

**City of Mauldin Government  
Procedure Manual**

**Title:** Storm Water Policy  
**Department:** Public Works  
**Effective Date:** August 17, 2020

**I. Purpose**

The City of Mauldin (City) only owns, operates, and maintains stormwater facilities within City right of way, properly dedicated easements, or on City-owned property.

This policy is intended to provide guidance for the Public Works Director and those designated by the Public Works Director (i.e. Engineering Services Manager) to make management decisions regarding what type of corrective action to take on the system (e.g., repair or replace).

**II. Policy**

The City of Mauldin will only make repairs to storm drainage facilities that lie within the City's street rights-of-ways. Storm drainage systems within State road rights-of-way are maintained by the State Department of Transportation (SCDOT). 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.

City ordinances prohibit City personnel or equipment from doing maintenance of storm drainage systems across private property. 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.

The City does not own the pipes, catch basins, etc. nor does the City own the rights-of-way or easements of these systems on private property. It does not matter whether there is a drainage easement across the property or not. This is not a City-owned easement. Therefore, it is the responsibility of the property owner to correct any storm drainage issue on their property. Likewise, if the storm drainage issue lies in a common easement managed by a Homeowner's Association, the Homeowner's Association would be responsible for correcting the issue. 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.

### III. **Work on City Right-of-Way and Property**

Work may be performed on city rights-of-way or property in the following cases:

- A. Roadside ditches: The City may provide labor, equipment, and cover material to pipe roadside ditches on city roads, provided that the affected property owner provides all necessary pipe, and catch basin materials on the site, but if piping a roadside ditch on a city road or bridge will materially benefit the road or bridge, the City Council may approve provision of the necessary materials at the city's expense.
- B. Driveway entrances: The City may provide and/or install drainage lines at private driveway entrances to facilitate proper roadway drainage, subject to the following conditions:
  - 1. No more than 20 linear feet of pipe 36 inches or less in diameter may be provided per lot.
  - 2. No pipe or structures larger than 36 inches in diameter may be installed by the City. Larger structures installed on a City right-of-way by others require an encroachment permit.
  - 3. As many as two driveway entrances, not over 20 feet in width, will be permitted on each lot, and may be paved from a minimum distance of seven feet to a maximum distance of the right-of-way line, measured from the edge of the roadway and perpendicular to the centerline. No more than 20 feet of pipe may be furnished by the City. Although two driveway entrances are allowed, the City will only provide the materials for one driveway entrance. If a citizen desires a second one, the citizen must pay the cost of the materials, installation and maintenance.
  - 4. No pipe may be furnished, installed or maintained on private roads. Installation of pipe for private roads requires an encroachment permit. Roads being constructed for dedication to the City shall be considered private prior to final acceptance.

### IV. **Work off City right-of-way and property.**

Work may be performed off City rights-of-way or property in the following cases:

- A. Protection of City street or bridge: For correcting a situation detrimental to a City street or bridge which affects the safety of the traveling public. Such work may include, but is not limited to, stream channel improvement and sight distance obstruction removal. Upon specific approval of the City administrator, private driveways may be scraped only to the extent necessary to protect a city or county road within the city limits by channeling water into side ditches and cleaning side ditches. Hold harmless agreements are required for all such types of work.
- B. Drainage work off City rights-of-ways and properties: To perform maintenance on dedicated easements, provided that such maintenance will provide for the free flow of surface water to a live stream and/or relieve regional flooding conditions along a live stream. The City may provide labor and equipment to perform maintenance on drainage easements and installation of erosion protection, but the easement, in general, must carry water from public roads or lands or be regional in nature. This work will be accomplished only upon request and approval of all property owners adjacent to the easement and after a properly executed hold harmless agreement, and right of entry agreement, signed by all such owners is filed with the City and accepted for recording. Felled trees may be removed only if impeding the normal flow of water and only if it affects a public interest, public health, or public safety.

No maintenance assistance is offered to any development until completion. After completion of a development project, no such assistance shall be rendered to commercial developments, industrial sites, golf courses, apartment complexes, or mobile home parks, without specific approval of council. A record of each project undertaken is to be maintained in the City Public Works Department and made available upon request. The record is to include manpower and equipment usage.

In the event the work is done by the private property owner, the work must be performed by a licensed, qualified contractor. All work must be inspected during installation and approved by the public works department upon completion and before covering.

1. Types of work:

The following types of drainage assistance may be performed by the City Public Works Department provided it affects a public interest, public health, or public safety:

- a. Machine cleaning of normally dry drainage easements to allow free flow of surface water.
- b. Installation or removal of pipe (labor and equipment only) on normally dry drainage easements. Materials must be furnished by the property owner. All materials furnished including pipe, catch basins, grates and lids must meet City standards.
- c. Installation of large stone or other erosion protection materials (labor and equipment only) on normally dry drainage easements.
- d. Unclogging and repair of pipe systems (labor and equipment only) on normally dry drainage easements.

2. Conditions:

The drainage assistance described above may only be performed under the following conditions:

- a. All requests for off right-of-way drainage assistance must be approved by the Public Works Director.
- b. All affected property owners must execute drainage assistance agreements which shall include an easement with permanent encroachment provisions and a hold harmless agreement. These agreements shall be filed with the public works department.
- c. Drainage assistance may be provided for circumstances involving water which originates from public lands or public rights-of-ways to natural stream beds or drainage systems.
- d. No materials will be furnished by the City for any of the above types of work.
- e. No assistance shall be provided to any development prior to its completion.
- f. No off-right-of-way drainage assistance shall be performed more than once in a 12-month period except under extraordinary circumstances and with the concurrence of the City Administrator.

**V. Greenville County Storm Water Program**

In 2002, as a federal mandate, the County of Greenville established a storm water program in order to comply with the U.S. Environmental Protection Agency (EPA) Clean Water Act. Programs were created to address water quality issues related to the storm water runoff and to help correct some of the County's worst flooding problems. Greenville County has jurisdiction within the City of Mauldin to enforce this Act.

A. Responsibilities of Property Owners within the City of Mauldin Limits

1. Property owners continue to be responsible and accountable for actions that could lead to water quality degradation and flooding issues.
2. Property owners are prohibited from attempting to block the natural path of water on their property in any way.
3. Property owners should consider the natural drainage path when installing fences and sheds.
4. Property owners are prohibited from attempting to divert water from your property onto another property. It is important to keep drainage ditches in your yard free of debris so that water can drain properly. Yard debris also causes algae blooms which affect water quality.
5. Pursuant to state law, it is the responsibility of property owners with streams on or adjacent to their properties to keep the streams free of debris and fallen trees.
6. Property owners are prohibited from dumping any substances such as dog waste, yard waste, motor oil, antifreeze, or paint into creeks or streams on their property or storm drains in your neighborhood. Streams and storm drains are part of the stormwater system. Dumping items will directly affect the water quality and can result in fines and enforcement actions.
7. Water from a neighboring property should be settled between the property owners.
8. If the water is coming from an entire subdivision, contact Greenville County's Land Development Division (864-467-4610).
9. If you plan on making modifications to your property that may disturb the topsoil or alter drainage patterns, please check with Greenville County Land Development.