

Frequently Asked Questions

Can I fill in a ditch, swale, or pipe a small stream?

If you have a ditch or swale on your private property, it may be an intermittent or perennial stream. It is against North Carolina law to fill these in or to impede the existing conveyance of water. You may be able to divert, re-direct or modify stormwater conveyances subject to stipulations included with a City infrastructure permit, which you may request through the Public Services Department. Any work within an intermittent or perennial stream, temporary or permanent, may also require a permit and certification with the North Carolina Division of Water Resources (DWR) or the US Army Corps of Engineers.

For more information about working within streams and the permits needed, please visit DWR's website at <https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/401-buffer-permitting-branch/stream-wetland>.

Can I block the natural flow of water from an adjacent property onto my property?

No. Pursuant to North Carolina statute it is illegal to impede the natural flow of water. However, a property owner can divert or alter its path in a reasonable manner, subject to stipulations included with a City infrastructure permit, which you may request through the Public Services Department. You may also need to consult with NCDWR or the US Army Corps of Engineers for any applicable permits to modify the stream.

My neighbor's stormwater runoff floods my yard! Can you intervene for us?

Drainage problems stemming from private property and/or associated with a dispute between multiple private property owners must be resolved by the property owner(s).

Nearby stream levels are higher than ever after a rainfall. Can the City dredge or clear them out so they'll drain faster?

Any dredging or channel work requires permitting and certification through both NCDWR and the US Army Corps of Engineers and may not always reduce flooding. **DO NOT ATTEMPT TO DREDGE OR RESHAPE A CREEK BY YOURSELF! IT IS AGAINST THE LAW** without approved plans and permits.

Streets and Rights-of-Way Maintenance Responsibility

The City of Fayetteville's Public Services Department maintains the stormwater drainage within City streets or rights-of-way.

To determine if a street or right of way is maintained by the City, visit our maps and apps page on our website at www.fayettevillenc.gov/publicservices.

Some streets within the City limits are maintained by the North Carolina Department of Transportation (NCDOT). If the street is maintained by NCDOT, and if you have questions about stormwater drainage on it, please call 910-364-0600.

If the street is private or has not been accepted for maintenance by City Council, it will be the responsibility of the homeowner or Property owner association to address the issue.



Hay Street (City-Maintained)

Contact Us

Stormwater Management Program

433 Hay Street
Fayetteville NC 28301
910-433-1613

www.fayettevillenc.gov/dap

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Drainage Assistance Program



What is the Drainage Assistance Program?

The City's Stormwater Management Division maintains stormwater infrastructure within City streets or rights-of-way. Property owners are responsible for maintaining stormwater infrastructure located on their private property outside of the rights-of-way. In September 2019, the Fayetteville City Council passed an ordinance to establish a Drainage Assistance Program (DAP), (Chapter 23-3.2) which allows for the use of Stormwater funds to assist eligible property owners with drainage issues located on private property.

How to Apply

Homeowners with drainage concerns on their property are asked complete the Drainage Assistance Program Application at <https://www.fayettevillenc.gov/DAP>. Completed applications may be sent via email to LBohnert@ci.fay.nc.us or mailed to Drainage Assistance Program, 433 Hay Street, Fayetteville, NC 28301. Stormwater staff may then schedule a time to meet with the property owner onsite to evaluate the issue to see if it is eligible for the Drainage Assistance Program. The eligibility criteria can be found in the City ordinance, Chapter 23-3.2

What happens next?

City staff may investigate the stormwater complaint to determine if it is eligible for the program. If a project is deemed eligible, the project is prioritized according to a ranking system. Twice a year, projects are submitted to the Stormwater Advisory Board (SWAB) for final recommendation, based on priority and available funding. Funds are appropriated by City Council each year, and will be awarded based on the budget that is set each year.

If a project is deemed ineligible, the property owner will be notified via a letter explaining the reason. Once a project is deemed ineligible, the decision is not subject to appeal, per city ordinance.

Common Stormwater Definitions

Stormwater runoff: rain or melting snow that runs off of hard or impervious surfaces (streets, parking lots, roof tops) and flows directly to the drainage system. It is not treated in any way prior to entering into the creeks, streams, and water ways.

Creeks/Streams/Waterways: any body of water determined to be jurisdictional (waters of the state).

Ditch: a small to moderate depression created to channel water, typically not mowable.

Swale: a shallow ditch with gentle side slopes, typically mowable.

Catch Basin/Inlet: a box structure with openings either on the sides or in the top that allows stormwater runoff to enter into a closed conduit drainage system of pipes.

Right-of-way (R-O-W): Dedicated owned space for current or future facilities such as highways, streets or trails and above and below ground utilities (water, sanitary sewer, and private utilities). Generally extends 10-20 feet beyond the curb into the yard area. Privately installed trees, fences, retaining walls or sprinkler systems should not be built in the R-O-W without obtaining permission through an encroachment agreement.

Easement: a legal right or permission, giving a person or entity limited use of another's property. The easement area is the land subject to this right.



Private Property Owners Maintenance Responsibility

Swales and ditches should be kept free of debris to maintain positive flow. Common causes of drainage problems in swales and ditches are sediment build up, tree roots, yard waste, trash and other debris, all which impede flow.

Vegetation in swales and ditches is critical in reducing erosion and preventing sediment build up. Herbicides should not be sprayed to kill the vegetation on the ditch banks. This leads to erosion and pollution in our waterways.

Inlets should be checked periodically to ensure they are free and clear of blockages. This will allow the inlet to function more efficiently at capturing stormwater runoff. Common items that block inlets are leaves, pine straw, limbs, and trash.

Property owners need to be proactive in protecting streams from obstructions. The City of Fayetteville is not responsible for removing trees along streams on private property.



Drop Inlet on Private Property