

## Town of Colchester

72 Tannery Rd., PO Box 321, Downsville, NY 13755

Phone: (607) 363-7169 TDD#1 1-800-662-1220

### **DIVERTED STORMWATER**

Towns around the state are beginning to see the negative effects of diverted storm water. In the last couple of decades more and more homes are built on the sides of mountains where water used to find its own natural course and run off freely. Times have changed. We have moved into an era where large homes with extensive lawns are being built. The new influx of bigger homes has changed the pattern of smaller camps and cabins, which had little impact on the land and the watershed. So the Town of Colchester, like many towns and counties across the state, must begin an aggressive procedure to ensure that property owners are informed that water cannot be diverted from one property onto another. **Section 507** of the Property Maintenance Code of New York subsection 1, states 'Drainage of roofs, paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance'.

Often times, the negative effects of diverted water results far from the original site. The culmination of man-made solutions and water's own natural descent can spell disaster for those further down the watershed. Again, property owners are responsible for their own storm water. They cannot divert if off of their own property on to someone else. It is illegal for a property owner to dry up his own property and send his excess water to become another landowner's headache. This includes driveways, any ditching or culvert or drainage pipe work.

The water that originates on your property is yours. If it is diverted, it must be done in such a manner that the solution either encompasses your own property or the receptacle that the water is diverted into is deemed adequate to handle the excess runoff. For example, if water is diverted into a town ditch, it is the property owner's responsibility to notify the Town Highway Superintendent and he will determine if the ditching used for the diversion can adequately handle the diverted water. The property owner does not have the right to divert and expect the Town to then solve the problem of excess runoff, if the Town's ditches prove inadequate. It doesn't work that way. The property owner is also responsible for any watershed that is disturbed and rerouted because of contractors working on his land, examples of which would be loggers, quarry men, excavators and such. The Town will not only be overseeing a more aggressive policy for future anticipated storm water and erosion problems, it also will be looking for accountability in those instances where water has already been diverted and is now causing problems, some severe, for the Town and additional property owners. 9/1/04

#### Section 507 Storm Drainage

**507.1 General.** Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.