

Council Policy No.:	C-114 EPW-007 <u>TBD</u>
Council Policy Name:	Agricultural <u>Tile</u> Drains <u>Discharge</u> to Roadside Ditches Policy
Date Approved by Council:	October 28, 2003 CR2003-1003
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

The City of Kawartha Lakes is generally concerned with drainage matters, particularly with respect to liability and the assessment of costs for construction and long-term maintenance. This policy deals with the use of roadside ditches as a means for providing outlets for private agricultural drains and ditches.

The Drainage Act provides the necessary procedures for obtaining the required drainage systems and for assessing construction and long-term maintenance costs. Details and the Drainage Act are not discussed in this policy and may be obtained by contacting the Drainage Superintendent.

Scope:

The City encourages the use of the Drainage Act as the preferred means for obtaining a suitable outlet for most drainage systems required within the City.

Definitions:

In reading and interpreting the Agricultural Tile Drain Discharge to Roadside Ditches policy, the following definitions apply:

- a) "City", "City of Kawartha Lakes" or "Kawartha Lakes" -means The Corporation of the City of Kawartha Lakes and its entire geographic area.

Policy, Procedure and Implementation:

1.0 Special Considerations

Listed below are special conditions that roadside drain or ditch may be used for agricultural purposes.

- 1.1. If the roadside ditch is currently a component of an existing Municipal Drain as defined by the Drainage Act, then it may be used as an outlet for an agricultural tile drain or ditch.
- 1.2. There is an existing Registered Agreement in place allowing for the discharge of agricultural drains or ditches to the roadside ditch.
- 1.3. A new Registered Agreement is created which allows for the discharge of agricultural drains or ditches to the roadside ditch. The creation of new agreements will generally be limited to minor drainage works.

2.0 Details

- 2.1. Before any work is done for an outlet or crossing on City property, there shall be a Registered Agreement in place between the parties involved as provided for under the Drainage Act, Section 2 (Mutual Agreement Drains). [The Director of Engineering and Corporate Assets will be authorized to enters into Mutual Agreements with parties to allow outleting of drainage to roadside ditches.](#)
- 2.2. There shall be no outlets or crossings allowed on City property until an adequate outlet has been provided. The adequacy of the outlet must be determined by a professional engineer or by the City's Drainage Superintendent, at the owner's expense.
- 2.3. It shall be the owner's responsibility to obtain all utility (Bell, cables, pipelines etc.) location and approvals.
- 2.4. The parties to an agreement will assume their shared liabilities as described in the terms of the Registered Agreement including, liability as it might relate to the adequacy of the outlet or damage to persons, or property, including all land owners party to the agreement or to any other upstream or downstream land owners, resulting during the construction and/or operation of drains discharging to a roadside ditch or crossing of City property.
- 2.5. The owner(s) involved shall be responsible for drawing the agreement acceptable to Municipal Council. The owner(s) requesting the agreement shall be responsible for all costs including preparation and registering the agreement.
- 2.6. Where the tile drain crosses a road and continues through the lower owner, the crossing method, material and flow capacity must meet Ministry of Transportation standards or approved equivalent. The lower owner(s) must be a party to the agreement.

- 2.7. Where the tile drain crosses the road to an outlet~~s~~ on the downstream road ditch, the crossing method, material and flow capacity must meet Ministry of Transportation standards or approved equivalent. The outlet must be marked and equipped with a hinged rodent grate.
- 2.8. Where a satisfactory outlet exists in the road ditch adjacent to the ~~owners~~owner's property line, the material used must meet Ministry of Transportation standards or approved equivalent. The outlet must be marked and equipped with a hinged rodent grate.
- 2.9. In the above cases, the owner is responsible for their share of the material and installation costs. Procedures for installation are to be arranged between the owner(s) and the City. The Director of ~~Public Works~~ Engineering and Corporate Assets (or his delegate) must be present before any construction work begins.
- 2.10. Any works done across a road must include restoration of the road to its original condition or better, and to the satisfaction of the Director of ~~Public Works~~ Engineering and Corporate Assets (or his delegate). The owner is responsible for their share of the works constructed.
- 2.11. The roadside ditch must be restored to its original quality or better and to the satisfaction of the Director of ~~Public Works~~ Engineering and Corporate Assets (or his delegate) and at the owner expense.
- 2.12. Maintenance of the private drain or ditch is the responsibility of the landowner, and maintenance of the roadside ditch will be as defined in the terms of the Registered Agreement.

Revision History:

Proposed Date of Review:

Revision	Date	Description of Changes	Requested By
1	October 28, 2003	Initial Release	