



2 King St. E., P. O. Box 70, St.-Charles, ON P0M 2W0

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## MUNICIPAL DRAIN MAINTENANCE POLICY

### Policy Record

<b>Policy No.:</b> SER-001	<b>Effective Date:</b> March 16, 2022
<b>Replaces:</b> N/A	<b>Last Review Date:</b> March 16, 2022
<b>Approval:</b> Res. 2022-61	<b>Next Review Date:</b> March 2027
<b>Reference:</b> <i>Drainage Act</i> , R.S.O. c. D.17	

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### Purpose

The Municipal Drain Maintenance Policy, in accordance with the Ontario *Drainage Act*, is to oversee the construction and maintenance of all municipal drains throughout the municipality. A municipal drain is a system of channels and water courses which can legally move water across private lands, off of agricultural land or removes excess water that collects on properties. Most municipal drains are either open ditches or closed tile systems in the ground. Structures that are considered part of municipal drains are grassed waterways, storm water retention ponds, culverts and bridges.

Certain creeks and small rivers are also considered to be municipal drains. Municipal drains are created under the authority of the *Drainage Act*. Maintenance on municipal drains is the most common procedure that occurs within the *Drainage Act* guidelines. This work generally includes clearing of the drain, such as removal of beavers / dams, trees, repairing / replacing tile, silting and cleaning out. Under Section 74 of the *Drainage Act*, municipalities are responsible to maintain municipal drainage systems within their jurisdiction.

Drain maintenance within the jurisdiction of the Municipality of St.-Charles is considered upon request of the Public Works Department, the Drainage Superintendent or a landowner within the watershed.

The Municipality of St.-Charles' Drainage Superintendent is responsible to inspect every drainage works for which the Municipality is responsible and report periodically to Council on the condition of those drainage works. Reports will be generated by the Drainage Superintendent as needed in order to fulfill their requirements under the *Act*. Maintenance will be limited to areas where a request for maintenance have been received.

The Municipal Drain Maintenance Policy has been created in order to better serve the public by way of keeping landowners informed of upcoming drain inspections and possible maintenance, involved by providing the opportunity for input and comment and to be aware of their responsibilities as they relate to drainage maintenance and of the costs associated with drain maintenance by offering policy, guidelines, and options for payment of assessments.

This Policy is to be distributed to all new landowners serviced by a municipal drain who may inquire with the Municipality about drainage at the time of property purchase.

### **Beaver and Beaver Dam Routine Maintenance**

- Request for beaver control and dam removal maintenance will be received by the Clerk or Director of Operations, in writing the Request for Drain Maintenance (form attached as Schedule "A") and forwarded to the Drainage Superintendent.
- Public Works will assess if maintenance can be completed by municipal staff under the direction of the Drainage Superintendent. If deemed not feasible by the Director of Operations or the Drainage Superintendent, the maintenance will follow the process for initiating and completing maintenance on a municipal drain per the section below.
- Where applicable, after notifying the Drainage Superintendent, the Director of Operations will retain a licensed trapper to perform beaver control and / or schedule removal of beaver dam.
- Cost for beaver control including trapping and cost of dam break-up / removal will be absorbed by the Municipality to a maximum of \$1 per linear meter per municipal drain (branch) in a calendar year with a minimum limit of \$250.00 and to a maximum \$1,000.00 per year per drain branch or to a \$1,500.00 limit over five (5) consecutive years. Costs will account for Municipal staff labour and equipment billed at the current MTO rate and only accumulate once the work crews reach the work location (roadside). The Municipality reserves the right to suspend the above maintenance allocation at any time where the maintenance is deemed to be insufficient to rectify the ongoing problems and recommend full or partial drain maintenance to the Drainage Superintendent. Municipal staff will monitor the ongoing cost to the Municipality and determine if the allocation is feasible and fair.

## **Procedure for Maintenance**

The following is the process for initiating and completing maintenance on a municipal drain:

- The Municipality of St.-Charles's staff responsible for drainage receives in writing the Request for Drain Maintenance (form attached as Schedule "A") or the drain maintenance inspection schedule is being observed.  
*Note: Prior to signing the Request for Drain Maintenance form, a landowner may call the Municipal Office regarding a maintenance concern and request an on-site meeting with the Drainage Superintendent. If this meeting confirms the need for a maintenance project, the landowner will submit a Request for Drain Maintenance form.*
- The Drainage Superintendent will inspect the municipal drain as needed. The Drainage Superintendent may contact landowners in the vicinity of the landowner who submitted the Request to evaluate drain condition and determine required maintenance.
- The Drainage Superintendent will prepare a report for Council which will include drain inspection findings and recommendations for maintenance with consideration given to the concerns received from landowners and a high-level estimate of the cost for the work. The Drainage Superintendent's report will also outline necessary steps under the *Drainage Act* to update the assessment schedule due to severances or property boundary changes which may have occurred since the governing drain report was filed.
- Committee / Council will review the Drainage Superintendent's report and decide how to proceed with the drain maintenance project and Municipal staff will instruct the Drainage Superintendent regarding applicable procurement policies.
- Under the direction of the Municipality, the Drainage Superintendent will prepare the necessary quote / tender documentation to obtain contractor pricing for the maintenance project as soon as practically possible.
- Upon receipt of contractor pricing, the Drainage Superintendent will prepare a schedule of estimated assessments and Municipal staff will prepare a report to Committee / Council to award the Municipal Drain Maintenance Project.  
*Note: Prior to bringing a report to Committee / Council and subject to the magnitude of estimated assessments, the Drainage Superintendent and Municipal staff may decide to send notice of the maintenance project and estimated assessments to affected landowners.*
- Maintenance of the drain will be completed as recommended and awarded by Council
- The cost of maintenance will be assessed to "all the upstream lands and roads" in the watershed in accordance with Section 74 of the *Drainage Act* in the year following completion of maintenance.

### **Funding / Invoicing**

The Municipality will obtain agricultural grants and bill the remainder as per the current By-Law and engineer's report for the said municipal drain.

Drain Maintenance Billing Procedures: As Per Section 61 of the *Drainage Act*, Council is to prescribe the terms and conditions for the payment of drainage assessments.

They are as follows:

1. Net Assessment under \$10.00 are to be paid from general funds.
2. Net Assessments under \$500.00 will be invoiced and are due thirty (30) days from date of billing.
3. Net Assessments over \$500.00 will be invoiced and the following payment plans may be negotiated within thirty (30) days of invoice billing:
  - \$500.00 to \$1,000.00 - max. 1 year
  - \$1,001.00 to \$2,500.00 - max. 2 years
  - \$2,501.00 to \$5,000.00 - max. 3 years
  - \$5,001.00 and above - 5 years

If a property owner fails to make payment within thirty (30) days, decides not to participate in the payment plan, or defaults on the payment plan then the assessment will be added to the tax roll.

### **General Information**

The municipal website will post the following municipal drain information:

- Municipal Drain Maintenance Policy,
- Current Municipal Drain Inspection Reports and a map of all Municipal Drains in the municipality, (available upon request at the Municipal office).
- Annual schedule of drain inspections,
- Current Notification letters and
- Landowners Comments Return Form.

### **Attachments**

- Request for Drain Maintenance
- Municipal Drain Inspection Notice.
- Landowners Comments Return Form.
- Municipal Drain Maintenance Assessment Invoice.

## Policy Review

The Municipality of St.-Charles will review this Policy within five (5) years of the date of the last review.

Dated at St.-Charles, Ontario, this 16<sup>th</sup> day of March, 2022.

X 

Paul Schoppmann  
Mayor

X 

Tammy Godden  
Clerk

# Municipal Drain Maintenance Request

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Date: \_\_\_\_\_

Name of Municipal Drain: \_\_\_\_\_

Nature of Maintenance Request/Description of concern:

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Property Information (Roll#, Con, Lot)	Owner's Name	Signature	Phone# & Email address if available

Signature of Municipal Clerk: \_\_\_\_\_

Date: \_\_\_\_\_

Original: Files in appropriate Drain Binder  
Copies To: K. Smart, Director of Operation & Clerk

## Municipal Drain Inspection Notice

Date: \_\_\_\_\_

According to the provisions of the *Drainage Act*, R.S.O. 1990, c. D.17, all Municipalities are responsible for the maintenance and repair of drainage works constructed under a by-law passed under this Act, and are required to:

1. Inspect every Municipal Drain periodically.
2. Maintain in good repair according to the last revised Engineer's Report every Municipal Drain, if said drain so requires. The \_\_\_\_\_ Municipal Drain will be inspected \_\_\_\_\_ and if found to be in an unsatisfactory condition to provide drainage in accordance with the last revised Engineer's Report and therefore requires cleaning and repairing to again be useful as a drainage works, maintenance may be undertaken during \_\_\_\_\_, and may stretch through to the new year depending on the weather.

Tile drain outlets, survey stakes, gas lines, utility lines, buried telephone or electrical cables, tree or fruit plantations or any property which could be damaged, should be clearly marked by you, so that the machine operator is aware of these obstructions, since the Municipality shall not be responsible for damages unless marked.

Generally, maintenance work will consist of brushing, bottom cleaning, and levelling of soil. Upon completion of the cleaning and repairing of the drain, you will be notified of your share of the cost, net of any grants. (See: Drain Maintenance Policy - Drain Maintenance Billing Procedures).

If you are contemplating transferring / selling your property, prior to the payment of your costs of the maintenance of this drain, it is highly recommended that you advise the new owner and his solicitor of the impending drainage levy, in order to avoid any misunderstanding to the Agreement of Sale.

Should you have any questions, concerns or comments regarding this upcoming drain inspection please complete and return the attached Landowners Comments Return Form within 30 days of this mailing, otherwise, the Municipality will assume that you have no concerns over the inspection and maintenance of the aforementioned drain.

**Landowner Comment Return Form**

***PLEASE PRINT***

Date: \_\_\_\_\_

Municipal Drain: \_\_\_\_\_

Property Owner(s) Name(s):  
\_\_\_\_\_

Contact Person (if different from above):  
\_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

Roll Number: \_\_\_\_\_

Lot: \_\_\_\_\_

Concession: \_\_\_\_\_

Please write your questions or concerns below (and on reverse if necessary) and return to the above address within thirty (30) days of the date of the Municipal Drain Inspection Notice.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Municipal Drain Maintenance Assessment Invoice**

Bill To: \_\_\_\_\_

Roll Number: \_\_\_\_\_

Date: \_\_\_\_\_

**Comments or Special Instructions:**

As per the Municipal Drain Maintenance Policy, (available at the Municipal office or on the Municipal website @ [www.stcharlesontario.ca](http://www.stcharlesontario.ca) ) amounts which are less than \$500.00 are due within thirty (30) days of the invoice date. For assessments greater than \$500.00 alternative provisions for payment can be made with the Municipality by contacting the Municipal Treasurer at 705 867-2032, (see Municipal Drain Policy – Drain Maintenance billing Procedures). Failure to make payment or arrange a payment plan, or default on a payment plan will result in the assessment being added to the property tax bill.

**DESCRIPTION** **AMOUNT**

(Name) Drain Maintenance,

**\$ TOTAL DUE \$**

Make cheque or money order payable to Municipality of St.-Charles.