

continue to do so after development. New development may not worsen existing structural flooding. If problems are being created during construction, please contact the Erosion Control Division at 828-694-6523 and we will investigate to determine whether the development is being properly constructed.

**I have discussed my drainage problems with my neighbor and they will not work with me. I have considered placing swales or other improvements on my property, but it is not feasible. Is the County responsible for ensuring proper drainage on my lot?**

The County is not responsible for ensuring proper drainage on privately owned property. If it is impossible to remedy the problem by working with your neighbor, then civil court action may be taken. This should be a last resort to resolving drainage problems. Only if the neighbor is diverting or impounding water against its natural flow or unnaturally concentrating the flow would the neighbor be liable for damages. If water is flowing as it naturally would, then the neighbor has no liability. Property owners are responsible for maintaining drainage on their own property. You could also consider hiring a civil engineer with expertise in storm drainage to examine alternative solutions.

## EROSION CONTROL DIVISION

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## FREQUENTLY ASKED QUESTIONS ABOUT URBAN STORMWATER



HENDERSON COUNTY

[WWW.HENDERSONCOUNTYNC.ORG](http://WWW.HENDERSONCOUNTYNC.ORG)

### What is URBAN STORMWATER?

Urban runoff is the water that flows off our yards, streets, parking lots, and driveways into the storm drains and eventually into our creeks, lagoons and the ocean during the dry season. Whether it is from sprinkler over-spray, car washing or hosing down the driveway, everyone is a potential contributor to urban runoff.



Tel: 828-694-6523

### **What is stormwater runoff?**

**Stormwater runoff is defined as:** The surface flow of water resulting from precipitation in any form and occurring immediately after rainfall or snow melting.

**Does the Erosion Control Ordinance apply to stormwater runoff or Urban runoff? The answer is no.**

### **Article XIII - Subpart E - Soil Erosion and Sedimentation Control**

This subpart is adopted for the purposes of: (1) regulating certain land-disturbing activity to control accelerated erosion and sedimentation in order to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; (2) protecting economic and ecological integrity of the County; and (3) establishing procedures through which these purposes can be fulfilled.

### **What is the difference between public and private drainage systems?**

Public drainage systems are located within public drainage easements or street rights-of-way. Public drainage systems are the NCDOT's maintenance responsibility if the street is a state roadway. Private drainage systems are located on private property and may or may not be located within private drainage easements. Private drainage systems typically do not cross lot lines and are generally used to collect runoff on a specific lot. Private drainage required to be maintained by the property owner.

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### **Who do I call when I have issues with stormwater problems at my home?**

You should contact a private civil attorney about the issues. Stormwater from a neighboring residential site is a civil matter between property owners.

### **What should I do with the roof drains from my single family dwelling?**

Downspouts and gutters will collect and send out hundreds of gallons of water during a storm. Splash blocks only serve as a way to absorb and spread the energy of the falling water. Drain lines of durable 4 inch diameter plastic pipe can capture and move the water to a better place on your lot. Take precaution to not run the pipes towards your neighbors structure. They should be routed to the closest stream, storm drain or area where the water is able to be absorbed into the ground before it harms a structure or adjoining neighbors property.

### **My neighbor has done some work on his lot and now I'm getting more runoff. What can I do?**

In the past, county staff has come out to look at situations such as this. Currently, staffing levels and budget do not allow us to make site visits for lot-to-lot drainage problems. These situations are civil matters between the property owners. It does not violate county code for one lot to drain onto another, and you should try to perform work on your lot to help your yard drain more efficiently. It is against the law to divert or concentrate runoff, or block runoff from draining onto your property. We advise that you meet with your neighbor and discuss

the problem to work toward a mutually agreeable solution. If this is not possible, consider grading swales on your property to convey the runoff around your home. Swales are depressions similar to wide shallow ditches that will collect runoff and take it to a more desirable area, typically the street. If swales are graded, care should be taken to ensure that grass is established so that they do not immediately fill up with silt. Occasionally, area drains may be considered. However, we do not generally recommend them for surface flow situations. Area drains typically do not have the capacity to handle the volume of runoff that is threatening to flood a home, and must be frequently cleaned of leaves and debris to function properly.

### **My driveway culvert has become clogged and no longer drains properly. Will the County come out and clean out my culvert?**

Henderson County does not own any roads, so would not come out and clean and regrade ditches.. North Carolina Department of Transportation (NC DOT) will clean and regrade ditches as needed if the situation is on a state maintained roadway, but homeowners are responsible for cleaning out driveway culverts.

### **There is new construction behind my lot and I'm having drainage problems due to the construction. Is there anything the County can do to make the developer drain his development away from me?**

There is a misconception that new development is not allowed to drain onto existing development. If the area drained onto the adjacent property prior to development, it may