



RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE

REFERENCE: Public Works	POLICY NO. PW – 06
TITLE: Surface Drainage Policy	PAGES: 7
ADOPTED BY: Resolution No. 2017-452	DATE: January 10, 2017

Statement and Purpose:

The RM of Portage is the drainage authority for all lands in its jurisdiction with the exception of natural waterways and Province of Manitoba designated drains. The purpose of this policy is to establish guidelines and conditions for the drainage projects on land in the Municipality. *Note: Tile Drainage is under a separate policy.*

Supporting Legislative Documents:

Municipal Act:

Duties re drains

294.1(3) A municipality must maintain every drain within its boundaries to a standard that is appropriate for the use to which the municipality expects the drain to be put.

Municipality's power to clear drains

294.1(4) A municipality may require a person who without written authority from the municipality obstructs a drain to remove the obstruction, and if the person fails to do so, the municipality may remove the obstruction and recover any expense it incurs from the person who caused the obstruction

- (a) by levying and collecting the amount of the expense as a tax; or
- (b) by any other means.

This policy is used in conjunction with the Private Works By-law (3011) and the Drainage By-law (no. 2874)

Definitions:

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

Drainage Manager is the Assistant Public Works Manager

Municipal Drainage is the drainage work in waterways that are deemed first or second order

(defined by provincial water rights) and municipal ditches.

Private Drainage is drainage work constructed, erected, installed or maintained by a non-government entity

RTK - Real Time Kinematic (RTK) satellite navigation is a technique used to enhance the precision of position data derived from satellite-based positioning systems (global navigation satellite systems, GNSS) such as GPS, GLONASS, Galileo, and BeiDou. It uses measurements of the phase of the signal's carrier wave, rather than the information content of the signal, and relies on a single reference station or interpolated virtual station to provide real-time corrections, providing up to centimetre-level accuracy. With reference to GPS in particular, the system is commonly referred to as Carrier-Phase Enhancement, or CPGPS. It has application in land survey and in hydrographic survey.

Policy:

Table of Jurisdiction:

<u>Construction and Maintenance of:</u>	<u>Jurisdiction:</u>
Municipal ditches and first and second order provincial drains	RM of Portage and Manitoba Water Stewardship
Manitoba Infrastructure provincial highway ditches	Manitoba Sustainable Development Drainage and Water Control Licensing Section However input from the RM is required.
Provincial drains and natural waterways (third order provincial drain)	Manitoba Water Resources and Manitoba Water Stewardship

1. The municipality expects all private drains to be licensed in compliance with Manitoba Government rules and regulations. The municipality may refuse drainage requests if the landowner is not in compliance.
2. Land owner requests for improvements to municipal, provincial or Highway drains should be made to the appropriate ward councilor or to the RM of Portage by completing the attached Drainage Application attached as schedule "A" and submitted a minimum of 6 months prior to the project start date. The license application must cover no less than 1 mile in length and have a minimum of 2 miles downstream landowner permission in writing.
3. All requests received will be reviewed by the Councilor of the Ward.
4. The Council of the RM of Portage establishes an annual municipal drainage works plan to be funded as part of the municipal budget. Additional municipal drainage projects may be added as time and budget allow. Private drainage works will not be performed nor funded by the municipality.
5. Non-compliance with the terms of the work approved may result in work cease order, revocation of permission and/or denial of future private drainage applications.
6. The Drainage Manager delegates and completes the surveying and licensing and provincial approvals as required for municipal drainage works. For private drainage

works, the applicant is responsible for the surveying, licensing and provincial approvals at their own cost.

7. Surveys for private drainage works must be performed by a qualified surveyor with drawings in the same format as provided in the example in appendix D. The plan must include prairie, ditch and road elevations.
8. Survey work prepared by the RM staff will not be released. However, special circumstances may exempt this restriction at the approval and direction of Council.
9. The applicant is responsible for culverts that need to be relocated, replaced or removed at the applicant's expense and in compliance with the culvert policy and the drainage license issued by the Province. Cost share or culvert work done by the municipality may occur as an exception in special circumstances and only at the approval of the Drainage Committee and Councilor for the applicable Ward.
10. The Drainage Manager in consultation with Council determines the timing and scope of municipal drainage work.
11. Council shall receive a monthly progress report on municipal drainage works.
12. The excess material excavated during construction shall be stored directly adjacent to the field side of 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.
13. The landowner may request use of the material for works done on private land. The landowner will be required to sign an excess stockpiled material agreement complying with conditions as per municipal policy, attached as Schedule "B".
14. The municipality attempts to mitigate erosion which may occur as a result of new drainage works.
15. Erosion control methods of field drain outlets into municipal drains are an important component of erosion mitigation. The Municipality and, where applicable, the Conservation District are available to provide expertise and assistance in this matter.
16. Requests for additional culverts or modified field approaches are addressed as per the Culverts and Crossings Policy.
17. Proof of completed private drainage work must be provided to the RM and will be deemed officially completed at the RM's review and satisfaction of submitted documents. Surveys for private drainage works completed will be performed by the RM.
18. No other private drainage works will be approved until prior applications are deemed completed in satisfactory manner by the RM.
19. The applicant is responsible to maintain the licensed municipal ditch at the applicants cost for a period of 5 years and may be extended at Council's discretion.



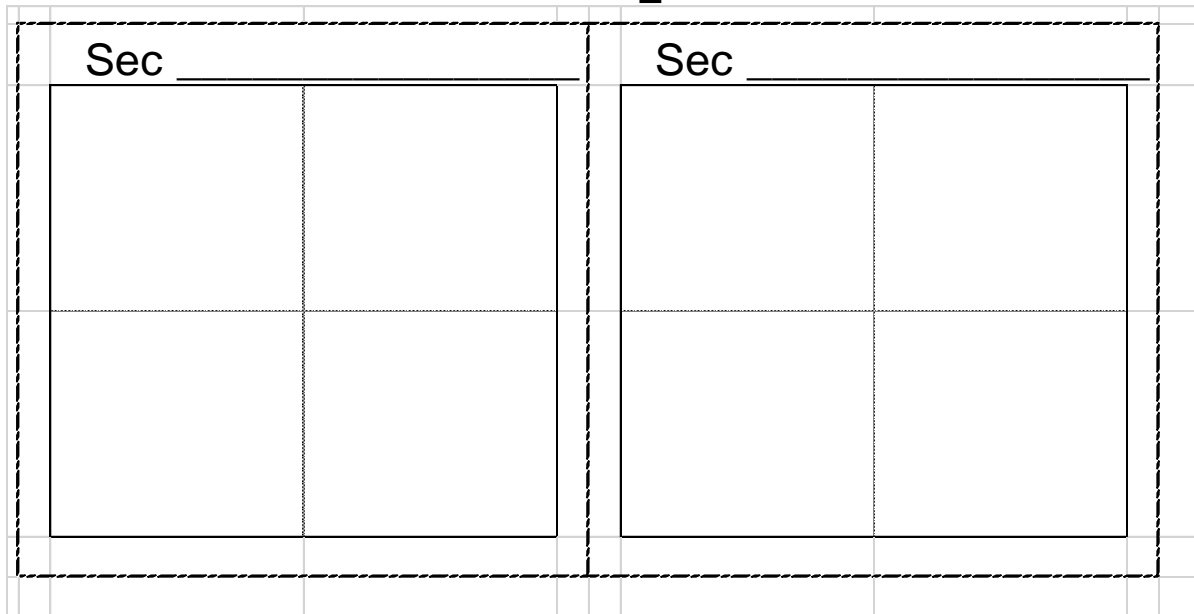
R.M. of Portage la Prairie DRAINAGE WORKS REQUEST FORM

Date _____ Name _____ Ph _____

Land Description _____

Drainage Work Requested (minimum of 1 mile is required) _____

NORTH ↑



Committee Comments _____

Wood/River Lot # _____

Applicant Signature _____ Council _____

Submit your completed application to the Councilor for your Ward



RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE

Application for Excess Stockpiled Material Agreement

The Rural Municipality of Portage la Prairie 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 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 at the applicant's expense. 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 Rural Municipality of Portage.

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)

APPROVAL:

Nettie Neudorf, Chief Administrative Officer



RURAL MUNICIPALITY OF Portage la Prairie
Application for Private Drainage Works

The Rural Municipality of Portage 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: _____

Planned Start date: _____

CONDITIONS

1. The Rural Municipality of Portage will acquire the necessary drainage license from Manitoba Water Stewardship. A copy of this license shall be forwarded to you when you provide our office 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. 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 with cut/fill.
 - b. The applicant shall comply with all requirements provided in the scope of work.
 - c. 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;
 - d. The proposed drainage work cannot be lower than the downstream outlet and should not accommodate the drainage of low lying areas of private land.
3. The Municipality will request all utility locates but the applicant and/or the landowner shall be responsible for all utility re-location and protection, including MTS, Manitoba Hydro and Portage Waterline Distribution System, and shall be liable for damage caused to utilities located at this site;
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 is responsible for the surveying, licensing and provincial approvals at their own cost.
6. Surveys for private drainage works must be performed by a qualified surveyor with drawings in the same format as provided in the example in appendix D. The plan must include prairie, ditch and road elevations.
7. The applicant is responsible for culverts that need to be relocated, replaced or removed at the applicant's expense and in compliance with the culvert policy and the drainage license issued by the Province. The applicant and/or landowner must purchase culverts from the RM of Portage. Installation and replacements must comply with the RM of Portage by-laws and policies.
8. Work must be carried out with the use of laser or RTK.
9. 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.
10. Any excess excavated material shall be disposed of or leveled to an acceptable condition;

11. 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.
12. The applicant and/or the landowner, shall contact the RM of Portage a minimum of 48 hours in advance of the work being undertaken;
13. 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;
14. The Rural Municipality of Portage requires that all downstream landowners of a minimum of 2 miles and any other landowners that may be affected by the drainage works must be contacted and in agreement with the permitted work.
15. Proof of completed private drainage work must be provided to the RM and will be deemed officially completed at the RM's review and satisfaction of submitted documents. Surveys for private drainage works completed will be performed by the RM.
16. No other private drainage works will be approved until prior applications are deemed completed in satisfactory manner by the RM.
17. The applicant is responsible to maintain the licensed municipal ditch at the applicants cost for a period of 5 years and may be extended at Council's discretion. 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 the requirements.
18. If remedial works are required to be done by the RM of Portage to rectify a drain that does not comply with the Manitoba Water Stewardship License and the Drainage Plan of the RM of Portage as approved, the costs of such works will be the responsibility of the landowner.
19. The Municipality must receive written agreement of the proposed work from the following landowners downstream (by a minimum of 2 miles) 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 Portage.

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 - Approved by Council Resolution No. _____
_____ Nettie Neudorf, CPA, CGA, CMMA CAO

Appendix D

