

The offices of the Butler County Commissioners, County Engineer, Board of Health, and the township trustees frequently receive requests for maintenance and improvements of storm drainage facilities throughout the county. All offices understand the importance of adequate storm drainage and have developed this brochure to explain the limits of the authority of public agencies in drainage questions.

Storm drainage facilities should not be closed, obstructed or altered in any way which would reduce the capacity for conveying storm water across private property. Any owner may be liable for adjacent property damage for failure to properly maintain storm drainage facilities across his/her own property.

RESPONSIBILITY

It should be recognized by property owners that storm drainage improvements benefiting private property can not be performed by county or township personnel. Neither the county nor township may maintain or improve storm sewer facilities beyond the right of way without assessing the individual properties.

The financial responsibility for the maintenance and improvements of storm sewers, ditches, detention basins and water courses rests entirely with the affected landowner. The county engineer and township trustees do not have authority to maintain or improve storm drainage facilities across an individual's property.

SOLVING DRAINAGE PROBLEMS

Minor drainage problems are best resolved by the property owners or builders. Examples are small areas of standing water resulting from sump pumps, downspouts, or poorly graded areas. These situations usually only affect one or two property owners and are mainly encountered in newly built areas in which the lawns are not yet established. Once the lawns are fully established,

the problems of standing water are usually resolved.

In more complex drainage matters, the flowchart below is helpful in determining who has the responsibility to resolve drainage problems.

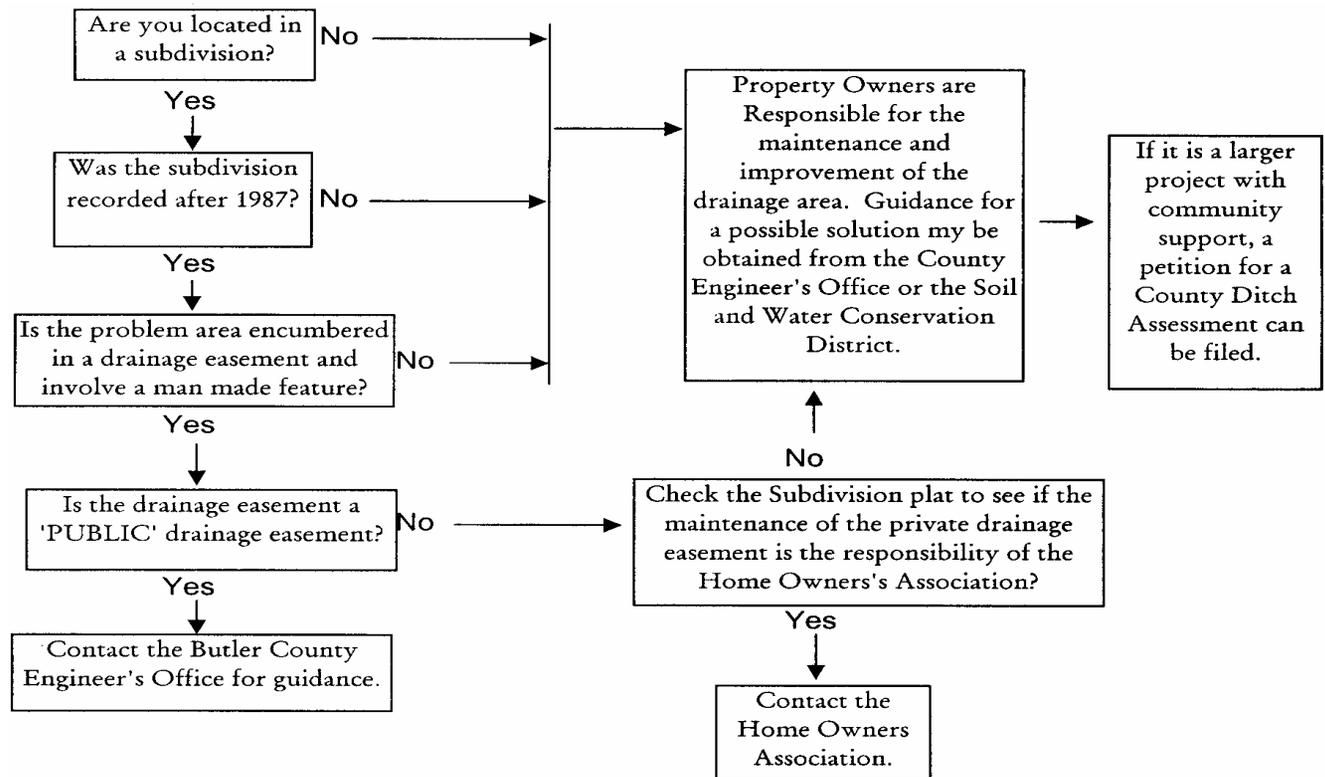
The owner should determine whether the property is located in a subdivision platted before 1987 or if the property is located outside of a subdivision. If either of these is true, the responsibility of resolving the situation lies with the property owner.

If the problem exists in a subdivision platted after 1987 and is located in an easement designated to be maintained by a Home Owner's Association (HOA) or is in a public drainage easement designated to be maintained by the county engineer, one of these two entities may

assist in resolving the issue. However, the cost of resolving the situation will be assessed back to the benefited property owners in the HOA or the county ditch assessment.

Most easements under the control of either the HOA or County Ditch Assessment are for the purpose of maintaining a man-made feature such as a storm sewer pipe or detention basin and do not cover natural channels. Routine minor maintenance is generally the responsibility of the property owner. If assistance is needed to determine who has responsibility for maintenance, call the County Engineer's Office.

In situations where multiple owners recognize a problem and a majority of the owners are willing to bear the financial responsibility of correcting it, affected owners can petition for the establishment of a county ditch. ➡



DITCH PETITIONS

Under Section 6131.63 of the Ohio Revised Code, any benefited owner may file a County Ditch Petition to begin the legal steps required to finance, construct, and maintain a Ditch Improvement. The petition together with a bond in the amount of \$500.00 plus \$2.00 for each parcel of land that exceeds 200 parcels must be filed with the Clerk of the Board of County Commissioners. The Board of County Commissioners is designated to make the necessary decisions after consideration of the engineering reports and the comments by the affected land owners. Even though the County Commissioners administer the procedure, the County will not participate in the cost of the proposed improvement and maintenance unless County-owned property is involved. The entire cost of the improvement, including engineering, administration, construction, compensation for damages (if any), and maintenance, is paid for by assessing the property owners within the watershed in accordance with the benefits received. The minimum construction assessment is \$10.00 and the minimum maintenance assessment is \$2.00.

CONCLUSION

The County Commissioners, County Engineer, Board of Health, and Township Trustees have a sincere interest in all storm drainage problems and complaints. All entities realize that adequate storm drainage facilities are very important to you. It is our desire to cooperate with the property owner to the limits of our authority in providing solutions to storm drainage problems.

This brochure outlines some common drainage solutions available to property owners. It is not a complete legal guide. In some instances, you may determine that the help of a qualified attorney is needed.

INFORMATIONAL RESOURCES

Inquiries from property owners concerning storm water facilities and their maintenance can be directed to:

Butler County Engineer's Office
1921 Fairgrove Avenue
Hamilton, OH 45011
513.785.4120
www.bceo.org

The Butler County Soil and Water Conservation District offers free technical assistance for property owners regarding storm drainage and improvements and/or maintenance. Through the District, problems are solved by landowners themselves, with the technical and educational assistance furnished by the District and other agencies of the government. Direct inquiries to:

Butler Soil and Water Conservation District
1810 Princeton Road
Hamilton, OH 45011
513.887.3720

www.butlercountyohio.org/conservation/

Inquiries pertaining to surface water quality, private sewage systems, and/or insect nuisances may be brought to the attention of:

Butler County Health Department
202 South Monument Street
Hamilton, OH 45011
513.887.3111

www.butlercountyohio.org/Health/



STORM SEWERS, DETENTION BASINS, AND WATER COURSES



- **RESPONSIBILITIES**
- **IMPROVEMENTS**
- **MAINTENANCE**

