

## STORMWATER OPERATION AND MAINTENANCE AGREEMENT

Project Name: \_\_\_\_\_

Town Project Number: \_\_\_\_\_

PIN Number: \_\_\_\_\_

Mail after recording to: Town of Mooresville  
Engineering Department  
Stormwater Program Specialist  
2523 Charlotte Highway  
Mooresville, NC 28117

NORTH CAROLINA

IREDELL COUNTY

This STORMWATER OPERATION AND MAINTENANCE AGREEMENT,

made this day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_

by \_\_\_\_\_

whose principal address is \_\_\_\_\_

\_\_\_\_\_

with, to, and for the benefit of the Town of Mooresville, a municipal corporation of the State of North Carolina, whose address is 413 North Main Street, Mooresville, North Carolina 28115.

## Stormwater Wetland 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:

- Immediately following construction of the stormwater wetland, bi-weekly inspections will be conducted and wetland plants will be watered bi-weekly until vegetation becomes established (commonly six weeks).
- No portion of the stormwater wetland will be fertilized after the first initial fertilization that is required to establish the wetland plants.
- Stable groundcover will be maintained in the drainage area to reduce the sediment load to the wetland.
- Once a year, a dam safety expert should inspect the embankment. Any problems that are found shall be repaired immediately.

After the stormwater wetland is established, I will inspect it **monthly and within 24 hours after every storm event greater than 1.0 inches**. 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 problem:	How I will remediate the problem:
Entire BMP	Trash/debris is present.	Remove the trash/debris.
Perimeter of wetland	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at an appropriate height.
Inlet device: pipe or swale	The pipe is clogged (if applicable).	Unclog the pipe. Dispose of the sediment offsite.
	The pipe is cracked or otherwise damaged (if applicable).	Replace the pipe.
	Erosion is occurring in the swale (if applicable).	Regrade the swale if necessary to smooth it over and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion.

<b>BMP element:</b>	<b>Potential problem:</b>	<b>How I will remediate the problem:</b>
<b>Forebay</b>	Sediment has accumulated in the forebay to a depth that inhibits the forebay from functioning well.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the BMP.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If a pesticide is used, wipe it on the plants rather than spraying.
<b>Deep pool, shallow water and shallow land areas</b>	Algal growth covers over 50% of the deep pool and shallow water areas.	Consult a professional to remove and control the algal growth.
	Cattails, phragmites or other invasive plants cover 50% of the deep pool and shallow water areas.	Remove invasives by physical removal or by wiping them with pesticide (do not spray) – consult a professional.
	Shallow land remains flooded more than 5 days after a storm event.	Unclog the outlet device immediately.
	Plants are dead, diseased or dying.	Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application to establish the ground cover if necessary.
	Best professional practices show that pruning is needed to maintain optimal plant health.	Prune according to best professional practices.
	Sediment has accumulated and reduced the depth to 75% of the original design depth of the deep pools.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the BMP.
<b>Embankment</b>	A tree has started to grow on the embankment.	Consult a dam safety specialist to remove the tree.
	An annual inspection by appropriate professional shows that the embankment needs repair.	Make all needed repairs.
	Evidence of muskrat or beaver activity is present.	Consult a professional to remove muskrats or beavers.
<b>Micropool</b>	Sediment has accumulated and reduced the depth to 75% of the original design depth.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the BMP.
<b>Outlet device</b>	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment off-site.
	The outlet device is damaged	Repair or replace the outlet device.
<b>Receiving water</b>	Erosion or other signs of damage have occurred at the outlet.	Contact the NC Division of Water Resources

**Operation and Maintenance Agreement Additional Requirements as set forth by the Town of Mooresville Phase II Post Construction and Illicit Discharge & Connection Ordinance**  
**Section 25-20:**

1. The owner or owners shall continuously operate and maintain the stormwater control and management facilities.

2. The Town of Mooresville is granted a right of entry to inspect, monitor, maintain, repair, and reconstruct structural BMPs.

3. The Town of Mooresville will recover from the owner or owners any and all costs the Town of Mooresville expends to maintain or repair the structural BMPs, pursuant to Article 6, Enforcement and Violations, as set forth in the Town of Mooresville Phase II Post Construction and Illicit Discharge & Connection Ordinance.

4. This Operation and Maintenance Agreement shall not obligate the Town of Mooresville to maintain or repair any structural BMPs, and the Town of Mooresville shall not be liable to any person for the condition or operation of structural BMPs.

5. This Operation and Maintenance Agreement shall not in any way diminish, limit, or restrict the right of the Town of Mooresville to enforce any of its ordinances as authorized by law.

6. The Town of Mooresville is indemnified and held harmless for any costs and injuries arising from or related to the structural BMP, unless the Town of Mooresville 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.

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 Mooresville of any problems with the system or prior to any changes to the system or responsible party. I agree to notify the Town of Mooresville of any subsequent conveyance of the property to a new owner, and agree to provide updated contact information for any subsequent owner.

This maintenance agreement runs with the land, and is binding upon any and all subsequent owners of the hereinabove described property.

Project name: \_\_\_\_\_

BMP drainage area number: \_\_\_\_\_

Print name: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

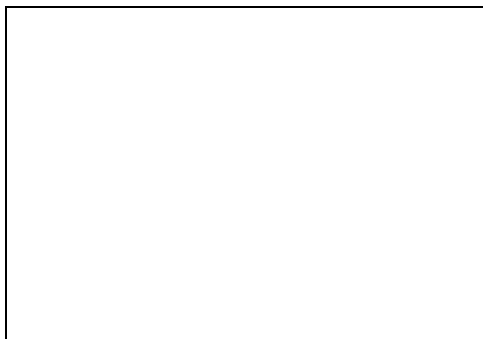
Phone: \_\_\_\_\_

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 stormwater wetland maintenance requirements. Witness my hand and official seal,



SEAL

My commission expires \_\_\_\_\_ Notary Signature \_\_\_\_\_