

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING CHAPTER 23 STORMWATER MANAGEMENT, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 23-33, Ownership and Maintenance of Stormwater Management Facilities, is amended by deleting the same in its entirety and substituting the following therefore:

**Section 23-33, Ownership and Maintenance of Stormwater Management Facilities.**

- a. All stormwater management facilities shall be privately owned and maintained unless the city accepts the facility for city ownership and maintenance. The owner thereof shall grant to the city a right of entry which allows for inspection and emergency repair, in accordance with the terms of the operation and maintenance agreement set forth in section 23-34, hereof.
- b. Single-family residential stormwater management facilities accepted for maintenance. The city shall accept functional maintenance responsibility of structural stormwater management facilities that are installed pursuant to this article following a warranty period of one year from the date of record-drawing certification described in section 23-37, or from the date the facility ceases to function as an erosion control measure and starts to function as a stormwater management facility, whichever is later, provided the stormwater management facility:
  1. Only serves a single-family detached residential development or townhomes all of which have public street frontage;
  2. Is satisfactorily maintained during the one-year warranty period by the owner or designee;
  3. Meets all the requirements of this article;
  4. Includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection, maintenance, repair, or reconstruction; and

The city engineer must receive an application for transfer of maintenance responsibilities for the structural stormwater management facility along with the stormwater design plan submittal.

- c. The person responsible for maintenance of any stormwater management facility installed pursuant to this article and not covered under subsection (b) above, shall submit to the city engineer an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer,

surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:

1. The name and address of the landowner;
2. The recorded book and page number of the lot of each stormwater management facility;
3. A statement that an inspection was made of all stormwater management facilities;
4. The date the inspection was made; and
5. A statement that all inspected stormwater management facilities are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this article.

All inspection reports shall be on forms supplied by the city engineer. An original inspection report shall be provided to the city engineer beginning one year from the date of record-drawing certification and each year thereafter on or before the date of the record-drawing certification.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CITY OF FAYETTEVILLE

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MITCH COLVIN, Mayor

ATTEST:

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PAMELA J. MEGILL, City Clerk