

**STORMWATER OPERATION AND MAINTENANCE
AGREEMENT AND SECURITY**

Project Name: _____

Town Project Number: _____

Town BMP ID: _____

PIN Number: _____

Mail after recording to: Town of Morrisville
Engineering Department
100 Town Hall Drive
Morrisville, NC 27560

NORTH CAROLINA

WAKE COUNTY

This STORMWATER OPERATION AND MAINTENANCE AGREEMENT AND SECURITY,
made this day _____ of _____, 20 _____
by _____
whose principal address is _____

with, to, and for the benefit of the Town of Morrisville, a municipal corporation of the State
of North Carolina, whose address is 100 Town Hall Drive, Morrisville, North Carolina 27560.

Rainwater Harvesting System Operation and Maintenance Agreement

I will keep a maintenance record on this BMP. This maintenance record will be kept in a log in a known set location. Any deficient BMP elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the BMP.

Important maintenance procedures:

- The roof area will be maintained to reduce the debris and sediment load to the system. Excess debris can clog the system and lead to bypass of the design storm, and reduced reuse volume.
- To ensure proper operation as designed, a licensed Professional Engineer, Landscape Architect, or other qualified professional will inspect the system annually.
- The system components will be repaired or replaced whenever they fail to function properly.
- If the outlet is metered, use must be recorded at a minimum of monthly. These records shall be kept on site for inspection by the Town.

The system will be inspected by the owner/operator at least **monthly and within 24 hours after each rain event**. Records of operation and maintenance will be kept in a known set location and will be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

BMP element:	Potential problems:	How to remediate the problem:
The entire system	A component of the system is damaged or leaking.	Make any necessary repairs or replace if damage is too large for repair.
	Water is flowing out of the overflow pipe during a design rainfall or smaller (usually a 1").	Check system for clogging and damage. Repair as needed so the design volume is stored properly without discharging during a design storm. Check that the pump is operating properly and that the water is actually being used at the volume designed. If it is still not operating properly, then consult an expert.
The captured roof area	Excess debris or sediment is present on the rooftop.	Remove the debris or sediment as soon as possible.
The gutter system	Gutters are clogged, or water is backing up out of the gutter system.	Unclog and remove debris. May need to install gutter screens to prevent future clogging.
	Rooftop runoff not making it into gutter system.	Correct the positioning or installation of gutters. Replace if necessary to capture the roof runoff.

BMP element:	Potential problems:	How to remediate the problem:
The pump	Pump is not operating properly.	Check to see if the system is clogged and flush if necessary. If it is still not operating, then consult an expert.
The overflow pipe	Erosion is evident at the overflow discharge point.	Stabilize immediately.
	The overflow pipe is clogged.	Unclog or replace if it cannot be unclogged.
	The outflow pipe is damaged.	Repair or replace the pipe.
The secondary water supply	Not operating properly.	Consult an expert.
The cistern	Sediment accumulation of 5% or more of the design volume.	Remove sediment.
	Algae growth is present inside the cistern.	Do not allow sunlight to penetrate the cistern. Treat the water to remove/prevent algae.
	Mosquitoes in the cistern.	Check screens for damage and repair/replace. Treat with 'mosquito dunks' if necessary.
The screens and filters	Debris and/or sediment has accumulated. Screens and filters are clogged.	Search for the source of the debris/sediment and remedy the problem if possible. Clean/clear debris/sediment from screen or filter. Replace if it cannot be cleaned.

BMP Operation and Maintenance Security

Performance Security

The Town of Morrisville requires the submittal of a performance security prior to issuance of a permit in order to ensure that the *structural BMPs* are

1. installed by the permit holder as required by the approved stormwater management plan, and/or
2. maintained by the *owner* as required by the operation and maintenance agreement.

Installation Amount

The amount of an installation performance security shall be the total estimated construction cost of the BMPs approved under the permit, plus 25%.

General Requirements

1. This agreement grants to the Town of Morrisville a right of entry to inspect, monitor, maintain, repair, and reconstruct *structural BMPs*.
2. The Town of Morrisville is authorized to recover from the property owner and/or association and its members, any and all costs the Town of Morrisville expends to maintain or repair the *structural BMPs* or to correct any operational deficiencies. Failure to pay the Town of Morrisville all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. The Town of Morrisville shall thereafter be entitled to bring an action against the property owner and/or association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both, in case of a deficiency. Interest, collection costs, and attorney fees shall be added to the recovery.
3. This agreement shall not obligate the Town of Morrisville to maintain or repair any *structural BMPs*, and the Town of Morrisville shall not be liable to any person for the condition or operation of *structural BMPs*.
4. This agreement shall not in any way diminish, limit, or restrict the right of the Town of Morrisville to enforce any of its ordinances as authorized by law.
5. The property owner and/or association and its members indemnifies and holds harmless the Town of Morrisville for any costs and injuries arising from or related to the structural BMP, unless the Town of Morrisville has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.
6. The property owner and/or association shall continuously operate and maintain the stormwater control and management facilities.

Uses of Performance Security

1. Forfeiture Provisions

The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or *owner* in accordance with this ordinance, approvals issued

pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

2. Default

Upon default of the *owner* to construct and, if necessary, reconstruct any *structural BMP* in accordance with the applicable permit, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the *owner* to comply with the permit.

3. Costs in Excess of Performance Security

If the Town of Morrisville takes action upon such failure by the applicant or *owner*, the Town of Morrisville may collect from the applicant or *owner* for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.

4. Refund

After the Town's final approval of record drawings, as-builts and certifications, the installation performance security shall be refunded to the applicant or terminated, in accordance with the Town of Morrisville Unified Development Ordinance (UDO) and Engineering Design and Construction Manual (EDCM).

I acknowledge and agree by my signature below that I am responsible for the performance of the maintenance procedures listed above. I agree to notify the Town of Morrisville of any problems with the system or prior to any changes to the system or responsible party.

Project name: _____

BMP drainage area number: _____

Print name: _____

Title: _____

Address: _____

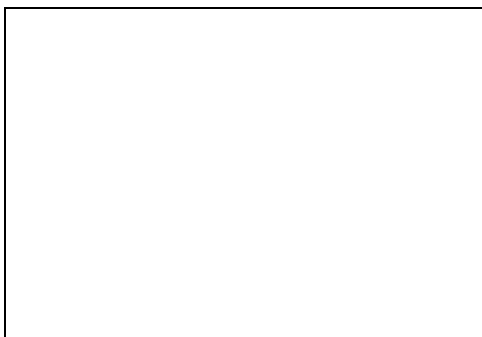
Phone: _____

Signature: _____

Date: _____

Note: The legally responsible party should not be a homeowners association unless more than 50% of the lots have been sold and a resident of the subdivision has been named the president.

I, _____, a Notary Public for the State of _____, County of _____, do hereby certify that _____ personally appeared before me this _____ day of _____, _____, and acknowledge the due execution of the forgoing rainwater harvesting maintenance requirements. Witness my hand and official seal,



SEAL

My commission expires _____

Town of Morrisville, North Carolina

Signature: _____

Print Name: _____

Title: _____

Acknowledgment of Town of Morrisville:

Wake County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that he or she executed the foregoing document on behalf of the Town of Morrisville in the capacity indicated with his or her signature: _____.

Date: _____
(affix notary seal or stamp here)

Notary Public

Printed/Typed Name: _____

My Commission Expires: _____