

City of North Augusta Permanent Stormwater System Maintenance and Responsibility Agreement

Under the South Carolina Stormwater Management and Sediment Reduction Act of 1991 (48-14-10, et. seq.), Regulation 72-308, City of North Augusta Ordinance(s) Chapter 14; Article V: Sec. 14-134; Division 2 Sec. 14-159 to 163; Division 3 Sec. 14-170 to 170.9; and Ordinance 2021-22 requires the Landowner, its successors and assigns, including any homeowners' association, shall adequately maintain the stormwater management/Best Management Practices (BMP) facilities. This includes all pipes and channels built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater. Adequate maintenance is herein defined as good working condition so that these facilities are performing their design functions.

The Department of Health and Control (DHEC)/Office of Ocean and Coastal Resource Management (OCRM) and the City of North Augusta (Agencies) recommends that The Landowner, its successors and assigns, shall inspect the stormwater management/BMP facility regularly. The purpose of the inspection is to assure safe and proper functioning of the facilities. The inspection shall cover the entire facilities, berms, outlet structure, pond areas, access roads, etc.

The Landowner, its successors and assigns, hereby grant permission to the "DHEC/OCRM, its authorized agents and employees, the City of North Augusta, its authorized agents and employees" (Agencies) to enter upon the Property and to inspect the stormwater management/BMP facilities whenever the agencies deem necessary. The purpose of inspection is for routine inspection or to follow-up on reported deficiencies and/or to respond to citizen complaints. Agencies shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

The Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management/BMP facilities (including sediment removal) is outlined on the approved plans, the schedule will be followed.

This Agreement imposes no liability of any kind whatsoever on DHEC/OCRM or the City of North Augusta and the Landowner agrees to hold Agencies harmless from any liability in the event the stormwater management/BMP facilities fail to operate properly.

I accept responsibility for ownership and proper maintenance of the stormwater system (pond, swales, etc.) on at the _____ (site name) located on parcel # _____ per the approved plan and/or maintenance plan. I will complete any necessary repairs and/or preventive maintenance procedures in a timely manner to ensure proper functioning as a stormwater management device(s).

It is my understanding that the maintenance plan may be amended/revised at any time by the Agencies, and I will abide by any prescribed changes.

I will continue to own and maintain the pond until the City of North Augusta has approved a new maintenance responsibility agreement by its signature below. A new agreement (transfer) must include a date for the transfer of responsibility and a letter of acceptance from the new owner.

I understand that failure to adhere to the signed maintenance agreement may result in fines of up to \$1,000.00 per day, per violation and /or the institution of a court action.

This fully executed document must be recorded with the land record in the county where the stormwater pond or device is located. Transfer of this agreement (new agreement) must be recorded with the land to be valid, failure to record a new agreement is the same as "no transfer of responsibility" leaving the existing agreement recorded or approved on file with the City of North Augusta fully enforceable.

Signature of Owner/Agent	Printed Name of Owner/Agent	Date signed
Mailing Address City/State/Zip	Phone Number /	Email address

Notary Public (SIGNATURE/STAMP) Sworn to and Subscribed Before Me	City of North Augusta Approval Signature/Date Appr. Printed name _____ <i>(Not a notarized signature)</i>
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