

## **Jackson Township Drainage:**

Landowners and homeowners usually are inquiring who they can turn to for assistance regarding drainage issues. There is NO national, state, county or township entity that has regulatory authority over drainage disputes between two landowners. There is no free service available to fix drainage issues that arise during times of excessive rainfall. In other words, no state, county or township entity will come to your property to fix your drainage concern. In almost all the cases and procedures, the landowner must initiate the action to resolve the drainage dispute or make the drainage improvement.

1. The landowner may work voluntarily with other landowners involved in the same drainage problem and try to work out an agreement to pay necessary costs and construct the improvements.
2. The landowner may petition for the improvement under the Ohio County Ditch Laws (ORC Chapter 6131). If the petition is approved, the landowner should expect to pay assessments for his/her portion of the construction cost for the improvement, as well as assessments for perpetual maintenance.
3. The voluntary group may construct the needed improvement and then apply to the Board of County Commissioners to place the improvement in a maintenance program under the provisions of the Ohio Drainage Ditch Laws (ORC Section 6131.63). Under this alternative, the improvement would be maintained perpetually from funds collected through assessments.
4. The landowner may apply for assistance through the Conservation Works of Improvements procedure through the Soil and Water Conservation District and pay assessments for improvement construction and maintenance (ORC Chapter 1515).
5. A drainage improvement district may be funded through a tax levy approved through a referendum.
6. The landowner may consult a qualified attorney to present a case for getting the drainage problem resolved in a court of law. Most often the landowner is trying to collect damages resulting from the neglect of others to properly address a drainage problem.
7. Landowner may choose to do nothing and accept the consequences such as continued flooding, flood damage, etc. and possible future litigation by a third party.

### **Culvert Pipe Instructions**

#### **SUBJECT: PLACEMENT OF CULVERT PIPE IN TOWNSHIP DITCHES**

Where it is desired by a property owner to place culvert pipe in an existing township ditch, and further to fill that ditch, the following policy exists:

It is required that no pipe under 12" diameter be installed in any ditch within Jackson Township and only then with the approval of the Jackson Township Board of Trustees.

It is the responsibility of the road foreman, Roger Eidenour, 419-355-6050, to inspect the installation and to insure that proper drainage will take place. The inspection and approval by the road foreman in no way releases the property owner from responsibility should water back up and cause problems to an adjacent property or prevent drainage of the road right-of-way.

Should problems arise from placing culvert pipe in a township ditch; the property owner is required to correct the problem immediately at his own expense. If a property owner fails to respond to a problem that is his cause, the township road department will remove such obstruction and reestablish an open ditch, the cost of which will be billed to the property owner. It would also be noted that the O.R.C., Section 5547.04 requires property owners to receive approval prior to placing an obstruction within the bounds of a township road. This section of the Revised Code also requires these property owners to remove any obstruction erected without permission.

O.R.C. Section 5589.06, states: "No person shall wrongfully obstruct any ditch, drain, or water course along, upon, or across a public highway, or direct any water from adjacent lands to or upon a public highway."

In summary, the Jackson Township Board of Trustees will permit this practice within strict limitations whereby approval and inspection are required.



## JACKSON TOWNSHIP PROCEDURE FOR INSTALLATION OF PIPE

### 1. AFTER APPROVAL FROM THE ROAD FOREMAN . . .

2. The property owner may make arrangements with the road foreman to have the site ditched to the proper elevation and taking into consideration the type of pipe to be installed. There is no charge for this service. All material removed from the ditch shall be deposited at the site for use by the property owner (for covering the pipe and landscaping purposes).

3. CATCH BASINS: The same size as the run pipe are to be installed or to be located as directed by the road superintendent or road foreman. Location of the catch basins to be determined prior to the time installation begins.

5. DRIVEWAY PIPES: The maintenance and cleaning are the responsibility of the property owner. The township will reset pipes that are not at the proper elevation at no charge. The township will not reset pipes that are defective due to crushing, bent, corroded beyond a useful life, or pipes under 20 feet in length. Any township materials used will be charged to the resident at the current rate as determined by the Board of Trustees.

6. A no-cost permit is required for installing pipe in roadside ditches. Those pipes installed without approval are subject to removal with the costs billed to the property owner or placed as a lien on the tax duplicate.

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