

## Policy: Rural Snow Removal from Ditches

Section: Public Works Operations

Policy #PW 2024-02

Resolution #24-298 & 25-018

Effective Date: December 18, 2024

### POLICY STATEMENT

Council recognizes that the clearing of snow from ditches in the rural area of Gilbert Plains Municipality is helpful to producers in keeping water off of fields and from low lying areas. Council also sees the necessity of ensuring homes are protected first and foremost. Council also recognizes that it is difficult for the Municipality to keep pace with the snow clearing from ditches requests due to limited financial and human resources. Some property owners have requested the Municipality to perform these jobs on the ditches adjacent to their properties at their own expense while using their own equipment or hiring a contractor.

#### Purpose:

The purpose of this policy is to; a) allow property owners to clear snow from ditches adjacent to their properties, and b) establish guidelines through defined process to perform this work. This policy will ensure a fair and equitable process to get the work done safely and according to the standards of the Gilbert Plains Municipality and provincial regulations.

This policy will replace the practice of the municipality clearing snow from ditches unless necessary to save a dwelling. The municipality will continue to open culverts however, the onus of clearing snow from ditches will be the adjacent landowner's responsibility.

#### Scope of Policy:

This policy applies to clearing snow from ditches only and does not apply to any other work performed in the ditch including but not limited to silt or any other material removal, ditch modification, culvert removal or modification or any other work which is subject to any applicable legislative requirements, governing by-laws and/or other legal requirements regulated by the province.

#### Definitions:

"CAO" means the Chief Administrative Officer as appointed by Council.

"Clerk" means the Municipal Clerk of the Gilbert Plains Municipality, or his/her designate.

"Council" means the duly elected Reeve and Councillors of the Gilbert Plains Municipality.

"Designated Officer" means any employee appointed as a designated officer within the Municipality.

"Ditch" means the drainage channel running parallel to the municipal road within the road allowance.

"Contractor" means a person or firm hired by the property owner to perform snow clearing on their behalf.

**“Snow Clearing”** means the act of removing snow from municipal ditches and placing on the adjacent owners property.

**“Property Owner”** means the registered owner of the property who applied for the snow removal permit on municipal ditches adjacent to their property.

**“Site”** means the work site or ditches approved by the Municipality for snow clearing.

**General Provisions:**

- a) A snow removal request can be submitted to the municipal by filling out a request form attached hereto as an Appendix “A”. **All applications must be received by January 31 of each year.**
- b) In conjunction with the CAO, the Public Works Manager will make a decision on the request and issue the permit attached hereto as Appendix “B”. Approval will only be given if adjacent landowner of downstream approval has been received.
- c) The Public Works Manager or designate will perform the site inspection before issuing the permit and set conditions on the permit, if any.
- d) The applicant or the property owner is fully responsible for the cost of the snow removal and any other cost and liability incurred while performing the work in the municipal ditches.
- e) The property owner can hire a contractor, and both will assume the full responsibility of the cost and liability including but not limited to damage to municipal property including signs, culverts, and the ditch itself, damage to adjacent landowners’ property caused by clearing snow, and any flooding caused by clearing snow from the ditches.
- f) The Public Works Manager or designate shall inspect the site before and after the work performed and close the permit on satisfactory performance of the work.
- g) If any municipal property deems damaged while performing the work, the applicant/property owner will be responsible for all related repairs and cost associated to it. If the property owner doesn’t fix the damaged municipal property, then the Municipality will complete the repairs and invoice it to the property owners. In case of non-payment, the amount will be added to the property taxes.
- h) If any other unauthorized work performed in the ditch by the property owner, then it will be dealt in accordance with the applicable by-laws, policies, and legislations.
- i) The CAO will submit monthly report to council on the number of permits issued along with the work details.

**Exceptions to this Policy:**

Where a conflict exists between the provisions of this policy and any legislative or legal requirement, the legal requirement shall prevail.



**Interpretation & Administration:**

The CAO is responsible for interpreting and administering this policy, and such interpretations will be final. Should an application be disputed, Council will have the final decision.

**Policy Review and Procedure:**

This policy will be reviewed as required, but in any case, no less than once per four (4) year term of Council.



**Appendix "A"**

**APPLICATION FOR SNOW CLEARING FROM RURAL DITCHES**

Please complete this form in its entirety (please print); failure to do so will result in the rejection of the application. All applicants will receive a written response to their application.

Collection of personal information on this form is in accordance with the *Municipal Act*. Questions about the collection of this information or the completion of this application may be directed to the CAO, Gilbert Plains Municipality, 201 Main Street, Gilbert Plains, MB R0L 0X0 or phone 1-204-548-2326 or email [cao@gilbertplains.com](mailto:cao@gilbertplains.com)

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**CONTACT INFORMATION**

Name of the property owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone (home/cell): \_\_\_\_\_ Telephone (work): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**LOCATION OF WORK:**

Legal Description: \_\_\_\_\_ Picture: \_\_\_\_\_

Road Numbers: \_\_\_\_\_

**DITCH:**

Depth: \_\_\_\_\_

Length: \_\_\_\_\_

Details: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

		Road No.
		Road No.
Road No.		Road No.

**EQUIPMENT: (Please provide information as noted)**

1. Name/Make: \_\_\_\_\_

2. Model Number: \_\_\_\_\_

3. Horsepower: \_\_\_\_\_

**AUTHORIZATION:**

I, \_\_\_\_\_, HEREBY CERTIFIED THAT:

- I am the registered owner of said property; and
- The information contained in this application is true and complete.

I understand that the application is subject to final approval by the Gilbert Plains Municipality, and I am aware that the work cannot be performed until an approval and a permit is secured. The Municipality reserves the right to deny or refuse my application, or to discontinue this policy at any time. The Municipality is not responsible for any costs incurred by the property owner or their contractor in any way relating to performing this work.

If approved, I understand that I shall perform the work in accordance with the approved conditions and a permit.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICATION FORM SUBMISSION INSTRUCTIONS:**

Please submit this Application Form (fully completed) to:  
Gilbert Plains Municipality  
Attn: CAO  
201 Main Street, Gilbert Plains, MB R0L 0X0  
cao@gilbertplains.com

Office Use Only		
Property Tax Roll Number:	_____	
Date reviewed by the Municipality:	_____	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Altered
Approval Conditions, if any:	_____ _____	
Reasoning for denial and alteration:	_____ _____ _____	

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**Appendix "B"**

**SNOW CLEARING FROM RURAL DITCHES PERMIT**

**PERMIT ISSUED TO:**

Name of the property owner: \_\_\_\_\_

Telephone (home/cell): \_\_\_\_\_ Telephone (work): \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**LOCATION OF WORK:**

Legal Description: \_\_\_\_\_

Road Number: \_\_\_\_\_

Work Details: \_\_\_\_\_

**PERMIT CONDITIONS:**

\_\_\_\_\_  
\_\_\_\_\_

**PROVISIONS PERTAINING TO THE PERMIT:**

- a) The property owner is fully responsible for the cost of the snow clearing and any other cost and liability incurred while performing work in the municipal ditches including but not limited to damage to municipal property including signs, culverts, and the ditch itself, damage to adjacent landowners' property caused by clearing snow, and any flooding caused by clearing snow from the ditches.
- b) The Public Works Manager or designate shall inspect the site before and after the work performed and close the permit on satisfactory performance of the work.
- c) If any municipal property deems damaged while performing the work, the property owner will be responsible for all related repairs and cost associated to it. If the property owner doesn't fix the damaged municipal property, then the Municipality will complete the repairs and invoice it to the property owners. In case of non-payment, the amount will be added to the property taxes.
- d) If any other unauthorized work performed in the ditch by the property owner, the municipality reserves the right to not issue permits to the land owner in the future and it will be dealt in accordance with the applicable by-laws, policies, and legislations.

\_\_\_\_\_

- e) The property owner agrees to protect, indemnify, keep indemnified and save harmless the Municipality and its officers, servants and agents from and against all claims, demands, costs, actions, causes or actions, expenses, legal fees whatsoever which may be taken or made against them or any of them incurred or become payable by them or any of them for any loss, damage or injury, including death of any nature or kind whatsoever arising out of or in consequence of any act, neglect, or omissions including negligent acts or negligent omissions of the contractor in connection with the performance of this work.

Permit issued under the authority of the Public Works Manager of the Gilbert Plains Municipality.

\_\_\_\_\_  
Public Works Manager

I, \_\_\_\_\_, hereby understand that the snow clearing work will be performed in accordance with the permit conditions, provision of this permit, and any other applicable by-laws, policies, and legislations.

\_\_\_\_\_  
Property Owner

**Office Use Only**

Property Tax Roll Number: \_\_\_\_\_

Date reviewed by the Municipality: \_\_\_\_\_

Permit Closed

Further Conditions

Further Conditions for Closing of the Permit, if any: \_\_\_\_\_  
\_\_\_\_\_