

RURAL MUNICIPALITY OF BROKENHEAD POLICY AND PROCEDURE MANUAL		POLICY NO: PUB-104
REFERENCE: PUBLIC WORKS	ADOPTED BY: Resolution #353-22	Page 1 of 7
	Date: October 11, 2022	
TITLE: DRAINAGE		DATE LAST REVIEWED BY MGMT: Oct. 11/22

1. Purpose

The purpose of this policy is to define the responsibilities and limitations of the Rural Municipality of Brokenhead concerning drainage system maintenance, and the response to drainage and flooding issues. All policies and procedures noted must be in accordance with *The Municipal Act, Water Rights Act* and all other provincial drainage regulations.

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, storm sewer culvert, box culvert, drainage inlet that handles roadway drainage and lot drainage.

4. Policy – Municipal Right-Of-Way Maintenance

- 4.1 The Municipality is responsible for drainage systems within the Municipality’s right-of-way and shall complete works if deemed necessary or desirable by Council.
- 4.2 Manitoba Infrastructure and Manitoba Waterways are responsible for drainage systems under their respective jurisdiction.

- 4.3 Taxpayers may request that the Municipality complete drainage works within the Municipality's right-of-way. Requests for drainage works shall be referred to the Public Works Department (Public Works) and will follow the Procedure as stated in this policy.
- 4.4 Council and Public Works will determine the priority of all requests and schedule planned works. Priority of works will be established based on: severity and impact of issues on building/yard site/farm property/roadway and the frequency and duration of flooding that occurs.
- 4.5 Taxpayers are responsible to maintain private drainage systems that outlet into drainage systems within the Municipality's right-of-way. Requests for works in the Municipality's drainage system for issues that are caused by unmaintained outlets of private drainage systems (erosion and sediment) will not be deemed high priority.
- 4.6 Taxpayers in residential areas are responsible for the routine mowing and maintenance of the municipality's drainage system (swales, ditches, easements) where the existing slope of is >3:1 and can be maintained with a standard lawn mower or weed trimmer.
- 4.7 If any person completes unauthorized works to drainage systems in the Municipality's right-of-way, the Municipality will require that they rectify the works to pre-existing conditions. If the work is not rectified, then the municipality, in conjunction with the Province, may proceed with legal action in accordance with the provincial drainage regulations.

5. Procedure – Municipal Right-Of-Way Maintenance

- 5.1 Drainage work requests must be in accordance with the following procedure:
 - a) The taxpayer will complete a Drainage Request Application with all details of the issue and submit it to Public Works.
 - b) Council and Public Works will review all requests (and conduct site visits if necessary) and establish if any requests will be considered high priority.
 - i. "High Priority" requests will be assessed before all other ("Standard") requests.
 - ii. All Standard Requests will be assessed in order of date submitted.
 - c) Public Works will assess, survey, design and develop a drainage works plan to rectify the drainage issue in accordance with provincial drainage licence application regulations.
 - d) Council will review the drainage works plan and to determine if the work is denied or approved for construction. Reviews will be based on the severity of issue, estimated cost, reasonability of request and any other factors relating to that specific request.

- i. If the request/work is denied, Public Works will mail a letter to the taxpayer with an explanation. The taxpayer may re-submit the request 2 years after the original request was denied.
- ii. If the request/work is approved, Public Works will submit an application (with drainage plan) for provincial drainage licence.
- e) All approved work will be scheduled based on priority and licence approval.

5.2 Construction of drainage works must be in accordance with the following procedure:

- a) Public Works must obtain utility location notification for any underground utilities near the proposed work area.
- b) Public Works will inform the taxpayer and any owners of adjacent property affected by the proposed work prior to commencement
- c) Public Works will determine a plan for the removal and disposal of all excess fill material to ensure the drainage work is completed efficiently.
 - i. If the work area is directly adjacent to farmable property, then Public Works will request approval from the taxpayer to pile all the excess material directly on the adjacent land. Once completed, Public Works will spread/level the piled material onto the field at a time approved by the owner.
 - ii. If the work area is directly adjacent to bush, tree-line, or a landscaped yard, then Public Works will request approval from the owners located near the work area to accept hauled in material. Providing that both the owner and Municipality agree upon the site, Public Works will haul in the excess material and dump it at the site.
 - iii. If the owner/renter of adjacent farmable property does not provide approval OR there are no acceptable haul sites near the work area, then the works may be canceled or put on hold to a time approved by Public Works.
 - iv. Taxpayers may put additional trucks on site to collect and haul any extra material from the works providing it is done at their own liability and Public Works gives approval.
 - v. The Municipality will not be responsible or liable for any damage or issues caused during the removal and/or disposal of fill material.
- d) Drainage works will be completed only according to the approved plan and respective drainage licence.

6. Policy – Right-Of-Way Culverts

6.1 Taxpayers are responsible for culverts and approaches used to access their respective property that are within the Municipality's right-of-way.

- 6.2 Taxpayers are responsible for approach construction, culvert installations, replacements (and extensions, if deemed necessary) and must follow the culvert installation specifications and the Procedure as stated in this policy.
- 6.3 The Municipality may replace or reset existing private culverts and approaches if it is a part of planned drainage works and/or deemed necessary and cost effective.
- 6.4 The Municipality is responsible for culverts that cross under municipal roadways/ road allowances and shall complete works if deemed necessary or desirable by Council.
- 6.5 In the LUD of Tyndall and Garson if a resident owns a corner lot, they can apply to have one driveway on each side of this lot, provided there are two different municipal streets which are open at the time of application. All other properties are only allowed one approach per lot.
- 6.6 For properties in the Rural area, the landowner must be given approval for more than one approach based upon use. (One residential access and one farm access)

7. Procedure – Right-Of-Way Culverts

- 7.1 Approach construction, culvert installations, replacements (and extensions, if deemed necessary) must be in accordance with the following procedure:
 - a) The taxpayer will complete a Driveway Application with all details, pay the application fee and submit it to Public Works.
 - b) Public Works will review the application, approve the location and provide the taxpayer with the permit. The permit will state the requirements for culvert size and installation specifications as per municipal standards.
 - c) The taxpayer may request approval from Council for the Municipality to pay 50% of the cost of the culvert if the size requirement exceeds 900mm diameter.
 - d) The taxpayer must contact Public Works before completing installation of the culvert and approach to inspect that all specifications have been met.
 - e) If the work does not meet specifications, Public Works will request that the taxpayer rectify the deficiencies. If the taxpayer refuses, the Municipality has the right to remove or complete works to rectify the deficiencies and levy the cost against the taxpayer's property.
 - d) Once all specifications have been met, Public Works will issue approval for the driveway and approach.

8. Policy & Procedure – Non-Right-Of-Way (Private) Maintenance

- 8.1 The Municipality is not responsible for any private drainage issues or private drainage systems. Taxpayers will be responsible for any private drainage works.
- 8.2 Taxpayers that require any form of private drainage works must acquire a provincial drainage licence in accordance with provincial drainage regulations. If the work will outlet into the Municipality's drainage system, then the taxpayer must acquire approval from the Municipality and complete any extra works required (ie: erosion control).
- 8.3 The Municipality may complete works to private drainage systems if deemed necessary or desirable by Council, and providing that all approvals are acquired.

9. Policy & Procedure– Emergency

- 9.1 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.
- 9.2 Emergency works (ie: pumping of floodwaters and/or the cutting open of municipal roadways or berms) will be assessed in the following cases:
 - a) To protect the loss of life and the Public's health, safety and welfare.
 - b) To alleviate the flooding of taxpayer's residence or other buildings
 - c) To alleviate the flooding of public roadways.
 - d) Any other situations as deemed necessary by Council.
- 9.3 In a non-state-of-emergency situation, the Municipality may request approval to access taxpayer property to alleviate flooding.

10. Policy – Taxpayer Work in Municipal Right-Of-Way

- 10.1 Taxpayers may request authorization to complete drainage works within the municipality's right-of-way at their own expense. Taxpayers requesting to conduct right-of-way drainage works shall be referred to the Public Works and will follow the Procedure as stated in this policy.
- 10.2 Taxpayers requesting authorization to complete works must acknowledge that they will be responsible for (but not limited to): Potential survey costs, construction costs, damage repairs, utilities locates, provincial licencing approval, and any other liabilities.
- 10.3 In general, all items in 4. *Policy* & 5. *Procedure – Municipal Right-Of-Way Maintenance* sections shall take precedent unless otherwise authorized in accordance with this section 10. & 11.

11. Procedure – Taxpayer Work in Municipal Right-Of-Way

- 11.1 Taxpayer drainage work in municipal right-of-way requests must be in accordance with the following procedure:
- a) The taxpayer will complete a Drainage Request Application with all details of the issue, note that they plan to complete the work at their expense and submit it to Public Works.
 - i. If the taxpayer wants to expedite the process, they have the option to hire a qualified surveyor to complete a complete survey/ assessment of the request area at their expense. The survey must meet RM requirements by including: profile elevations every 25 meters, culvert conditions and elevation, cross sections every 400 meters & largest cut area, encompassing an area to determine that it will not negatively impact downstream drains or land as well as any other pertinent information. The completed survey can be submitted to Public Works for review and design. The procedure will continue as per (11.1d)
 - b) Council and Public Works will review all requests (and conduct site visits if necessary) and establish if any requests will be considered high priority.
 - i. “High Priority” requests will be assessed before all other (“Standard”) requests.
 - ii. All Standard Requests will be assessed in order of date submitted.
 - c) Public Works will assess, survey, design and develop a drainage works plan to rectify the drainage issue in accordance with provincial drainage licence application regulations.
 - d) Council will review the drainage works plan and to determine if the work is denied or approved for construction. Reviews will be based on the severity of issue, estimated cost, reasonability of request and any other factors relating to that specific request.
 - i. If the request/work is denied, Public Works will mail a letter to the taxpayer with an explanation. The taxpayer may re-submit the request 2 years after the original request was denied.
 - ii. If the request/work is approved, Public Works will submit an application (with drainage plan) for provincial drainage licence.
 - e) The taxpayer will be notified when the planned work and drainage licence is approved.
- 11.2 Construction of drainage works must be in accordance with the following procedure (and any terms & conditions in signed agreements):
- a) If the taxpayer proceeds with completing the work at their expense they must sign the agreement prepared by the RM and provide any required submissions (monetary deposit).
 - b) Prior to commencement of work, the taxpayer is responsible to:
 - i. Inform Public Works at least 1 week prior to commencement.

- ii. Obtain utility location notification for any utilities near the proposed work area.
 - iii. Inform any owners of adjacent property directly affected by the proposed work prior to commencement.
 - iv. Properly remove and dispose of all excess fill material in an efficient manner.
- c) The RM will set the required grades for the work once and complete spot inspections as deemed necessary by the RM.
- d) The RM will not monitor the work full time and has the authority to stop the work at any time if required (incorrect spec, excessive damage, ect.).
- e) If the RM is required to return to the site due to persistent issues with construction, the time cost will be recorded and taken from the deposit.
- f) The RM will inspect the work 60 days after construction has finished to determine if it is considered complete or more works are needed. If approved, the RM will return the remaining amount of the deposit and sign off.
- g) If the taxpayer neglects to repair damage or finish the work, then the RM will use the amount of the deposit to complete the work.