

A Brief Overview of Illinois Drainage Law

The basic principle of the law of natural drainage is that landowners must take whatever advantages or inconveniences of drainage nature places upon their land. One of the most important principles of Illinois drainage law is that **owners of lower ground must receive surface water that naturally flows onto it from higher ground.**

Where the natural flow is from one tract across another tract, the higher land is the *dominant tenement*, and the lower land is the *servient tenement*. **Owners of dominant tenements have legal rights to have water drain off their lands. Owners of servient tenements have the duty of not obstructing the natural flow.**

A landowner has no right to obstruct the flow of surface water. Under Illinois law, the owner of lower land ordinarily has no right to build a dam, levee, or other artificial structure that will interfere with the drainage of higher land. In fact, the willful and intentional interference by an owner of lower land is considered a petty offense and is punishable by a fine. This is in addition to private lawsuits that the owners of affected properties may file.

Under Illinois law, private landowners have certain rights to improve the drainage on their land. They may:

- **Widen, deepen, and clean** natural depressions that carry surface water.
- **Straighten out channels** on their own property and accelerate the movement of surface water so long as they do not change the natural point of entry or unreasonably increase the flow of water onto lower land.
- **Drain** standing or ponding water in the direction of overflow.
- **Tile** their property to expedite the flow of water so long as they do not unreasonably increase the flow, change the point of entry on lower land, bring water from another watershed, or connect their tile to the tile of other owners without their consent.
- Expedite the flow of surface waters through natural lines of drainage into a watercourse or stream.

Because of the effect on surrounding lands, landowners must **not**:

- **Dam or obstruct** a natural drainage channel so that the escape of surface water from higher land is retarded or the channel is shifted.
- **Divert** water to lands that do not naturally receive this drainage.
- **Change the point of entry** of surface water on lower land.
- **Bring in water** from another watershed that would not have flowed across lower land naturally.
- **Pollute** any waters that pass from their land through the property of others - whether surface or underground water, streams, or diffused waters.
- **Connect their own tile** with another owner's tile lines or with roadway tile lines without consent.
- **Accelerate the flow of water unreasonably**, or with malicious intent, to the material damage of lower land owned by others, even though the flow is accelerated through natural channels.

The Village of Glenview and other public agencies have constructed storm water facilities that are designed to expedite the drainage of storm water, but not to eliminate all flooding. All of the above proposals require plan review and approval by the Engineering Division.

What can I do to eliminate or minimize flooding on my lot in addition to the above?

There are instances where yards are "designed" to carry storm water runoff overland towards a nearby structure, stream, or creek. Also, if your home is in a floodplain, it is at risk for flooding if the stream overflows during prolonged rainfall or rapid snowmelt. A **high water table** may also contribute to wet basements.

To deal with wet basements, we recommend checking your **gutters** and **downspouts**. Downspout water should be directed away from the house-preferably towards the front and rear of the lot or towards the nearest storm sewer structure if one is available.

We also recommend consulting a professional drainage consultant about **regrading** around the foundation of your home so as to direct water away from your foundation. Your consultant may also propose swales along the property lines to convey water to the desired location.

You may also consider installing a catch basin or yard drain at the low point on your lot and conveying storm water out towards the right-of-way, drainage easement, or storm sewer.

Your consultant must submit a engineered proposal to the Engineering Division for approval before this work can be done. The proposal should include sufficient grading information to *clearly and accurately show drainage on the lot before and after the proposed work is done*. If any drains or conveyance pipes are to be installed, the consultant should *include the sizes and materials of such items as well as rim and invert elevations for any and all structures to be installed*. All work of this manner must conform to Glenview requirements for materials, sizes, and slopes. **For more information on these requirements see the [Engineering Standards Manual](#).**

Finally, remember that regrading and/or landscaping within a drainage easement is typically not allowed. All exceptions to this must be approved by the Engineering Division. Permanent structures (i.e. sheds) are also not allowed within drainage easements, nor any structure (i.e. wall, fence) that will disrupt or otherwise block the natural or designed flow of water through the easement.