



**RURAL MUNICIPALITY OF ROSEDALE**

**BY-LAW NO. 6-2019**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ROSEDALE TO REGULATE THE REQUIREMENT OF RATEPAYERS INSTALLING TILE DRAINAGE ON AGRICULTURAL LAND.**

**WHEREAS** Council supports the practice of drain tiling agricultural parcels to improve crop yield and water runoff quality;

**AND WHEREAS** it is deemed advisable and in the best interest of the Rural Municipality of Rosedale to also establish a **POLICY** to guide the installation of drain tile on agricultural parcels as described in Schedule "A" of this by-law;

**NOW THEREFORE BE IT RESOLVED** the Reeve and Councillors assembled in Council, enact as follows:

1. **THAT** prior to any construction, the individual proposing to install drain tile must send written notice to the Rural Municipality of Rosedale office. The notice will detail that proposed project including drain outlets into municipal ditches or provincial drains.
2. **THAT** any repairs required to repair damage to municipal property resulting from the installation of the drain tile shall be the responsibility of the landowner.
3. **THAT** the Rural Municipality of Rosedale will not deepen or alter any ditched for the sole purpose of installing drain tile.
4. **THAT** any pipe crossing a municipal road allowance will be approved as agreed upon.
5. **THAT** the applicant applies for and obtains all necessary approvals from Neepawa & Area Planning, Sustainable Development and Watershed District(s) in addition to all provincial or federal permits required for the proposed project.
6. **THAT** By-Law 2-2016 be repealed as the date on which this By-law comes into effect.

**DONE AND PASSED** in Council assembled at the Municipal Office, Neepawa, Manitoba this 14<sup>th</sup> day of June , 2019.

  
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**REEVE**

  
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**CAO**

Read a first time this 10<sup>th</sup> day of May, 2019

Read a second time this 10<sup>th</sup> day of May, 2019

Read a third time this 14<sup>th</sup> day of June, 2019

FOR: 

AGAINST: 0

**RURAL MUNICIPALITY OF ROSEDALE**  
**SCHEDULE “A”**  
**TILE DRAINAGE POLICY AND PROCEDURE MANUAL**  
**REVISED: May, 2019**

**PURPOSE:**

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

- Constructed so as to not negatively impact the municipality or adjacent/affected landowners; and
- Conforms to provincial legislation and municipal by-laws

**MUNICIPAL CONCERNS:**

Municipal infrastructure impacts: soften road, cattail and vegetation growth, can't mow, maintain or do construction work as too soft, cattails and willow growth trap snow leading to problems.

Allowing private infrastructure in municipal right of way limits future municipal options;

Water Quality: nutrients and salts impact/contaminate on water quality; (wells & waterways)

Reduced water storage, faster runoff;

Cumulative impacts of drainage downstream

The RM of Rosedale has requirements under its Planning Act that address tile drainage as a development improvement. Council approval for tile drainage works is required.

**PROCEDURE:**

**Duties of the Owner:**

Establish a written proposal and drawing of the proposed drainage works identifying:  
Proposed drainage flows;

Site dimensions and proposed installation dimensions;

Proposed value of the works;

Please note that works that are within 125 feet (when adjacent to a municipal road) of the property line variation are subject to a variance request, which requires Council approval;

Discuss proposed works with their Council representative in advance of submissions to identify any known challenges or concerns. Council as a whole must approve the works by resolution of Council.

Be responsible for obtaining, where applicable, from the appropriate authorities, permits or licenses required in connection with the proposed works.

Be responsible for notifying and obtaining written permission from affected land owners who will be accepting the drainage.

Submit written proposal and drawing together with drainage application and applicable fees to Manitoba Water Stewardship for review and consideration.

Submit written proposal and drawings and make application with applicable fees to the Neepawa and District Planning Board as per requirement of the RM of Rosedale zoning by-law.

Be responsible for filing the drainage with the Neepawa Land Titles office as a caveat.

**Conclusion:**

A drainage license for the works must be received together with written approval from the planning department prior to installation of tile drainage. Work will be completed in accordance with the written approvals.

**Council Role:**

1. Where possible, Council members may review the proposed drainage works with the owner to identify any known challenges or concerns or opportunities related to integration of the proposed works with larger municipal plans as/where possible;
2. Council of the whole may make resolution to accept, reject a proposal or make decision to vary proposed works. Decisions will consider:
  - o Impact on downstream land owners;
  - o Responses of affected land owners who may be directly or indirectly affected by the works;
  - o Impact on municipal ditches and roads;
  - o Impact on future maintenance on municipal ditches and roads;
  - o Recommendations of the Neepawa and District Planning Department;
  - o Recommendations of the Manitoba Water Stewardship.
3. Council will render their decision by resolution of council to the Neepawa and District Planning Board together with the Manitoba Water Stewardship.

**Process:**

1. The Owner will make application to Manitoba Water Stewardship with applicable fee;
2. The Owner must obtain written approval from all affected landowners and all parties that will or maybe impacted by the drainage project.
3. An onsite meeting must be coordinated by Manitoba Water Stewardship with affected land owners and Council representative.
4. The owner will advise Council in writing of their intended project.
5. The Owner will make application to the Neepawa and District Planning Board with applicable fee;
6. Upon receipt of documents from Manitoba Water Stewardship and Neepawa District Planning Board, Council shall review the proposed work and render council decision to accept, reject and/or make recommendation to vary the proposed work.
7. Council shall communicate its decision to the Neepawa and District Planning Board and the Manitoba Water Stewardship who in turn shall advise the owner of the decision.

**NON COMPLIANCE:**

Failure to comply may result in fines and required removal of works as per Municipality's direction. All fines and removal costs are at the owner's expense. Unpaid expenses will be added to the owner's tax account at council's discretion.

## **OWNER'S TILE DRAINAGE CHECK LIST**

Prepare brief written proposal of tile drainage project which includes;

- Owner name, address, phone number and where available email address
- Site Map of location
- Legal description
- Identification of drainage impact on surrounding property including downstream owners and municipal property
- Dimensions of proposed works
- Estimated cost of proposed works
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Prepare a drawing of location together with work dimensions and drainage flows;

Submit a copy of the written proposal together with site maps and drawings and applicable fees to:

1. Water Control Works and Drainage Licensing to:

Box 20000,  
123 Main Street, Neepawa, MB R0J 1H0  
Phone 204-841-3862 Fax 204-476-7539  
Email [Barb.Kingdon@gov.mb.ca](mailto:Barb.Kingdon@gov.mb.ca)  
Website [www.manitoba.ca/drainage](http://www.manitoba.ca/drainage)

2. Neepawa and Area Planning District Office

275 Hamilton Street, Neepawa, MB R0J 1H0  
Phone 204-476-3277 Fax to 204-476-7624  
Email [napd@mts.net](mailto:napd@mts.net)

3. RM of Rosedale

Box 100, Neepawa, Manitoba R0J 1H0  
Phone: 204-476-5414  
Email: [rosedale@mts.net](mailto:rosedale@mts.net)

## **POLICY:**

1. All construction work and use of private works on, over, along or under Municipal Right of Ways require an application form to be filled out prior to construction commencing. All aspects of the work must be included in the application such as size, location, depth, dimensions, capacity, impacts on neighboring lands, etc.
2. The municipality must review and approve all drain tile projects in the municipality prior to the work being started.
3. Any work performed in the RM of Right of way must be approved by the RM prior to the work commencing.
4. RM will not allow any water in the ditches; the water is to be piped to the nearest waterway. Where possible, the drain tile outlets shall be released into a natural drain.
5. 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. Test will be done by the RM or an independent consultant at the applicants/owner's expense.
6. Vegetation must surround all drainage outlets for erosion control. If no vegetation exists, the area must be seeded with grass prior to completion. Additional erosion controls may be required such as Rock, Rip-Rap, Geo-textile/or and other methods as directed.



7. All above ground objects/facilities (valves, pedestals, flush outs, outlets, etc) are to be marked appropriately and the as-built location is to be provided to RM. Above ground objects are to be located away from ditch bottoms and on the opposite embankment of the roadway where possible to avoid any disturbances with future road/ditch work.
8. Lines/pipes are to be installed away from the ditch bottom and on the opposite embankment of the road way where possible to avoid any disturbances with future road/ditch work. Provide the RM of a map as to where the pipes are.
9. Drain Tile main lines must be installed either on private property or not more than 5' off of property on the municipal right of way. Main lines are not permitted in ditch bottoms.
10. Under special circumstances and with the prior consent of the municipality, a main line may be installed in a ditch bottom.
11. Facilities are to be installed to ensure the top of the line is a minimum of 1.5 meters below any existing ditch bottom and a minimum of 2 meters below any road surface. Under special circumstances, consideration may be given to reduce these minimum depths as mutually agreed upon between the Municipality and the Owner/Installer of the facility.
12. A minimum distance of 0.5 meter shall be maintained between any existing water lines and any new pipelines. The Municipality will provide utility locates for municipal owned utilities, and it is the owner/installers responsibility to ensure minimum separation distances are adhered to.
13. Where drainage pipes (culverts) or drain tile within the municipal road allowance and or roads need to be temporarily removed during construction, or relocated, such work shall be done in consultation with The Municipality, to the specifications of The Municipality with the owner/installer of the pipeline being responsible for all costs related to such works.
14. Ditch excavations require a minimum of 4:1 slope. Any variations from 4:1 need to be approved by in writing by The Municipality prior to commencing excavation.
15. The Installer/Contractor/Landowner is responsible to make suitable arrangements for handling the excess dirt material removed as part of a ditch excavation project. In situations where dirt excavation is required directly adjacent to a neighboring property, the neighboring property owner is to be given first option to receive the excavated material.
16. Surfaces that are in any way disturbed during construction shall be restored to the condition they were in prior to construction. Any such restoration work shall be warranted by the Owner/Installer of the line for a period of 12 months from the date of such restoration work. If the Municipality determines that repairs are necessary within the warranty period, the Municipality shall give notice of such repairs and the repairs are to be made within 3 working days of giving of the notice.
17. All ditch excavations or other work which removes vegetation must be restored and seeded with grass to restore it back to its pre-construction condition.
18. Right of Way elevations are to be restored back to pre-construction levels.
19. In situations where a ditch requires excavation as part of a project and the construction of the ditch requires an approach to be built to an affected property, the construction of the access (with an appropriately sized culvert) is the responsibility of the project applicant.
20. New approaches or culvert installs in existing approaches must be approved by The Municipality.

21. Costs associated with culvert installations/adjustments required as part of a drainage project are the responsibility of the applicant.
22. Facilities crossing a municipal road shall be installed by jacking or boring, unless otherwise agreed to by the Municipality. In cases where open trenching is permitted, the following standards must be adhered to for backfilling:
  - Trenches to be v-cut in accordance with MB Workplace Safety & Health regulations.
  - Entire trench to be backfilled with A base material
  - Backfill to be mechanically tamped in 6 inch layers
23. All road crossings are to be warranted for a period of 2 years.

**Liability/Damage**

The Municipality is not liable for any damage caused to the private works or to any accessory or related property located in the Municipality Right of Way and for any consequential damage arising from any work carried. The applicant will be liable for damages.

The R. M. reserves the right to require a development agreement and register a caveat on affected owner(s) property title.

It is understood and agreed that such agreement shall run with the land and that a Caveat with a copy of this agreement attached thereto shall be filed in the Neepawa Land Title office against the land by The Owners who shall provide a copy of the title with the caveat to the Rural Municipality of Rosedale within 30 days of filing. This agreement shall run with the land and bind The Owner, their heirs, executors, administrators, successors, and assigns.

That The Owner/Applicant agrees to pay all costs, of this development agreement and all other matters related hereto.

The Municipality. reserves the right cap off or shut down the drainage outlet anytime if problems arise.

Council has the right to revise this policy at any time.