



**Storm Drainage Policy  
Municipality of East Hants  
Approved by Council Motion C07(331) June 27, 2007**

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**Purpose:** The purpose of this policy is to provide clarification on the Municipality's role in addressing Storm Drainage issues and financing related works within serviced areas, both for private and publicly owned properties.

**Background:**

The management of stormwater in the Municipality of East Hants has a long and complicated history. Until the mid 1990's roads and ditches were the responsibility of the Province and their legal framework made it clear that ditches were for drainage and preservation of the road systems. For that reason, Provincial regulations made it illegal for foundation drains to be extended into the ditch. Although there was a known practice of extending drain pipes into the ditches, the practice was essentially overlooked as the Province's opinion was that it was done at the owners own risk. Municipal responsibility to inspect homes being built did not and does not extend to the drainage system for the foundation beyond a very limited distance from the home.

In 1995 Provincial laws changed such that any new roads built after that time would be municipally owned. The Municipality adopted the same road regulations as followed by the Province. The practice of overlooking drainage pipes extended into ditches continued. To this day there is no inspection process that would prevent this practice. Homeowners are assumed to do so at their own risk. Ditches continue to be infrastructure designed to protect road systems only.

Over the years increasing numbers of drainage issues were being identified leading the Municipality to amend Municipal Bylaws to reduce future issues in relation to storm drainage. Amendments involve the requirement for developers to install piped storm drainage systems in new subdivisions and the enactment of a Lot Grading By-Law, both of which are applicable to serviced areas only.

The Municipality is left with a host of issues; some legitimately considered the responsibility of the Province or of individual homeowners or of the Municipality. The issues are complicated by ongoing development and changing weather patterns, making it difficult to determine who should be financially responsible for the "fix".

The cost of fixing all the situations in a manner that taxpayers consider adequate is prohibitive. Retrofitting piped storm drainage after a development is mature is a challenging and costly exercise.

**Responsible Department: Engineering Services  
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As identified in the 1994 Task Force on Storm drainage report, there are four types of systems for storm drainage:

1. **Private systems** put in place or decisions made by residents to protect their individual property. This includes decisions made by the resident or their contractor in relation to home elevation, foundation drainage systems, sump pump usage etc.
2. **Public roadway drainage systems** which generally consist of open ditches within the road right-of-way and to a lesser extent, buried storm systems.
3. **Off-site ditches** which are ditches or other drainage conveyance which may serve separate properties and are not in a road right-of-way, which may drain a road right of way and which may be located on or adjacent to the property line between properties.
4. **Watercourses**

Part of the complication is that residents may rely to varying degrees on the ditches (road right-of-way and off-site) in design of their own drainage systems for their homes. When these systems turn out to be a detriment instead of a benefit, homeowners have difficulty accepting the fact that the ditches are not intended for their use. Portions of ditches (culverts) are generally designed to handle a one in five year storm occurrence. Drainage loads from severe storms that occur once every 10, 20 or 100 years would be expected to overtop ditches in some instances and flooding could occur as a result.

The purpose of this policy is to provide clarification on the Municipality's role in addressing Storm Drainage issues within serviced areas, both for private and publicly owned properties.

**Definitions**

**Serviced Area:** Any area serviced by a central sewage collection system.

**Stormwater or Drainage Conveyance System or Storm Drainage Works:** Network of pipes, ditches, swales, storage facilities, etc. used to collect and transport stormwater.

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**References:** Task Force on Storm Drainage in the Municipality of East Hants, September 1994.

**Related Council Motions:** C06(562), C06(563), C06 (564), C06 (565)


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**Part I:** Allocation of Costs for Storm Drainage of Municipally Owned Roads.

**Purpose:** To clarify the funding source for Storm Drainage Works on or related to roads and sidewalks owned by the Municipality.

1. Costs associated with the design, operation, maintenance or capital improvement to storm drainage works associated with the Municipally owned road and sidewalk systems will be charged to the General Tax Rate.

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2. This will include, but not necessarily be limited to improvements to existing drainage systems which are located within the road right-of-way owned by the Municipality or lands that the drainage from said roadway cross to get to the nearest watercourse provided the Municipality has right of access (deemed or granted) to said lands.
3. This will include, but not necessarily be limited to improvements to offsite ditches where deemed necessary to maintain or improve roads and/or sidewalk infrastructure or operation of same provided the Municipality has right of access (deemed or granted) to associated lands.

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4. Projects will include all normal operational, maintenance and capital improvements deemed necessary to maintain the integrity, safety and stability of the roads and sidewalk infrastructure including the associated drainage works.
5. Where improvements are deemed to benefit other public or private lands associated with the common drainage systems, the Municipality may enter into cost sharing agreements or seek to recover funds from other property owners as directed by Council. (e.g. upgrading of downstream (offsite) drainage structures; establish storage facilities upstream).

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**Part 2:** Cost Sharing of Drainage Works to Address Drainage Issues on Private Lands.

**Purpose:** To establish a basis of Municipal cost sharing to help facilitate improvements to existing drainage of private properties in the serviced area where damage to the living space of one or more primary dwelling units is known to have occurred.

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1. The owner of a property is responsible for the drainage of that property. The Municipality is not responsible for drainage issues on private property.
  2. Municipal Council may provide funding of up to 20% toward projects that are designed to address existing drainage problems on private property in the serviced area.
  3. Funding for any Municipal share of approved projects will come from General Tax Rate and Urban Service Rate on a 50/50 basis.
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4. Property owners must have carried out all reasonable measures to alleviate the situation on their own property.
  5. When considering eligibility Council will consider number of properties impacted, history of problem and improvements made by property owners to protect against damage to living space of primary dwelling unit.
  6. Commercial, industrial and institutional properties, as well as accessory structures (e.g. garages and/or storage sheds) are not eligible for cost sharing.
  7. In order to be considered for cost sharing property owners must be able to demonstrate that all reasonable measures to recover costs from developer, builder, renovator or other parties that can be attributed to their actions or inaction have been exhausted.
  8. The Municipality shall have the right to be reimbursed if costs are subsequently recovered from other responsible parties.

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9. Eligible improvements shall include but not necessarily be limited to establishing drainage ditches, swales, collector pipes or other improvements necessary to reduce flood risk to the living space of the primary dwelling.
10. The intent is to focus on capital expenditures in areas with extraordinary circumstances, therefore property owners are expected to fund a minimum of \$2,000 of eligible improvements per property prior to being considered for Municipal assistance with the project.
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11. Aesthetic improvements are not eligible for funding (e.g. eliminating wet backyards or ponding; buried pipe where aesthetic only).
12. Curb and gutter projects are not eligible for funding.
13. Any action taken under this policy will be purely at the discretion of the Municipality and will be considered to be done in good faith to help alleviate the situation. The Municipality will not be held responsible for operation and maintenance of any funded works.
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**Part 3: Municipal Contribution to Storm Drainage Works**

**Purpose:** To establish an annual practice of approving funds that will be available to fund storm drainage work.

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1. Where deemed necessary, Municipal Council may approve a given amount annually that will be available to fund Storm Drainage work.

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  2. The amount of the fund will be determined by Council at budget time.
  3. Staff will present recommended capital projects, operational and maintenance costs for consideration of budget.
  4. Funds allotted may be used to pay operating costs, repairs, capital improvements on storm drainage works approved by Municipal Council.

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  5. A portion of any funds may be assigned to public education initiatives, which may be carried out on a yearly basis.

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  6. Eligible projects will include storm drainage works on Municipally owned lands, publicly owned properties including parks, watercourses, Provincial roads and other public properties as approved by Municipal Council.

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  7. Eligible projects may include works on private lands where it has been determined to be in the best interest of the Municipality by decision of Municipal Council or by policy established thereby, and the Municipality has right of access (deemed or granted) to said lands.

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