

- **Sec. 22-306. - Maintenance agreement and maintenance plan for private stormwater management facilities.**

(a)

During the application process, the applicant and the city shall determine which party will be responsible for stormwater facility ownership and long term maintenance responsibilities.

(b)

If the applicant is determined to have ownership and maintenance responsibilities, the applicant and city shall enter into an agreement that documents all responsibilities for operation and maintenance of all stormwater practices. Such responsibility shall be documented in a maintenance plan and executed through an agreement. The agreement shall be executed and recorded with the parcel.

(c)

The stormwater maintenance agreement shall be in a form approved by the city, and shall, at a minimum:

(1)

Designate the owner or other responsible party which shall be permanently responsible for maintenance of the structural or nonstructural measures.

(2)

Pass responsibility for such maintenance to successors in title.

(3)

Grant the city and its representatives the right of entry for the purposes of inspecting all stormwater measures at reasonable times and in a reasonable manner. This includes the right to enter a property when the city has a reasonable basis to believe that a violation of this division or maintenance agreement is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction and enforcement of a violation of this division or agreement.

(4)

Allow the city to repair and maintain the facility, if after proper and reasonable notice by the city to the owner of the facility. The agreement shall permit the city to certify the costs of the maintenance/correction to the taxes for the subject property.

(5)

Include a maintenance plan that contains, but is not limited to the following:

a.

Identification of all structural stormwater practices.

b.

A schedule for regular inspection, monitoring, and maintenance for each practice. Monitoring shall verify whether or not the practice is functioning as designed and may include, but is not limited to quality, temperature, and quantity of runoff.

c.

Identification of the responsible party for conducting the inspection, monitoring and maintenance for each practice.

(6)

Identify a schedule and format for reporting compliance with the maintenance plan to the city.

(Ord. No. 911, 9-17-2010)