



## Stormwater Drainage Issues in Chatham County, NC

Growth and development in Chatham County will bring more rooftops, roadways, and other impervious surfaces. Impervious surfaces are those that do not allow for infiltration, which is when water is absorbed into ground. When water can't be absorbed into the ground, it flows along the surface and is known as stormwater runoff. Too much stormwater runoff can cause a number of issues for the environment and property owners. County staff are often asked questions regarding who is responsible for damages and other problems that are caused by stormwater runoff. The most common example is during or after a rain event when water flows from one lot to another and results in flooding, erosion, transportation of debris and sediment, or other damage to adjacent properties. The information below is a summary of property law about stormwater runoff issues.

In North Carolina, the general rule of property law is that an owner/possessor of land may make reasonable use of the land. Under the Rule of Reasonable Use, the owner/possessor of land may make reasonable use of the land even though the flow of runoff is altered and causes some harm to others. **However, liability may be incurred when the discharge of stormwater runoff onto the property of another is (1) unreasonable and (2) causes substantial damage.** See *Pendergrast v. Aiken*, 293 N.C. 201, 236 S.E.2d 787 (1977). The determination of what is unreasonable and whether the runoff causes substantial damage is a private nuisance action between the property owners. A property owner concerned about their rights or obligations related to the discharge or receipt of surface water should consult with their attorney for guidance.

### **If you think you have a stormwater runoff issue, please keep in mind that:**

- Chatham County does not install, operate, or maintain stormwater infrastructure (pipes, inlets, culverts, basins) outside of those occurring on county owned property.
- Chatham County is not responsible for fixing runoff issues between private parties.
- If a ditch runs along a state maintained highway or street, NCDOT is responsible.
- In a subdivision, the developer is responsible for drainage issues and infrastructure maintenance until the subdivision is turned over to the homeowners association (HOA).
- Once it is turned over to the HOA, the HOA is responsible for drainage issues and infrastructure maintenance.
- Subdivisions that received approval prior December 2, 2008 are exempt from the requirements of the Chatham County Stormwater Management Ordinance and may be covered under a stormwater permit from the NC Department of Environmental Quality. These subdivisions are required by state law to maintain the stormwater infrastructure.
- Residential construction within subdivisions approved prior to December 2, 2008 must adhere to the stormwater requirements (if any) listed in the HOA bylaws.
- Single-lot residential construction in subdivisions approved after December 2, 2008 must adhere to at least one (1) of the three (3) conditions provided within Appendix C: Single Family Residential Lot Guidelines for Stormwater Management of the Chatham County Stormwater Management Ordinance.

Please visit the Chatham County Watershed Protection Website to review the Stormwater Management Ordinance. Please contact staff within the Chatham County Planning Department to determine the date subdivisions received approval. Please contact staff within the Watershed Protection Department with any questions regarding drainage or stormwater issues.

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## **APPENDIX C: SINGLE-FAMILY RESIDENTIAL LOT GUIDELINES FOR STORMWATER MANAGEMENT**

The practices below are required for better lot design with regard to managing stormwater runoff from single-family residential uses. Chatham County requires the use of one or more of these practices to reduce total runoff quantity and quality from a lot. It also serves to limit negative impacts to downstream or off-site property in terms of scour, sedimentation, flooding or other potential damages.

### **Single Family Residential Lots**

At least one of the following design standards shall be utilized in the development or redevelopment of an individual lot for a single family residence:

- i. All roof downspouts shall discharge onto the surface of the natural ground at-least 25 feet from the property boundary and in accordance with all applicable Building Codes ;
- ii. Collect the first ½" equivalent runoff volume from at-least 1/2 of the total roof area by connecting downspouts to operating rain barrels or cisterns;
- iii. Driveways, walkways and patios shall drain into well-maintained landscaped beds using native vegetation and amended soils.