



## The Corporation of the Town of Tecumseh

Public Works & Engineering Services

**To:** Mayor and Members of Council

**From:** Phil Bartnik, Director Public Works & Engineering Services

**Date to Council:** Tuesday, May 27, 2025

**Report Number:** PWES-2025-22

**Subject:** Policy 25/02 Filling of Municipal Ditches in the Town of Tecumseh and Policy 39/2002 Culvert/Ditch Policy

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### Recommendations

It is recommended:

**That** Report PWES-2025-22, Policy 25/02 Filling of Municipal Ditches in the Town of Tecumseh and Policy 39/2002 Culvert/Ditch Policy, **be received**;

**And that** Policy 25/02 Filling of Municipal Ditches in the Town of Tecumseh and Policy 39/2002 Culvert/Ditch Policy **be repealed**;

**And further that** a By-law to regulate the enclosure or alteration of drainage ditches and/or culverts within the municipal road allowance, excluding Municipal Drains which are governed by the *Drainage Act*, **be prepared and considered by Council** at the June 10, 2025 Regular Council Meeting.

### Background

The Public Works & Engineering Services Department has conducted an inventory review of active Town Policies. Based on the review, it was identified that Policy 25/02 and Policy 39/2002 were very consistent with each other and that both Policies should be repealed and updated with a new By-law.

## **Policy 25/02 Filling of Municipal Ditches in the Town of Tecumseh**

This policy, which came into effect on May 9, 2000, identified that the filling in of municipal ditches would require a permit from the Town, have the works inspected by Town Staff, and that all costs of the works are to be borne by the property owner.

## **Policy 39/2002 Culvert/Ditch Policy**

This policy, which came into effect on May 14, 2002, provided for the filling in of municipal ditches and swales fronting properties within the Town of Tecumseh. It outlines that all work is to be inspected by Town Staff, all the costs would be borne by the property owner, the Town will maintain flow through the culverts/enclosures, and that costs associated with blockages due to a collapse, decay or poor workmanship would be borne by the property owner.

## **Comments**

Administration is recommending that a new By-law to regulate the enclosure or alteration of drainage ditches and/or culverts within the municipal road allowance (excluding Municipal Drains which are governed by the *Drainage Act*) be brought forward to the June 10, 2025 Regular Meeting of Council for consideration.

## **Key Principles of the Proposed By-law**

- The By-law regulates the enclosure or alteration of drainage ditches and the installation of driveway culverts within the municipal road allowance.
- The By-law establishes the importance of open drainage ditches and acknowledges that enclosures may not be acceptable or permitted at all locations, thereby underscoring the need to regulate enclosures.
- The By-law establishes that permits are required to enclose or alter a drainage ditch or install a driveway culvert, thereby allowing the Town to enforce standards and inspections.
- The By-law identifies that all costs associated with an enclosure initiated by the property owner shall be borne by the property owner.
- The By-law establishes offences, enforcement and fines, allowing the Town the authority to compel Owners to correct non-conforming work. It also establishes that the Town may correct non-conformance directly and collect costs in a like manner as municipal taxes.

- The By-law establishes the Town will be responsible to maintain flow through the ditches, culverts and enclosures as needed and at the cost of the Town. During maintenance activities, if there is a collapse of the culvert or enclosure, the property owner will be responsible for the costs associated with the replacement.
- The By-law does not apply to Municipal Drains which are governed by the Ontario *Drainage Act*.

## Consultations

Legislative Services & Clerk  
SSL Project Services Inc.

## Financial Implications

There are no financial implications associated with this report.

## Link to Strategic Priorities

Applicable	<a href="#">2023-2026 Strategic Priorities</a>
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

## Communications

Not applicable ☒

Website ☐ Social Media ☐ News Release ☐ Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Phil Bartnik, P.Eng.  
Director Public Works & Engineering Services

Reviewed by:

Robert Auger, LL.B.  
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
None	None