

Wayne SWCD F.A.Q. on Water Drainage Issues

○ **Is my neighbor permitted to drain water from his property onto mine?**

Generally, this is allowable as long as the water continues to follow its natural established course of flow. This is explained in detail in the Ohio Drainage Laws, found in the Ohio Revised Code, Chapters 6131, 6135 and 6137.

○ **My neighbor is building a home and I get more run off than I did before. What can I do?**

It is essential to discuss this problem with either the builder of the home or the future homeowners as soon as the problem is noticed. In some cases, this is a temporary issue until the site is completed and has established vegetation. Drainage issues are much easier to fix during the building phase than after. Also, some cities and villages require a grading plan. This can be reviewed by the community and builder to make sure it was followed.

- When you consider buying property, it is necessary to do your homework! Soils are one of the most important items to research before purchasing property. Soil surveys will describe all of the soil types in an area, as well as which soils are generally suitable for septic systems, building, farming and other uses. Also, be aware of where your house is located (uphill or downhill). Water flows downhill, so property located in valleys and lower elevations will receive large amounts of water during a heavy rain, no matter what neighbors are doing. Researching this information can save a lot of time and money in damage due to wet soil conditions.

○ **Can the SWCD serve as the enforcement agency regarding drainage complaints?**

No, the District cannot enforce drainage issues on private property. We cannot enter a landowner's property and order them to halt activity or force them to drain surface water off their land. We must be invited. If a landowner, either upstream or downstream, requests our technical assistance with solving drainage problems on their own property, we are happy to respond and provide as much information as our expertise allows. Unfortunately, this may require that the property owner invest their own time and money to correct problems that originate on a neighbor's land.

○ **New neighbors moved in next door and they are directing their roof water directly on my property. Who can help?**

Again, this ends up being a private issue where the District has no authority. Talking to your new neighbor and trying to resolve the problem is the best option. If this does not work, you have the option to seek legal counsel and go to civil court to resolve the drainage issue. See the OSU Extension Law Bulletin.

○ **What other suggestions besides neighbor relations and practices being installed to minimize drainage concerns does Wayne SWCD offer?**

Finally, we encourage landowners who experience drainage issues to document with dated pictures, videos and receipts of repairs resulting from stormwater damage in a dated folder. This information will be important if the landowner chooses to resolve the concern in civil court.



Wayne Soil & Water
Conservation District

Wayne SWCD
428 W. Liberty Street
Wooster, Ohio 44691
330-263-5376
www.wayneswcd.org