



The department frequently receives reports from citizens that neighboring property owners have altered their parcel such that a drainage or flooding issue is created on an adjacent parcel. This document describes the department's role in the investigation and possible resolution of these complaints.

Drainage Responsibility

Where large drainage ways exist, like box culverts, pipe culverts, drainage channels or water conveyed in streets, the city or a Home Owner's Association maintains their condition to assure their proper function. For individual property owners, where drainage crosses property lines, or crosses from one property to another in private drainage easements, the maintenance of the drainage system is the responsibility of the property owner(s).

Notification to Parties

If the city receives a report of improper upkeep, or a drainage way that has been altered, the city will investigate and notify the involved parties of the complaint for remedy. Alterations to drainage ways should not be done without an approved drainage plan and permit. This requirement is in City Ordinance 32A-9 (C) shown below. Examples of alterations are, building a fence perpendicular to a natural slope that concentrates the flow, building berms that redirect flow or adding a culvert or pipe from a retention basin or other area that directs flow towards a neighbor or street without approval.

Actions

The act of altering historic drainage patterns without a permit could result in a citation, and is enforceable through City Ordinance 32A-17 shown below. The city may pursue correction through citations for extreme cases; however, the city does not have resources to pursue court action on every drainage complaint. For nuisance water, or situations where a drainage path has not been maintained, or has been altered, the city will make the offending party aware that they have violated the ordinance in writing, but no further action may be taken if it does not impact the public at large.

If quantifiable damages have occurred, the impacted party may need to hire a professional engineer and/or an attorney to provide an assessment and recommendation for correction and/or civil action.

City Ordinances:

Chapter 32A-9 Permit Requirements

(C) *Plans, specifications and geotechnical report.* Each application for a grading permit shall be accompanied by two sets of plans, specifications and geotechnical report, except when waived by the Planning and Development Director for minor or insignificant work. The plans, specifications and geotechnical report shall be prepared, sealed and signed by an Arizona registered professional engineer.

Chapter 32A-17 Design Standards for Drainage

(B) *Existing drainage facilities.* No person shall alter any natural drainage course or existing drainage facility in such a way as to damage or endanger by flooding, erosion, or any other means, any public or private property or improvements.