

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:

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, it some cities and villages require a lot grading plan. This can be reviewed by the community and 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 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's 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 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. 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 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. 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.