



MUNICIPALITY OF NORTHERN BRUCE PENINSULA  
 56 Lindsay Road 5, R.R. #2 Lion's Head, Ontario N0H 1W0  
 (519) 793-3522

**APPLICATION FOR DRAINING INTO, PIPING AND/OR FILLING OF A ROADSIDE DITCH**

Application Fee:      \$750.00 (Security)      \$500.00 Refundable

**DESCRIPTION AND LOCATION OF PROPERTY:**

Lot No. \_\_\_\_\_ Con. or Plan No. \_\_\_\_\_ on the \_\_\_\_\_ side of \_\_\_\_\_  
 (N, S, etc.) (No. or Name)

Roll No. 41 - 09 - \_\_\_\_\_ - 0000 Civic Address: \_\_\_\_\_

**PURPOSE AND DETAIL OF DRAINING INTO, PIPING AND/OR FILLING OF ROADSIDE DITCH:**

Required for: \_\_\_\_\_

Diameter of Pipe/Culvert: \_\_\_\_\_ Type of Pipe (CSP, Big "O", etc.): \_\_\_\_\_

Indicate whether the following have been addressed and how:

- Subsurface Draining \_\_\_\_\_
- Surface Draining \_\_\_\_\_
- Sufficient Outlet \_\_\_\_\_
- Rodent Protected \_\_\_\_\_
- Indicate if Damage to Municipal Property \_\_\_\_\_

IT IS UNDERSTOOD THAT ALL WORKS WILL BE CONSTRUCTED, ALTERED, MAINTAINED OR OPERATED AT THE OWNER'S EXPENSE AND THAT NO WORK SHALL COMMENCE UNTIL A PERMIT HAS BEEN ISSUED. THE ISSUANCE OF THIS PERMIT DOES NOT RELIEVE THE HOLDER OF THE RESPONSIBILITY OF COMPLYING WITH MUNICIPAL BY-LAWS.

IT IS ALSO UNDERSTOOD THAT THE APPLICANT HAS READ AND UNDERSTANDS THE POLICY AND PROCEDURES FOR DRAINING INTO, PIPING AND/OR FILLING OF A ROADSIDE DITCH, AND AGREES TO THE TERMS SET FORTH IN THIS POLICY.

IN CONSIDERATION OF THIS APPLICATION, I/WE THE APPLICANT(S) HEREBY AGREE TO OBSERVE AND COMPLY WITH REGULATIONS SET FORTH IN THIS PERMIT AND SAVE HARMLESS THE MUNICIPALITY FROM ALL COSTS, CHARGES, DAMAGES AND CLAIMS WHATSOEVER TO WHICH MAY ARISE FROM THE ISSUANCE OF THIS PERMIT.

FAILURE TO COMPLY WITH TERMS SET OUT IN THIS PERMIT SHALL WARRANT REMOVAL OF SAID CONSTRUCTION AT THE OWNER'S EXPENSE.

Dated at: \_\_\_\_\_ This \_\_\_\_\_ Day of \_\_\_\_\_.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Contractor Conducting Work: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Comments: \_\_\_\_\_

Signature of Municipal Official: \_\_\_\_\_

Date: \_\_\_\_\_ Date of Expiry of Permit: \_\_\_\_\_



## POLICY AND PROCEDURES

### DRAINING INTO, PIPING AND/OR FILLING OF ROADSIDE DITCHES



## INDEX

1. PURPOSE OF THIS POLICY	3
2. DEFINITIONS	3
3. GENERAL – ROADSIDE DITCH FUNCTION	4
4. PART A – POLICY CRITERIA	5
5. PART B – APPLICATION AND APPROVAL PROCESS	7
6. PART C - MAINTENANCE	8
7. PART D – PRIVATE DRAINS OUTLETING INTO COUNTY ROADSIDE DITCH	8
8. PART E – EXCEPTION AND VALIDITY	9

MUNICIPALITY OF NORTHERN BRUCE PENINSULA  
TRANSPORTATION AND PUBLIC SAFETY DEPARTMENT

POLICY FOR DRAINING INTO, PIPING AND/OR FILLING OF ROADSIDE DITCHES

**PURPOSE OF THIS POLICY**

The Municipality of Northern Bruce Peninsula has complete ownership of its road allowances and authority over features placed and activities conducted within it.

The purpose of this policy is to establish criteria to be applied when evaluation requests from the public and private landowners abutting a Municipal road to pipe and/or fill a Municipal roadside ditch.

The provisions of this policy shall apply to all road allowances under the jurisdiction of the Corporation of the Municipality of Northern Bruce Peninsula.

In the evaluation of a request to pipe and/or fill a Municipal roadside ditch, the benefits gained by the Municipality must be evident.

**DEFINITIONS**

“Municipality” shall mean the Corporation of the Municipality of Northern Bruce Peninsula.

“Municipal Road Allowance” shall mean the property dedicated as public road allowance by authority of the Municipality of Northern Bruce Peninsula to establish a Municipal road system.

“Roadside Ditch” shall mean the open channel adjacent to a Municipal road within the Municipal road allowance and installed for the purpose of collecting and channelling road and adjacent surface drainage runoff.

“Tile Drainage” shall mean the draining of neighbouring lands into roadside ditches.

## **GENERAL – ROADSIDE DITCH FUNCTION**

A Municipal roadside ditch is intended to serve three primary functions:

- i. To drain the road base and sub-grade (original ground under a road base). These features are constructed and shaped with a crossfall to drain water across and under the road's granular base materials to a roadside ditch.
- ii. To collect and channel road and ground surface runoff water to an intended outlet and intercept surface drainage which may flow onto the road thereby reducing ponding and icing on the road.
- iii. To provide a boulevard snow storage area below the elevation of the road surface thereby reducing the potential for snow drifting over the road and providing a snow stockpile area.

The road drainage principle for a rural road is to elevate the road platform to allow road surface runoff to drain off and road base and sub-grade water to weep out to a roadside ditch at a lower elevation. The roadside ditch should also be low enough to accept surface drainage from the balance of the road allowance boulevard and adjacent private property.

In contrast, the drainage principle for urban roads is to lower the road platform to collect and channel adjacent boulevard, private property and road surface drainage by means of catch basins, curb and gutters and a storm sewer drainage system.

Any piping or filling of a roadside ditch is generally considered to be of no benefit and may possibly be harmful to the operation or maintenance of the road. The concept of piping a ditch contradicts accepted stormwater drainage practice. Open ditching is acknowledged to be an efficient method of accommodating a significantly greater quantity of drainage than a pipe under storm conditions.

Therefore, the piping or filling of ditches on a Municipal road is not recommended for consideration.

## **PART A – POLICY CRITERIA**

1. The basic form of drainage for a Municipal road with a rural cross-section will be by open roadside ditches within the Municipal road allowance and with culverts installed only at permitted or required locations within and parallel to the direction of the roadside ditch.
2. The Municipality will consider permitting the piping or filling of a roadside ditch if it is determined to be beneficial to the operation or maintenance of the Municipal road.
3. The Municipality will not permit the piping or filling of a roadside ditch if the basis for the request is:
  - i. for aesthetic purposes to suit the abutting private property owner's current or proposed landscaping; or
  - ii. to be of benefit to the abutting private property owner only (i.e. ease of lawn mowing)
4. The Municipality may require the proponent of a ditch piping or filling proposal to undertake a hydraulic assessment to determine ditch piping or filling impacts on the area drainage system. This assessment is to be undertaken at the expense of the proponent.
5. The landowner abutting a roadside ditch that has been permitted to be piped and/or filled prior to the adoption of this policy does not have ownership of the affected area of the road allowance. The landowner has no rights to claim the permitted piping and/or filling of the roadside ditch is permanent should the Municipality require that the drainage system be returned to an open ditch.
6. The costs for the materials and installation of a piped and/or filled ditch are to be borne entirely by the proponent or proponents.
7. Where a proposed piping or filling of a Municipal roadside ditch crosses or is located above an existing utility;
  - i. the proponent must provide satisfactory evidence at their expense that the proposal will not be detrimental to the existing utility; and

- ii. any required extensions or modifications to the existing utility to accommodate the grades of the proposed piping or filling of the ditch will be provided at the proponent's expense.
8. Piping and/or filling of a Municipal roadside ditch will only be permitted with the approval of the County by the issue of a permit if designed and installed in accordance with the following criteria:
- i. pipe installations shall be completed in accordance with the requirements of the latest edition of the Ontario Provincial Standards Specifications No.421 (OPSS 421) and related specifications;
  - ii. the minimum cover over the pipe obvert shall be 0.15 metres;
  - iii. the minimum grade of the pipe exceeds 1% to provide sufficient cleaning velocity, unless calculation can be provided for cleaning velocity;
  - iv. the finished elevation of fill material in the ditch must be shaped to form a swale, provide a minimum positive grade of 0.5% and remain a minimum of 450 millimetres below the elevation of the Municipal road pavement edge;
  - v. a sufficient outlet is available and is permitted to receive the new pipe's outlet flows; and
  - vi. a ditch piping proposal can accommodate the installation of interim cleanout/access structures as may be required.
9. Placing drainage tile will be permitted with the approval of the Municipality by the issue of a permit if designed and installed in accordance with the following criteria:
- i. the tile drainage outlet shall be a minimum of two (2) metres setback from any roadside ditch invert
  - ii. to accommodate the setback, a 'v' shaped flow channel shall be put in place below the outlet to allow the water to drain purposefully into the roadside ditch
  - iii. the outlet of the pipe shall be appropriately rodent protected
  - iv. the outlets shall be well marked and the Municipality should be advised by plan where each outlet is located on the property

**NOTE: The Municipality will require the proponent to provide copies of any other necessary permits that the proponent may require.**

## **PART B – APPLICATION AND APPROVAL PROCESS**

- i. The proponent of a proposal to pipe and/or fill a Municipal roadside ditch or outlet water into the roadside ditch via a tile drain will present the proposal to the Municipality.
- ii. After being advised of the policy's criteria, the proponent will prepare a design and submit a plan of the proposed works to the Municipality for its approval at the proponent's expense.
- iii. The Municipality will field review of the proposal.
- iv. If the Municipality agrees to permit the proposed piping and/or filling of the roadside ditch, the Municipality will authorize the installation by issuing an excavation permit (See also "NOTE" following Part A). The proponent can have the proposed works installed either by themselves or their agent.
- v. The proponent will be required to submit a \$750.00 security deposit of which includes a \$250.00 inspection fee and a \$500.00 refundable fee, per residence/farm. This permit will state all specifications and conditions that the installation must be constructed to. The proponent will be required to accept the cost of inspection of the proposed works by the Municipality or its agent during its installation.

Upon completion of the installation by the proponent, the proponent should contact the Municipality to request an approval review. The Municipality will then review the permit's requirements.

If the Municipality is satisfied that all requirements of the permit have been met, \$500.00 of the proponent's deposit will be returned.

- vi. In the event the proponent fails to correct any identified installation deficiencies after 30 days of written notice from the Municipality, the Municipality may draw from the proponent's deposit to recover its costs to correct any deficiencies. The balance of the deposit will then be returned to the proponent minus the inspection fee of \$250.00.



- vii. Any piping and/or ditch filling installed in a Municipal roadside ditch without permit authorization from the Municipality will be considered trespassing. The Municipality may remove the pipe and/or fill placed and re-instate an open ditch. The cost of the removal and restoration will be invoiced directly to the abutting landowner.
- viii. The Municipality will not be held responsible for any liability arising from any works done in relation to roadside ditches including piping or filling of roadside ditches or draining into (outletting into) roadside ditches and any back up occurring from pipes outletting to a Municipal owned sub-drain/storm sewer (See Part D – Private Drains).

### **PART C – MAINTENANCE**

After the Municipality’s initial acceptance and approval of a piped and/or filled ditch installation, the Municipality will provide future routine maintenance of the installation.

If a situation or condition arises requiring the Municipality, in whole or in part of the pipe and/or ditch fill material or the replacement of the pipe, the pipe will be removed and the drainage system will return to an open ditch condition. No compensation for the previously installed works will be provided. Any request for reinstatement of the previous pipe and/or ditch filling will be evaluated again and considered as a new request with installation, if permitted, at the proponent’s expense.

### **PART D – PRIVATE DRAINS OUTLETTING INTO COUNTY ROADSIDE DITCH**

Private stormwater drains carrying clean stormwater drainage that originated from a private building are permitted to outlet in to a Municipal roadside open ditch. However, **any private drain pipes must include a check valve** to prevent backwater flows from the roadside ditch surcharging into the drain pipe and entering the private building where the drainage originated.

The check valve must be installed in a private drain pipe at a building’s foundation and its presence must be verified and approved by a building inspector from the appropriate local municipality.

It shall be the responsibility of the owner of a private drain which outlets to a Municipal roadside ditch or drains into a Municipal roadside ditch to ensure that the check valve is in good working order and repair. The Municipality does not assume any responsibility for private property damages resulting from a malfunctioning check valve.

Private drains must outlet into an open roadside ditch at an elevation sufficiently above the ditch invert to protect the private drain's outlet from being submerged. This elevation will be site specific and determined on a case by case basis.

A land owner will not be permitted to connect a private drain to the Municipal stormwater system without providing a drainage plan and completing a required application. Dependent on the amount of stormwater, the land owner may be permitted to pump that water to the surface of the land near this drainage area if there is a catch basin to accommodate this water.

#### **PART E – EXCEPTION AND VALIDITY**

If any section, clause or provision of this policy is declared invalid by a Court of competent jurisdiction, the same declaration shall not be affected by the validity of the policy as a whole, other than the section, clause or provision declared to be invalid.

All remaining sections, clauses or provisions of this policy are intended to remain in full force and effect until repealed or amended, notwithstanding that one or more sections, clauses or provisions shall be declared invalid.