

## Stormwater Operation and Maintenance Model Ordinance



*For a good reference on stormwater BMP maintenance, consult Stormwater Operation and Maintenance by the Watershed Management Institute.*



*Unlike other model ordinances, the operation and maintenance ordinance language is not "stand-alone." Operation and maintenance language would be a part of a broader stormwater ordinance.*

### Section I. Definitions

Best Management Practice (BMP)      Structural device, measure, facility, or activity that helps to achieve stormwater management control objectives at a designated site.

Plan      A document approved at the site design phase that outlines the measures and practices used to control stormwater runoff at a site.

### Section II. Design

2) All stormwater BMPs shall be designed in a manner to minimize the need for maintenance and reduce the chances of failure. Design guidelines are outlined in the most recent version of \_\_\_\_\_ (*local or state stormwater manual*).



*Rather than incorporate specific stormwater design or maintenance standards into the ordinance itself, it is best to reference "the most recent version" of a stormwater manual. This way, technical information can remain up-to-date without making legal changes to the ordinance.*



*The Maryland Stormwater Design Manual is one example of an up-to-date stormwater design manual that explicitly defines design and regular maintenance measures. For more information, go to [www.mde.state.md.us](http://www.mde.state.md.us). Under topics, choose "Stormwater Design Manual."*

- 1) Stormwater easements and covenants shall be provided by the property owner for access for facility inspections and maintenance. Easements and covenants shall be recorded with \_\_\_\_\_ (*stormwater agency*) prior to the issuance of a permit.
- 2) Final design shall be approved by \_\_\_\_\_ (*stormwater agency*)



*An example stormwater easement from Montgomery County, Maryland, is included in this section.*

### Section III. Routine Maintenance

B) All stormwater BMPs shall be maintained according to the measures outlined in the most recent version of \_\_\_\_\_ (*local or state stormwater manual*), and as approved in the permit.

- 2) The person(s) or organization(s) responsible for maintenance shall be designated in the plan. Options include
  - 1) Property owner
  - 2) Homeowner's association, provided that provisions for financing necessary maintenance are included in deed restrictions or other contractual agreements
  - 3) \_\_\_\_\_ (*stormwater management agency*)

- 3) Maintenance agreements shall specify responsibilities for financing maintenance.



*For an example of a maintenance agreement, see the maintenance agreement from Albemarle County, Virginia.*

**Section IV. Nonroutine Maintenance**

Nonroutine maintenance includes maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures.

- B) Nonroutine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections.
- 2) If nonroutine maintenance activities are not completed in a timely manner or as specified in the approved plan, \_\_\_\_\_ (*stormwater agency*) may complete the necessary maintenance at the owner's/operator's expense.

**Section V. Inspections**

- B) The person(s) or organization(s) responsible for maintenance shall inspect stormwater BMPs on a regular basis as outlined in the plan.
- 2) Authorized representatives of \_\_\_\_\_ (*stormwater agency*) may enter at reasonable times to conduct on-site inspections or routine maintenance.
- 3) For BMPs maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with \_\_\_\_\_ (*stormwater agency*) as provided for in the plan.
- 4) Authorized representatives of \_\_\_\_\_ (*stormwater agency*) may conduct inspections to confirm the information in the reports filed under Section C.