

ARTICLE V - OPERATION AND MAINTENANCE

Section 501. Determination of Ownership and Maintenance Responsibility

- A. The Township shall make the final determination on the continuing operation and maintenance responsibilities prior to final approval of the SWM Site Plan. The Township may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan, but it shall not be obligated to accept the facilities offered for dedication. The Township reserves the right to accept or reject the ownership, maintenance, and operating responsibility for any portion of the stormwater management facilities and controls.
- B. If the Township accepts dedication of any or all stormwater management facilities associated with a project, it shall operate and maintain said facilities, or portion thereof that has been accepted by the Township, in accordance with the approved O&M Plan.
- C. If the Township does not accept dedication of some or all of the stormwater management facilities associated with a project, the property owner shall sign an O&M Agreement in accordance with Section 502 of this Ordinance. The Municipality shall not approve the SWM Site Plan before the owner signs the O&M Agreement.

Section 502. Operation and Maintenance Agreements

- A. Prior to the signing of the SWM Site Plan after final approval, the property owner shall sign and record an O&M Agreement binding the property owner to conduct all maintenance activities identified in the approved O&M Plan for all stormwater control facilities which are to be privately owned.
 - 1. The property owner, heirs, successors and assigns shall maintain all facilities in accordance with the approved maintenance schedule in the O&M Plan.
 - 2. The property owner shall provide to the Township easements and/or licenses to ensure access for periodic inspections and maintenance by the Township as the Township deems necessary.
 - 3. The property owner shall keep on file with the Township the name, address, and telephone number of the person or company responsible for maintenance activities. In the event of a change, new information shall be submitted by the property owner to the Township within ten (10) working days of the change.
 - 4. The O&M Plan shall be recorded with the Adams County Recorder of Deeds. A receipt verifying such recordation shall be provided to the Township.

- B. The owner is responsible for operation and maintenance of the SWM BMPs. If the owner fails to adhere to the O&M Agreement or the O&M Plan, the Township may perform the services required and charge the owner appropriate fees. Nonpayment of fees, costs and other expenses incurred in the performance of services required shall entitle the Township to impose a municipal lien against the property for such costs and expenses, plus reasonable attorney fees incurred in the imposition of the lien.

Section 503. Performance Guarantee

For SWM Site Plans submitted as a component of a subdivision and/or land development plan, the property owner or developer shall provide a financial guarantee for the timely installation and proper construction of all stormwater management controls as required by the approved SWM Site Plan and this Ordinance in accordance with the completion of improvements requirements of the Township's Subdivision and Land Development Ordinance and the provisions of Sections 509 through 511 of the Pennsylvania Municipalities Planning Code, as amended.