

§42-241.3 – Operations and Maintenance Agreement

- A. In General. Prior to the conveyance or transfer of any *lot* or *building* site to be served by a *structural stormwater BMP* pursuant to Subpart B, and prior to issuance of any permit for *development* or *redevelopment* requiring a *structural stormwater BMP* pursuant to Subpart B, the *applicant* or *owner* of the site must execute an operation and maintenance agreement that shall be binding on all subsequent *owners* of the site, portions of the site, and *lots* or parcels served by the *structural BMP*. Until the transference of all property, sites, or *lots* served by the *structural BMP*, the original *owner* or *applicant* shall have primary responsibility for carrying out the provisions of the maintenance agreement. The operation and maintenance agreement shall require the *owner* or *owners* maintain, repair and, if necessary, reconstruct the *structural BMP*, and shall state the terms, conditions, and schedule of maintenance for the *structural BMP*. In addition, it shall grant the *County* a right of entry in the event that the *Water Quality Administrator* has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the *structural BMP*; however, in no case shall the right of entry, of itself, confer an obligation on the *County* to assume responsibility for the *structural BMP*.

PLAT:

The operation and maintenance agreement must be approved by the *Water Quality Administrator* prior to plan approval, and it shall be referenced on the *final plat* and shall be recorded with the *County Register of Deeds* upon *final plat* approval. A copy of the recorded maintenance agreement shall be given to the *Water Quality Administrator* within 14 days following its recordation.