

Stormwater Operation and Maintenance Model Ordinance

L *This Operation and Maintenance ordinance language is not "stand-alone." Operation and maintenance language would be a part of a more comprehensive stormwater ordinance.*

Definitions

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

Non-Routine Maintenance - Maintenance activities that are expensive but infrequent, such as pond dredging or major repairs to stormwater structures.

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

Stormwater Treatment Practice (STP) - A structural or non-structural Best Management Practice (BMP) specifically designed to remove pollutants in rainfall runoff from developed areas.

Section I. Design

- A. All STPs 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*).

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

L *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. Under topics, choose "Stormwater Design Manual."*

- B. 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.

L *For an example of a stormwater easement, see [Maintenance Easements](#)*

- C. Final design shall be approved by _____ (*Stormwater Agency*)

Section II. Routine Maintenance

- A. All STPs 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.

- B. 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 Agency*)
- C. Maintenance agreements shall specify responsibilities for financing maintenance.

L For an example of a maintenance agreement, see [Maintenance Agreements and Arrangements](#)

Section III. Non-Routine Maintenance

- A. Non-routine maintenance shall be performed on an as-needed basis based on information gathered during regular or emergency inspections.
- B. If non-routine maintenance activities are not completed in a timely manner, or as specified in the Plan, _____ (*Stormwater Agency*) may complete the necessary maintenance at the owner's/ operator's expense.

Section IV. Inspections

- A. The person(s) or organization(s) responsible for maintenance shall inspect STPs on a regular basis, as outlined in the Plan.
- B. Authorized representatives of _____ (*Stormwater Agency*) may enter at reasonable times to conduct on-site inspections or routine maintenance.
- C. For STPs 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.
- D. Authorized representatives of _____ (*Stormwater Agency*) may conduct inspections to confirm the information in the reports filed under Section C.