

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

B) 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. 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.

C) 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.

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 management agency*)

C) 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.
- B) 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.
- B) Authorized representatives of _____ (*stormwater agency*) may enter at reasonable times to conduct on-site inspections or routine maintenance.
- C) 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.
- D) Authorized representatives of _____ (*stormwater agency*) may conduct inspections to confirm the information in the reports filed under Section C.