



# COUNTY OF LENNOX AND ADDINGTON

## POLICY FOR PIPING AND/OR FILLING OF ROADSIDE DITCHES WITHIN COUNTY OF LENNOX AND ADDINGTON ROAD ALLOWANCES

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# **POLICY FOR PIPING AND/OR FILLING OF ROADSIDE DITCHES WITHIN COUNTY OF LENNOX AND ADDINGTON ROAD ALLOWANCES**

## **PURPOSE OF THIS POLICY**

The County of Lennox and Addington has complete ownership of its road allowances and authority over facilities placed and activities conducted within it.

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

The provisions of this policy shall apply to all road allowances under the jurisdiction of the Corporation of the County of Lennox and Addington.

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

## **DEFINITIONS**

"County" shall mean the Corporation of the County of Lennox and Addington

"County Road Allowance" shall mean the property dedicated as public road allowance by authority of the Corporation of Lennox and Addington By-law No. 1928, as amended, a by-law to establish a County road system.

"Roadside Ditch" shall mean the open channel adjacent to a County road within the County road allowance installed for the purpose of collecting and channeling road and adjacent surface drainage runoff.

## **GENERAL - ROADSIDE DITCH FUNCTION**

A County 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 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 to the roadside ditch 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 principal 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 sewer drainage system.

Any piping or filling of a roadside ditch is generally considered to be of no benefit and may possibly be hinder the operation or maintenance of the road. The concept of piping a ditch contradicts accepted stormwater 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 County road is not recommended for consideration.

### **PART A - POLICY CRITERIA**

1. The basic form of drainage for a County road with a rural cross-section will be by open roadside ditches within the County road allowance and with culverts installed only at permitted or required locations and parallel to the direction of the roadside ditch.
2. The County 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 County road.
3. The County 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 lands or
  - ii) to be of benefit to the abutting private property owner only (i.e. ease of lawn mowing)
4. The County, in consultation with the local road authority maintaining the subject County road or ditch 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 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 County require that the drainage system be returned to an open ditch.
6. The costs for the materials and the installation of a piped and/or filled ditch are to be borne entirely by the proponent.
7. Where a proposed piping or filling of a County 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 County roadside ditch will only be permitted with the approval of the County 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 Ontario Provincial Standards Specification 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 0.5% to provide sufficient 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 County 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 structure may be required.

**NOTE: Beyond the County's permission to allow the piping and/or filling of a roadside ditch, the proponent is required to obtain additional approval and a permit from the local conservation authority. The proponent is further required to contact the Ministry of the Environment to determine if the proposed works require a Certificate of Approval. If the Ministry determines the proposal requires a Certificate of Approval, the proponent will be required to obtain this at the proponent's expense prior to the commencement of work.**

**The County will require the proponent to provide evidence of the Ministry's response regarding the need for a Certificate of Approval and the local conservation authority's approval of the proposal.**

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

- i) The proponent of a proposal to pipe and/or fill a County roadside ditch will present the proposal to the County.
- ii) After being advised of the policy's criteria, the proponent will prepare a design and submit a proposal for the proposed works to the County for its approval at the proponent's expense.
- iii) The County will field review the proposal in consultation with the local road authority.
- iv) If the County agrees to permit the proposed piping and/or filling of the roadside ditch, the County 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 or the local road authority.
- v) **If installed by the proponent or his/her agent**, the proponent will be required to submit a \$1,000.00 security deposit to the County at the time of permit issue. 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 County or its agent during installation.

Upon completion of the installation by the proponent, the proponent should contact the County request an approval review. The County will then review the installation in consultation with the road authority for compliance with the permit's requirements.

If the County is satisfied that all requirements of the permit have been met, the proponent's deposit is returned.

In the event the proponent fails to correct any identified installation deficiencies after 30 days written notice from the County, the County may draw from the proponent's deposit to recover the costs to correct any deficiencies. The balance of the deposit will then be returned to the proponent.

- vi) **Alternatively, the proposed works may be installed and materials supplied by the local road authority as their schedule and availability permits** with all expenses recovered from the proponent. The proponent will be required to provide a security deposit to the local road authority equal to 100% of the estimated material supply and installation costs. Upon completion of the installation by the local road authority, the actual cost to supply and install the works will be deducted from the proponent's deposit. Any surplus funds will be refunded to the applicant. In the event the supply and installation costs exceed the deposit, the local road authority will retain the deposit as partial payment and invoice the proponent to recover the outstanding balance.
- vii) Any piping and/or ditch filling installed in a County roadside ditch without permit authorization the County will be considered trespassing. The County 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.

### **PART C - MAINTENANCE**

After the County's initial acceptance and approval of a piped and/or filled ditch installation, the local municipality providing maintenance on the subject County road will provide future routine maintenance of the installation.

If a situation or condition arises requiring the local road authority providing maintenance on the County road to require the removal, 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 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 to outlet into a County roadside ditch whether it is open or piped. However, **any private drain pipes must include a check valve** to prevent backwater flows from the roadside ditch surcharging into the drain pipe 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.

If a land owner wishes to connect a private drain to a piped ditch the connection to the pipe in the ditch shall be undertaken by the road authority of the local municipality at the landowner's expense. Alternatively, the landowner can make this connection under the supervision of the road authority of the local municipality at the landowner's expense.

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

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

#### **PART E - EXCEPTION AND VALIDITY**

If any section, clause or provision of this policy is declared invalid by a Court of competent jurisdiction, the declaration shall not affect 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 unless repealed or amended, notwithstanding that one or more sections, clauses or provisions shall be declared invalid.