



## **Drainage Complaint**

### **Frequently Asked Questions (FAQ)**

#### **How do I file a drainage complaint?**

If the location of the drainage concern is within unincorporated Pima County, a drainage complaint may be filed by telephone (520-724-4600), at our office (201 N. Stone Avenue, 9<sup>th</sup> floor), or by submitting a form available online at <http://rfcd.pima.gov/district/complaints.htm>. (Complaints located within the City of Tucson, Town of Oro Valley, Town of Marana, and Town of Sahuarita must be filed with those jurisdictions). When filing the complaint, it is important to provide as much detailed information about the concern as possible. All complaints result in an investigation, which usually involves a field visit, but complaints such as “someone upstream has diverted flow” are rarely resolved because the field investigator does not have enough information to know where to start looking, and has limited ability to enter private property without permission. Providing information about the specific location and/or source of the problem is critical. If a flooding incident is being reported, it is important to provide the date and time of flooding, the direction from which the water came, and the approximate depth of flow.

If you have requested to be present at the time of the inspection, the field investigator will contact you to schedule a meeting. You may be contacted for additional information even if you have not requested a field meeting.

#### **What types of complaints are commonly investigated?**

The Floodplain Management Division (FPM) investigates drainage complaints for most single-lot drainage issues. These are situations in which an individual has done something on their property that may adversely impact a neighboring property. Typical examples of this type of complaint are filling in or altering a wash, constructing a wall or berm, installing a culvert, or otherwise diverting or obstructing flow that may result in flooding or erosion on a neighboring property. In addition, FPM investigates complaints regarding disturbance of regulated riparian habitat and complaints involving subdivisions and commercial development. The Infrastructure Management Division investigates drainage complaints related to the maintenance of public infrastructure such as drainageways, bank protection, and detention/retention basins.

#### **What constitutes a drainage violation?**

Not all drainage complaints result in enforcement action. The District’s authority is limited by law to certain minimum standards, below which resolution of drainage issues is the responsibility of the individual property owners. A drainage violation can be:

- An activity which diverts, retards, or obstructs flows *within a regulatory wash or floodplain*. A regulatory wash is a watercourse having a base flood peak discharge of 100 cubic feet per second or greater. A regulatory floodplain is an area that is inundated by water resulting from a one percent annual chance flood (more commonly called the “100-year” storm event).
- Grading or disturbing more than 1/3 acre of regulated riparian habitat without a permit.
- Failing to maintain private drainage improvements that are associated with an approved development plan, subdivision plat, or approved engineering report.
- Performing construction activities within a regulatory floodplain without a permit, or failing to comply with the conditions of an issued Floodplain Use Permit.
- Damaging or interfering with a facility that is under the jurisdiction of the Flood Control District.

Examples of drainage issues that the District does *not* have the authority to regulate include preventing water from a neighbor's roof from entering your property; swimming pool drainage; and nuisance/de minimis diversions such as grading of easements and driveways, placement of landscaping, etc. that occur within large areas that have been identified as subject to sheet flooding.

### **How is enforcement conducted?**

The Floodplain Management Ordinance, Title 16 of the Pima County Code (available online at <http://www.pima.gov/cob/pccode.shtml>), provides the District with the authority to regulate flooding and erosion hazards in order to protect public health and safety, and as such authorizes the District to investigate suspected Ordinance violations and to pursue corrective action if a violation is identified.

After the field inspection and any pertinent research have been conducted, if the District determines that a violation of the Ordinance exists, the enforcement process is initiated. This process may begin with an informal Notice of Opportunity to Correct that is sent to the owner of the property in violation, explaining the nature of the violation and requesting that the violation be remedied within certain timeframes. If an owner does not respond to this Notice, escalated enforcement may occur, meaning additional correspondence up to and including a Notice of Violation. A Notice of Violation may result in the imposition of penalties, the recording of the violation against the property, and the loss of the ability for the owner to obtain flood insurance.

### **What about drainage complaints in non-regulatory areas?**

Although flood damage can occur within watersheds that are smaller than the regulatory threshold, the District's authority to pursue compliance enforcement is limited to watercourses and floodplains with peak discharges of 100 cfs or more. Other means are available to address actions in watercourses that fall below the Ordinance threshold; namely civil actions and claims for damages, if they occur. Property owners may be liable for actions on their property if those actions cause an adverse impact to neighboring property, irrespective of the applicability of the Ordinance.

If you believe that your property has been impacted by flooding or erosion caused by actions on a neighboring property, the District recommends approaching the neighbor, calmly explaining the problem and the hazard it has placed you and your property in, and asking him or her to remedy the situation. Many times, they are unaware they have created a problem.

### **How will I be notified of the outcome of my drainage complaint?**

If your drainage complaint results in a determination by the District that no Ordinance violation has occurred, you will be notified in a letter providing the reasons for this determination.

If your drainage complaint results in the identification of an Ordinance violation and initiation of the enforcement process, you will be notified by telephone. During the enforcement process, you are welcome to contact the District at any time for a status update.

If you have filed your complaint anonymously, it is your responsibility to contact the District if you have questions regarding the complaint's status.