



FROM THE DESK OF: Town Engineer James Michel, P.E.

STORMWATER 101:

What every property owner should know



Stormwater (rain and runoff) affects everyone. When land is developed or changed, it alters how water flows, which sometimes leads to flooding, erosion, or disputes between neighbors. We've put together this guide to explain the basics of stormwater rules in North Carolina and how they apply in Southern Pines.

WHAT THE LAW SAYS ABOUT WATER FLOW



Courts across the U.S. have applied 1 of 3 three approaches when making decisions about stormwater disputes between property owners:

- **Reasonable Use Rule** (used in North Carolina): You may use your land in a reasonable way, but you're responsible if your actions are unreasonable and harm others.
- **Common Enemy Rule** – Water is a “common enemy.” Each property owner may protect themselves however they like, even if it hurts neighbors.
- **Civil Law Rule** – Property owners are liable if changes on their land cause water problems for others.

KEY TAKEAWAY: Even if you act “reasonably,” you may still have to compensate another property owner if your action causes serious damage either downstream or upstream.

WHAT THE TOWN DOES (AND DOESN'T DO)



When the Town issues construction permits, our engineering team reviews site plans against both state regulations and the Town's Unified Development Ordinance (UDO). This includes checking for engineering standards and best stormwater practices — things like how runoff will be collected, slowed, and released.

- The Town's UDO standards are typically stricter than state rules for stormwater design. New developments must follow both sets of rules.
- North Carolina courts follow the Reasonable Use Rule. The Town's UDO is written with this framework and it is how staff applies development rules.
- The Town does not get involved in, settle, or mitigate private drainage disputes between property owners. These must be resolved privately, sometimes in court.

DIFFERENT RULES FOR DIFFERENT WATERSHEDS



Designing for a 10-year storm is the bare minimum in Southern Pines. The standards get stricter from there depending on the watershed into which the property drains.

- **Aberdeen Creek & Rockfish Creek:** No state stormwater rules, but Town rules apply.
- **James Creek, Nick's Creek, plus parts of McDeeds Creek & Mill Creek:** These areas are considered “water supply watersheds” and rules vary depending on whether it's a “critical” or “protected” area. Development must be kept at a low density — roughly the equivalent of 1-2 houses per acre. Higher density *might* be allowed if more protective stormwater practices are added.

- Some parts of **McDeeds Creek & Mill Creek are high quality waters** and require the highest degree of stormwater management to protect the watershed. Only 12% of the area in these areas can be covered in “impervious” materials. These are hard surfaces that don't soak up water, like rooftops, driveways, parking lots, and even patios. The rest needs to stay grass, plants, or other pervious surfaces, unless special stormwater controls are added.

View a map of our watershed locations at sopinesnc.info/watershed_map or use the QR code below.



Town of Southern Pines Engineering Team
James Michel, P.E.
David Byrd | Tony DiNardo | Brendan Patton
910-692-1983 or sopinesnc.info/engineering



FAQ: YOUR QUESTIONS, OUR ANSWERS

How can I manage runoff on my property?

Simple actions can help safeguard your property against flooding, erosion, and water pollution. These practices are unlikely to harm your neighbors or the environment:

- Add rain gardens or bioswales to shallow landscaped areas to collect & filter runoff.
- Install rain barrels or cisterns to capture roof runoff for reuse in gardens or lawns.
- Use permeable pavers or gravel so rain can soak into the ground instead of running off.
- Plant more trees, shrubs, or groundcover to increase absorption and slow runoff. Consider “xeriscaping” by using native or drought-tolerant plants that need less water/irrigation.
- Direct roof runoff & gutter downspouts into lawns or garden areas. You can also connect them to French drains or dry wells so the ground can safely absorb water.



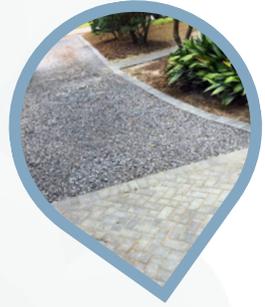
Can my neighbor direct water onto my land?

Yes, but only if the actions are “reasonable” and don’t cause substantial damage by diverting too much water or polluting it. If you have concerns about what your neighbor has done, contact a licensed professional (civil engineer, landscape architect, etc.) for help. The Town only gets involved if there was a violation of Town ordinances.

Who can I contact if water from the roadway is damaging my property?

It depends on who owns & maintains the particular road. Call the Town’s Public Works department at 910-692-1983 if you’re unsure.

- The Town *probably* maintains it if you live on a typical neighborhood street.
 - The property owners or HOA/POA maintain private roads. These are often (but not always) gated neighborhoods like MidSouth, Knollwood Village, Forest Creek, etc.
- NCDOT maintains collector roads like Indiana Ave, May St, Connecticut Ave, Central Dr, Pennsylvania Ave, Midland Rd, and other similar roadways.
 - Call NCDOT at 877-368-4968 or submit a request at sopinesnc.info/NCDOT_help



No matter who owns the roadway, you can help by regularly removing pine straw, leaves, and other debris around the storm drain inlet by your property (the opening at the curb). This helps prevent backups that might impact your property. Never blow debris into the inlets! Our Environmental Services team collects debris at the curb twice a month.



Does the Town maintain stormwater easements on private property?

Some easements are owned & maintained by the Town, but most are private, which means the property owner is responsible. Call the Town at 910-692-1983 if you have questions about a specific easement.

What laws apply to drainage in North Carolina?

North Carolina uses the “Reasonable Use Rule” to guide decisions on stormwater practices and disputes between property owners. Water has to flow somewhere — and everyone has the right to use their land — but property owners must act reasonably. What does this mean?

- Lower properties must accept natural runoff from higher properties. If rain naturally flows downhill onto your lot, that’s expected and allowed.
- Upstream (higher) properties must manage water reasonably. You can’t make changes that unreasonably increase runoff or cause serious harm to your neighbors.
- Downstream (lower) properties also have limits on what can be done. You can’t block culverts, raise the grade of your property, or build barriers that create drainage problems upstream.
- Streams and natural drainageways cannot be blocked. State law (NCGS 77-13 and 77-14) makes it illegal to dam, fill in, or obstruct creeks and drainage channels.

If it’s a “100-year storm,” why do they happen more often than once a century?

A storm of that intensity has a 1 in 100 (1%) chance of happening in any year. That term doesn’t mean that it will only occur once every 100 years.

CONTACT OUR TEAM WITH QUESTIONS

Call the Town’s Engineering team at 910-692-1983 or visit sopinesnc.info/engineering for more resources.

