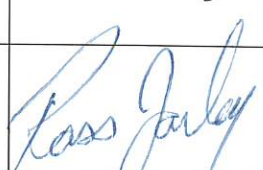


The Rural Municipality of Elton

REFERENCE:	Roads	AUTHORITY:	Council
SUBJECT:	Drainage	EFFECTIVE DATE:	October 13, 2020
ADOPTED BY RESOLUTION NO. & DATE:	2020-246 October 13, 2020	NUMBER OF PAGES:	9
AMENDED BY RESOLUTION NO. & DATE:	2021-064 March 9, 2021	REEVE'S SIGNATURE FOR APPROVAL	

POLICY DESCRIPTON:

To provide rules and regulations for drainage (including Surface & Tile Drainage) within the Rural Municipality of Elton (Elton).

Definition

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

1/4" 24 Hours Coefficient – means that the piping is sized so that it can be removed a maximum of a 1/4" of water (the water has to first get through the soil to be removed) from the drainage area 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 1/4"/day drainage coefficient, would remove approximately 1.6 cfs or 753.6 gpm.

Proponent – means the property owner of the land where the tile drainage project is to be installed.

Jurisdiction

1. Construction and maintenance of municipal ditches are the jurisdiction of Elton and the Provincial Licensing and Registration Department.
2. Construction and maintenance of Provincial highway ditches are the jurisdiction of Elton, Manitoba Infrastructure and the Provincial Licensing and Registration Department.
3. Construction and maintenance of Provincial drains and natural waterways are the jurisdiction of the Provincial Licensing and Registration Department.
4. Elton expects all private drains to be licensed in compliance with Manitoba Government rules and regulations before any work is to commence. Elton may refuse drainage requests if the landowner is not in compliance.

Failure to comply with the rules and regulations in regards to surface or tile drainage shall be subject to:

- a. all fines, penalties and sanctions as may be applied by the Province of Manitoba.

Surface Drainage Policy

1. Landowner written requests for improvements to municipal, provincial or federal drains must be made to the Elton municipal office (Schedule "A" attached).
2. All requests received will be reviewed by Council of Elton (Council). Council 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.
3. The Elton municipal office will arrange for completion of required surveys and provincial approval/licensing as required.
4. The Elton municipal staff, in consultation with Council, will determine the timing and scope of work.
5. Excess material excavated during construction shall be stored directly adjacent to the maintained drain. Elton will undertake to spread the material in the same calendar year as the work is completed or as soon as practically possible.
6. The landowner may request use of the excavated material in writing by submission of an "Excess Stockpiled Material Agreement" (Schedule "C" attached).
7. Elton attempts to mitigate erosion which may occur as a result of new drainage works. Erosion control methods of field drain outlets into municipal drains are an important component of erosion mitigation.
8. Requests for additional culverts or modified field approaches are addressed as per the Approaches Policy No. 3-2012.
9. Elton allows private works in municipal right-of-ways as per the Private Drainage Works Agreement (Schedule "B" attached).

Tile Drainage Policy

Tile drainage is a widely used drainage system employed in most major crop producing areas in North America. Elton will work with producers to accommodate tile drainage system, but these installations shall be installed in accordance with the following rules and regulations.

Landowners seeking approval for tile drainage must submit preliminary plans for Council to review. Approval by Council will be provided following review of final plans once submitted. Inspection of the site is recommended, with designated Council member and Public Works in attendance.

10. All proponents of a tile drainage project must submit an application (Schedule "D" attached) to Elton along with a completed application for License to Construct Water Control Works from the Provincial Licensing and Registration Department.

prior to September 1 for work to be completed during the following year.

1. Tile drainage must comply with all rules and regulations of the Province of Manitoba.
2. There is no obligation on Elton to improve the existing municipal drainage system to accommodate a tile drainage project.
3. Elton may require proponents to obtain written consent from adjacent property owners that may be affected by the water run-off.
4. No discharge of water from tile drainage will be permitted into municipal drains after October 1st unless written authorization from the municipality is obtained.
5. Tile drainage which outlets into the municipal drainage system must be approved by Council as follows:

- a. An application is to be completed in full, signed and dated. The maps must illustrate the drainage design in detail including type and location of outlets.
 - b. Drainage co-efficient of the tile drain outlet must be installed with a one quarter of an inch (1/4") 24 hours' coefficient. Tile drainage installations shall not use perforated main drains unless prior approval has been received.
 - c. Erosion control measures of the outlets shall be installed. Elton reserves the right of approval of all designs in regards to erosion control and the right to regularly inspect these outlets.
 - d. The license holder of the tile drainage shall be responsible for mowing and maintenance of ditches downstream of tile outlets up to the natural waterway to mitigate future cattails from forming. Should Elton be required to preform this maintenance it has the right/ability to collect this debt by adding these costs to the proponent's tax bill and collecting in the same manner as outstanding property taxes.
 - e. 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.
 - f. If tile drain outlets require a source of power, the powerlines must be marked and may be required to be buried at a depth determined by Council. Council may require all irrigation and tile drainage outlet lines to be buried on private land with any required easements in place prior to the installation.
 - g. Where possible, tile drainage water should be part of an integrated water management strategy including drainage and irrigation.
 - h. An agreement may be required to be entered into outlining responsibilities which may include:
 - i. That Elton retains the right to direct that outlet drainage be shut off where, in their sole opinion, conditions warrant;
 - ii. The Elton may enter onto the premises to monitor or inspect the drainage;
 - iii. That the Landowner shall be responsible for costs to thaw any frozen culverts downstream between the outlet and the waterway that can be shown to be frozen due to discharge water from the tile drainage system not being closed off in any year prior to October 1st.
 - iv. That the Landowner shall be responsible for any damages that may be caused to Elton infrastructure arising from installation and use of the tile drainage system;
 - v. That the agreement run with the lands and be registered against the lands by caveat;
 - vi. That Elton has the right to attach any special conditions to any application as details and circumstances require.
6. Tile drainage projects requiring modifications to existing municipal drains shall be the sole responsibility of the applicant. The outlet must be constructed in such a way that water cannot breach the back slopes of the municipal drain and run across private

property. The flow must be directed all the way to the natural or provincial waterway prior to approval of installation of tile drainage, and shall comply with the Private Drainage Works Agreement (Schedule "B" attached).

Schedule "A"

Rural Municipality of Elton
Application for Private Drainage Works on Municipal Property

I/We, as identified below, request initial approval for construction of Private Drainage Works on municipal property as identified below/attached:

Landowner: _____

Contact: Address _____
Phone _____ Email _____

Applicant: _____

Contact: Address _____
Phone _____ Email _____

Location: _____

Proposed Dates: Start _____ Completion _____

Description of Works: _____

Machine: _____ Materials: _____

Labour: _____

Proposed Works Area/Drains
 Sketch including legal description of lands and waterways attached

Locates/Utilities identified are:
 Waterline Telephone Hydro Gas
 Other (specify) _____

Other Information:

Date received in Elton municipal office: _____
Date initial approval granted by Council: _____

Schedule "B"

Rural Municipality of Elton
Private Drainage Works Agreement on Municipal Property

Landowner: _____

Contact: Address _____

Phone _____ Email _____

Applicant: _____

Contact: Address _____

Phone _____ Email _____

Location: _____

Upon execution of this Agreement, the Rural Municipality of Elton (Elton) agrees as follows:

1. All costs for private drainage works incurred by the landowner and/or applicant, and by Elton, for drainage on municipal property shall be the expense of the applicant.
2. No works shall proceed until all requirements under this Agreement are complete.
3. Elton will acquire the necessary drainage license from the Provincial Licensing and Registration Department following receipt of this executed agreement in the Elton municipal office. A copy of the license shall be forwarded to the Applicant once received.
4. The works shall be constructed as per the conditions outlined in the approved Drainage License from the Provincial Licensing and Registration Department.
 - a. Unless otherwise specified, the landowner and/or applicant is responsible for and 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 landowner and/or applicant shall submit the proposed drainage project including an initial sketch with proposed slopes and grades.
 - c. If the initial proposal is approved by Elton, a detailed survey shall be submitted outlining the full scope of work and including all requirements.
 - d. The landowner and/or applicant shall ensure that proper erosion control methods are followed, including the use of erosion control blankets, rip-rap material and temporary biodegradable erosion control blankets.
5. The landowner and/or applicant are responsible to obtain all necessary utility locates, and shall be responsible for any utility re-location and protection, including but not limited to telephone, hydro, gas, waterlines (public and private), and shall be responsible for any damages caused to utilities.
6. All disturbed areas (ie grade slopes, ditches, field drains) shall be restored to an acceptable condition within 60 days of completion of works, including but not limited to trimming and seeding.
7. The landowner and/or applicant shall be responsible for the restoration of any erosions, slope failure, re-seeding or road settlements to December 31st of the year following completion of works or modification.

8. Any excess materials shall be disposed of or levelled to an acceptable condition.
9. 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 municipal or provincial rights-of-way, and shall in no way endanger the general public in its authorized/legal use of the right-of-way.
10. The landowner and/or applicant shall notify the Elton municipal office not less than 48 hours in advance of the work commencing.
11. 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. Evidence of insurance shall be submitted to the Elton municipal office upon request.
12. Elton requires that all downstream landowners, and any other landowners that may be affected by the drainage works, be contacted concerning the requested work.
13. This agreement is subject to any restrictions and/or regulations imposed by any other government body (ie Manitoba Environment, DFO), and does not relieve the landowner and/or applicant from having to comply with all requirements necessary.
14. If remedial works are required to be completed by Elton to rectify a drain that does not comply with the Provincial Licensing and Registration Department and the Elton Drainage Plan as may be approved and in effect at the time of execution of this agreement, the landowner hereby agree that all costs for such works will be the responsibility of the landowner.

The landowner and/or applicant shall provide written confirmation of notification of the following landowners downstream:

Name	Legal Description
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

Construction must not commence until the applicant/landowner has received an executed copy of the agreement from Elton.

Acknowledgement: I/We, the undersigned, agree to comply with the terms of this agreement;

Landowner: _____
(Signature)

Witness: _____
Print Name: _____

Applicant: _____
(Signature)

Witness: _____
Print Name: _____

APPROVAL:

Rural Municipality of Elton

Date:

Schedule "C"

Rural Municipality of Elton
Excess Stockpiled Material Agreement

The Rural Municipality of Elton (Elton) will permit the excess stockpiled material accumulated from a drainage project on municipal property to be used by the landowner and/or the applicant, subject to the conditions outlined in this agreement.

1. I/we, the landowner/applicant identified below, hereby apply for use of the excavated material from municipal property during construction.
2. The excess material excavated and stockpiled during drainage project works construction on municipal property shall be stored directly adjacent to the maintained drain.
3. I/we hereby agree that the excess material must be used/spread within one (1) year of completion of the drainage works project, being not later than October 31st in any year.
4. If I/we do not use/spread the excess stockpiled material by the noted deadline, I agree that Elton will undertake to spread or remove the material as soon as practically possible. I further agree that all costs incurred by Elton for this work shall be the responsibility of the landowner.
5. I/we agree that we shall not receive any remuneration for use of the excess stockpiled material from Elton.
6. I/we agree that should we not meet the conditions of this Agreement; Elton retains the right to deny any future requests of this nature.
7. Use of excess stockpiled material must not commence until the landowner/applicant has been granted approval by execution of this Agreement by Elton.

Acknowledgment:

I/we agree to comply with the conditions outlined in this agreement by my/our signature(s) below:

Landowner: _____
(Signature)

Witness: _____
Print Name: _____

Applicant: _____
(Signature)

Witness: _____
Print Name: _____

APPROVAL:

Rural Municipality of Elton

Date:

Schedule "D"

Rural Municipality of Elton
Application for Tile Drainage

All applicants for tile drainage must complete this application along with a License/Registration to Construct Water Control Works from Manitoba Conservation and Water Stewardship.

Applicant Name: _____

Date of Application: _____

By completing and signing this application the applicant agrees to the terms of the Tile Drainage Policy and amendments.

1. Estimated Start Date of Project: _____
(RM requests 10 days' notice prior to start of the project)

Estimated Completion Date: _____

2. Describe the proposed control device to restrict or shut off the discharge of water into municipal or natural drain.

3. Will discharge of water from tile drainage be expected after November 1st? Yes ___ or No ___
(If yes, written authorization from the Elton is required to extend this date.)

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

5. Name of installer employed to do this project:

Terms of Compliance:

The Applicant, by way of execution of this Application for Tile Drainage, hereby agrees to comply with all conditions of the RM of Elton Drainage Policy as summarized below:

1. Timing of Application
2. Control Device requirement
3. No discharge past October 1
4. Written consent from adjacent property owners
5. Tile drainage at ¼ "24 hours coefficient
6. RM Approved Installer provision
7. No Municipal obligation to improve municipal drains
8. Erosion Control requirements
9. Work in Municipal drains
10. Tile drainage discharge locations
11. Development Agreement requirement

Applicants Signature _____ Dated this ___ day of _____, 20__

Submit this application with a copy of your Tile Drainage Plan and a copy of the Provincial Licensing and Registration Department Application for License/Registration to Construct Water Control Works.

Application Fee \$100.00