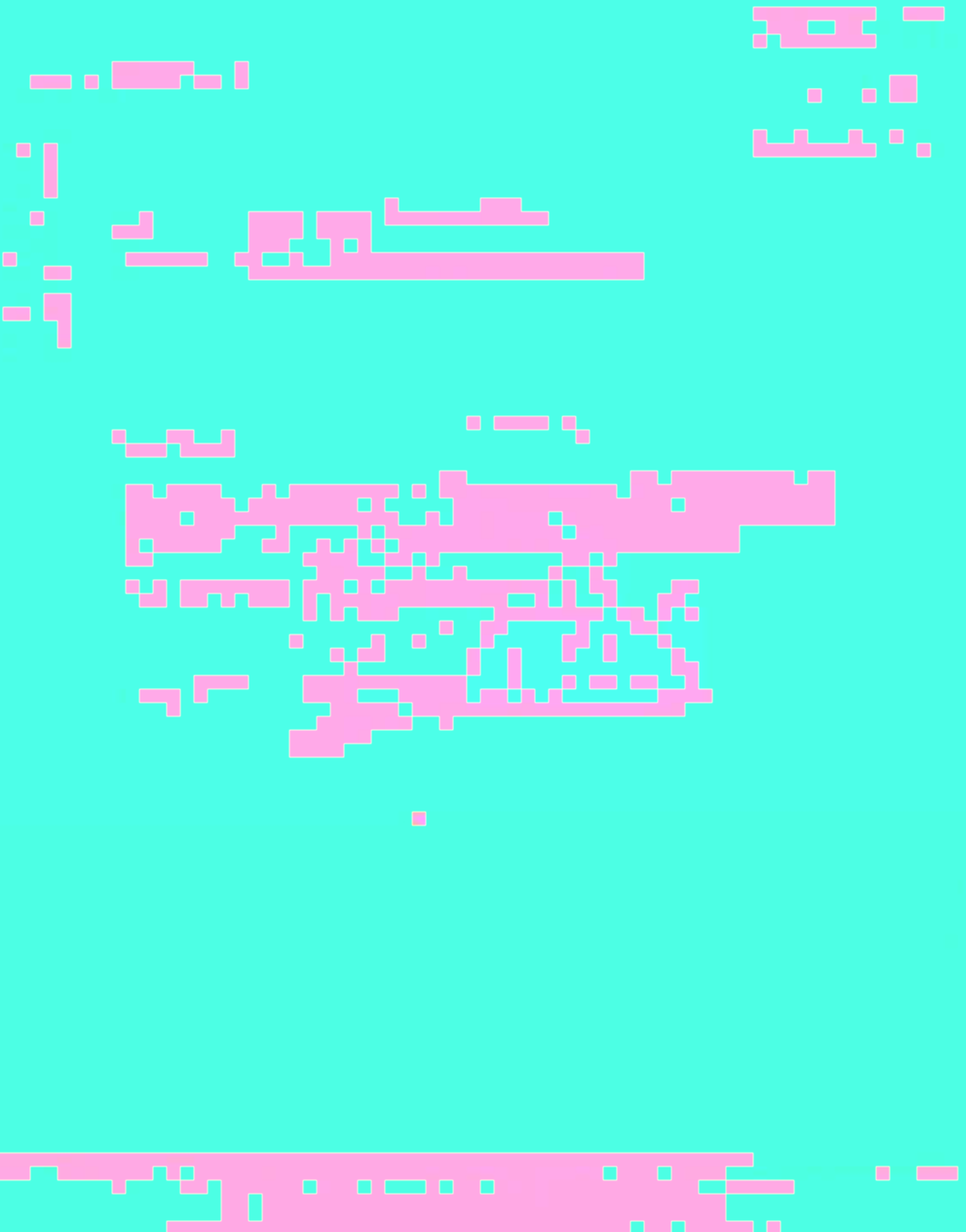


GEAUGA SOIL AND WATER CONSERVATION DISTRICT



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Geauga Soil and Water Conservation District
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The Ohio Drainage Law and Geauga County

One of the more common inquiries received by the Geauga Soil and Water Conservation District concerns storm water runoff and landowner drainage rights. Identifying natural runoff patterns and routes may aid individuals in understanding that water coming onto their property from an adjacent parcel is not necessarily the result of mischievous intent, but merely runoff following a path of less resistance, without regard to personal property boundaries.

A watershed is defined as the area of land from which all precipitation and runoff, associated with that area, converge to a single concentrated location. That location may be a marsh, stream, river, lake, or groundwater aquifer. Geauga County is the origin of the Chagrin, Cuyahoga, and Grand Rivers, all of which flow into Lake Erie. The watersheds of the Chagrin, Cuyahoga, and Grand Rivers roughly divide Geauga County into three parallel drainage basins oriented north to south. The western basin is drained by the Chagrin River, the central basin by the Cuyahoga River, and the eastern basin by the Grand River. In a simpler sense, storm water runoff is merely rainfall flowing downhill on a circuitous journey to Lake Erie, following many of the innumeral

So what are the legal constraints and what is an acceptable standard of conduct for landlords when it

comes to repairs? The usual tenancy contract is a leasehold, the leaseholder is responsible for the repairs and maintenance of the property. The leaseholder has the right to sue the landlord if the property is not fit for habitation. The leaseholder has the right to sue the landlord if the property is not fit for habitation. The leaseholder has the right to sue the landlord if the property is not fit for habitation.

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Landlord's duties

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Q: A nine-acre commercial site is being developed upstream from my home causing a large amount of runoff and sediment deposition in my backyard. Is this permitted?

A: Sediment runoff from new construction sites and other related soil-disturbing activities are regulated by the *Geauga County Water Management and Sediment Control Regulations*. Geauga SWCD staff and local zoning officials work diligently to ensure that sediment and muddy water do not leave construction sites by conducting frequent site inspections. If you witness sediment and/or muddy water leaving an active construction site, please call the Geauga SWCD so that District staff may further investigate this matter.

Q: I bought the land that my house was built on in late summer. No one informed me that this land is wet for a large portion of the year. My basement floods frequently and smells musty.

A: Unfortunately, this harkens the adage "buyer beware." When you are considering buying property, it is necessary to do your homework. Your underlying soil type will give you the best indication of whether or not you will have water problems. Soil information can be obtained by requesting a copy of the *Soil Survey* from your county SWCD. This information is also available on-line. The *Soil Survey* is free and describes local soil types including which soils are generally well suited for septic systems, farming, and building, in addition to which types of soil have a tendency to remain water logged all year long. Doing this research before buying a home may save you a lot of money and future headaches.

Q: Can the SWCD serve as the enforcement agency regarding drainage complaints?

A: No. This is a common misconception. We cannot order a landowner to stop the flow of their surface water onto your land. We can, however, provide technical assistance in dealing with the flow of water on your property and facilitate discussions between neighbors to create the best possible drainage situation for all landowners involved.

For more information about Ohio Drainage Law, reference the Ohio Revised Code, Chapters 1515, 6131, 6133, 6135, 6137.

1 The Ohio State University Extension Service, Bulletin 822 *Ohio's Drainage Laws – An Overview* is available at <http://ohioline.osu.edu/b822/4>