

Frequently Asked Questions

Drainage, Stormwater, and Erosion & Sedimentation Control

Many of the drainage complaints brought before the local government are outside its authority because the disputes involve private property rights. There are only limited situations where the local government can take action.

Iredell County does not maintain roads or drainage easements. Public roads are maintained by NCDOT; private roads are the responsibility of the property owner.

Iredell County does not have the authority to enforce the drainage easements of individual property owners.

What is stormwater?

Stormwater is rain or snow melt; it is excess water that cannot infiltrate the soil or be absorbed by vegetation and it flows through pipes, gutters, channels or over land. It washes pollutants such as soil, litter, leaked automotive fluids, fertilizers, detergents and bacteria into our creeks, rivers, lakes and oceans. In heavy storms, it can cause flash flooding and exacerbate drainage problems.

Why does stormwater need to be managed?

Stormwater runoff is now the leading source of water pollution in our country. It can increase erosion and formation of gullies in upland areas, increase in-stream scour and erosion, increase sediment deposits in lower areas, degrade water quality, create peak storm flows that are higher and faster, and cause more frequent flooding. In urban areas that have significant amounts of impervious surfaces, and in areas that are cleared of vegetation, the effects of stormwater runoff are much greater than in areas where soil and vegetation can absorb excess water.

My neighborhood lake has turned cloudy. What is causing this?

You may be observing turbidity, which are suspended solids in the water. Turbidity occurs when fine suspended particles of clay, silt, organic and inorganic matter, plankton and other microscopic organisms are picked up by water as it passes through a watershed. Turbidity levels are typically much higher in water from surface water sources such as streams, rivers and lakes than from groundwater sources.

Some surface water sources exhibit high turbidity levels during periods of high rainfall.

Construction sites can also affect the turbidity of surface waters. Iredell County regulates and inspects construction sites and requires that all disturbed soil be controlled through approved Best Management Practices (BMPs) to prevent sediment from directly entering local water systems. If maintained properly, these BMPs can also help to control turbidity.

If you have observed sediment leaving an active construction site, please contact Iredell County Erosion Control Section, and we will investigate the problem.

Are there any laws that pertain to drainage?

The General Law in North Carolina states that the person on the lower estate must receive and pass the water from the higher estate(s). Also, specific statutes prohibit the blockage of streams, drainage ways and easements that remove water from higher elevations. For more specific information see **North Carolina G.S. 77-14** https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/ByChapter/Chapter_7.pdf.

The North Carolina Supreme Court formally adopted the Rule of Reasonable Use with respect to surface water drainage in the case of Pendergrast vs. Aiken in August 1977. The adopted Reasonable Use Rule allows each landowner to make reasonable use of his land even though by doing so, he alters in some way the flow of surface water thereby harming other landowners. Liability is incurred when and only when this harmful interference is found to be unreasonable and causes substantial damage. “Reasonable” and “Substantial Damage” is still up for interpretation on a case by case basis. But the Reasonable Use rule is in line with realities of a modern developing society.

Who is responsible for the cost to repair a drainage easement?

The property owner is ultimately responsible, unless responsibility is explicitly assigned to another party (i.e.: builder, former property owner, etc.) in a signed legal contract/document.

Who is responsible for maintaining drainage easements?

Individual property owners are responsible for the maintenance of any portion of a recorded drainage easement that is located on their property. For example, if a 20' drainage easement is located straight down a property line, each property owner is responsible for the 10' of the easement that is on his or her property. Easement issues are a civil matter.

Can my neighbor direct his water onto my land?

If the higher landowner unreasonably diverts the flow of runoff, increases the flow, or contaminates the runoff in a way that causes material damage to the lower landowner, then the lower landowner can bring an action for an injunction and damages.

Landowners are considered equal under Common Law, whether they be private citizens, companies, road authorities, federal, state or local governments. So, if you get advice on Common Law drainage problems from a drainage contractor, a drainage engineer, a lawyer, a conservation authority, or a government agency, remember that it's not their responsibility to solve the problem. Only the courts can make a final decision in a dispute. To obtain a ruling by a court, a civil action must be initiated by the damaged party.

What can be done with the water once it enters my property?

The water can be addressed in any manner, so long as no blockage, impediment or obstruction occurs and it is discharged at or near the predominant low point of your property; however, other state and federal rules may apply, such as riparian buffer rules or wetland rules.

Where can I get advice about alleviating my drainage problem?

Drainage problems are private property issues. It is highly recommended that the owner hire a qualified private consultant. If the drainage problem involves a shared easement, be sure both owners are involved in a solution.

How do I know who to contact for specific questions regarding stormwater and/or erosion control permitting and inspections?

Iredell County is the permitting authority for Erosion and Sediment Control throughout Iredell County, Mooresville, Statesville and Troutman. Iredell County enforces Water Supply Watershed rules within the County's jurisdiction. Any Stormwater questions, permitting or inspections should be directed to each of the municipalities where they are located.

Note: You must comply with all State and Local Wastewater regulations