

**ORDINANCE NUMBER \_\_\_\_\_ - 2008**

**AN ORDINANCE TO REQUIRE MAINTENANCE  
AND REPAIR OF STORMWATER MANAGEMENT  
SYSTEMS AND/OR WATER QUALITY DEVICES**

WHEREAS, Stormwater Management Systems and/or Water Quality Devices are essential in order to manage and control stormwater runoff; and,

WHEREAS, maintenance and repair of Stormwater Management Systems and/or Water Quality Devices is necessary to insure that Stormwater Management Systems and/or Water Quality Devices function efficiently; and,

WHEREAS, Stormwater Management System is defined in Chapter 90, Article V, Section 348, of the Code of Ordinances of the City of Greer;

NOW, THEREFORE, the Mayor and Council of the City of Greer do hereby ordain as follows:

1. Owners and users of Stormwater Management Systems and/or Water Quality Devices, except for Stormwater Management Systems and/or Water Quality Devices used in residential areas, shall be responsible for the maintenance and repair of any Stormwater Management System and/or Water Quality Device which they use. Each owner and/or user of a Stormwater Management System and/or Water Quality Device shall be responsible for all of the maintenance and repair and any costs incurred for the maintenance and repair of the Stormwater Management System and/or Water Quality Device.
2. For Stormwater Management Systems and/or Water Quality Devices used for residential areas, the developer shall be responsible for all of the maintenance and repair of a Stormwater Management System and/or Water Quality Device serving a residential area until the developer no longer has an ownership interest in any property served by the Stormwater Management System and/or Water Quality Device. In addition, once a homeowners' association is organized and becomes active for a residential area served by a Stormwater Management System and/or Water Quality

Device, the homeowners' association shall also be responsible for the maintenance and repair of the Stormwater Management System and/or Water Quality Device. In the event there is no active homeowners' association or the homeowners' association fails to maintain a Stormwater Management System and/or Water Quality Device, then the owners of all property in the residential area served by the Stormwater Management System and/or Water Quality Device shall be responsible for the maintenance and repair of the Stormwater Management System and/or Water Quality Device.

3. In the event the responsible parties who own or use a Stormwater Management System and/or Water Quality Device fail to maintain or repair it within thirty (30) days after notification by the City, then the City may maintain and repair it. In the event that the City incurs expenses for the maintenance and/or repair of a Stormwater Management System and/or Water Quality Device, then the City shall have the right to file a lien upon the property of all owners and/or users of said property and may institute a civil action to recover the costs incurred by the City as well as a reasonable attorney's fee and legal costs therefor.
4. The failure of a property owner and/or user of a Stormwater Management System and/or Water Quality Device to maintain and repair it within thirty (30) days after notification by the City shall constitute a nuisance for which the responsible party or parties may be sentenced to not more than thirty (30) days in jail or fined not more than \$500.00 or both. Each day a violation continues shall constitute a separate offense.

This Ordinance shall become effective immediately upon second reading approval.

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Richard W. Danner, Mayor

ATTEST:

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Tammela Duncan, Municipal Clerk

Introduced by: \_\_\_\_\_

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to Form:

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John B. Duggan  
City Attorney