

## CITY OF WADSWORTH DRAINAGE COMPLAINT POLICY

### Conditions Addressed By The City:

- Recent changes in downspout/sump pump discharge or grading that increase or concentrate storm water flow towards an adjacent property and cause unreasonable harm.
- Recent changes on a property that prohibit the natural drainage of storm waters from an adjacent property and cause unreasonable harm.
- New construction where roof drainage is not directed to the storm water collection system and is likely to cause unreasonable harm to adjoining property owners.
- New construction where the grading is not in compliance with the approved plans and is likely to cause unreasonable harm to adjoining property owners.

### Conditions Not Addressed By The City:

- Any drainage condition that has been in existence prior to 12-21-85.
- Pre-existing grading of properties directing water toward adjoining properties where the grading of one or both of the properties was never approved by the City.
- The existing grading of the downstream property (complainant) does not reasonably protect buildings, or landscaping from water accumulation.
- Complainant's own storm water discharge is contributing to water accumulation on their property.
- Storm water from downspouts, sump pumps, or grading from an adjacent property that is not considered to be an unreasonable amount.
- Properties whose storm water drainage cannot reasonably be connected or directed to the storm water collection system.

“In resolving surface water disputes, courts of this state will apply a reasonable-use rule under which a possessor of land is not unqualifiedly privileged to deal with surface water as he pleases, nor absolutely prohibited from interfering with the natural flow of surface waters to the detriment of others. Each possessor is legally privileged to make a reasonable use of his land, even though the flow of surface waters is altered thereby, and causes some harm to others, and the possessor incurs liability only when his harmful interference with the flow of surface water is unreasonable.” (*Mcglashan vs. Spade Rockledge Corp.* syllabus)