

Policy: Municipal Drainage Policy

Section: Public Works Operations

Policy #PW 2024-03

Resolution #24-256

Effective Date: October 23, 2024

POLICY STATEMENT

On any given year, the municipality receives many drainage requests from landowners. As the municipality works through and 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 others. These projects are often left on the drainage list for several years. The municipality would like to offer an alternate to the landowners wanting these minor drainage projects to be completed in a timely manner. This “two-tiered drainage policy” should help attain this goal.

Purpose:

The purpose of this policy is to; a) allow property owners to fund drainage or perform minor drainage requests in municipal ditches, 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.

Scope of Policy:

This policy applies to any 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 drainage on their behalf.

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

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

General Provisions:

The municipality would like to offer the landowner the opportunity to a) fund the drainage project under this policy to expedite the completion of the works or b) perform the drainage under a private works permit. This policy shall provide the process on how these works shall be applied for, reviewed, managed, and funded with either application.

Once the municipality has approved the Annual Municipal Drainage Plan in early spring, the Public Works Manager 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 or the Private Works Drainage Option.

If the Landowner is interested, a signed application must be submitted in writing to the Public Works Manager for processing. The application shall go through a maximum 45-day review period to ensure the completion of the survey, design, and drainage licence application.

a) Funded Two- Tier Project

- a. The project will undergo a review by the Public Works Department, and CAO to ensure that the project makes sense and will not be detrimental or have a negative impact downstream or to the watershed. The project will then be reviewed by Council once downstream approval is obtained.
- b. The project will also be reviewed by the province as part of the Drainage Licence Application process. 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 licence.
- c. The Public Works department shall prepare an estimate on the cost of undertaking the drainage works. The landowner shall have the opportunity to review the proposal, and if he/she agrees, then a monetary deposit for the entire estimated cost of the proposal shall be presented to the municipality prior to the commencement of the works.
- d. The Landowner shall be responsible for the actual costs of the drainage project, which will include hard costs such as the contractor or employee services, licensing, culverts and utility clearances. The municipality shall cover the soft costs of the drainage project which would include the survey time, application time, and mileage spent on the project.
- e. The municipality shall be the project manager at all times, which includes providing an estimate for the project to the landowner, approving and overseeing the contractors. At no time shall a landowner intervene or control the contractor or employees hired by the municipality.

a) Private Works Drainage

- a. The application shall include a copy of the survey and design of the project.
- b. The project will undergo a review by the Public Works Department, and CAO to ensure that the project makes sense and will not be detrimental or have a negative impact downstream or to the watershed. The project will then be reviewed by Council and submitted to the province for the appropriate licence.
- c. The project will be reviewed by the province as part of the Drainage Licence Application process. 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 licence.

- d. The work shall be constructed as per the conditions outline in the approved Drainage Licence from Manitoba Water Stewardship.
- e. The landowner shall be responsible for all utility relocation and protection, including, but not limited to, MTS and Manitoba Hydro and shall be liable for damage caused to utilities located at this site.
- f. Any excess excavated material shall be disposed of or leveled to an acceptable condition.
- g. The construction, installation, and maintenance of operations of the permitted drainage works, shall be accomplished with minimal interference of the use, operation, and maintenance of the municipal or provincial right-of-way, and shall in no way, endanger the general public.
- h. The applicant/landowner and/or the contractor shall contact the Gilbert Plains Municipality a minimum of 48 hours in advance of the work being undertaken.
- i. The applicant/landowner and/or contractor shall be held liable for any damage, injury, or destruction resulting from the negligence of their staff and or agents and maintain ongoing liability insurance coverage for the duration of the work and if requested shall provide evidence.
- j. If remedial works are required to be done by Gilbert Plains Municipality to rectify a drain that does not comply with the Licence and the Approved Drainage Plan, the costs of such work will be the responsibility of the landowner. Should said costs not be paid in full, the Municipality reserves the right to collect the charges via property taxes.

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 DRAINAGE

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 Public Works Manager, Gilbert Plains Municipality, 201 Main Street, Gilbert Plains, MB R0L 0X0 or phone 1-204-548-2370 or e-mail publicworks@gilbertplains.com or to the CAO at 1-204-548-2326 or cao@gilbertplains.com

CONTACT INFORMATION

Name of the property owner: _____

Mailing Address: _____

Telephone (home/cell): _____ Telephone (work): _____

E-mail Address: _____

LOCATION OF WORK:

Legal Description: _____

Road Numbers: _____

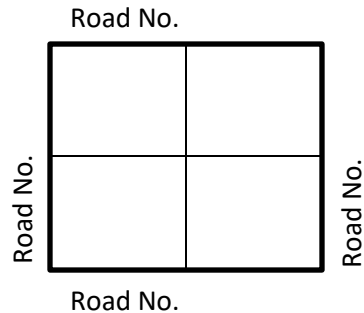
DITCH:

Depth: _____

Picture:

Length: _____

Details: _____



AUTHORIZATION:

I, _____, HEREBY AM APPLYING FOR:

Two-Tier Drainage Works; OR

Private Drainage Works.

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 the Province of Manitoba, 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: Public Works Manager
201 Main Street, Gilbert Plains, MB R0L 0X0
publicworks@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: | _____ _____ | |

=====

Appendix "B"

TWO TIER DRAINAGE 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 Landowner shall be responsible for the actual costs of the drainage project, which will include hard costs such as the contractor or employee services, licensing, culverts and utility clearances 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. The municipality shall cover the soft costs of the drainage project which would include the survey time, application time, and mileage spent on the project.
- 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, then 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 drainage 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: | _____ |
| <input type="checkbox"/> Permit Closed | <input type="checkbox"/> Further Conditions |
| Further Conditions for Closing of the Permit, if any: | _____ |
| _____ | |

=====

Appendix "C"

PRIVATE WORKS DRAINAGE 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 work shall be constructed as per the conditions outline in the approved Drainage Licence from Manitoba Water Stewardship.
- b) The landowner shall be responsible for all utility relocation and protection, including, but not limited to, MTS and Manitoba Hydro and shall be liable for damage caused to utilities located at this site.
- c) Any excess excavated material shall be disposed of or leveled to an acceptable condition.
- d) The construction, installation, and maintenance of operations of the permitted drainage works, shall be accomplished with minimal interference of the use, operation, and maintenance of the municipal or provincial right-of-way, and shall in no way, endanger the general public.
- e) The applicant/landowner and/or the contractor shall contact the Gilbert Plains Municipality a minimum of 48 hours in advance of the work being undertaken.
- f) The applicant/landowner and/or contractor shall be held liable for any damage, injury, or destruction resulting from the negligence of their staff and or agents and maintain ongoing liability insurance coverage for the duration of the work and if requested shall provide evidence.
- g) 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.
- h) 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.

- i) 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.
- j) 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 drainage 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: | _____ |
| <input type="checkbox"/> Permit Closed | <input type="checkbox"/> Further Conditions |
| Further Conditions for Closing of the Permit, if any: | _____ |
| | _____ |

=====

