

STORM WATER POLICY

The City of Fountain Inn, SC, will only make repairs to storm drainage facilities that lie within the City's rights-of-ways. Storm drainage facilities that lie outside the City's rights-of way are considered to be the private property of the owner of the real property on which the facilities are located. The City will not enter private property to correct or make repairs to storm drainage facilities on private property even if the owner gives the City the express permission to do so. The reason is that once the City makes repairs, the City will have a continuing obligation to maintain the facility. Storm drainage facilities outside the rights-of-way are not deeded or dedicated to the City and therefore the City does not own or maintain them. The City will not accept a dedication of storm water facilities that lie outside of road rights of ways. Developers constructed the facilities during the subdivision's development and any claims about such facilities should be directed to the developer.

The City does not perform any creek bank maintenance or stabilization. The City has never maintained creeks, rivers, drainage ditches and the like. These are naturally occurring drainage areas that are subject to erosion during periods of heavy rainfall. Their courses may even change over time. Therefore, individuals owning land on which these drainage areas exist have the responsibility to maintain them. In most instances, such drainage areas are shown on recorded plats of the subdivision or development and exist for the benefit of adjoining landowners. Usually easements are recorded on the plats or restrictive covenants concerning their existence and use.

Damage caused by storm water is a serious problem. The science and technology on this issue is still being developed. Until somewhat recently there were no requirements on developers about how storm water runoff was to be handled. No government entity inspected the design or construction of storm water facilities until the 1980's. When attempts were made to address storm water runoff, some over time proved to be inadequate. Some storm drainage facilities are aging and in need of repair. Home owner associations have not taken the responsibility to maintain and repair drainage facilities installed in the subdivision. In some cases, facilities that are constructed to current standards are not adequate and may even cause more serious or at least different problems than existed prior to the construction of the facility.

Citizens are encouraged to protect themselves by investigating the location and nature of storm drainage facilities before purchasing property. This would include finding out who owns of the facilities and is responsible for maintaining them.