Dear Home Owner:

Storm water drainage issues are one of the most common complaints received by many county agencies from private land owners. In Hamilton County, the varied topography can aggravate the problem.

County and local government agencies are responsible for reviewing development and building plans to assure that proper drainage does exist. However, once the property owner receives the final Certificate of Occupancy, the County’s authority ends. If your neighbor installs a pool or landscaping and reroutes the storm water runoff that could damage your property, it becomes a civil matter between neighbors.

As Ohio has undergone the strains of urban and rural development, the courts have continuously modified the way in which they apply the law to issues of storm water drainage. Reasonable use doctrine has evolved to provide flexibility and practicality to the application of Ohio’s drainage laws. The reasonable use doctrine essentially provides that an acceleration or obstruction of surface water flow should be examined to determine whether or not the change is “reasonable” in each case.

The drainage smile is visible before the grass has grown in. It’s called a A-A smile.

The best way to avoid problems is to be aware of where your drainage easements are located.

If you are downstream of anyone, and most of us are, Ohio law says you must accept the water flowing from the higher land through a natural drainage channel. Here are some good rules of thumb:

- Do not increase the rate of flow or volume of runoff.
- Do not redirect or concentrate the flow of runoff. When adding fea-
Home Owner's Brochure

tures to your property, make sure your 
or your contractor consider the flow of 
runoff.

- If you break it, you buy it! If you 
block a drainage channel or change 
the direction of natural flow, you may 
be responsible and liable for dam-
age caused on another's property.

- No mechanical (trump) pumps are to 
be tied to the downsput line that 
discharge through an underground 
pipe to the street, curb, or surface.

- Do not enclose a drainage swale into 
a pipe, before checking with your 
local Public Works Department. It is 
important to use the right-sized pipe 
and to make sure that, by concen-
trating the flow in a pipe, you will not 
damage neighboring property. It is 
better to work with your neighbors, 
and not push your water problem 
onto them. Open swales are the best 
environmental solution to storm wa-
ter when the storm water infiltrates 
or drains away within 24 hours.

- When you plan to drain a swimming 
pool, please be courteous by waiting 
at least three days after the last 
closing of chlorine to drain or back 
flush your pool. Outlet the pool water to a heav-
ily vegetated area or disperse it with a 
drainage spreader.

- Downsputs that lead to an underground 
pipe cannot be "day lighted" or come to the 
surface above the ground closer than 10’ 
from the property line. This is a require-
ment for the unincorporated townships and 
the jurisdictions that are part of the 
County's Department of Building Inspec-
tions. If you live within a village or munic-
ipality, check with your local government.

An ounce of prevention will pay off when it 
comes to maintaining drainage channels.

- Keep the swale clear of brush and logs. 
Never put leaves, mulch or grass clippings 
in or near a stream or swale.

- If you live near a water source, plant a 
buffer of natural vegetation and establish a 
no mow zone. This will serve as an inexpen-
sive filter of pollutants.

- Maintain and control vegetation in channel 
or place rock channel protection or dump 
rock (ODOT type C) in channel to dissipate 
the energy flow and reduce erosion.

- Never plant trees in the swale.

- If you live adjacent to a stream and have 
an above ground downsput line, extend 
this pipe to the stream to avoid erosion.

This is a diagram for a new home 
which illustrates part of the plan 
for drainage across the subdivision. 
The dotted lines show the contour 
identifications.

A 15" private storm sewer & 
private drainage easement is shown 
across 2 lots with a 12" storm 
sewer at

A 6" downsput on is shown underground connecting 
several properties' downsput outlets.

A small pond is in the back yard of 
the house for water storage.

A AA swale is a flood route for 
rain runoff flowing downhill. 
It is the homeowner's respons-
ibility to maintain the swale.

After years of grading, mulch near a natural swale, 
a dam has been created restricting water after a heavy rain.

You as property owner, are responsible for the maintenance of the 
system designed to take the storm water flowing across and off of 
your property in accordance with original subdivision plan.