

## Section 4: Stormwater Design Criteria

### 4.14 Stormwater Facility Maintenance Agreements

#### 4.14.2 Maintenance Agreements

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- iv. Permanent stabilization must be initiated within 48 hours of completion of construction activities on areas of the site and completed for project prior to issuance of final Certificate of Occupancy.
  - v. Vegetative stabilization must demonstrate consistent progress toward 70% density of perennial vegetative cover.
3. Reinspection
- a. Reinspection is conducted for sites that are out of compliance.
    - i. Standard timeframe for corrections is seven (7) business days.
    - ii. Enforcement may be escalated if there are impacts to offsite property or waterways.
    - iii. A reinspection fee may be assessed.
  - b. Reinspection with Notice of Violation (NOV) will be issued for continued stormwater non-compliance affecting stormwater, with reinspection fee assessed.
  - c. Reinspection with Stop Work Order (SWO) – Escalation issued for continued non-compliance affecting stormwater through failed erosion and sediment controls. Reinspection fee assessed.
    - i. Effective until deficiencies are corrected.
    - ii. Erosion and sediment control failures which threaten life or property may result in SWO without prior reinspection or NOV.
  - d. Reinspection Fees
    - i. Applicability – applies only to reinspection due to failure to comply with site stormwater quality requirements.
    - ii. Amount – As established in the Water and Wastewater Rate Book.
    - iii. Time of Payment – Payment is due per standard City of Denton utility billing dates.

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### 4.14.1 Maintenance Agreements

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All drainage improvements constructed within a development and any existing or natural drainage systems shall require a maintenance agreement that identifies responsible parties for maintenance. The maintenance agreement shall be written such that it remains in force upon sale or transfer of the property.

As part of the Operations and Maintenance Plan submittal, a SWFMA must be prepared by the engineer of record for each stormwater control that will not be wholly maintained by the City. This agreement must outline preventive maintenance tasks and major repairs, identify the schedule for each task, assign clear roles to affected parties, and provide a maintenance checklist to guide future owners, including an annual self-inspection to be provided to the City. Multiple stormwater controls may be contained within a single Stormwater Facility Maintenance Agreement. When areas are identified for detention that also serve other purposes for the development (e.g. parking lots, loading docks) the requirement for a SWFMA may be waived.

### 4.14.2 Private Maintenance (SWFMA Required)

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- A. Private drainage facilities include those drainage improvements which are located on private property and which serve the needs of private development.

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#### 4.14.3 Maintenance Agreement Requirements

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- B. Private drainage facilities may also include detention or retention ponds, dams, and retaining walls intended to direct or contain runoff. Such facilities must be designed in accordance with sound engineering practices and reviewed and inspected by the City.
  - C. All SWFMA exhibits shall be reviewed and approved by the City with the civil engineering plans. The agreement for perpetual maintenance of private drainage facilities shall be executed with the City during per-construction. This agreement shall run with the land and can be tied to commercial property or to an owner's association, but not to individual residential lots.
  - D. The SWFMA shall provide the City with access to all private drainage facilities.
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#### 4.14.3 Maintenance Agreement Requirements

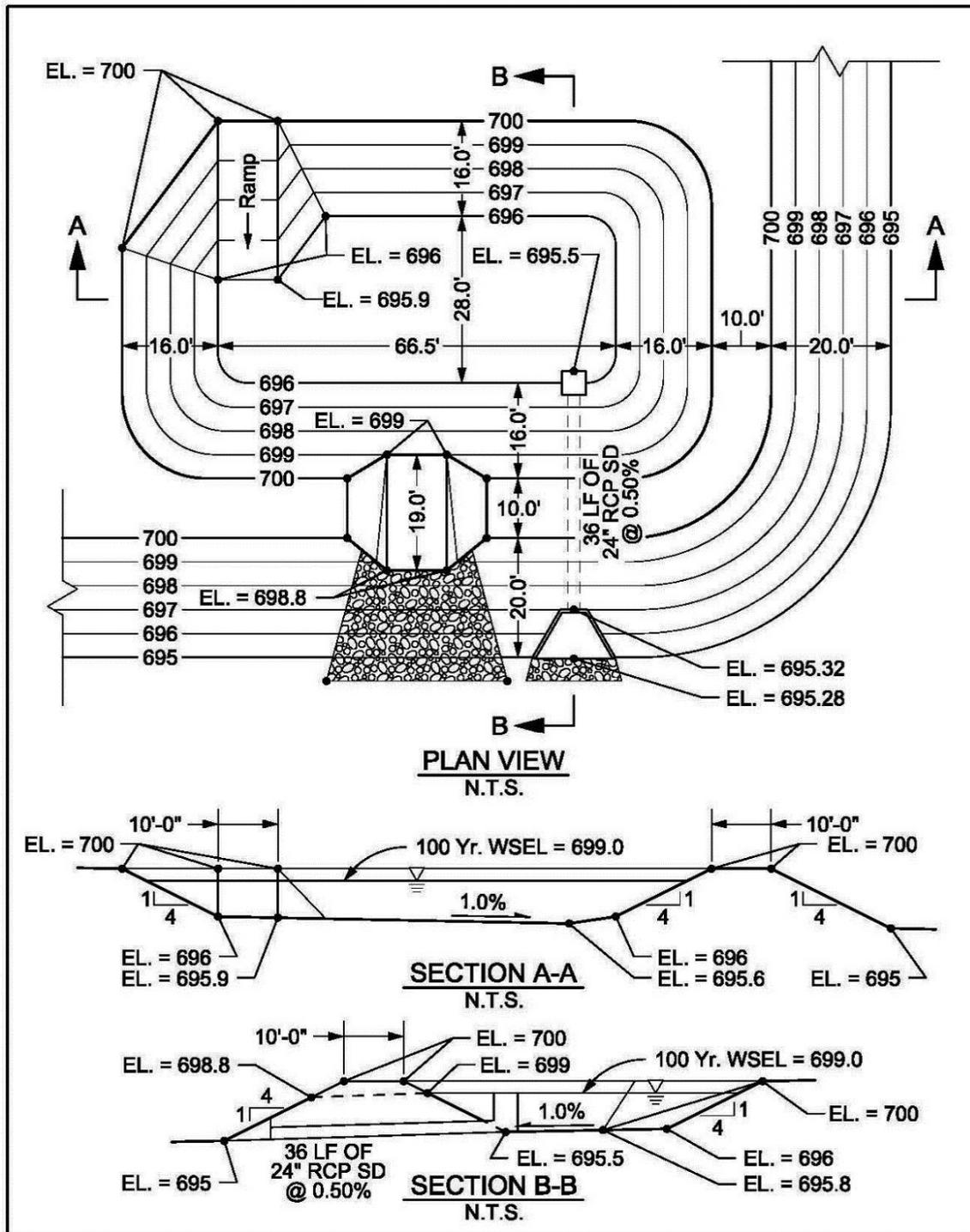
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Details of the SWFMA must be set forth in a series of exhibits:

- A. Exhibit A Legal Description - This includes the Metes and Bounds, a Surveyor's Drawing of the area occupied by the facility, and a copy of the preliminary or recorded plat containing the facility.
- B. Exhibit B Design Plan and Specifications - These are summary documents intended for the use of future owners in conducting routine maintenance, inspections, and repairs. The documents include:
  - 1. Design Data and Calculations - This can be in the form of a letter or statement from the engineer of record which summarizes critical design calculations related to the functionality of the facility, such as storage volume or TSS removal, and attests to the facility conforming to applicable *i*SWM standards;
  - 2. Schematic Plan - This should be prepared by the engineer of record from construction drawings to show the general layout of the facility. Major features requiring regular or special maintenance should be shown and labeled in general terms understandable to a layman. A profile should be given showing critical elevations that control the function and capacity of the facility, and one or more cross-sections should be provided to indicate the general grading of the facility. A typical example of a schematic plan for a simple detention basin is shown in Figure 4.13 below; and
  - 3. Landscaping - Vegetation should be shown consistent with the accepted Landscape Plan, either on the Schematic Plan or as a separate drawing.
- C. Exhibit C Operations and Maintenance Plan - Specific maintenance tasks should be defined for each element of the facility. Maintenance tasks specific to the facility should be described in simple terms consistent with terminology contained in the Schematic and Landscape plans. An inspection and maintenance frequency should be established for each task.
- D. Exhibit D Maintenance Checklist - A checklist consistent with the Operations and Maintenance Plan shall be provided for the use of future owners in performing routine and special maintenance tasks. This list should describe work required and frequency in language that is easy to understand and specific for the facility to be maintained. This form will be completed by the Owner and submitted to the City annually as part of a regular self-inspection program. See Appendix A for an example checklist for preparing a SWFMA for a simple detention basin.

Additional facility maintenance guidance for several types of stormwater controls is provided in the *i*SWM *Technical Manual*. The engineer of record must certify that the construction has been completed in accordance with the general plans and Schematic Plan. After approval of construction by the City, the engineer of record is expected to provide guidance to the owner's representative in implementing the accepted maintenance program and to co-sign the first annual inspection after the construction.

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**Figure 4.12 Simple Detention Basin Plan Schematic**