone **MAY** permit the excess stockpile material to be used by the landowner and/or the applicant which has made their formal request in writing and which has been reviewed and approved by council.

Applicant Name: _____ Date of Application: _____

The allowance of excess material is at the sole discretion of the municipalities needs and location of the material. There will be times that the excess material will not be used for a berm.

Please indicated your intent with the excess material:

_____ I will stockpile the excess material adjacent to the drain to be used as a berm. Berm to be a 3:1 slope.

_____ I will spread the excess material by October 31st.

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, they must undertake to use/spread the material within the next calendar year, no later than October 31st. If the landowner does not use/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 with.

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

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

MUNICIPALITY APPROVAL:

The applicants request, to use the excess material that is being removed from the drain, has been:

☐ Granted

☐ Denied

Chief Administrative Officer
Municipality of WestLake-Gladstone

Date