

## Chapter 310. Stormwater Management

### Article VII. Operation and Maintenance (O&M) Responsibilities and Easements

#### § 310-703. Operation and maintenance agreements.

- A. An O&M agreement shall be required for any BMP or man-made conveyance to be owned by a person other than the municipality, and the agreement shall:
  - (1) Be between the owner of the BMP or conveyance and the municipality and shall be substantially the same as the O&M agreement in **Appendix D**,<sup>[1]</sup>  
*[1] Editor's Note: Appendix D is included as an attachment to this chapter.*
  - (2) Incorporate the approved O&M plan(s) for all BMPs or conveyances to be covered by the O&M agreement;
  - (3) Set forth the rights, duties and obligations of the owner of the BMP or conveyance and the municipality, and be consistent with the approved O&M plan(s);
  - (4) Be recorded as a deed restriction or restrictive covenant that runs with the land and shall be binding upon the landowner, its heirs, administrators, successors in interest, and assigns;
  - (5) Be submitted to the municipality for review prior to approval of the SWM site plan;
  - (6) Upon approval by the municipality, be signed by the designated owner of the BMP or conveyance and submitted for signature by the municipality; and
  - (7) When fully executed, be recorded by the landowner at the Chester County Office of the Recorder of Deeds following municipal approval of the O&M plan and prior to the start of construction.
- B. Other items or conditions may be required by the municipality to be included in the O&M agreement where determined necessary by the municipality to guarantee the satisfactory operation and maintenance of all permanent BMPs and conveyances.
- C. After approval of the final as-built plans per the requirements of Article **V**, the applicant shall review and, if necessary and if required by the municipality, revise and rerecord the O&M plan and O&M agreement to reflect the final as-built conditions of each BMP and conveyance if different from the information included in the original recorded documents.