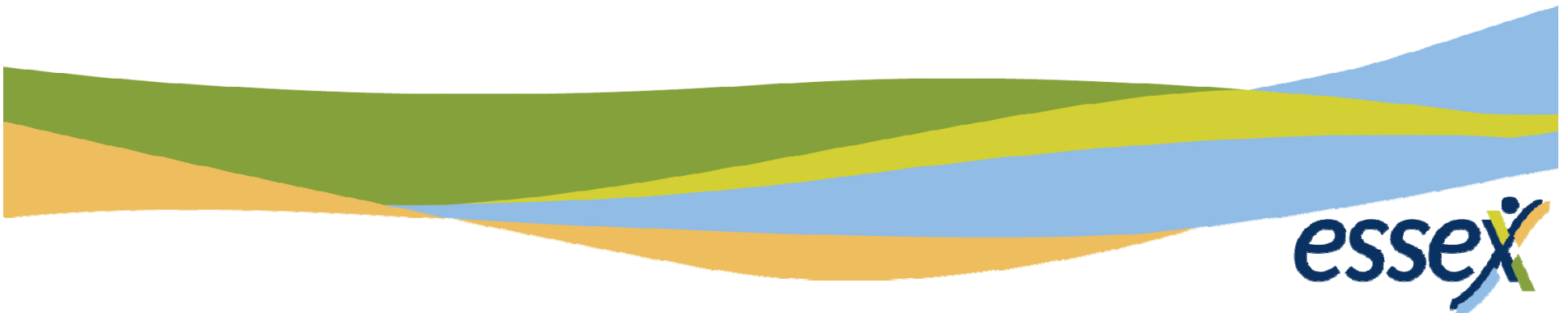
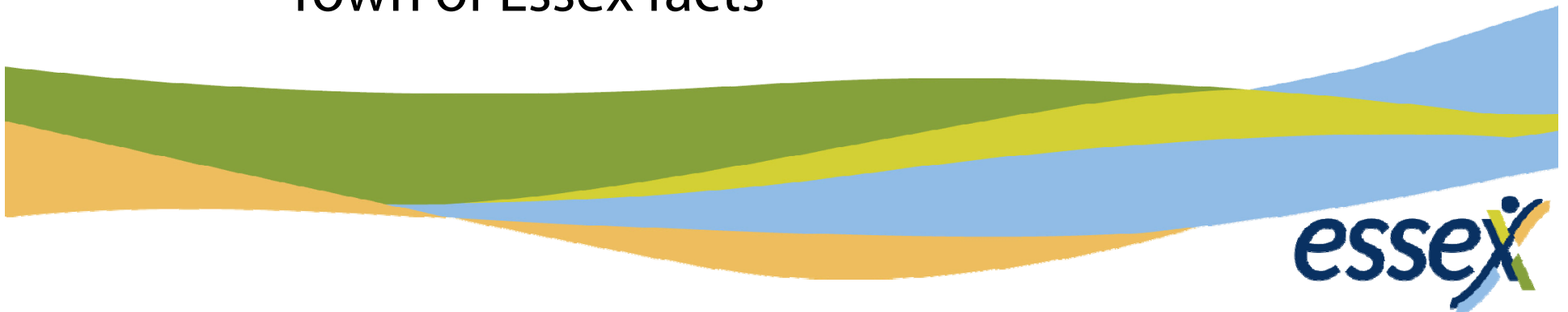


Municipal Drains



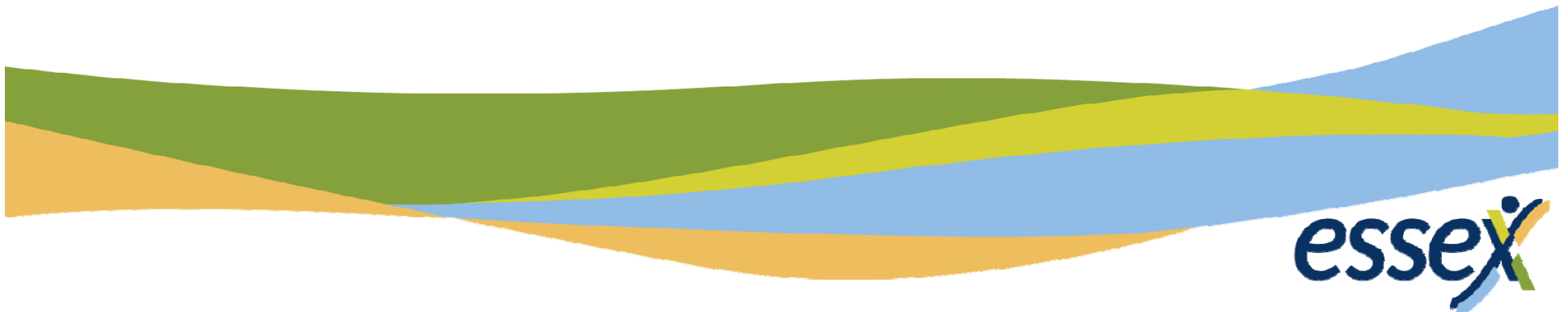
Overview

- What is a Municipal Drain
- Petition Drains
- Council Responsibilities/Drainage Committee
- Maintenance and the Drainage Act
- Drainage Superintendent
- Billing & Grants
- Town of Essex facts



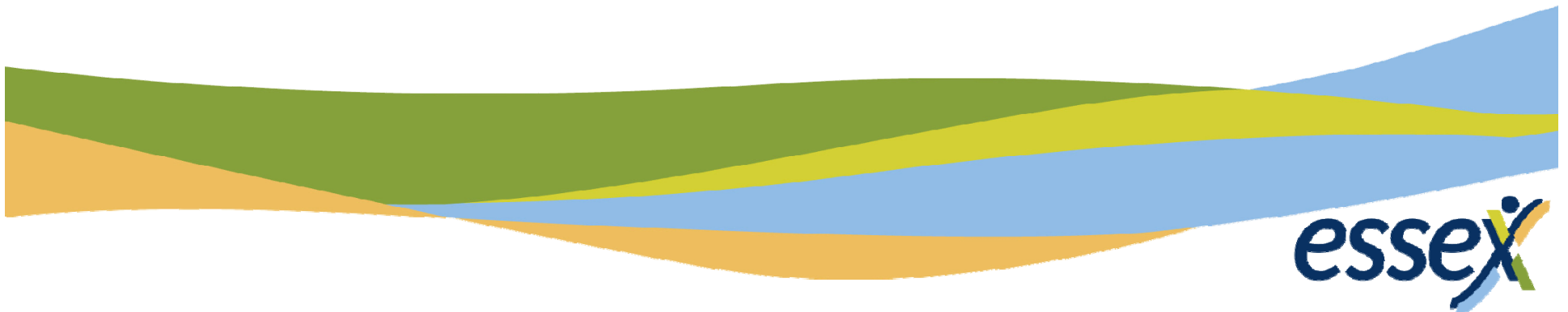
What is a Municipal Drain?

- Community Project: Developed through a public process
- Legal Existence: Adopted by by-law
- Municipal Infrastructure: Local municipality is responsible to manage and maintain



Petition Drains (aka Municipal Drains)

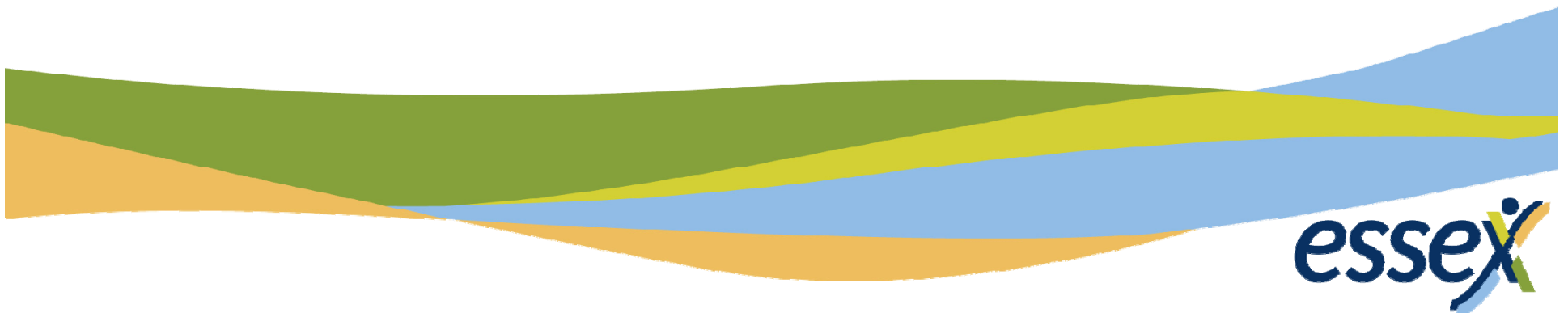
- All new drains must be initiated by petition
- Petition is legal document
- Petitioners become financially responsible as soon as the petition is signed and submitted
- Inside the watershed is an internal “area requiring drainage” (ARD)



Petition Drains

(Aka Municipal Drains) continued...

- To be a valid petition, it must meet one of the following criteria: Signed by:
 - The majority of owners in the ARD
 - The owners that represent at least 60% of the ARD
 - The road authority, where the road needs drainage



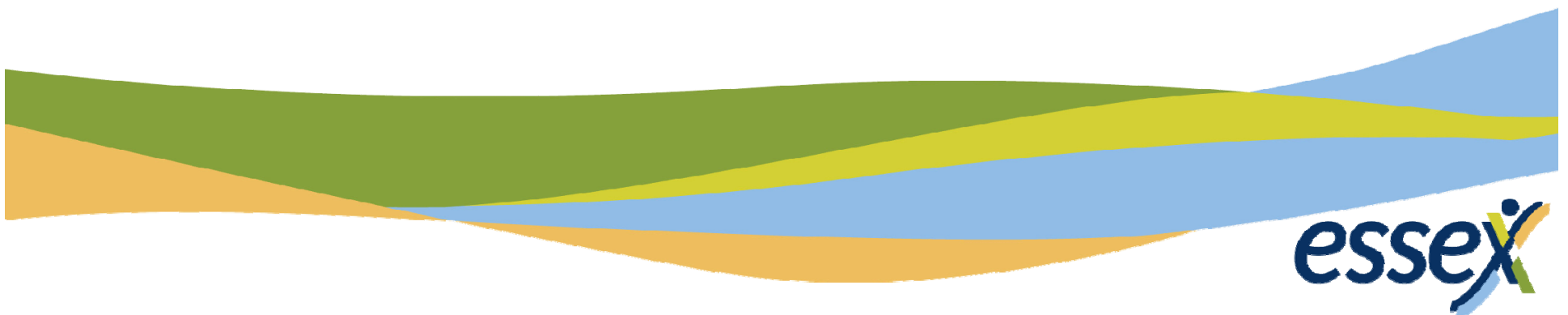
Petition Submission To Council

- Council considers petition
 - Council may reject the petition
 - Report to Council appointing engineer through administration recommendations
- On-site meeting with affected landowners and other organizations
- Engineer conducts field survey
- Council can request a preliminary report
- Council considers preliminary report gives 2 reading to the by-law

Petition continued.....

- Report goes to Court of Revision
- Court hears appeals on assessments only
- Court separates the two roles
- After all appeals have been dealt with and a by-law adopting the engineer's report is passed ...
 - Construction of the project is authorized, even across properties opposed to the drain
 - Costs can be assessed to the lands
 - Drain now has legal existence and becomes part of the municipality's infrastructure

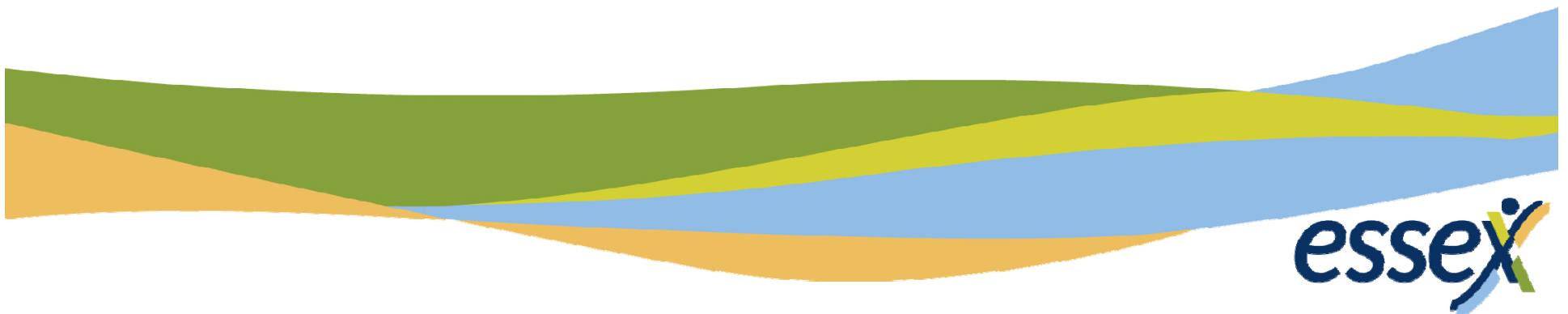
Now you have a Municipal Drain



Repairs and Maintenance (S.74)

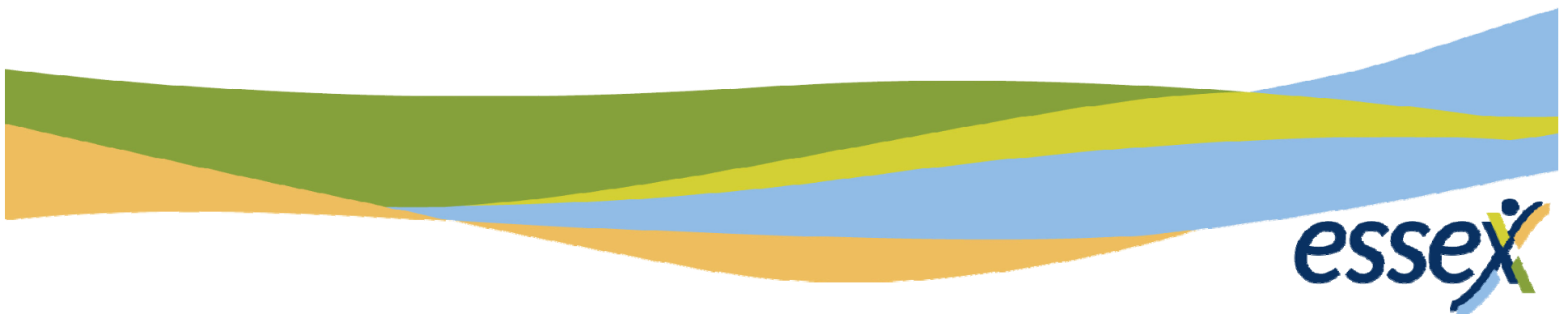
Any drainage works constructed under a by-law passed under this Act

- shall be maintained and repaired by each local municipality through which it passes...
- at the expense of all the upstream lands and roads
- in the proportion determined by the then current by-law pertaining thereto...



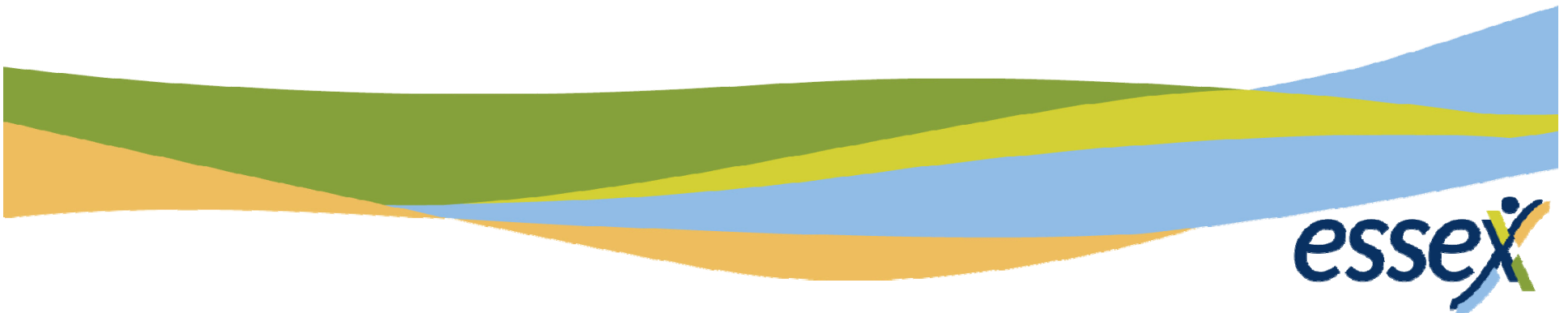
Repairs and Maintenance Projects

- Verbal or written request
- Preventative/routine maintenance driven by Municipality
 - Bank Stabilization
 - Light brushing
 - Removing blockages/beaver dams
- Municipality can proceed without notifying landowners



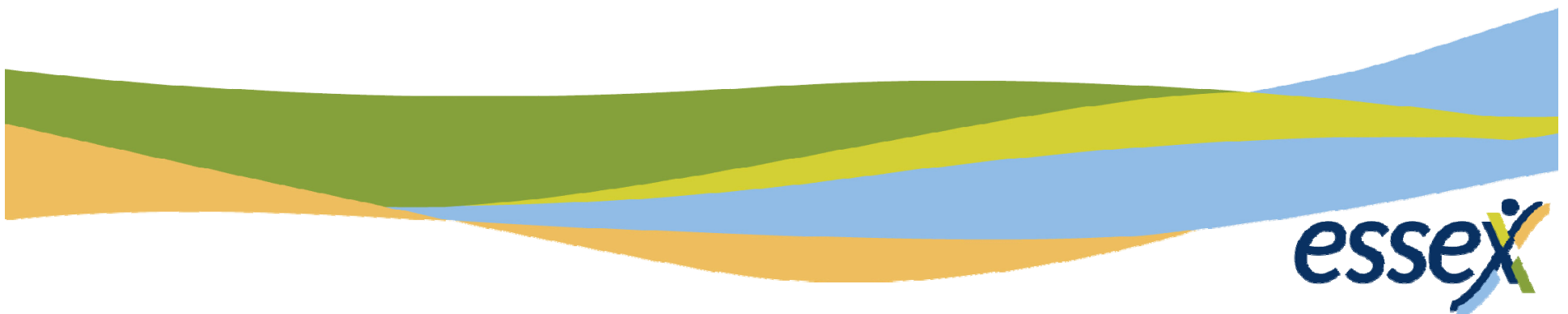
Improvements (S.78)

- Need community acceptance to change the “communally accepted” standards.
 - Improvement examples: drain relocation, drain enclosure, change size, add crossings.
- New engineer’s report using same process as for a new drain, but no petition required
 - Engineer must be fair & impartial (S.11)



Governing Agencies & Maintenance Windows

- ERCA (Essex Region Conservation Authority)
- MNRF (Ministry Natural Resources and Forestry)
- SARA (Species At Risk Act)
- DFO (Department of Fisheries and Oceans)
- Fish spawning season March 15th-June 31st
 - Some leniency is given in appropriate conditions determined by the drainage Superintendent

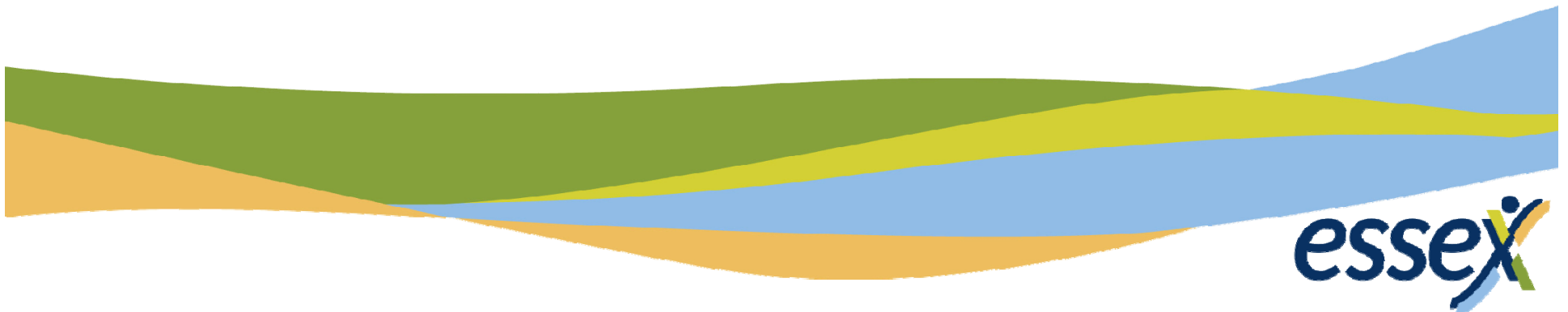


Enforcement & Abandonment

- No one may block a municipal drain (S.80)
 - Owner/occupant can be ordered to remove blockage
 - If not done, superintendent can take action and the cost be added to the taxes
- No one may damage a municipal drain (S.82)
 - Municipality can take legal action against anyone who damages a municipal drain
 - Damages could include anyone who relocates a drain or reshapes a drain without municipal authorization.
- A municipal drain can be abandoned (S.84):
 - Property owners can initiate abandonment (S.84(1))
 - Municipal council can initiate abandonment (S.84(2))
 - After abandonment, municipality has no responsibility.

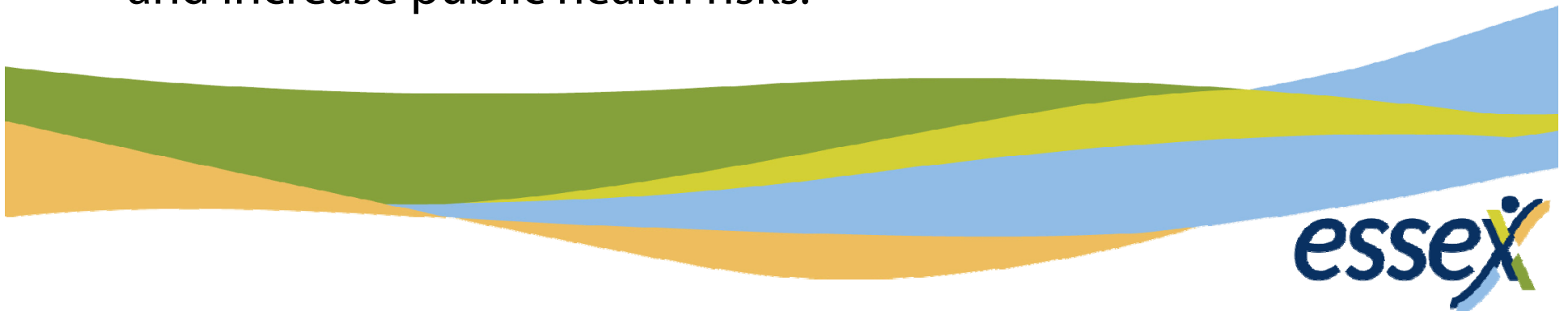
Drainage Superintendent

- Appointed by by-law – With this appointment, the Act provides power of entry onto land
- Drainage superintendent duties:
 - Inspect drains periodically
 - Maintain and repair drains
 - Assist engineer in construction and improvement projects
 - Report to council



Municipal Drainage -Facts

- Municipal Drains have been a fixture of rural Ontario and the Town of Essex since the 1800's
- 300 active Municipal Drains 550km in length
 - unique in their own way
 - poses a By-law and engineers report
 - combination of tile drainage and open channel
- Are a vital component of the local infrastructure. Without them, many areas of the province would be subjected to regular flooding, reduced production from agricultural land and increase public health risks.



Facts continued....

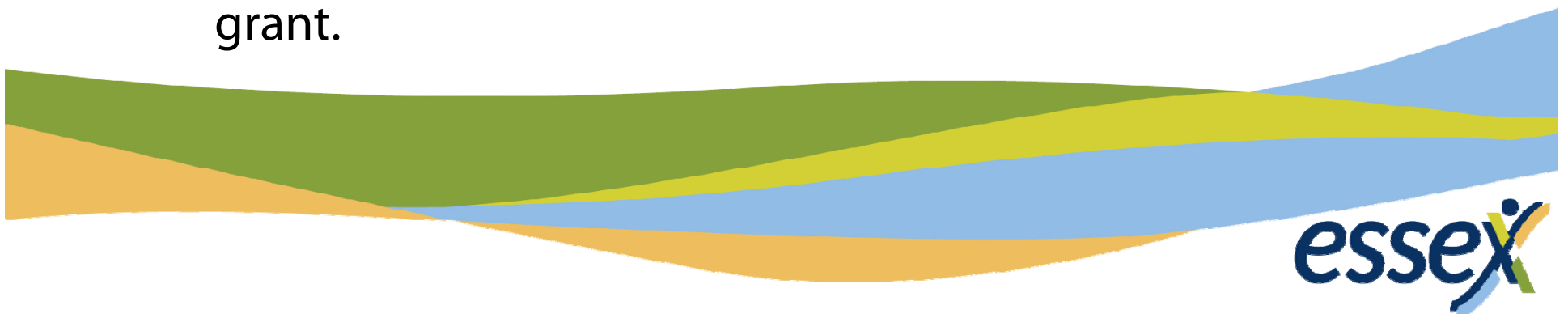
- Can be located on private property and along roadways. Therefore, a landowner can expect the drainage superintendent and /or contractor to enter private lands to perform routine maintenance work. After the work is completed the owner can expect to be billed for their share of the cost, according to the latest engineers report adopted by Council.
- Municipalities have the right to accumulate the cost of maintaining a drain for up to five years or \$5,000. Therefore, it is possible that you may be billed for work that occurred before you owned the property

Maintenance/Construction/Salary Grants

- January 31st salary grant for employing a drainage superintendent
 - 52 weeks of accountable time spent working on drains to an upset limit of 70%
- February 15th Construction grant
 - Section 78 or new Petition Drains
- April 30th Maintenance grant
 - All grantable drainage work completed in previous fiscal year
- May –June Drain billing
 - Billing maintenance projects from the previous fiscal year and outstanding projects

Drain Billing

- Billing process
 - May –June Drain billing
 - Billing Maintenance projects from the previous fiscal year and outstanding projects
 - Bills are sent out less the applicable agricultural grant amount. If grant is not received from OMAFRA due to funding a second round of billing will be produced for the outstanding amount.
 - Only applicable to agricultural properties eligible for grant.



Summary

- Municipality administers Drainage Act process.
- Provides a process to solve private drainage issues, with:
 - Professional design by drainage engineer
 - Cost-sharing recommended by independent engineer
 - Compliance with other legislation
 - “A drain by any means...”
 - Legal means of recovering costs
 - Right of access onto private land
 - Independent appeal bodies
 - Authority for future maintenance/repair