



The City of Phoenix's (City) Planning and Development Department (PDD) frequently receives reports from citizens that a neighboring property owner has altered their parcel such that a drainage or flooding issue is created on an adjacent parcel. This document describes the PDD role in the investigation and possible resolution of these complaints.

### **Drainage Responsibility**

Large drainageways such as box culverts, pipe culverts, drainage channels, and curb and gutters are managed by the City or a Homeowner's Association. Drainage easements and/or property ownership requires them to maintain their condition to assure their proper function. For individual property owners, where drainage crosses property lines, or crosses from one property to another in private drainage easements, the maintenance of the drainage system is the responsibility of the property owner(s) per Phoenix City Code (PCC) Chapter 32A-17.

Alterations to drainageways should not be done without an approved drainage plan and permit per PCC Chapter 32A-9. Examples include: building a fence perpendicular to a natural slope that concentrates the flow, building berms that redirect flow or adding a culvert or pipe from a retention basin or other area that directs flow towards a neighbor or street without approval.

### **Investigation**

If the City receives a report of improper maintenance or a complaint of an altered drainageway, the City will notify all involved parties. An investigation will be conducted, and the findings will be provided to the party at fault in writing.

### **Enforcement Actions**

1. For nuisance water, or situations where a drainage path has not been maintained, or has been altered, the City will issue a written notification.
2. City staff may issue a citation to the property owner for failure to maintain and/or has altered the drainageway without a permit.
3. If quantifiable damages have occurred, the impacted party may need to hire a professional engineer and/or an attorney to provide an assessment and recommendation for correction and/or civil action.

### **References**

#### **PCC Chapter 32A-9 Permit Requirements.**

*C. Plans, specifications and geotechnical report.* Each application for a grading permit shall be accompanied by two sets of plans, specifications and geotechnical report, except when waived by the Planning and Development Director for minor or insignificant work. The plans, specifications and geotechnical report shall be prepared, sealed and signed by an Arizona registered professional engineer.

#### **PCC Chapter 32A-17 Design Standards for Drainage.**

A. All drainage facilities shall comply with the City of Phoenix Stormwater Policies and Standards Manual.

B. *Existing drainage facilities.* No person shall alter any natural drainage course or existing drainage facility in such a way as to damage or endanger by flooding, erosion, or any other means, any public or private property or improvements.