



The following is cited from Ohio Revised Code and addresses issues related to the use of the public right-of-way for drainage and the placement of non-permitted items in the right-of-way.

**Ohio Revised Code R.C. 5589.06 states:**

No person shall wrongfully obstruct any ditch, drain, or watercourse along, upon, or across a public highway, or divert any water from adjacent lands to or upon a public highway.

Whenever the township highway superintendent learns of any obstruction of any ditch, drain, or watercourse along, upon, or across a public highway, or diversion of any water from adjacent lands to or upon a public highway, he shall notify the board of township trustees, which shall cause written notice thereof to be personally served upon the person, firm, or corporation, or upon any agent in charge of the property of the person, firm, or

corporation causing such obstruction or diversion. Notice may be served by a constable of the proper township or any person authorized and deputed therefore by the board of township trustees, and shall describe and locate said obstruction or diversion and direct its immediate removal. If the person, company, or corporation does not within five days from the receipt of written notice proceed to remove such obstruction and complete the removal within a reasonable time, the township highway superintendent, upon the order of the board of township trustees, shall remove the obstruction. The expense incurred shall be paid in the first instance out of any money levied, collected, and available for highway purposes and shall then be collected from the person, company, or corporation by civil action by the board of township trustees, and paid into the highway fund of the township. (Emphasis added.)

A violation of R.C. 5589.06 constitutes a minor misdemeanor. R.C. 5589.99(B). R.C. 5589.06 thus prohibits a property owner from wrongfully diverting any water from adjacent lands to or upon a township road. See Op.No.82-025 at 2-74 (where a property owner fails to remove an obstruction from a ditch along a township or county road, the township is required to remove the obstruction); 1949 Op. Att'y Gen. No 869, p.519 (a board of township trustees is responsible for removing obstructions from the ditches of both township and county roads).