



Montgomery County Government
Building and Codes Department

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Montgomery County, TN. Storm Water Maintenance Agreement Policy

The following policy concerning the use of Storm Water Maintenance Agreements is established as official Montgomery County, TN. Storm Water Program Policy:

1.) A Storm Water Maintenance Agreement is required for all development sites (including residential, office, commercial, industrial or manufacturing sites) that have integral storm water control structures or Best Management Practices (BMPs) installed. Developers will be required to sign and have notarized a Storm Water Maintenance Agreement prior to the issuance of a Grading Permit.

2.) Developers must file the notarized Maintenance Agreement with the Montgomery County Register of Deeds before either (1.) Final Plats will be approved by the Montgomery County Building and Codes Department, or (2.) before a certificate of occupancy will be issued by the Montgomery County Building and Codes Department. Proof of this filing must be provided to the Montgomery County Building and Codes Department.

3.) The following note must be included on all final plats to designate lots with storm water control structures or BMPs that require execution of a Storm Water Maintenance Agreement prior to the sale or transfer of that lot. Lots that have storm water control structures (i.e.: detention/retention ponds, sinkholes, remediated sinkholes, class V injection wells, headwalls, bioretention areas, wetlands, swales, ditches, and other storm water control structures or BMPs that require regular inspection and maintenance) must be marked with a referral to this note. Failure to add this note or properly mark the affected lots will result in the rejection of the final plat by the Montgomery County Building and Codes Department:

Lot(s) _____ have storm water control structures or BMPs that require a Storm Water Maintenance Agreement to be filed with the Montgomery County Register of Deeds and the Montgomery County Building and Codes Dept. before all or any portion of the property is transferred or conveyed.

4.) After the initial Storm Water Maintenance Agreement is filed with the Montgomery County Register of Deeds and the Montgomery County Building and Codes Department the Storm Water Maintenance Agreement will act as a permanent deed restriction and

shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs, and any other successors in interest.

5.) In order to ensure disclosure of the Storm Water Maintenance Agreement requirements, a new Storm Water Maintenance Agreement must be signed and notarized by a prospective landowner prior to the sale or transfer of property and filed with the Montgomery County Building and Codes Department.

6.) Storm water structures that are located on a boundary between two or more properties require all associated landowners to sign a Storm Water Maintenance Agreement at the time of property transfer. An original copy of the Storm Water Maintenance Agreement must be submitted to the Montgomery County Building and Codes Department.

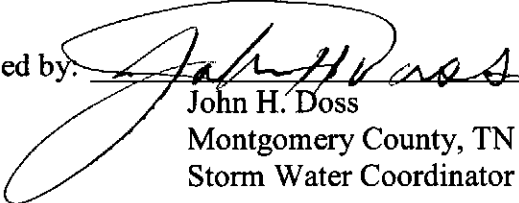
7.) Prospective owners must be provided an Inspection and Maintenance Checklist prior to the sale or transfer of property. The Inspection and Maintenance Checklist will explain the routine inspection and maintenance requirements for each storm water structure located on the property. Each storm water structure Inspection and Maintenance Checklist must be approved by, and a copy filed with, the Montgomery County Building and Codes Department.


8.) Failure to obtain a signed, notarized Storm Water Maintenance Agreement prior to the sale or transfer of property will result in the last Storm Water Maintenance Agreement filed with the Montgomery County Building and Codes Department to be considered in effect, with full legal liability for all repairs and maintenance.


9.) Montgomery County Storm Water Inspectors will perform periodic inspections of storm water structures in order to determine that the structure is being maintained in proper operating condition. Montgomery County will order corrective actions for components of the system that are determined to be improperly maintained.

Montgomery County, TN. Storm Water Maintenance Agreement Policy (Version Dated 1/5/09) is approved for use by the Montgomery County, TN Storm Water Control and Management Program. Changes to this document must be submitted to the Montgomery County, TN Building and Codes Committee for approval.

Policy Effective Date: 2/1/2009

Submitted by:  _____ Date: 1/7/09
John H. Doss
Montgomery County, TN
Storm Water Coordinator

Approved by:  _____ Date: 1/7/09
Rod Streeter
Montgomery County, TN
Building Commissioner

Approved by:  _____ Date: 1-7-09
Chairman,
Montgomery County, TN
Building and Codes Committee