



# Rural Municipality of Victoria

## Policy, Procedures and Standards

<b>Reference:</b> Surface & Tile Drainage	<b>Classification:</b> Policy
<b>Subject:</b> Drainage	<b>Pages:</b> Six
<b>Authority:</b> Council	<b>Effective Date:</b> July 12 <sup>th</sup> , 2023
<b>Approved:</b> Resolution No: 148 / 2023	<b>Index:</b> Page 1 of 6

### PURPOSE

To ensure that any work conducted within the Municipal Right of Way for the purpose of a drainage improvement is:

- Designed and constructed to be safe for vehicular traffic;
- Constructed so as to not be of a nuisance for the municipality or adjacent / affected landowners; and,
- Conforms to provincial legislation and municipal bylaws.

### BACKGROUND

Periods of excessive snow melt or high rainfall have demonstrated how the cumulative effects of alterations to natural drainage patterns made by agricultural, residential and municipal development, have impacted where overland drainage water flows and the velocity that it moves across both private and public lands. Examples of alterations to drainage patterns include:

- Additional farmland drainage work which have altered the timing and volume of water flow following high rainfall or snow melting events;
- Installation by private parties, unapproved approach culverts that are insufficiently sized or unapproved approaches that have no culvert installed;

- The effect that issues such as soil drifting and the cultivation of road allowance back slopes are having with respect to their impact on the rate, timing and volume of drainage flow of drainage water,
- Construction of public and private structures that have altered drainage patterns including roads, road approaches, dwellings etc...

## **DEFINITION OF DRAINAGE WORKS**

Drainage Works means a natural or artificial channel or drain tile providing a means of flowing water away from a particular property on an intermittent or continuously basis.

Drainage Works also includes the construction of any dyke, dam, surface or subsurface drain, drainage, improved natural waterway, canal, tunnel, bridge, culvert, borehole or contrivance for carrying or conducting water that:

- (a) temporarily or permanently alters or may alter the flow or level of water, including but not limited to water in a water body, by any means, including drainage; or
- (b) changes or may change the location or direction of flow of water, including but not limited to water in a water body, by any means, including drainage.

## **APPLICATION**

All proposed works on, over, or along private property or a Municipal Right of Way, that provides for the draining of surface water away from a property, will require an application form to be completed and filed prior to being forwarded for Council's consideration. All aspects of the work is to be identified and included in the application form, along with all maps or surveys and must clearly illustrate the proposed drainage works in detail.

- A filing fee of \$150.00 is to accompany the application form.

## **FARMLAND DRAINAGE**

Alteration of farmland drainage that results in additional water flowing into the municipal road allowances will not be permitted without receiving a duly approved Permit to complete the proposed

work by the Council of the Rural Municipality of Victoria. The application may only be approved only after receiving formal approvals from Manitoba Conservation, Redboine or Assiniboine Water Shed District, and all landowners who are affected by the proposed drainage works.

The Rural Municipality of Victoria has established a process by which landowners can undertake drainage modifications to their property. In cases where the municipal road allowances will be utilized to carry water from the farmland, the landowner will be responsible for contacting Manitoba Conservation, the appropriate Water Shed District, and the affected landowners. The applicant will also be responsible for all costs associated with the improvements of the municipal road allowances, for installing as necessary correctly sized drainage culverts, and if necessary to construct works that will regulate the flow of water off the land to ensure that the drainage system is not overwhelmed and landowners flooded out as a result. Council has determined that facilitating the drainage of private land is not a public responsibility and as such any necessary modifications to the public road allowance will be at the landowner's sole expense.

Land Owner applications must be made to the Council of the Rural Municipality of Victoria. No farmland drainage or maintenance will be made to any drains without first receiving the Licensing of Field Surface Drainage from Manitoba Conservation. Copies of all surface and tile drainage licensing will accompany the application for Drainage Works.

Landowners making application for Drainage Works must submit detailed plans for drainage works requests before they are to be considered by Manitoba Conservation, the corresponding Water Shed District, and the Council of the Rural Municipality of Victoria.

## **PRIVATE**

### **FIELD APPROACHES**

Unauthorized field approaches located in the wrong location and with no or improperly sized culverts exacerbate overland flooding. The municipality will review culvert sizes and condition as well as the location of both approved and unapproved private field approaches beginning in areas that exhibited overland flooding. Should the municipality identify private approaches that have not been approved by the municipality, one of the following will occur:

- If the privately installed field approach is located in a practical location with a suitable culvert size and with acceptable invert elevations the previously unapproved approach will be accepted by the municipality;
- As the municipality typically approves only 1 field approach off of a municipal road, the municipality will critically evaluate the necessity of all second and subsequent approaches and may, following notice and consultation with the landowner, remove them at the landowner's expense;
- If a privately installed field approach is located within a practical location but does not contain either a culvert or a suitably sized culvert, the landowner will be required to have a suitably sized culvert installed. The Rural Municipality of Victoria requests that all landowners who require a field approach to contact the RM of Victoria at 204-526-2423 and make application to do so prior to any construction being performed. Information will be required to be provided on the approach location, culvert size and construction standards.

## **RIGHT OF WAY**

### **ENCROACHMENT**

Council has established a Right-of-Way procedure to enforce the rights of the municipality upon municipal roads and right-of-ways governing municipal lands under its control and management. Enactment of the provisions are in accordance with the agreement adopted under the Right-of-Way procedure.

## **PROCEDURE FOR**

### **DRAINAGE WORK APPROVAL**

The Landowner is required to make written application to the Council of the Rural Municipality of Victoria with respect to drainage improvement plans that involve the movement of water onto, through or along a municipal right of way.

The municipality will review the potential impact of the proposed drainage improvements and determine the extent of consultations and approvals that will be necessary as well as the stakeholders that will be impacted. The applicant is responsible for contacting the affected parties and obtaining all written consents and approvals from Manitoba Conservation, Redboine or

Assiniboine Water Shed District, and the Rural Municipality of Victoria and to also provide notification to adjacent landowners as necessary before any construction begins. The applicant will develop a detailed plan outlining where all works will be constructed, the extent of the works, including any estimates for construction and surveying that may be required. The detailed plan will be provided to the Rural Municipality of Victoria. The detailed plan will be attached to all permits issued.

The applicant must undertake to provide the following with respect to their drainage proposal:

- Contact affected landowners and all other parties that will or may be impacted by the drainage project, that the proposed drainage works will increase the rate, volume or the timing of the water release.
- The applicant will solely be responsible for notifying all affected parties. No project will be approved without written notification of consent of the affected landowners being provided.
- The Rural Municipality of Victoria will require the applicant contact Manitoba Conservation and the corresponding Water Shed District who will evaluate the proposal and determine whether a water act approval is required.
- No work will be allowed to begin on any drainage works until all required approvals have been received from Manitoba Conservation and the Water Shed District, and that these approvals have been forwarded to the Council Rural Municipality of Victoria.
- The affected party who will be accepting the drainage water must grant their permission in writing. Obtaining their permission and following their requirements is mandatory. No project will be approved without the written consent of the party accepting the water.
- The applicant will be responsible for all costs related to drainage improvements within the municipal right of way. Work approved by the Council Rural Municipality of Victoria will be supervised under the direction of Council.
- No person, persons, or public corporation shall undertake to construct or improve any Municipal or Provincial Drainage without first receiving written permission from all required government agencies.
- Material resulting from the physical excavation of soil from the approved drainage works site is to be spread over the adjacent landowners' field.
  - The spreading requirement may be waived under special qualifying circumstances, however must be approved by the Council of the Rural Municipality of Victoria, as detailed in the application filed for consideration to the municipality.

## **IDENTIFICATION OF UTILITIES**

Where work is proposed along the municipal Right-of-Way, the individual filing the application will also be responsible for identifying all hydro, telephone or any other utility facility which may be located along the municipal road allowance.

Any damages that may occur to public utility facilities by the applicant in the physical construction of the approved works will be the full responsibility of the applicant.

## **COST SHARING**

The Rural Municipality of Victoria may contribute culvert pipe at its cost should it be determined that the drainage project will benefit the Rural Municipality of Victoria infrastructure.

## **COUNCIL CONSIDERATION AND DECISION**

The Drainage Works application shall be either approved or denied by council.

## **PRIOR WORK**

Work conducted within private property or the municipal right of way prior to the adoption of this policy is not exempt from this policy.