

# LANDOWNER ASSISTANCE

## Ohio Drainage Laws

The Ohio Laws that govern water rights and drainage are very complex. Disputes between landowners are often settled in civil court on a case by case basis and can be very expensive. The District encourages a cooperative effort between landowners to solve these problems, for it's usually the most successful method for all parties involved. Simply put, water should enter and leave your property where it did prior to earth disturbing activities. A landowner is entitled to reasonable use of the water that flows across his/her land, as long as it's returned to its natural course. This includes ponding water behind a dam for personal use or making drainage improvements to protect structures. The District has assembled some commonly asked questions to help clarify these water rights issues. **Hopefully this Q & A provides some help:**

### **Drainage F.A.Q.'s**

#### **My neighbor is building a home and I get more runoff 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 homeowner(s) 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 communities require a lot grading plan. This can be reviewed by the community and the builder to make sure it was followed.

#### **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 (e.g. not sending water uphill when it went downhill) and the reasonable use rule applies. This is explained in detail in the Ohio Drainage Laws found in the Ohio Revised Code, Chapters 6131, 6133, 6135, and 6137.

#### **I bought my home and property during a very dry summer. No one informed me that this land is wet for a large portion of the year. My basement even gets wet after a small rain storm. Who is responsible for the damages?**

Unfortunately in most cases it is the homeowner's responsibility. When you consider buying property, it is necessary to do your homework! There are numerous resources available (see resource links) to investigate your future home site. Soils are one of the most important items to research before purchasing property. The Web Soil Survey will describe all of the soil types in an area, as well as suggest 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 larger amounts of water during a heavy rain, no matter what neighbors are doing. Doing this research can possibly save a lot of money in damage due to wet soil conditions. Utilizing the Soil Survey and input from water management professionals are important steps in the home buying process.

#### **Can the Summit Soil and Water Conservation District 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. 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.

# Backyard Flooding

\*Information obtained from the Roth Construction website: How to Reduce the Impact of Floods by Using Landscaping Best Practices\*

- **Level a sloping yard.** To avoid incoming water, the ground should always slope away from your home in all directions. Locate the high and low points of your home and use extra dirt to slope the yard away from your house. This way, melting snow and rain will flow away from your home and basement, preventing flooding in your home. Work with a professional to make sure vents, basement windows, pipes, drains, and other areas aren't negatively impacted during the grading process.
- **Choose local plants that prevent flooding in your yard.** Indigenous plants can help to prevent soil erosion while also allowing rainwater to drain more efficiently. Plants native to Ohio can help prevent erosion and reduce flooding in your home. These can often be found at local plant nurseries. For more information about plants local to your part of Ohio, [click here.](#)
- **Using mulch in the garden can prevent water from flowing toward your home.** In garden areas, grade away from your home and fill with a few inches of mulch. This will help keep soil in place and hold in rainwater. If mulching near your home, make sure the mulch is at least six inches from your siding to avoid moisture wicking and rotting of your home's exterior.
- **Planting new grass can reduce the impact of floods.** The root structure of grass can help absorb water. It's important to re-search what kind of grass would be most effective for your area. Once it grows in, avoid cutting your lawn too short, which weakens the roots and can lead to flooding in your yard, and possibly your home.
- **Learn what to plant in a rain garden.** Rain gardens are the perfect solution for curbing erosion and improving water quality. They collect rainwater and water that runs from your gutters and downspouts, creating a runoff, filtering it away from your house. They are often created in shallow, landscaped depressions, which helps to naturally absorb rainwater in the ground.
- **Add drainage areas near driveways.** Paved driveways can quickly lead to rainwater runoff, which can increase your home's risk for flooding. Installing a gravel or spaced paver driveway are two options. For something less expensive, consider adding drainage next to your driveway by way of channel drains, pavers, or other landscaping-based solutions.
- **Learn how to install a rain barrel.** Rain barrels, which are placed at the bottom of downspouts to collect the water, are a great way to redirect moisture and protect your home from flooding. As an added bonus, rain barrels allow an eco-friendly way to water your gardens and lawn when it's dry out. They also decrease pollution runoff into lakes and natural waterways.
- **Know how to test your sump pump.** A well-maintained sump pump will ensure that your basement stays dry by directing water out of your basement and away from your home. A sump pump can mean the difference between proper water flow and costly water damage. It's important to check your sump pump to make sure everything is in proper working order. If you don't have a sump pump, you might want to see if getting one is right for you.