

What is a Municipal Drain?

A municipal drain is constructed to improve the drainage of agricultural lands. It is used primarily in rural areas to discharge excess water from the private agricultural tile drainage systems, roadside ditches, residential lots, churches, schools, industrial lands and any other properties. Municipal drains have been part of the local infrastructure since the 1800s. Without these artificial drainage systems in place, many of the rural areas would be flooded on a regular basis causing decreased farm production on the land and increase public health risks.

Are roadside ditches Municipal Drains?

There are cases where Municipal Drains run in part or in whole along roadsides. However, this is not typical. Roadside ditches are maintained by the Roads Operations Division. Should you have questions regarding roadside ditches or maintenance of roadside ditches, please call Roads Operations at (905) 318-5932.

What is the Drainage Act?

The Drainage Act provides for a Municipal Drain to be created. Not all ditches and buried pipes in the County are considered municipal drains. The County must first pass a by-law adopting an engineer's report to class a ditch or pipe as a municipal drain.

The process of designating a municipal drain contains three key elements:

1. **Community Project** – Landowners who need to solve a drainage problem may request a municipal drain by submitting a prescribed petition under the Drainage Act to Haldimand County. If the situation meets certain criteria, the County will appoint an engineer to prepare a report to identify the proposed solution to the problem and how the costs will be shared among the landowners in the watershed of the municipal drain. There will be a number of meetings where landowners can receive more information, voice their desires and their concerns about the municipal drain. There are also several appeal stages where landowners can voice their objections. The result – an engineering report for a “communally accepted” project.
2. **Legal Existence** – Once the project has been “communally accepted”, the County will pass a by-law to adopt the engineering report. The County now has the authority and the responsibility to construct a municipal drain. The cost of the work is then assessed to each property within the watershed using the same ratio identified in the engineering report.
3. **Municipal Infrastructure** – Once a municipal drain has been constructed under the Drainage Act, it becomes part of the County's infrastructure. The County is responsible for repairing and maintaining the municipal drain at the expense of the watershed.

How does a municipal drain benefit my property?

Benefit will vary between different lands, according to their differences of elevation, the quantity of water to be drained from the land, the distance from the municipal drain, and the presence or absence of other existing drains, natural courses and other like factors. A municipal drain may benefit a property owner by raising the value of the property making it more marketable, by increasing the productivity of the land and by preventing water from entering on to it.

Who is responsible for maintaining the drain?

The County is responsible for maintaining the municipal drain on behalf of the community of property owners. The County will periodically arrange to enter onto your property and undertake any necessary work. As a property owner, it is your responsibility to report any problems to the drainage superintendent. Do not store materials such as brush, wood or other floatable material near the drain; in a storm they could float away and block the drain. All municipal drains eventually connect with a lake, river or stream. Therefore, do not direct septic system waste, milkhouse waste, barnyard and manure storage run-off or other pollutants directly to these drains.

Who pays for the cost of construction and maintenance of the drain?

All lands, roads, and utilities that are within the watershed of a municipal drain are responsible for the costs of the maintenance of that drain. The cost to each property owner will differ based on the assessment schedule as set out in the Engineers report for each Municipal Drain.

When are costs assessed out to the landowners following maintenance of a municipal drain?

Typically costs for municipal drain maintenance will be assessed once all costs are completed and applicable grants have been received. For example:

The Lindsay drain is maintained in the fall of 2010. Once all costs are known, the municipality will apply for grant funding from the Ministry of Agriculture, Food and Rural Affairs. Following receipt of the grant municipality will pass a levying by-law and assess the costs according to the schedule set out in the Engineers report for Lindsay drain. Final costs will be added to the applicable property owner's taxes in 2012, due in four equal installments.

This example is typical moving forward. However, there is a backlog of completed maintenance projects and invoices may be issued for prior work.

How do I make a payment for my share of the cost?

Haldimand County will send property owners a notice for their assessed cost of the drain maintenance. All amounts owing will be added to the property owner's tax account. For amounts \$500 or more property owners have the option to decide (within 30 days) to sign up for a five year payment plan at a prescribed rate. The interest rate applied to municipal drain works is the same rate that is charged by the Ministry of Agriculture, Food and Rural Affairs for their Tile Drainage Loan Program.

What do I do if I want maintenance done on a section of the drain?

The County has established a regular maintenance program where each drain will have the major maintenance on a 10 year cycle (mechanical brushing, bottom cleanout levelling of spoil), the drainage superintendent can advise you of the year in which maintenance is scheduled on that particular drain. If the maintenance is beaver dam removals or bank wash-outs, culvert collapses or specific blockages, contact the Drainage Superintendent for Haldimand County (contact info listed below), and arrangements will be made for the minor works to be completed.

I did not own the property when the maintenance was completed. Why am I being invoiced for the work?

The costs of maintenance are assessed to the property, not the property owner. The property continues to benefit from the maintenance of the municipal drain regardless of who the owners of the property are. The invoice is directed to the owners of the property at the time of billing out the final costs.

What do I do if I don't want to be part of the municipal drain anymore?

Under Section 84 of the Drainage Act, a drain can be abandoned, in whole or in part, by petition. The petition to request abandonment of an area must be submitted to Haldimand County Council. In order for the petition to be considered, it must be representative of and supported by the signatures of each property owner followed by the roll number, lot number, and concession number.

Who do I contact if I have any questions or concerns?

For more information visit the Ontario Ministry of Agricultural Food and Rural Affairs (OMAFRA) website at www.omafra.gov.on, or contact:

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