



Dilapidated Culvert Replacement Policy

Policy Manual Section: Municipal Services – Public Works

Policy Number: M-PW-003

Authority: 175/20

Date Approved: July 14, 2020

Department Responsible: Public Works

Revision Date: July 14, 2020

Review Date: July 2022

Status: Active

Purpose:

This policy is for use by the Town of LaSalle (Town) to allow the Town to maintain and keep in a proper state of repair, the drainage systems on Town owned property and/or municipal right-of-ways. Specifically this policy is for the replacement of dilapidated culverts within the drainage systems under driveways and/or dilapidated culverts of privately initiated previously installed drain infills.

This policy replaces all previous policies and practices followed by the Town with respect to replacement of dilapidated culverts.

Policy Statement:

This policy is to provide for drainage for;

- roads and/or;
- private property abutting the public right-of-ways and/or;
- for private property that discharge/connect into such drainage systems.

Scope:

This policy applies to all Town owned drainage systems located on Town property. This policy does not apply to any drainage systems established through bylaw under the Municipal Drainage Act nor does it apply to any formal storm sewers located on Town property established through engineering design, installation and approval of the regulatory agencies, such as ERCA, MECP, etc.

Glossary of Terms:

- i. **“dilapidated culvert”** This is a pipe located within a drainage system for the purpose of enclosing a previous open ditch and/or roadside ditch that is in need of

replacement due to pipe failure or impending pipe failure due to corrosion, collapse, age, grade, etc. This culvert is deemed, to be/or will, inhibit a drainage system from functioning properly.

- ii. **“ditch”** This is an earth embankment drainage system for the purposes of providing drainage.
- iii. **“ditch infill(s)”** This typically refers to drainage ditches that have been filled in directly in front of a property, immediately adjacent the road. These typically have been initiated, constructed and paid for by the directly abutting property owner at some point in time (current or former owners).
- iv. **“driveway culvert”** This is a pipe that is provided in a roadside ditch for the purposes of providing vehicular access/egress to private properties and have been constructed and paid for by the directly abutting property owner at some point in time (current or former owners).
- v. **“ERCA”** Essex Region Conservation Authority
- vi. **“MECP”** Ontario Ministry of Environment, Conservation and Parks
- vii. **“municipal drain”** This is a drainage system developed under the Ontario Municipal Drainage Act and is a drain with a formal bylaw establishing such drain as a legal entity and as such has established the proper apportionment of cost for such drainage systems repair and maintenance through assessments to all benefitting land owners.
- viii. **“roadside ditch”** This is an earth embankment drainage system located adjacent to a publically opened road for the purpose of providing drainage to the road surface and any directly abutting properties, typically located within a public right-of-way.
- ix. **“storm sewer”** This is a drainage system (single pipe) located typically within a Town owned right-of-way for purposes of providing drainage to the road and directly abutting properties on each side of the right-of-way that has been established through engineering design and installation and has formal regulatory agency approval.
- x. **“Town property”** This is reference to property that is solely owned by the Town of LaSalle and could include publically opened right-of-ways, and/or property within the jurisdictional boundary of the municipality.

Policy:

This policy has been developed in two sections as follows;

Section 1 Technical – this section will outline the main body of the policy and administration of the policy to allow the Town to ensure proper drainage is provided within a drainage system

Section 2 Payment – this section outlines how the private property owners will make payment to the Town with respect to this policy

It is important to note that this policy's primary purpose is to ensure drainage is maintained.

In this policy, there will be contact made with the affected property owner through letter format. The letter will request for a return statement from the property owner requesting information on how they would like to proceed through this policy and how payment will be made.

Section 1 - Technical

The technical section outlines how this policy is initiated and provides for options to allow for replacement of any dilapidated culverts of concern.

Section 1 – Initiation Stage

The discovery of dilapidated culverts come to the Town's attention in two ways;

- reports from residents about drainage issues and/or
- the Town completing inspections on sections of the drainage systems.

In both cases the Town conducts a formal on-site inspection to determine the issues and if the concern is related to an issue as a result of the dilapidated culvert the process continues under this policy moving to Section 1 Implementation Stage.

An emergency situation will automatically move to Section 1 Implementation Stage, discussed later on in this policy.

Section 1 – Implementation Stage

The implementation stage commences upon discovery of a dilapidated culvert by the Town through the provisions of this policy. The Town will determine the extents of the work required to address the drainage concern.

The implementation stage will commence with a notification letter to the affected property(s) of where the extents of the works are identified/located. The notice letter will outline the policy, the implementation options, the payment required along with the payment options. The notification letters, will be sent by registered mail and if not picked up by the property owner, one more last attempt will be by hand delivery.

The notification letter will also provide for a deadline for the property owners to respond to the Town. **The response time will be anywhere from, a minimum**

of 120 days, up to a maximum of 180 days. This time frame will be chosen by the Town given the time of year, the ability to schedule the work, etc. No work will occur until after the deadline has passed. The Town will strive on carrying out the work as soon as practical after the deadline expires.

The requirement under this policy is to ensure drainage is maintained where required, therefore, the following are two implementation options for the property owner to choose from. The property owner will need to choose one of the options prior to the deadline in the notification letter. In the event no response is received from the property owner, the default option will be Option B chosen by the Town for the private property owner.

It is very important that once the deadline has expired, the options chosen voluntary or by default will be final and the Town will progress to getting the work completed.

If for some reason, by choice or default the Option B is moved forward after the deadline and the property owners wants to enlarge a driveway access or complete the ditch enclosure again, they will be subject to the Town infilling policy to complete this work at their own expense and the requirement laid out in that policy. These requests will not be received until after the Town has completed reinstating the drainage as per this policy.

Emergency Situation

Emergency situation occurs in two manners;

- **if flooding is occurring causing a public open road to flood over causing safety concerns for the general travelling motorist and/or;**
- **if private property is experiencing significant overland flooding and drainage work is deemed to solve the concern.**

If an emergency situation is present the Town will automatically progress to implementation Option B. If Option B is initiated through an emergency situation, the Town will work with the affect property owner giving them the same choices as per this policy with the same type of timelines. Any culverts installed to accommodate driveway access shall be reimbursed to the Town if the property owner wishes to implement Option A.

Implementation Option A

This option allows for what is existing on site to be replaced given the following conditions;

- a) The Town will complete the work in its entirety to replace the dilapidated culvert;
- b) The Town will determine the size of the replacement culvert and the extents of the works;

- c) The private property owner will be charged for the culvert material only, including any catchbasins required for maintenance access purposes and for surface drainage;
- d) Most work will be completed by the Town at the Town's expense, including but not limited to, removal and disposal of old pipe, excavation, installation of new culvert, stone bedding and backfilling, surface restoration to topsoil and seed in yard areas, and surface restoration to granular only in driveways;
- e) Town work will also include removing any existing hard driveway surfaces (concrete, asphalt, paving stones) and headwalls (if present);
- f) The Town will not construct headwalls, regardless if existing ones are present;
- g) Final driveway hard surface restoration will be the responsibility of the property owner;
- h) The Town will not be responsible for replacement or repairs of landscaping features on Town property;
- i) The Town will not repair lawn sprinkler systems located on Town property in the vicinity of the works if they are not properly marked prior to the work by the resident;
- j) Existing driveway widths will be restored provided the property owner pays for the respective portions of the culvert to accommodate the same.

Implementation Option B

This option is provided in the event that the property owner(s) do not want to participate with Option A and will be the default Option that the Town will implement if no response is received from the property owner in the specified timeframe. **This option will also be used in an emergency situation.** The following will be implemented to address a dilapidated culvert in the event of a nonparticipating property owner;

- a) The Town will remove all existing dilapidated drainage enclosures and reinstate an open ditch to maintain drainage;
- b) The Town will maintain one driveway access to each legal property and will provide for the replacement culvert to accommodate such driveway at the Town expense;
- c) The driveway access provided for, at the Town expense, will be limited to 4.57m (15') wide at the driveway surface level, regardless of how wide the existing driveway surface is;
- d) The driveway hard surface restoration will be the responsibility of the property owner;
- e) In the event that the property has two driveway accesses, only one will be reinstated. This will be the driveway access that provides the most direct route to the garage and/or house, the other access will be permanently closed and removed.

Section 2 Payment

This section is provided to outline two methods of payment relating only to Section 1 – Implementation Stage, Implementation Option A noted previously in this policy.

In the initial contact letter highlighted in Section 1, additional information will be provided on payment options. The property owner will be required to select one of the following payment options. No work will commence until a payment option is chosen. It should be noted that the Town is only charging for the actual material charges of the pipe, and catchbasins. These charges will be backed up with invoices and quotes from our suppliers. The two payment options are as follows;

Payment Option A

The property owner will pay the charges including applicable taxes within 30 days of the invoice/notice letter.

Payment Option B

The property owners will agree to have the charges added to property taxes of the subject property and collected in the same manner as property taxes in accordance with legislation. In addition to the charges applicable under this policy, an administrative fee of \$100.00 will apply. The charges and the administrative fee will be added to taxes in five (5) equal annual installments with interest calculated at prime rate plus 1% per annum established at the date the culvert charge is determined by the Town Engineer or their designate

This option will require a formal acknowledgement from the legal registered property owner(s).

Under Payment Option B, the outstanding balance can be fully paid at any time.

Responsibilities:

This policy is administered through the Town's Public Works Department specifically through the Town Engineer or their designate.

Policy Review:

This policy will be periodically reviewed and updated as required. This policy must be reviewed by the stated review date and approved by the responsible department.

References and Related Documents:

None.

Attachments:

Dilapidated Culvert Policy – Decision Tree
Sample letter 1 (driveway culvert replacement)
Sample letter 2 (infill culvert replacement)