

RURAL MUNICIPALITY OF MONTCALM
POLICY & PROCEDURES MANUAL

<i>Reference</i>	Public Works	<i>Classification</i>	Policy
<i>Subject</i>	Surface & Tile Drainage	<i>Pages</i>	9
<i>Authority</i>	Council	<i>Effective Date</i>	November 16, 2016
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The Rural Municipality of Montcalm is the drainage authority for all lands in its jurisdiction with the exception of natural waterways and Province of Manitoba designated drains.

Definitions

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

Municipality means the Rural Municipality of Montcalm.

¼” 24 Hours Coefficient means that the piping is 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 (¼”/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.

Surface Drainage

1. Construction and maintenance of municipal ditches are the jurisdiction of the Municipality and Manitoba Water Stewardship.
2. Construction and maintenance of provincial highway ditches are the jurisdiction of the Municipality, Manitoba Water Stewardship and Manitoba Infrastructure.
3. Construction and maintenance of Provincial drains and natural waterways are the jurisdiction of Manitoba Water Resources and Manitoba Water Stewardship.
4. The Municipality expects all private drains to be licenced in compliance with Manitoba Government rules and regulations.
5. Land owner requests for improvements to municipal, provincial or Highway drains should be made to the Municipality in writing using the form attached as schedule “B”.

6. All requests received will be reviewed by Council. The Council of the Municipality establishes an annual municipal drainage works plan to be funded as part of the municipal budget. Additional drainage projects may be added as time and budget allow.
7. The Public Works Manager delegates and completes the surveying and licensing and provincial approvals as required.
8. The Public Works Manager in consultation with Council determines the timing and scope of work.
9. Council shall receive a monthly progress report during construction season.
10. The excess material excavated during construction shall be stored directly adjacent to the maintained drain. The Municipality will undertake to spread the material in the same calendar year as the work is completed or as soon as practically possible.
11. 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".
12. The Municipality attempts to mitigate erosion which may occur as a result of new drainage works.
13. Erosion control methods of field drain outlets into municipal drains are an important component of erosion mitigation. The Municipality is available to provide expertise and assistance in this matter.
14. Requests for additional culverts or modified field approaches are addressed as per the Culvert & Field Policy.
15. The Municipality does not allow private works in municipal right of ways without express written permission.

Tile Drainage

1. Tile drainage is a widely used drainage system employed in most major crop producing areas in North America. The Municipality will work with producers to accommodate tile drainage systems. Tile drainage shall be installed in accordance with the following requirements:
 - a. Tile drainage must comply with all rules and regulations of the Province of Manitoba;
 - b. Applications to the Municipality for tile drainage approval should include a completed Schedule A, Letter of Understanding; Schedule B, Application for Drainage Work; Schedule C, 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;

- c. Applications submitted to the RM office will be reviewed at the next Council meeting after notice is sent to affected land owners within the same watershed (14 days is required to send notice to property owners within the same watershed);
- d. The Council shall require copies of tile drainage licensing to be completed prior to the commencement of installation of tile drainage. Landowners seeking tile drainage approvals should submit preliminary plans before May 1st of each year for council to review. Final plans should be submitted to council not later than July 1st of each year for final Council approval. The Public Works Manager will attend the site for a review of the project prior to approval;
- e. The application shall be dated, shall have the designer's name and contact information and shall have 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;
- f. Any tile drainage projects must be installed with a $\frac{1}{4}$ " 24 hours coefficient. Tile drainage installations shall not use perforated main drains unless prior approval has been received;
- g. Erosion control measures of the outlets shall be installed;
- h. The licence holder of the tile drainage shall be responsible for mowing and maintenance of ditches downstream of tile outlets up to the natural waterway where it is reasonably determined cattails grow as a result of the tile drainage being installed. Where the licence holder does not perform the required work, the Municipality may do the work and charge the licence holder. Collection of billing from the Municipality may include adding these charges to the taxes on the property;
- i. All tile drain projects must include the installation of an approved control device to restrict or shut off the discharge of water into a municipal or natural drain;
- j. Any tile drainage being installed in the Municipality must be installed by a professional installer;
- k. 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;
- l. No discharge of water from tile drainage will be permitted into municipal drains after October 1 unless written authorization from the Municipality is obtained to extend this date;
- m. Where possible tile water should be part of an integrated water management strategy including drainage and irrigation;
- n. Prior to any livestock manure being applied to any tiled land, the land shall be worked to reduce the risk of any nutrients entering the tile system;

- o. The Municipality may require the applicant to have water from the outlet tested for nutrients and salts. All testing will be done using the most current and appropriate methods available;
 - p. There is no obligation on the Municipality to improve the existing municipal drainage system to accommodate a tile drainage project;
 - q. The Municipality may authorize the proponent to perform private works in a municipal drain to accommodate a tile drainage project, however the Municipality would establish the elevation levels and the hiring of a contractor to perform the work and the proponent would be responsible for all costs associated with the work. This may require the proponent to address a steep drop or loose soil conditions;
 - r. The proponent may be responsible for any future drain maintenance costs such as mowing, the removal of siltation and/or blocks in the drain;
 - s. If the proponent proposes 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 and the method of the installation must be by boring (directional drilling). This would require the proponent to obtain written approval from the Municipality; and
 - t. The proponent will be required to enter into a development agreement with the Municipality if the tile drainage project will be discharging water into a municipal drainage system.
2. Tile drainage projects requiring modifications to existing municipal drains shall be the sole responsibility of the applicant and shall comply with the Private Drainage Works Agreement attached as Schedule "A".
 3. Failure to comply with the above rules and regulations in regards to surface or tile drainage shall be subject to the RM of Montcalm's bylaws and all fines, penalties and sanctions as may be applied by the Province of Manitoba,

Schedule "A"

Private Drainage Works in Municipal Drain Letter of Understanding

The Rural Municipality of Montcalm will permit the work once the landowner and/or the applicant has reviewed this agreement letter and returned a signed copy to our office, confirming the acceptance of the following conditions:

LOCATION: _____

PROPERTY OWNER: _____

1. The property owner will acquire the necessary drainage license from Manitoba Water Stewardship. A copy of the license must be forwarded to the Rural Municipality of Montcalm with a signed copy of this agreement, and before any works commence.
2. The work shall be constructed as per the conditions outlined in the approved Drainage License from Manitoba Water Stewardship;
 - a. Unless specified, the applicant and/or the landowner will control the spring water runoff and assure the proposed drainage works do not increase the downstream water flow in spring runoff conditions.
 - b. The applicant and/or the landowner shall submit the proposed drainage project in a timely fashion. The proposal should include an initial survey including proposed slopes and grades.
 - c. If the initial proposal is approved by the Municipality a detailed survey and scope of work will be provided to the Municipality. The applicant shall comply with all requirements provided in the scope of work;
 - d. The applicant and/or the landowner will ensure that proper erosion control methods are followed, including the use of erosion control blankets, rip-rap material and temporary biodegradable erosion control blanket;
3. The applicant and/or the landowner will request all utility locates and shall be responsible for all utility re-location and protection, including MTS, Manitoba Hydro and Montcalm Waterline Distribution System, and shall be liable for damage caused to utilities located at this site;
4. Applications to the Municipality for tile drainage approval should include a completed Schedule A, Letter of Understanding; Schedule B, Application for Drainage Work; Schedule C, 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;
5. Applications submitted to the RM office will be reviewed at the next Council meeting after notice is sent to affected land owners within the same watershed (14 days is required to send notice);
4. When requested, all disturbed areas (i.e. grade slopes, ditches, field drains) shall be trimmed, re-seeded and restored to an acceptable condition within 60 days of completion;
5. The applicant and/or the 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;
6. Any excess excavated material shall be disposed of or leveled to an acceptable condition;

7. 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;

8. The applicant and/or the landowner, shall contact the Municipality a minimum of 48 hours in advance of the work being undertaken;

9. The applicant and/or the landowner shall be held liable for any damage, injury, or destruction resulting from the negligence of their staff and/or agents and maintain ongoing \$5 million liability insurance coverage for the duration of the work, and if requested shall provide evidence;

10. The Municipality requires that all landowners within the same watershed and any other landowners that may be affected by the drainage works be contacted concerning the permitted work;

11. This agreement is subject to any restrictions and/or regulations imposed by any other Government body (i.e. Manitoba Environment, DFO) and does not relieve the landowner and/or applicant from having to comply with those requirements;

12. If remedial works are required to be done by the Municipality to rectify a drain that does not comply with the Manitoba Water Stewardship License and the Drainage Plan of the Municipality as approved, the costs of such works will be the responsibility of the landowner.

The Municipality will notify the following landowners within the same watershed upon completion of the signing of the application;

NAME	LEGAL DESCRIPTION
1.	
2.	
3.	
4.	
5.	

Thank you for your cooperation in this matter. Construction must not commence until the applicant and/or the landowner has received a signed copy back from the Rural Municipality of Montcalm.

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

Rural Municipality of Montcalm:

Chief Administrative Officer

Schedule "B"

Application for Drainage Works

The Rural Municipality of Montcalm will permit the work once the landowner and/or the applicant has made their formal request in writing and has been reviewed and approved by council.

Date: _____ Work Order #: _____

Name: _____ Start Date: _____

Location: _____ Completion Date: _____

Description of Work: _____

Machine: _____ Materials: _____

Labour: _____

Locates

Water _____

(insert grid for section of land)

MTS _____

Hydro _____

Gas _____

Drainage License

Signatures of applicant:

Signature of applicant

Signature of landowner
(if different from applicant)

Schedule "C"

Application for Excess Stockpiled Material Agreement

The Rural Municipality of Montcalm 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, they must undertake to use/spread the material within the next calendar year, no later than October 31st. If the landowner and/or the 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.

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.

Thank you for your cooperation in this matter. Use of the excess stockpiled material must not commence until the applicant and/or the landowner has received a signed copy back from the Municipality.

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

APPROVAL:

Chief Administrative Officer