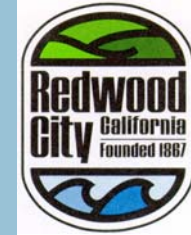




City of Redwood City
CODE ENFORCEMENT



Code Enforcement Mission Statement

It shall be the Code Enforcement staff's mission to provide the residents and businesses of Redwood City with professional and courteous community service they can count on at all times.

We will always endeavor to protect and preserve the public health, safety, welfare, and quality of life of all our residents by investigating violations and enforcing city ordinances without prejudice or bias.

We recognize that teamwork is essential in any organization and will continuously strive to work in partnership with residents, businesses, neighborhood associations, public service agencies and other city departments to make Redwood City a great place to live or work.

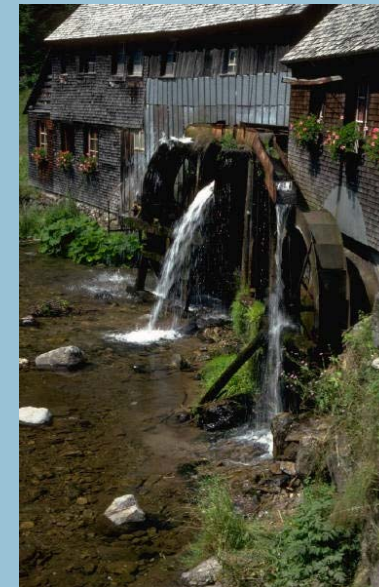
Code Enforcement Stands for:

- Integrity
- Professionalism
- Diligence

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WATER DRAINAGE



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CODE ENFORCEMENT
City of Redwood City

TELEPHONE: 650-780-7350

WATER DRAINAGE

Progress Report—El Nino & Drainage Challenges

Every rainy season creates additional tasks for Code Enforcement staff with regards to drainage and stormwater runoff across private property lines. The recent increased media attention (about El Nino) has only heightened homeowners concerns about stormwater drainage. Many homeowners call Code Enforcement staff to help deter their neighbors from draining stormwater into or on their property. There are no specific city ordinances addressing stormwater runoff; however, there are numerous examples of case law addressing this issue.



Drainage Water Liability Principles

The California Rule

An upper landowner is entitled to discharge surface water from his/her land as the water naturally flows. If however, he/she modifies the natural flow, he/she is liable for any damage done to a lower landowner unless the lower landowner had acted “unreasonably” in altering the natural drainage over his/her land. The determination of whether either landowner’s conduct is reasonable or unreasonable is a question of fact to be determined in each case, but generally it is not unreasonable for a lower landowner to fail to take affirmative action to protect his/her property.

The following fact situations are presented to illustrate the application of the California Rule:

Condition: Upper Landowner Alters the Natural Drainage

	Landowner	Conduct	Liability
<u>Case 1.</u>	Upper Lower	Unreasonable Reasonable	Upper
<u>Case 2.</u>	Upper Lower	Reasonable Unreasonable	Lower
<u>Case 3.</u>	Upper Lower	Reasonable Reasonable	Upper
<u>Case 4.</u>	Upper Lower	Unreasonable Unreasonable	Upper *

* (with limit to damages)

California has adopted a combination of the natural flow rule and the reasonable use rule, as will be more fully discussed below.

CALIFORNIA RULE—SURFACE WATER

The current California rule was articulated in the landmark case Keys v. Romley (1966) 64 Cal. 2d 396. The California Supreme Court has stated the rule as follows:

“We find the law in California, both as to urban and rural areas, to be the traditional civil law rule which has been accepted as the basis of harmonious relations between neighboring landowners for the past century. But no rule can be applied by a court of justice with utter disregard for the peculiar facts and circumstance of the parties and properties involved. No party, whether an upper or a lower landowner, may act arbitrarily and unreasonably and still be immunized from all liability.

It is therefore incumbent upon every person to take reasonable care in using his/her property to avoid injury to adjacent property through the flow of surface waters. Failure to exercise reasonable care may result in liability by an upper landowner to a lower landowner. It is equally the duty of any person threatened with injury to his/her property by the flow of surface waters to take reasonable precautions to avoid or reduce any actual or potential injury.

If the actions of both the upper and lower landowners are reasonable, necessary, and generally in accord with the foregoing, then the injury must necessarily be borne by the upper landowner who changes a natural system of drainage, in accordance with our traditional civil rule.” (Id., at p. 408-409.)