

Article 6.6 (K) Operations and Maintenance Agreement**1. Private Development**

Prior to the conveyance or transfer of any private lot or building site to be served by a structural BMP pursuant to this Section, and prior to issuance of any permit for development or redevelopment requiring a structural BMP pursuant to this Section, 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 prim or carrying out the provisions of the maintenance agreement.

2. Public Development

BMPs that are constructed on public land within public rights-of-way, and/or within public easements shall be maintained by the public body with ownership/jurisdiction of the subject property.

3. Agreement Requirements

The operation and maintenance agreement shall require the owner or owners to 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 Town of Fletcher a right of entry in the event that the Stormwater 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 Town of Fletcher to assume responsibility for the structural BMP.

The operation and maintenance agreement must be approved by the Stormwater 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 recorded maintenance agreement shall be given to the Stormwater Administrator following its recordation.