



Administrative Manual for Implementation of the Stormwater Control Ordinance

January 2023

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Section 1.0 Administrative Manual Overview

1.1 Purpose of the Administrative Manual

The purpose of this Administrative Manual (Manual) is to provide guidance and information regarding requirements, implementation, and administration of the City of Fayetteville Code of Ordinances, Part II, Chapter 23, Article III - Stormwater Control (also known as the “Stormwater Control Ordinance”).

Stormwater runoff is a major source of water pollution and water quality degradation in the City of Fayetteville. Many pollutants such as oils, metals, nutrients, and sediments are associated with runoff. The cumulative impact of these pollutants in surface waters is significant. Further, additions of impervious area result in increased volumes and velocity of stormwater runoff entering surface waters. This increased volume and velocity of stormwater runoff entering streams causes bank erosion and sediment discharge to surface waters. The combined effect of increased pollutants and stream channel erosion results in significant degradation of surface water resources. The increased volume and velocity of stormwater runoff can also cause significant downstream flooding problems.

The Stormwater Control Ordinance is designed to protect water quality and reduce downstream flooding in the City of Fayetteville. This Manual includes application requirements and forms, submission schedules, inspection requirements, and enforcement protocol overviews. The Manual provides consistent administration and implementation of the ordinance during the stormwater permit application, review, and approval processes.

In addition to the specific provisions of this Administrative Manual, the City relies on the Stormwater Design Manual published by the North Carolina Department of Environmental Quality (DEQ). Copies of the DEQ Stormwater Design Manual are available by contacting the Fayetteville Regional Office at 910-433-3394 or at the following website: <https://deq.nc.gov/about/divisions/energy-mineral-and-land-resources/stormwater/stormwater-program/stormwater-design>.

1.2 Administering the Manual

The Public Services Director or his/her designee is responsible for administering and enforcing the Stormwater Control Ordinance and has the authority to render interpretations of the Stormwater Control Ordinance and this Administrative Manual. Throughout this manual, references to the Public Services Director refer to the Public Services Director or his/her designee. Any person may request an interpretation by submitting a written request to the following:

Public Services Director
Public Services
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537
Phone: (910) 433-1656
Fax: (910) 433-1058
Website: www.fayettevillenc.gov

The Public Services Director or his/her designee shall respond in writing within thirty (30) days and shall keep on file a record of all written interpretations.

1.3 Amending the Manual

This Administrative Manual may be amended from time to time to reflect policy changes, ordinance updates, operational and process adjustments, and other contemporary needs. Notification of the modifications shall be made to City staff and the general public. The amended Administrative Manual shall be made available on the City’s website.

1.4 Definitions

This Administrative Manual adopts, incorporates, and applies definitions in Sec. 23-26 of the Stormwater Control Ordinance.

Section 2.0 Infrastructure Permit

2.1 Purpose of Infrastructure Permit

The Infrastructure Permit provides a mechanism for the review, approval, and inspection of development and redevelopment sites consistent with the requirements of the Stormwater Control Ordinance. Infrastructure Permits govern the design, installation, and construction of stormwater management and control practices on the site, including Stormwater Control Measures (SCMs). An Infrastructure Permit is required for all development and redevelopment projects unless exempt pursuant to the Stormwater Control Ordinance Section 23-21(f). Infrastructure Permits must be issued by the City prior to construction of SCMs.

2.2 Infrastructure Permit Application & Review Process

2.2.1 Clearing and Grading Activities

If site grading is anticipated prior to the issuance of an Infrastructure Permit, land clearing and grading activities may be initiated for development or redevelopment only with an erosion and sediment control permit issued by the North Carolina Department of Environmental Quality (NC DEQ). The landowner or the land owner's duly authorized agent must provide the City with a copy of the grading plan approved by NC DEQ prior to initiation of any work. If acceptable, the Public Services Director shall provide the landowner or the land owner's duly authorized agent with approval to proceed with the land clearing and grading as authorized in the erosion control permit.

2.2.2 Consultation Meeting

A land owner or the land owner's duly authorized agent or anyone having interest in a property by reason of a written contract with the owner may request a consultation meeting prior to submitting an Infrastructure Permit Application. The purpose of the consultation meeting is for the applicant and the City to review and discuss stormwater management requirements, constraints, opportunities, and potential design approaches before formal site design engineering commences. Applicants may provide conceptual drawings for review during this meeting. To request an optional consultation meeting, applicants should contact the Engineering Division of the Public Services Department at 910-433-1656.

2.2.3 Infrastructure Permit Application

To initiate an Infrastructure Permit Application, use the City's IDT Portal, available at <https://fayetteville.idtplans.com/secure/>, to upload items that must be provided for an application to be considered complete, including but not limited to:

1. Stormwater Design Plan(s): See Section 3.0 of this document.
2. Operation and Maintenance Agreement(s): See Section 4.0 of this document.
3. Performance Guarantee(s): See Section 5.0 of this document

Refer to the Infrastructure Permit Application Checklist, included as Appendix A. Pay the Engineering Review Fee as specified in the City's fee schedule. A submittal without the applicable fee will be considered incomplete and will not be reviewed.

2.2.4 Initial Application Review

The Public Services Director shall conduct a completeness review within seven (7) calendar days of application package submittal.

1. If the application is incomplete, the primary point of contact listed in the submission form will be notified. A response by the applicant must be received within thirty (30) calendar days or the City will consider the application package as withdrawn. Application package review does not commence until it is determined to be complete.

2. If the application is complete, the City will complete a review of the application and supporting materials within thirty (30) calendar days.

During application package review, City staff will examine the contents of the application and supporting materials for compliance with applicable codes and regulations. If deficiencies are identified, the City will notify the applicant that the application package is rejected or conditionally approved, and provide comments to be addressed in resubmittal.

2.2.5 Resubmittals and Additional Reviews

Within sixty (60) calendar days following notification that the application package has been rejected or conditionally approved, the applicant must submit one (1) set of corrected plans to the Public Services Director addressing all prior City staff comments and identified deficiencies.

1. If a revised application is not re-submitted within sixty (60) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee.
2. The submittal of an incomplete application shall not suffice to meet this deadline.
3. If the resubmittal is complete, the City will complete a review of the application and supporting materials within fifteen (15) calendar days. If deficiencies are detected, the applicant will be notified and the application process will continue.

2.2.6 Approval and Issuance of Permit

Once approved, the City shall send written notification along with a hard copy of the signed Infrastructure Permit Application form, plans, and attachments to the applicant. These materials constitute an approved Infrastructure Permit. The applicant shall forward four (4) sets of approved plans and one (1) set of calculations to the Public Services Director. The Infrastructure Permit is valid until the project is complete or two (2) years from the date of issuance. If no work on the site in furtherance of the plan has commenced within the two-year period, the permit and plan approval shall become null and void and a new application shall be required to develop the site. Extensions or renewals of the plan approvals may be granted by the Public Services Director upon written request by the person responsible for the development activity.

Section 3.0 Stormwater Design Plans

3.1 Purpose of Stormwater Design Plans

Stormwater Design Plans are required to ensure that SCMs adhere to consistent standards as provided by applicable City ordinances and regulations for the appropriate treatment, conveyance, and remediation of stormwater. The following provisions describe requirements and procedures associated with stormwater design plan submittals to the City, including but not limited to stormwater design plans submitted as part of the infrastructure permit process.

3.2 General Scope and Interpretations

3.2.1 All Developments

For all development activities, concentrated stormwater runoff leaving a development site must be discharged directly into a well-defined, natural or manmade off-site receiving channel or pipe. If the receiving channel or pipe is found to be inadequate, the developer must incorporate measures to either improve the receiving channel or pipe to an adequate condition, or detain/retain runoff on the site to a level that can be accommodated by the receiving channel or pipe. Newly constructed channels or pipes shall be designed as conveyance structures.

The development site should be designed to maximize the amount of rainfall that infiltrates into the soils and minimize the amount of direct flow into public drainage facilities, adjoining streets, waterbodies, watercourses, and wetlands, to the extent feasible.

All requirements for sites located in water supply watersheds as set forth in the Code of Ordinances must be met. In addition, all state and/or federal requirements such as U.S. Army Corps of Engineers wetland permits must be met, if required.

Further, all developments must comply with design standards included in the Sec. 23-28 and Sec. 23-29 of the Stormwater Control Ordinance.

3.2.2 Subdivisions

In developing plans for subdivisions, individual lots in a residential development shall not be considered to be separate development activities and shall not require individual infrastructure permits. Instead, the subdivision development, as a whole, shall be considered to be a single development activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

In subdivisions, lots should generally be graded in such a manner that surface runoff does not cross more than two lots before it is collected in a system of open channels, closed conduits, or a combination of both.

3.2.3 Phased Developments

For developments that have different planned phases of development, if all phases are covered by the approved stormwater design plan, one permit will be given for the entire development so that new permits will not be needed for each phase of development.

3.3 Stormwater Design Plan Requirements

3.3.1 Minimum Criteria

At a minimum, stormwater design plans shall include the following:

- a. A vicinity map indicating a north arrow, scale, boundary lines of the site, and other information necessary to locate the development site.
- b. The maximum scale shall be one inch equals 100 feet.

- c. The existing and proposed topography of the development site except for individual lot grading plans in single-family subdivisions. Profiles of proposed streets in single-family subdivisions shall be provided showing existing and proposed grades.
- d. Physical improvements on the site, including present development and proposed development.
- e. Location, dimensions, elevations, and characteristics of all existing and proposed stormwater management facilities.
- f. Stormwater design plans shall include designation of all easements needed for inspection and emergency maintenance of the SCMs along with those easements needed for the maintenance of the drainage system conveying public water.
- g. In subdivisions where an SCM serves more than one lot, the facility shall be located on a separate lot that is owned by the homeowners association. This lot shall have a minimum frontage of 20 feet.
- h. The stormwater design plan shall include all engineering calculations needed to design the system and associated structures including existing and developed velocities, peak rates of discharge, and hydrographs of stormwater runoff at all existing and proposed points of discharge from the site.
- i. Description of site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the development activity.
- j. Construction and design details for structural controls.
- k. If there are FEMA-designated floodplains, they must be shown. All construction in the FEMA-designated floodplain must conform to Chapter 12, Flood Damage Prevention, of the City's Code of Ordinances. A separate floodplain submittal may be required.
- l. A plan for maintenance of privately owned SCMs shall be included as part of the stormwater design plan which as a minimum shall specify the following:
 1. Types of maintenance activities which should be anticipated so that the proposed drainage system and SCMs will operate as designed.
 2. The frequency and amount of maintenance that should be anticipated.
 3. The equipment that will be required to perform the needed maintenance.
 4. Name, address, and telephone number of the party responsible for maintenance.
- m. Any existing wetlands on the property shall be delineated on both the stormwater design plan as well as the final plat.
- n. A stormwater design plan shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans. The stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness, or effectiveness of any provision, or omission from the stormwater design plan.

3.3.2 Easements and Maintenance Access

As a minimum, easements shall have the following characteristics:

- a. Provide adequate access to all SCMs for inspection, maintenance, and landscaping upkeep.
 1. Provide a minimum 20-foot permanent maintenance access easement from a public or private right-of-way to all SCMs. Driveways can serve as the 20-foot maintenance access for SCMs provided the owner of the driveway and SCM are one in the same.
 2. Provide a minimum 10-foot permanent drainage easement around the perimeter of all SCMs. The perimeter shall be the edge of facilities such as sand filters or bioretention areas. For wet and dry extended detention basins and similar facilities, the perimeter shall be the top of bank where the stormwater is stored. Any fences constructed around such facilities shall be outside of the 10-foot permanent drainage easement.
 3. The cleared access area within this easement must have a minimum stabilized width of 12 feet, maximum longitudinal grade of 15 percent, and maximum cross slope of 5 percent. The SCM shall be located entirely within a recorded permanent drainage easement. Additionally, the permanent drainage easement shall extend 10 feet around the perimeter of all SCMs to allow for adequate maintenance and repair. The 10-foot wide area of the permanent drainage easement around the perimeter of the SCM is to be relatively flat with a maximum cross slope of 2 percent.

4. In subdivisions where a stormwater SCM serves more than one lot, the SCM shall be located on a separate lot that is owned by the homeowner association. This lot shall have a minimum frontage of 20 feet.
- b. Provide adequate access to all parts of the drainage system and structures.
 1. Provide a minimum 20-foot easement for closed pipe systems. The required easement width shall be computed as follows:

Width = 10 feet + (the diameter or total outside width for multiple pipes) + (2 times the invert depth). The easement width should be rounded to the nearest five-foot increment.

Drainage easements associated with culverts should be centered over the culvert but may be offset as long as a minimum of ten feet is provided on both sides.

- c. Provide easements centered on watercourses with the minimum widths based on the following:

Easement Widths for Open Channels

Drainage Area, Acres	Easement Width, Feet
< 10 acres	10 feet on each side
10 to < 25 acres	20 feet on each side
25 to < 50 acres	30 feet on each side
50 to < 100 acres	40 feet on each side
> 100 acres	Greater of the floodway width or 50 feet

- d. Restriction on easements shall include prohibiting all fences without gates and structures which would interfere with access to the easement areas and/or the maintenance function of the drainage system. If an obstruction (fence, wall, landscaping, etc.) is located in a drainage easement and inhibits access to the drainage system, the city shall remove the obstruction as necessary but will not be obligated to replace it.

3.3.3 Hydrologic Criteria

- a. The hydrologic criteria to be used for the stormwater design plans shall be as follows:

Description	Design Storm
Permanent storage facilities	1- and 10- year
Roadway inlets	5-year
Swales	10-year
Storm drainage systems	10-year
Open channels	25-year
Culverts (subdivision streets)	25-year
Culverts (thoroughfare roads)	50-year
Emergency spillways	100-year
Energy dissipaters	Same as outlet system

- b. All hydrologic analysis will be based on land use conditions as specified in Section 3.3.4.
- c. For the design of storage facilities, a secondary outlet device or emergency spillway shall be provided to discharge the excess runoff in such a way that no danger of loss of life or facility failure is created.

3.3.4 Land Use Conditions Criteria

For all stormwater management facilities, a hydrologic-hydraulic study shall be done showing how the drainage system will function with the proposed facilities. For such studies the following land use conditions shall be used.

- a. For the design of the facility outlet structure, use developed land use conditions for the area within the proposed development and existing land use conditions for upstream areas draining to the facility.
- b. For any analysis of flood flows downstream from the proposed facility, use existing land use conditions for all downstream areas.
- c. All SCMs, emergency spillways shall be checked using the 100-year storm and routing flows through the facility and emergency spillways. For this analysis, developed land use conditions representing ultimate build-out conditions shall be used for all areas draining to the facility.

3.3.5 Wetlands Criteria

Wetland areas shall not be disturbed until documentation is provided to the Public Services Director to show that the applicant has received approval from the U.S. Army Corps of Engineers regarding appropriate permits and approval of development activities. Stormwater design plans shall not be approved until this documentation has been provided to the Public Services Director. The city does have the option of providing conditional approval of the stormwater design plans that stipulate the documentation shall be provided prior to any disturbance of wetland areas.

Section 4.0 Operation and Maintenance Agreements

4.1 Purpose of Operation and Maintenance Agreement

An Operation and Maintenance Agreement is a legal document required for all SCMs. The purpose of this agreement is to ensure that each SCM related to an Infrastructure Permit receives adequate maintenance so that it can function satisfactorily. The agreement also designates the responsible party who shall be in charge of maintaining the SCM.

4.2 General Requirements

The Operation and Maintenance Agreement template can be found in Appendix B. This template is provided in two formats, with one designed for use when SCMs are owned and maintained by a property owners' association and the other for use with SCMs under single party ownership such as commercial developments.

4.2.1 Homeowners' and Other Associations

For all SCMs required pursuant to this article and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity in a single-family residential subdivision, the required Operation and Maintenance Agreement shall include the following key provisions, as well as others covered in the template:

1. Acknowledgment that the association shall continuously operate and maintain the stormwater management facilities.
2. Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the stormwater management facilities. Both developer and homeowners' association contributions shall fund the escrow account. Prior to the release of the installation performance guarantee as outlined in section 23-41(b), the developer shall pay into the escrow account an amount equal to 15 percent of the initial construction cost of the stormwater management facilities. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the escrow account budget.
3. Granting to the City a right of entry to inspect, monitor, maintain, repair, and reconstruct stormwater management facilities.
4. Allowing the city to recover from the association and its members any and all costs the city expends to maintain or repair the SCMs or to correct any operational deficiencies.

4.3 Maintenance Plans

An SCM Maintenance Plan must be attached as an addendum to the Operation and Maintenance Agreement which identifies the specific maintenance activities to be performed for each SCM included in the Infrastructure Permit. An SCM Maintenance Plan template is included for reference in Appendix C. An SCM Maintenance Plan consists of six parts as follows:

- a) **General SCM Information** – This is a table listing each of the SCMs.
- b) **SCM Site Location Map** – This is a small site plan map showing the general location of each of the SCMs listed in Number 1 above.
- c) **Maintenance Annual Budget** – This is a simple annual budget for maintenance of the SCMs and their funding source.
- d) **Escrow Account Activity** – This provision will only apply to those SCMs located in single-family subdivisions where the facility is to be privately owned and maintained by a property owners' association. If that is the case, the Maintenance Plan should require that documentation of the escrow account activity will need to be provided with each annual inspection report.
- e) **Maintenance Inspection Report** – Each year a maintenance inspection report is to be submitted to the Public Services Director. Reports will need to be provided to the Public Services Director on an annual basis.

- f) **Routine Maintenance Tasks and Schedule** – This is a list of tasks and associated schedules for each SCM in the Infrastructure Permit.

The Maintenance Plan shall identify each SCM using the following naming convention: “Project or subdivision name – SCM Type – Number.” For example, “Stoneridge Phase I – Bioretention – 1.”

Prior to the issuance of a Certificate of Occupancy for commercial properties or the recording of a Final Plat for a single-family residential subdivision, the Operation and Maintenance Agreement shall be recorded at the Cumberland County Register of Deeds Office with the corresponding approved Plat (see Section 6.0). Within fourteen (14) calendar days of recordation, a copy of the recorded document shall be provided to the Public Services Director for placement in the project file. Certificates of occupancy shall not be released until a copy of this recorded document is provided.

4.4 Approval

Operation and Maintenance Agreements must be submitted, approved, and executed prior to the issuance of an Infrastructure Permit. The document shall be signed by the responsible party and notarized. The document shall also be signed by the Public Services Director.

Operation and Maintenance Agreements must be recorded prior to the recording of a Final Plat for a single family residential subdivision. Operation and Maintenance Agreements must be recorded prior to the issuance of a Certificate of Occupancy for non-residential or commercial properties, or the recording of a Final Plat. For developments such as Office Parks that do not fall into either of the above two categories, the applicant shall consult with the Public Services Director during the initial application process to determine how best to handle the Operation and Maintenance Agreement for such developments.

4.5 Transfer of Maintenance Responsibilities to City of Fayetteville

For single-family residential subdivisions, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement for a period of one year from the date of record-drawing certification described in Stormwater Control Ordinance Sec. 23-32 or for a period of one (1) year 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. After this period, the City of Fayetteville shall accept maintenance responsibility of SCMs that are installed pursuant to all five criteria as listed in Sec. 23-33 of the Stormwater Control Ordinance. Please be aware that during the one year warranty period the developer is still responsible for all maintenance of the SCM. The one year warranty period shall commence when the erosion control measure is converted to an SCM. Thus, the subdivision does not have to be completely built out for this to occur. NCDENR normally allows the erosion control measure to be discontinued when 75% of the lots in the subdivision have been built upon. When this occurs, the primary point of contact shall furnish the Public Services Director with documentation from NCDENR that the site is suitable for conversion.

The owner of the SCM shall remain responsible for routine maintenance of the easement area such as grass cutting, trash removal and landscaping. The following procedure shall be followed regarding the transfer of maintenance responsibilities:

1. After the one (1) year warranty period has expired and assuming the SCM meets the criteria above, the owner shall complete the Transfer of Maintenance Responsibilities Agreement and submit to the Public Services Director, along with any attached Exhibits. The Transfer of Maintenance Responsibilities Agreement template can be found in Appendix E.
2. Upon receiving the above agreement, the Public Services Director shall conduct an inspection of the subject SCM within twenty-one (21) calendar days.
3. The inspector shall conduct a thorough inspection in accordance with Section 7.0 below and the SCM Inspection Procedures. Any deficiencies detected during the inspection shall be noted. An inspection report with instructions for correcting the deficiencies shall be mailed to the owner within ten (10) calendar days of the inspection.
4. Upon notification by the owner that the deficiencies have been corrected, the inspector shall re-inspect the SCM within twenty-one (21) calendar days. If the SCM is found to be in satisfactory condition and meets the criteria for SCM Transfer of Maintenance Responsibilities, then the Transfer of Maintenance

Responsibilities Agreement shall be signed by the Public Services Director and returned to the owner. The owner shall record the completed agreement at the Cumberland County Register of Deeds Office.

5. Within fourteen (14) calendar days of recordation, a copy of the recorded document shall be provided to the Public Services Director at the address in Section 1.2 above for placement in the project file. Installation performance securities shall not be released until this recorded document has been received.
6. Upon receipt of the certified copy of the Transfer of Maintenance Responsibilities Agreement, the City becomes the only entity responsible for structural maintenance of the SCM.

An SCM Maintenance Plan must be attached as an addendum to the Transfer of Maintenance Responsibilities Agreement which identifies the routine maintenance activities to be performed by the owner of the SCM. The City shall be responsible for the functional maintenance of the SCMs once they have passed inspection. Therefore, the City shall be responsible for conducting the annual inspection and completing the Maintenance Inspection Report. The Maintenance Plan shall identify each SCM using the following naming convention: "Project or subdivision name – SCM Type – Number". For example, "Stoneridge Phase I – Bioretention – 1".

4.6 SCM Inspections

The Operation and Maintenance Agreement requires that each SCM be inspected by 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 on an annual basis.

An inspection report must be completed for each SCM indicating the status of each item inspected and any maintenance that was conducted. The inspection report must be completed on the form provided in Appendix D.

The first inspection report is due to the Public Services Director within one (1) year from the date of record drawing certification for the SCM and each year thereafter. The inspector shall certify on the Maintenance and Inspection Checklist that the SCM has been inspected and that at the time of the inspection the SCM was performing properly and was in compliance with the terms and conditions of the approved Operation and Maintenance Agreement and Maintenance Plan required by the Stormwater Control Ordinance.

Therefore, the inspector should allow enough time before the end of the one year time period to conduct the necessary inspections(s) and complete the necessary maintenance and repairs prior to submittal of the report.

Within two (2) weeks following the completion of inspection and maintenance activities, the owner of the SCM shall forward the signed and certified Maintenance and Inspection Checklist to the Public Services Director at the address below.

If an escrow account is required by the Operation and Maintenance Agreement, documentation of escrow account activity must be attached to the Maintenance and Inspection Checklist submitted to Public Services Director in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

If any of the maintenance items indicated on the Checklist are found to be unsatisfactory, corrective actions must be completed and documented on the Checklist or attached pages.

The owner of the SCM shall keep records of inspections, maintenance, and repairs for at least five (5) years from the date of creation of the record and shall submit the same upon reasonable request to the to the Public Services Director, at the address provided in Section 1.2.

Section 5.0 Performance Guarantee Requirements

5.1 Purpose of a Performance Guarantee

The purpose of a performance guarantee is to provide the City of Fayetteville with financial resources to complete required public improvements in the event of developer default. For the Stormwater Control Ordinance, these performance guarantees are primarily used for SCMs and associated infrastructure. There are two (2) types of performance guarantees used by the City of Fayetteville, including:

- a. Cash Bond: A certified check made out to the City of Fayetteville or a Company Check made out to City of Fayetteville.
- b. Surety Bond: A contract among at least three (3) parties, including the principal (developer), obligee (City of Fayetteville), and the surety (bonding company) who ensures that the principal's obligations shall be performed.

All performance guarantees are to be submitted to the Public Services Director, at the address provided in Section 1.2.

Blank performance guarantee application forms for guaranteeing the installation of SCMs are provided in Appendix F. This type of performance guarantee must be posted for all SCMs on all new developments and redevelopments.

5.2 Performance Guarantee Process

The process for obtaining a performance guarantee is as follows:

- a. During the plan review process, the engineer for the proposed development shall furnish the Public Services Director with a certified cost estimate for constructing and/or installing the proposed SCMs.
- b. The Public Services Director shall review the cost estimate for accuracy. If acceptable, the Public Services Director shall notify the engineer to that effect.
- c. A performance guarantee shall be required for the amount specified in Sec. 23-35 of the Stormwater Control Ordinance. The developer shall secure the performance guarantee using the forms contained in Appendix F.
- d. The developer shall provide the Public Services Director with the original performance guarantee form.
- e. Performance guarantees shall be kept in place until at least one year after final approval. In cases where the facility initially functions as an erosion control measure, the installation performance guarantee shall remain in place until at least one year after the facility starts to function as an SCM.

5.3 Performance Guarantee Release Process

The request to release a performance guarantee must be made in writing to the Public Services Director. However, a performance guarantee shall not be released if the City has not been properly notified for the inspection of items covered by the performance guarantee. The Inspection protocol is outlined in Section 8.1. Also, performance guarantees shall not be completely released until record drawings have been received and approved and it has been determined through an on-site inspection that all BMPs have been installed and the project is in full compliance with approved plans and specifications and the requirements of the Stormwater Control Ordinance. Therefore, the Public Services Director shall complete and approve the Performance Guarantee Release Checklist (see Appendix H) prior to approving the release of any performance guarantee. An Approval for Bond Release Form must be completed by the inspector and provided to the Public Services Director before the performance guarantee can be released (see Appendix I).

5.4 Performance Guarantees for Public Entities

Public entities are not required to obtain performance guarantees for the installation of SCMs provided a letter signed by the manager or director of the project provides suitable assurances that the necessary improvements will be installed and maintained in accordance with Stormwater Control Ordinance requirements. Public entities shall include but not be limited to Cumberland County Schools, City of Fayetteville, Fayetteville Public Works Commission, Fayetteville Stormwater Services, Cumberland County, Fayetteville State University, and the State and Federal government. The

letter of assurance shall be addressed to the Public Services Director and upon his or her approval the performance guarantee requirement will be waived and all holds/approvals for the project released.

Section 6.0 Final Plats

6.1 Purpose of a Final Plat

Enforceable restrictions on property usage are required to ensure that future development and redevelopment maintains the site in compliance with Ordinance requirements. This is achieved through specific notations on final plats, which shall be reviewed and approved by the City of Fayetteville prior to recordation.

The surveyor shall include applicable restrictions from the recorded final plat on each lot survey, which is provided to the purchaser at the time of closing. In this way, the new property owner is made aware of the restrictions and the measures necessary to ensure compliance with the Ordinance.

Plats are required for all projects unless they meet all five of the following criteria:

1. Property for the project is not subdivided;
2. All SCMs are within the project's property boundary;
3. SCMs serve only the property where they are located;
4. SCMs are maintained by the property owner; and
5. Right of entry to inspect and maintain the SCMs is granted in a recorded covenant.

6.2 Required Notes

The following shall appear on all final plats and shall be recorded at the Cumberland County Register of Deeds Office. Appendix J contains the inter-office checklist used to ensure that a final plat is complete.

1. The location and name of major streams and setback boundaries including the top of the stream bank (field located). The setback area shall be labeled as "Stream Setback".
2. The location of all SCMs, including their corresponding NAD83 (feet) coordinates. Dimensions of the SCM area and all maintenance easements with the corresponding SCM identification name/number. The following naming convention shall be used for all SCMs: "Project or subdivision name – SCM Type – Number". For example, "Stoneridge Phase I – Bioretention – 1".
3. Easement note per the final plat checklist for developments without an HOA:
The operation, maintenance, and reconstruction responsibility of the stormwater system including the stormwater control measure(s) (SCM[s]) located within the SCM access & maintenance easement rests with the owner. The SCM access & maintenance easement grants the City of Fayetteville and their assigns right of access to the permanent SCM(s) for inspections and enforcement of the Operations and Maintenance Agreement and Plan recorded in Deed Book ___ and Page ___. No obstruction shall be allowed in the easement which could impede necessary maintenance by the owner and any enforcement by the city.
4. Easement note per the final plat checklist for developments with an HOA:

The operation, maintenance, and reconstruction responsibility of the stormwater system including the stormwater control measure(s) (SCM[s]) located within the SCM access & maintenance easement rests with the owner. If the City of Fayetteville has accepted functional maintenance responsibility of the SCM, the operation, maintenance, and reconstruction responsibility of the stormwater system excluding the SCM and routine maintenance of the SCM(s) rests with the owner. The Stormwater Control Measure (SCM) access & maintenance easement grants the City of Fayetteville and their assigns right of access to the permanent SCM(s) for inspections and enforcement of the Operations and Maintenance Agreement and Plan recorded in Deed Book ___ and Page ___ or functional maintenance of the SCM(s) if that responsibility has been accepted by the City. No obstruction shall be allowed in the easement which could impede necessary maintenance, inspection, or enforcement.

In some circumstances, plans for a development may indicate a built-upon area (BUA) slightly below the high density threshold for requiring SCMs in which case the plan reviewer may require impervious area restrictions for each lot to ensure that new construction as well as future expansions and additions do not exceed the BUA threshold. These restrictions must be shown on the final plat for each lot. The developer may elect to install SCMs rather than include these lot restrictions on plats.

In the event that SCMs are installed on private lots (which is always be strongly discouraged due to maintenance and access concerns), the SCM notations indicated above must be placed on the deed for the lot and not on the final plat.

6.3 Approval Process

One (1) copy of the final plat is to be submitted for review to to the Planning Director, at the address provided in Section 1.2.

Final plats shall not be approved until a copy of the **recorded** Operation and Maintenance Agreement and Maintenance Plan as described in Section 4.3 have been received by the Public Services Director. An exception is when the final plat and the Operation and Maintenance Agreement and Maintenance Plan are recorded concurrently or simultaneously. In those cases, all of these documents shall be reviewed and approved by the Public Services Director prior to recording.

Prior to submitting the copy of the final plat, the applicant is encouraged to provide the Public Services Director with a digital copy of the final plat in a PDF to facilitate the review process.

Engineering staff shall use the checklist provided in Appendix J to complete this review. The Public Services Director shall notify the applicant that the final plat meets all Public Services requirements or that revisions are needed prior to recording.

Following approval, the final plat shall be signed and returned to the applicant for recording at the Cumberland County Register of Deeds Office. Within fourteen (14) days of recordation, a copy of the recorded document shall be provided to the Public Services Director. If infrastructure remains to be installed within the boundary of the plat, then a performance guarantee/bond is required as described in Section 5.0.

Section 7.0 Inspection Process

7.1 Purpose of Inspections

Inspections may be conducted pursuant to the Stormwater Control Ordinance for a variety of purposes, including but not limited to enforcing stormwater regulations, ensuring SCMs are constructed and maintained appropriately, and verifying that SCMs are functioning as intended. Inspection milestones are established at the on-site preconstruction meeting.

7.2 Requesting an Inspection

To schedule inspections, applicants must contact the Public Services Department at (910) 433-1656. The City's normal business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday. Calls received on Friday will normally have inspections scheduled for Monday the following week.

7.3 Inspection Criteria

The City Inspector shall document inspections at the site for compliance with the approved plans, including the inspections of all SCMs, setbacks, volume and peak control, and other requirements. A checklist illustrating required elements for compliance with Stormwater Control Ordinance is provided in Appendix D. This checklist will be utilized by Inspectors to evaluate sites and projects.

Deviations from the approved plans may be approved by the Public Services Director. In those cases, the design engineer shall provide documentation to the Public Services Director that the SCM is functioning as designed and is in compliance with the requirements of the Stormwater Control Ordinance, even with the deviations. For the purposes of subsequent inspections and approval, an approved deviation becomes the approved plan.

7.4 Inspection Fee

The SCM Inspection Fee covers the cost of all inspections of SCMs during the construction process including the final inspection conducted by City personnel. The amount of the fee is based on the staff resources necessary to conduct these inspections and can be found in the City's Schedule of Fees approved by the City Council. The fee can be paid by check or over the phone with a credit card. If the fee is not paid, the City will not sign off on the CO or final plat.

Section 8.0 Enforcement

The Public Services Director has the right to enforce all requirements of the Stormwater Control Ordinance. Violations of the Ordinance will result in a Notice of Violation and assessment of penalties as allowed under Sec. 23-42 of the Stormwater Control Ordinance.

Upon inspection, the responsible person/entity will receive either either a Notice of Site Compliance (Appendix M) or a Notice of Site Non-Compliance (Appendix N).

8.1 Violations

Upon review of design documentation or site inspection, if the Public Services Director finds circumstances in violation of the Stormwater Control Ordinance, he may issue a Notice of Violation (NOV) (Appendix O), which details any corrective action that must be taken. Corrective actions be must be made within the timeframe specified on the form to avoid being assessed civil penalties. Some violations incur immediate penalties, which will be detailed in the form included as Appendix P. If upon reinspection, corrections have not been made to address the violation, the City will issue the responsible persons/entities a Continuing NOV (CNOV) (Appendix Q).

8.2 Penalties

Penalties are assessed from the date the violations were noted until all violations are corrected and the site is brought into compliance with the Stormwater Control Ordinance. Refer to Appendix R and Appendix S for information on penalty amounts per day. The Stormwater Control Ordinance Penalty Assessment Checklist included as Appendix T details the information that Public Services will maintain on violations and their resolution.

When corrective actions are completed, you should notify the Public Services Director at (910) 433-1656 so that the site can be inspected. The site is considered to be in compliance with the Ordinance only once this office has issued a Notice of Compliance and Penalty Form, included as Appendix U, which also details the total penalty owed, to the responsible persons/entities.

Assessed penalties must be paid within thirty (30) days in the form of a check payable to the City of Fayetteville; or the responsible party must submit a written request for a hearing before the City Council, including in your request a

statement of the factual or legal issues in dispute. Relief from an adverse determination by the City Council is by appeal to the Superior Court of Cumberland County. Payment or request for a hearing before the City Council should reference the Case Number provided in the Notice of Compliance and Penalty, and should be mailed to the Public Services Director at the address provide in Section 1.2.

8.3 Appealing Penalty, Notice of Violation or Decision

An Appeal may be filed must be filed, by submitting a Notice of Appeal (Appendix V) to the Public Services Director at the address provided in Section 1.2, in response to a(n):

- Assessment of a Civil Penalty,
- Notice of Violation,
- Order of Restoration,
- Disapproval or Modification of Proposed Plan, or
- any decision, order, requirement, or determination relating to the interpretation or application of the Ordinance .

The form must be filed within thirty (30) calendar days of receipt of an Assessment of a Civil Penalty, or within fifteen (15) calendar days of receipt for all other cases. The applications are placed on the agenda according to the date they are received subject to the availability of parties concerned and other factors.

Section 9.0 Record Drawing Surveys and Digital Submittals

9.1 Purpose of Record Drawings

Pursuant to Sec. 23-32 of the Stormwater Control Ordinance, the responsible party as identified in the Infrastructure Permit shall certify that the completed project is constructed in accordance with the approved plans and specifications and shall submit record drawing surveys for all SCMs after final construction is completed.

9.2 General Requirements

Record drawing surveys (2 copies) shall be prepared by a North Carolina licensed professional as outlined in Sec. 23-31 of the Ordinance. As a minimum, the record drawings shall contain the following. A complete checklist for record drawing surveys is provided in Appendix K.

- a) Mark through and redraw drainage structures when the as-built location deviates more than ten feet horizontally from the location indicated on the plans.
- b) Show all drainage structures, pipe inverts, and rim elevations.
- c) Show distances between drainage structures on the plan view as well as the profile.
- d) Show the final design specifications for all SCMs and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed.

After reviewing the record drawing survey, the design engineer shall certify, under seal, that the SCMs are in compliance with the approved plans and specifications and with the requirements of the Stormwater Control Ordinance.

All record drawings are to be submitted to the Public Services Director, at the address provided in Section 1.2 within thirty (30) calendar days following project completion.

9.2.1 Single Family Residential Subdivisions

Please note that in single-family residential subdivisions where the SCM initially functions as an erosion control measure, it will be necessary to provide a record drawing survey and certification letter at the completion of the stormwater system excluding the SCM. After the erosion control measure is converted to a stormwater management facility, it will be necessary to provide a record drawing survey and certification letter for the SCM only. Failure to provide approved record drawing surveys within thirty (30) calendar days following project completion may result in assessment of penalties as specified in Section 8.0.

9.3 Final Inspections

Upon submitting record drawings, the permittee will request a final inspection from the City to ensure the field accuracy of the record drawing survey and compliance with the requirements of the Stormwater Control Ordinance. Permittees should follow the inspection request process outlined in Section 7.0 of this manual.

If noncompliance is identified, or if there are discrepancies among the final inspection, record drawing survey, and engineer certification, the Public Services Director will issue written notification to the primary point of contact describing the deficiencies detected and actions necessary to ensure compliance as well as specifying a time frame in which compliance is to be achieved. Certificates of occupancy will be withheld pending receipt of record drawing surveys and the completion of a final inspection and approval of a project.

Refer to Section 7.3 regarding deviations from the approved plans.

If the final inspection, record drawing survey, and engineer certification are in agreement and also comply with Ordinance requirements, the Public Services Director will issue a written notice of site compliance to the primary point of contact. This notification will also indicate that a digital submittal of the record drawing survey is required prior to final approval of the project for compliance with Stormwater Control Ordinance requirements and the release of performance guarantees.

9.4 Digital Record Drawing Requirements

A digital version of record drawing surveys must be submitted within forty-eight (48) hours of approval of the hard copy record drawings. At a minimum, digital submission must:

- a) Be submitted in a CAD-compatible format (e.g., *.dwg)
- b) Be accompanied by relevant GIS shapefiles and associated metadata
- c) Conform to NC GRID with all SCMs shown
- d) Utilize the NAD83 (North Carolina State Plane Coordinate System) projection delivery format
- e) Include the following layers:
 1. Name, location, size, and elevation (NAVD 88) of the SCMs actually constructed.
 2. Location of all drainage structures, pipe inverts (NAVD 88), and rim elevations.
 3. Distances between drainage structures.
 4. Mark through and redraw drainage structures when the as-built location deviates more than ten feet horizontally from the location indicated on the plans.
- f) The locations for SCMs, and storm sewer system inlets and outlets shall be supplied as North Carolina State Plane X- and Y-coordinates.

All digital submittals must be made to the Public Services Director via email or file transfer. Mylars are not required. Digital versions of record drawings do not require a professional seal and signature. In lieu of a seal and signature, the digital submittals shall contain the following disclaimer: "This document originally issued and sealed by (name of sealer), (license number), on (date of sealing). This medium shall not be considered a certified document."

The Public Services Director shall send written notification of final approval of the project for compliance with Stormwater Control Ordinance requirements to the applicant. Appendix M contains the form to be used to provide this notification (Notice of Site Compliance). A hard copy of this notification shall be placed in the Active file. Release of performance guarantees, issuance of the CO, and/or signing of the final plat will be withheld pending receipt of the digital files. In addition, a failure to provide digital files is a violation of the Ordinance and is subject to penalties.

Section 10.0 Variances and Appeals

10.1 Variance Process

A petition for variance, in the form prescribed by the City Council, shall be filed with the City Clerk accompanied by a nonrefundable \$500 filing fee established by City Council as well as a list of adjoining properties including tax parcel numbers and the name and address of each owner. Appendix W contains the procedures and forms for filing a variance petition.

Upon receipt of a variance petition, the City Clerk shall transmit to the City Council copies of all information regarding the variance. The City Council shall, in accordance with the rules adopted by it for such purposes, hold public hearings on any variance petition which comes before it.

The City Council shall, prior to the hearing, mail written notice of the time, place and subject of the hearing to the person or persons filing the petition, to the owners of the subject property and to the owners of property adjacent to the subject property. The hearing shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence.

Before granting a variance, the City Council shall have made all the following findings:

- a) Unnecessary hardships would result from the strict application of the Ordinance.
- b) The hardships result from conditions that are peculiar to the property, such as the location, size or topography of the property.
- c) The hardships did not result from actions taken by the petitioner.
- d) The requested variance is consistent with the spirit, purpose, and intent of the Ordinance; shall secure public safety and welfare; and shall preserve substantial justice.

The City Council may impose reasonable and appropriate conditions and safeguards upon any variance it grants. The City Council shall grant or deny the variance or shall reverse, affirm or modify the order, decision, determination or interpretation under appeal by recording in the minutes of the meeting the reasons that the City Council used and the findings of fact and conclusions of law made by the City Council to reach its decision. The City Council shall refuse to hear an appeal or variance petition which has been previously denied unless it finds there have been substantial changes in the conditions or circumstances relating to the matter.

Every decision of the City Council shall be subject to Superior Court review by proceedings in the nature of certiorari. Petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) calendar days after the later occurring of the following:

- a) The decision of the City Council is filed; or
- b) A written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the City Council at the time of its hearing of the case.

10.2 Appeal Process

An appeal may be initiated by any aggrieved person affected by any decision, order, requirement, or determination relating to the interpretation or application of the Stormwater Control Ordinance. A notice of appeal shall be filed with the City Clerk contesting any order, decision, determination or interpretation within 15 days of written notice of disapproval or modification of a Stormwater Design Plan, or determination of either noncompliance or failure to maintain, or within thirty (30) days of the receipt of a notice of assessment of a civil penalty, made or rendered by the Public Services Director in the enforcement of the Ordinance. Failure to timely file such notice shall constitute a waiver of any rights to appeal under the Ordinance. Appendix V contains the procedures and forms for filing a notice of appeal.

Upon receipt of a notice of appeal, the City Clerk shall transmit to the City Council copies of all administrative papers, records, and other information regarding the subject matter of the appeal. The filing of such notice shall stay any proceedings in furtherance of the contested action, except the Public Services Director may certify in writing to the City Council that because of facts stated in the certificate, a stay imposes an imminent peril to life or property or would seriously interfere with the enforcement of the Ordinance. In that case, proceedings shall not be stayed except by a

restraining order, which may be granted by the City Council or by a court of record on application, on notice to the Public Services Director from whom the appeal is taken and on due cause shown.

The City Council shall, in accordance with the rules adopted by it for such purposes, hold public hearings on any notice of appeal which comes before it. The City Council shall, prior to the hearing, mail written notice of the time, place and subject of the hearing to the person or persons filing the notice, and to the owners of the subject property. The hearing shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by substantial, competent, and material evidence.

At the conclusion of the hearing, the City Council shall render its decision regarding the appeal based on the evidence submitted.

- a) If, after considering the evidence presented at the hearing, the City Council concludes by a preponderance of the evidence that the grounds for the actions by the Public Services Director with regard to either disapproving or modifying a proposed Plan, issuing a notice of violation, assessing a civil penalty or ordering restoration are true and substantiated, the City Council shall uphold the action on the part of the Public Services Director.
- b) If, after considering the evidence presented at the hearing, the City Council concludes by a preponderance of the evidence that the grounds for the actions by the Public Services Director are not true and substantiated, the City Council shall, as it sees fit either reverse or modify any order, requirement, decision or determination of the Public Services Director.

10.3 Hearing Procedures

All hearings shall be conducted according to the City Council bylaws and procedures and pursuant to the North Carolina General Statutes.

It is the expectation of the Fayetteville City Council that hearings shall be heard by the City Council during the next regularly scheduled meeting of the City Council following the filing of a complete application package for a notice of appeal or request for a variance. In the event that a conflict is known at the time the hearing is scheduled, the City Clerk has the authority to reschedule the hearing for the next date for which there is no conflict. If a conflict arises between the time of initial scheduling and the hearing date, the appellant must file a written request for continuance with the City Clerk, stating the nature of the conflict. The City Clerk, in consultation with the City Council Attorney, may reschedule the hearing for good cause.

Requests for a continuance on the day of the scheduled hearing must be made to the City Council in person by Petitioner or his agent. A continuance shall be granted only upon a majority vote of the members of the City Council present for the meeting. If Petitioner or his/her agent does not appear to make the request, or if the request is denied, the hearing shall proceed in accordance with the notice given by the City Clerk.

Appendix A

Infrastructure Permit Application Checklist

Date Received: _____
 Received by: _____
 Payment Type: _____



INFRASTRUCTURE PERMIT APPLICATION

To be filled out by City of Fayetteville Engineering staff:
 Infrastructure Permit Number: _____
 Consultation Case Number: _____

Note: A submittal without the Application form and the applicable fee will be considered incomplete and will not be reviewed. Please see the fee schedule for all applicable fees.

MAIN*:

Check One:	<input type="checkbox"/> COMMERCIAL	<input type="checkbox"/> RESIDENTIAL
Project (Case) Name:		
Project Location & Street Address:		
City:	State:	Zip Code:

APPLICANT INFO* (The person filling out the form must check one of the following):

ENGINEER **OWNER** **CONTRACTOR**

Provide email address of the engineer AND the owner to receive project updates and notifications.

ENGINEER:		
First and Last Name:	Company:	
Physical Address:		
City:	State:	Zip Code:
Work Phone:	Cell Phone:	Fax:
Email:		
Web Site:		

OWNER:		
First and Last Name:	Company:	
Physical Address:		
City:	State:	Zip Code:
Work Phone:	Cell Phone:	Fax:
Email:		

* - indicates a required field for a complete application.

CONTRACTOR:		
First and Last Name:	Company:	
Physical Address:		
City:	State:	Zip Code:
WC Liability Company:	License Num.:	License Expiration Date:
Work Phone:	Cell Phone:	Fax:
Email:		

CASE DATE*:

Site Info:		
Site Information:	<input type="checkbox"/> New Site	<input type="checkbox"/> Existing Site:
	<input type="checkbox"/> High Density	<input type="checkbox"/> Low Density:
Water Supply Watershed (Check One):	<input type="checkbox"/> Protected Area	<input type="checkbox"/> Critical Area <input type="checkbox"/> None
Deed Book and Page/Plat Book and Page:	Area To Be Disturbed:	
PIN#	Total Drainage Area:	
Total Acreage:	Existing Impervious Area (Acres):	
Number If Lots (if applicable):	Proposed Additional Impervious Area (Acres):	
Percent Increase in Impervious Area:	Total Impervious Area After Development:	
Maximum Impervious Area Allowed Per Lot**:		
C_{pre}:	Q_{pre} 1 year:	Q_{pre} 10 year:
C_{post}:	Q_{post} 1 year:	Q_{post} 10 year:

Number of Stormwater Control Measures (SCM's - formerly known as BMP) at Site:

Impervious Area Breakdown

<u>Existing:</u>	<u>Proposed:</u>	<u>Existing:</u>	<u>Proposed:</u>
Building:	Building:	Building:	Building:
Roads:	Roads:	Roads:	Roads:
Sidewalk:	Sidewalk:	Sidewalk:	Sidewalk:
Gravel:	Gravel:	Gravel:	Gravel:
Pavement:	Pavement:	Pavement:	Pavement:

-. **Commercial Developments: Impervious area allowances per lot must be shown as an attached exhibit if the impervious area per lot is not uniformly distributed.

Residential/commercial projects: Recorded deed & plat restriction will be required for impervious area allowances.

I, (the Owner and/or Applicant listed above), _____, certify that the information included on the permit application form is, to the best of my knowledge, correct and the project will be constructed in conformance with the approved plans, and that the proposed project complies with the requirements of the applicable stormwater rules and requirements.

Signature: _____

Date: _____

* - indicates a required field for a complete application.

INFRASTRUCTURE PERMIT CHECKLIST

PERMITS: Provide hard copies of each applicable permit			
Driveway Permit	<input type="checkbox"/>	Encroachment Agreement 3 Party	<input type="checkbox"/>
Erosion Control Permit	<input type="checkbox"/>	401 Permit	<input type="checkbox"/>
Encroachment Agreement 2 Party	<input type="checkbox"/>	404 Permit	<input type="checkbox"/>
Other (Please specify): 			
General Plan Information			
1. General Plan Layout Requirements			
Site landscaping plans	<input type="checkbox"/>	Include note: "All construction to be in accordance with all City of Fayetteville standards and Specifications."	<input type="checkbox"/>
Title block includes: Street or project title, limits, horizontal and vertical scales, original date, revisions date, drawing number, "checked by and drawn by".	<input type="checkbox"/>	Vicinity Map	<input type="checkbox"/>
North Arrow for all plan views	<input type="checkbox"/>	Plan view scale: $\geq 1"=50'$; Profile view scale: $\geq 1"=50'$ horizontal and $1"=5'$ vertical. Grid = 1' intervals.	<input type="checkbox"/>
Elevations in relation to mean sea level: Profile Elevations = 10' intervals on the heavy lines	<input type="checkbox"/>	Benchmark elevations and locations on plan view.	<input type="checkbox"/>
Building setback lines shown	<input type="checkbox"/>	Driveways and parking lots shown	<input type="checkbox"/>
Houses, building numbers and property owners shown on existing property	<input type="checkbox"/>	Property lines, rights-of-way and easements. Clearly label street rights-of-way and easement widths	<input type="checkbox"/>
Topographic maps (min. 2' contours) clearly showing limits of the site	<input type="checkbox"/>	100-year floodplain boundaries and elevations shown where applicable	<input type="checkbox"/>
Separate existing conditions and demolition sheets to include, but not limited to, all existing infrastructure, topography, and easements	<input type="checkbox"/>	Show match lines as applicable	<input type="checkbox"/>
Exact street names and applicable state road numbers	<input type="checkbox"/>	Surveyed and delineated wetlands shown on plans	<input type="checkbox"/>
Drainage area maps (pre-development and post-development)	<input type="checkbox"/>		<input type="checkbox"/>
2. General Street Drawings' Requirements			
Street Profile views showing: existing centerline elevations, proposed centerline elevations and slopes, left and right top of curb/ edge of pavement elevations, station, top elevation, type, and invert elevation	<input type="checkbox"/>	Complete street curve data shown. This includes but is not limited to: intersection radii, length of all arcs, internal angles, sight triangles, intersection centerlines, super elevation rates, if any, top of curb or edge of pavement profiles, vertical curve length, rate of vertical curvature (K), PVI, PVC, and PVT station and elevation, horizontal curve length, tangent, centerline radius, and	<input type="checkbox"/>
Street typical sections showing: street and right-of-way width, sidewalk location, cross-slopes, street width (measured to back of curb) and pavement design	<input type="checkbox"/>	Station beginning at 0+00 and labeled every 100' on plan and profile view. Plan view shows stations labeled along the survey baseline	<input type="checkbox"/>
All curb radii at street intersections shall be clearly labeled	<input type="checkbox"/>	5' wide – 4" thick sidewalk shown with ADA handicapped ramps shown. Sidewalk must be 6" thick across driveways. Must be shown in the plans with approved COF details and construction sequence	<input type="checkbox"/>
3. General Stormwater Pipe and Utility Drawing and Display Requirements			
Show existing and proposed curb and gutter, storm sewers, roof drains, drainage structures, driveway pipes, water mains, sanitary sewers	<input type="checkbox"/>	Existing and proposed pipes, manholes, stormwater structures and roof drains clearly labeled with material, size, class, slope, and length and direction of flow	<input type="checkbox"/>

* - indicates a required field for a complete application.

All existing and proposed utility layout showing: gas, sanitary sewer, water, fiber optic, electric, and cablevision facilities located on the right-of-way	<input type="checkbox"/>	10 year storm HGL Calculations and profiles (HGL must stay within system)	<input type="checkbox"/>
Gutter spread calculations for public streets and residential subdivisions	<input type="checkbox"/>	Culvert design (25 yr. storm)	<input type="checkbox"/>
Outfall protection details and calculations	<input type="checkbox"/>		
4. General SCM Requirements (formerly known as BMPs)			
Geotechnical Report with SHWT, water table elevation, infiltration rate, boring logs, and soils map	<input type="checkbox"/>	SCM maintenance access easement from public ROW	<input type="checkbox"/>
SCM landscaping Plans	<input type="checkbox"/>	SCM Declaration of Covenants with maintenance plan, site location map, and task and schedules	<input type="checkbox"/>
SCM cost estimate	<input type="checkbox"/>	Stormwater narrative	<input type="checkbox"/>
Volume Provided vs. Required treatment volume (1" Storm)	<input type="checkbox"/>	Swale/ open channel sizing calculations	<input type="checkbox"/>
3-D trash rack (Accessible and non-corrosive)	<input type="checkbox"/>	Anti-flotation calculations (Safety Factor > 1.5)	<input type="checkbox"/>
SCM routing calculations (1 yr., 10 yr., 25 yr., 100 yr. storm calculations)	<input type="checkbox"/>	Stormwater fee credit application	<input type="checkbox"/>
SCM supplemental data form (one form per SCM)	<input type="checkbox"/>	SCM in plan view and cross section to include: A table of elevations, incremental volumes and accumulated volumes (if applicable).	<input type="checkbox"/>
SCM in plan view and cross section to include: Specifications for applicable materials such as planting media, aggregate, sod, underdrains, outlet devices, quality control devices, etc.	<input type="checkbox"/>	SCM in plan view and cross section to include: dimensions, side slopes, length to width ratios and elevations with a benchmark for clean-out if appropriate	<input type="checkbox"/>
SCM in plan view and cross-section to include: All applicable conveyances devices, including: bypass structure, pretreatment area, flow distribution device, underdrains, outlet device, outlet dissipater and level spreader (if applicable)	<input type="checkbox"/>		
5. Property Owner / Applicant Certification			

I, (the Owner and/or Applicant listed above), _____, certify that the information included on the permit checklist form is, to the best of my knowledge, correct and the project will be constructed in conformance with the approved plans, and that the proposed project complies with the requirements of the applicable stormwater rules and requirements.

Signature: _____

Date: _____

* - indicates a required field for a complete application.



Case Name: _____

SCM (Stormwater Control Measure) Supplemental Data Form
(Provide one form per SCM)

Type of SCM		Orifice(s) Elevation(s)	
Drainage Area to SCM		Barrel(s) Length(s)	
Impervious Area to each SCM (Specify SF or AC)		Emergency Spillway Elevation (if rip-rap is used then measured from the bottom of spillway embankment)	
Permanent Pool Elevation (PPE)		Bottom of Pond Elevation	
Surface Area of SCM at PPE or top of bank. (Specify SF or AC)		Sediment Storage Elevation/ Volume	
1" Storm Elevation		Top of Berm Elevation	
1 year Storm Elevation		SHWT Elevation	
10 year storm Elevation		Infiltration Rates	
100 year storm Elevation		Drawdown Time	
Top of Riser Elevation		Anti-Floatation Safety Factor (≥ 1.5)	
Orifice Quantity		Volume Required for 1" storm	
Orifice(s) Size(s):		Volume Provided for 1" storm	
SCM Coordinates	Northings:		Eastings:

For current fee schedule: <https://www.fayettevillenc.gov/city-services/budget-evaluation/budget-chronicles/fee-schedule>

Appendix B

Form SCO2 – Operation and Maintenance Agreement Templates

Prepared by/ Mail after recording to:
City Attorney's Office
c/ o City of Fayetteville
433 Hay Street
Fayetteville, NC 28301

Parcel ID #: _____

**DECLARATION OF COVENANTS
INSPECTION/MAINTENANCE OF STORMWATER
MANAGEMENT FACILITY, TRANSFER OF MAINTENANCE RESPONSIBILITIES**

THIS DECLARATION (this "Declaration"), made this ____ day of _____, 20__, between _____, hereinafter referred to as the "Covenantor," owner(s) of the following property: _____, (the "Property"), and the City of Fayetteville, North Carolina, hereinafter referred to as the "City".

WITNESSETH:

The Covenantor, with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interest in the property described above, does hereby covenant with the City as follows:

1. In accordance with Section 23-33 of the City of Fayetteville Stormwater Management Ordinance (the "Stormwater Ordinance"), the City shall accept functional maintenance responsibility of structural stormwater management facilities (the "stormwater management facility or facilities", or the "BMP or BMP(s)") that are installed following a warranty period of one (1) year from the date of record-drawing certification described in Section 23-32 of the Stormwater Ordinance, 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, which Covenantor intends to develop upon all the Property;
- (2) Is satisfactorily maintained during the one-year warranty period by the Covenantor;
- (3) Meets all the requirements of the Stormwater Ordinance;
- (4) Includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection, maintenance repair, or reconstruction; and
- (5) Prior to the release of the installation performance guarantee as outlined in Section 23-33(b), the Covenantor shall pay into a City maintenance fund used to maintain such facilities in the future an amount equal to 20 percent of the initial construction cost of the stormwater management facilities related to detention ponds or other BMPs constructed to meet the requirements of the Stormwater Ordinance, said 20 percent amount equaling _____.

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.

2. The Covenantor must maintain the easement area(s) (the "Easement Area(s)") as referenced on the plat of the Property (the "Final Plat") as shown on **Exhibit A** attached hereto and incorporated herein by reference, by providing trash removal, grass cutting, and landscaping on the Property and performing other nonfunctional maintenance, as described in the maintenance plan (the "Maintenance Plan" or the "Plan") as shown on **Exhibit B** attached hereto and incorporated herein by reference. Therefore, the Covenantor shall develop and attach to this Declaration for recording at the Cumberland County Register of Deeds Office a Maintenance Plan that has been reviewed and approved by the City of Fayetteville or its designee. This Maintenance Plan shall describe the nonfunctional maintenance practices to be performed for the above referenced stormwater management facility and include a schedule for implementation of these practices. The Plan shall specify the name, mailing address and phone number of the party responsible for the fulfillment of the Maintenance Plan.
3. The City must provide routine inspection and structural maintenance for the BMP(s) as needed to ensure that the BMP(s) remain(s) in proper working condition in accordance with approved design standards. The City shall undertake all reasonable measures to return the Easement Area(s) to its original condition whenever the City undertakes repairs and maintenance in accordance with this Declaration.
4. The Covenantor must provide and maintain perpetual access from public rights-of-way to the BMP(s) for the City, its agents and its contractors.

5. The Covenantor must grant the City, its agents and its contractors a right of entry to the BMP(s) for the purpose of inspecting, operating, monitoring, installing, constructing, reconstructing, modifying, altering or repairing the BMP(s).
6. Except in the case of an emergency, the City shall provide not less than seven (7) days prior notice to the Covenantor before performing any structural maintenance or repair of the BMP(s) in accordance with this Covenant. The City shall also notify the Covenantor after completing the maintenance or repair work specified in the notice.
7. If, after reasonable notice by the City, the Covenantor fails to maintain the Easement Area(s) in accordance with this Covenant, the City may perform any nonfunctional maintenance needed to correct a condition that impacts the effectiveness of routine structural maintenance and collect any costs incurred as a result from each owner of the BMP(s) and in the same manner as real property taxes are collected. In addition, the City may seek reimbursement under any other method legally available to collect debts owed to the City.
8. The Covenantor agrees to indemnify and save the City harmless; including the City's elected officials, employees, agents, successors, and assigns, from any and all liability and any and all claims for any personal injury or property damage arising from maintenance of the Easement Area(s) in accordance with this Covenant.
9. Upon Covenantor's transfer of title of the BMP(s) to the applicable homeowners association for the single-family residential development (the "Association"), as evidenced by a recorded warranty deed from the Covenantor to the Association recorded with the Cumberland County Register of Deeds Office of Cumberland County, North Carolina, then the Covenantor shall be automatically released from all obligations hereunder, and such obligation shall be automatically assumed by the Association. The Covenantor agrees to promptly notify the City when the Covenantor legally transfers title to the BMP(s) to the Association, and shall include a copy of the recorded warranty deed from Covenantor to the Association with such notice.
10. The covenants contained herein shall run with the land and shall bind the City, the Covenantor and the Covenantor's successors and assignees, and shall bind all present and subsequent owners of property served by the BMP(s).
11. This Covenant shall be recorded in the Cumberland County Register of Deeds Office of Cumberland County, North Carolina.
12. This Covenant runs to the benefit of the City and may not be released or modified except by written consent of the City.

[Remainder of This Page Intentionally Left Blank; Signature Page Attached Hereto]

IN WITNESS WHEREOF, the Covenantor and the City have executed this Declaration of Covenants on the date first above written.

ATTEST:

FOR THE COVENANTOR(S)

Signature

Signature

Printed Name

Printed Name

Title

CITY OF FAYETTEVILLE, NORTH CAROLINA

Signature

Signature

Printed Name
City Clerk

Printed Name
City Manager

(Jurats follow)

STATE OF
COUNTY OF

: ss

I hereby certify that on this _____ day of _____, 20____, before the subscriber, a Notary Public of the State of _____, and for the County of _____, personally appeared _____, known to me (or satisfactorily proven) to be the person(s) described in the foregoing instrument, who did acknowledge that (he)(she)(they), having been properly authorized, executed the same in the capacity therein stated and for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my hand and official seal.

NOTARY PUBLIC

My Commission Expires: _____

STATE OF
COUNTY OF

: ss

I hereby certify that on this _____ day of _____, 20____, before the subscriber, a Notary Public of the State of _____, and for the County of _____, personally appeared _____, City Manager, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, who did acknowledge that (he) (she), having been properly authorized, executed the same on behalf of Fayetteville, North Carolina in the capacity therein stated and for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my hand and official seal.

NOTARY PUBLIC

My Commission Expires: _____

EXHIBIT A

[Describe Plat and Easement Area(s)]

EXHIBIT B

[Attach Maintenance Plan]

Prepared by/Mail after recording to: City Attorney's Office C/O City of Fayetteville 433 Hay Street Fayetteville, NC 28301

INSERT PROJECT NAME (must match plat title)
DECLARATION OF COVENANTS
For Maintenance of Stormwater Structural Controls
City of Fayetteville

THIS DECLARATION OF COVENANTS, made this _____ day of _____, 20____, by _____ hereinafter referred to as the "Owner" to and for the benefit of the City of Fayetteville and its successors and assigns.

WITNESSETH:

WHEREAS, the City of Fayetteville is authorized to minimize the downstream impacts from increased stormwater runoff and prevent surface water quality degradation from development or redevelopment activities within its jurisdiction as set forth in the City of Fayetteville Stormwater Control Ordinance: and

WHEREAS, the Owner is the owner of a certain tract or parcel of land more particularly described as: _____ being all or part of the land which it acquired by deed dated _____ from _____ grantors, and recorded with the Cumberland County Register of Deeds Office , in Book _____ at Page _____ such property being hereinafter referred to as "the property;" and

WHEREAS, the Owner desires to construct certain improvements on its property regulated by the City of Fayetteville Stormwater Control Ordinance; and

WHEREAS, in order to construct certain improvements on its property, the Owner desires to build and maintain at its expense, a stormwater structural control more particularly described and shown on plans titled: _____ and further identified under Infrastructure Permit Number _____ ; and _____

WHEREAS, the City of Fayetteville or its designee have reviewed and approved the plans associated with the Infrastructure Permit subject to the execution of this agreement.

NOW THEREFORE, in consideration of the benefits received by the Owner as a result of approval by the City of Fayetteville or its designee of these plans, the Owner, with full authority to execute deeds, mortgages, other covenants, and all rights, title and interest in the property described above, does hereby covenant with the City of Fayetteville as follows:

1. The Owner shall develop and attach to this “DECLARATION OF COVENANTS” for recording at the Cumberland County Register of Deeds Office a “MAINTENANCE PLAN” that has been reviewed and approved by the City of Fayetteville or its designee. This Maintenance Plan shall describe the specific maintenance practices to be performed for the above referenced stormwater structural control and include a schedule for implementation of these practices. The Plan shall indicate that the stormwater structural control shall be inspected by a qualified professional at least annually to ensure that it is operating properly. The Plan shall specify the name, mailing address and phone number of the party responsible for the fulfillment of the Maintenance Plan and describe the mechanism by which the funding for the performance of this maintenance shall be secured.
2. The Owner shall construct and perpetually operate and maintain, at its sole expense, the above-referenced stormwater structural control in strict accordance with the attached Maintenance Plan approved by the City of Fayetteville or its designee.
3. The Owner shall, at its sole expense, make such changes or modifications to the stormwater structural control as may, at the discretion of the City of Fayetteville or its designee, be determined necessary to ensure that the facility and system is properly maintained and continues to operate as designed and approved.
4. The City of Fayetteville, its agents, employees and contractors shall have the perpetual right of entry to inspect, monitor, maintain, repair and reconstruct the stormwater structural control.
5. The Owner agrees that should it fail to correct any defects in the above described stormwater structural control within ten (10) days from the issuance of written notice, or shall fail to maintain the structure in accordance with the attached Maintenance Plan and with the law and applicable executive regulation or, in the event of an emergency as determined by the City of Fayetteville or its designee in its reasonable discretion, the City of Fayetteville or its designee is authorized to enter the property to make all repairs, and to perform all maintenance, construction and reconstruction as the City of Fayetteville or its designee deems necessary. The City of Fayetteville or its designee shall then recover from the Owner any and all costs the City of Fayetteville expends to maintain or repair the stormwater structural control or to correct any operational deficiencies. Failure to pay the City of Fayetteville or its designee all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. The City of Fayetteville or its designee shall thereafter be entitled to bring an action against the Owner to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.
6. The Owner shall not obligate the City of Fayetteville to maintain or repair any stormwater structural control, and the City of Fayetteville shall not be liable to any person for the condition or operation of any stormwater structural control.

7. The Owner shall not in any way diminish, limit, or restrict the right of the City of Fayetteville to enforce any of its ordinances as authorized by law.
8. The Owner shall indemnify, save harmless and defend the City of Fayetteville or its designee from and against any and all claims, demands, suits, liabilities, losses, damages and payments including attorney fees claimed or made by persons not parties to this Declaration against the City of Fayetteville or its designee that are alleged or proven to result or arise from the Owner's construction, operation, or maintenance of the stormwater structural control that is the subject of this Covenant.
9. The covenants contained herein shall run with the land and the Owner further agrees that whenever the property shall be held, sold and conveyed, it shall be subject to the covenants, stipulations, agreements and provisions of this Declaration, which shall apply to, bind and be obligatory upon the Owner hereto, its heirs, successors and assigns and shall bind all present and subsequent owners of the property served by the stormwater structural control. Upon the sale and conveyance by the owner of the Property (or any portion thereof) of its entire interest therein, such owner shall automatically be deemed to be released of all future obligations thereafter arising under this Declaration; and as to any future owner of the Property, or any portion thereof, such future owner shall automatically be subject and bound by the terms and provisions of this Declaration upon its acquisition of fee simple title to the Property (or portion thereof) in the same manner as the owner of the Property as of the date hereof is presently bound under this Declaration.
10. The Owner shall promptly notify the City of Fayetteville or its designee when the Owner legally transfers any of the Owner's responsibilities for the stormwater structural control. The Owner shall supply the City of Fayetteville or its designee with a copy of any document of transfer, executed by both parties.
11. The provisions of this Declaration shall be severable and if any phrase, clause, sentence or provisions is declared unconstitutional, or the applicability thereof to the Owner is held invalid, the remainder of this Covenant shall not be affected thereby.
12. The Declaration and the exact boundary of all stormwater structural controls (as shown on final plats prepared by a registered surveyor) shall be recorded at the Cumberland County Register of Deeds Office at the Owner's expense.
13. In the event that the City of Fayetteville or its designee shall determine at its sole discretion at future time that the stormwater structural control is no longer required, then the City of Fayetteville or its designee shall at the request of the Owner execute a release of this Declaration of Covenants which the Owner shall record at its expenses.

IN WITNESS WHEREOF, the Owner has executed this Declaration of Covenants as of this _____ day of _____, 20_____.

ATTEST:

FOR THE COVENANTER(S)

(Signature)

(Signature)

(Printed Name)

(Printed Name and Title)

STATE OF _____:

COUNTY OF _____:

On this _____ day of _____, 20_____, before me, the undersigned officer, a Notary Public in and for the State and County aforesaid, personally appeared _____, who acknowledged himself to be _____, of _____, and he as such authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as _____ for said _____.

WITNESS my hand and Notarial Seal

My commission expires _____

Notary Public

Seen and approved

(City Engineer)

Prepared by/Mail after recording to: City Attorney's Office C/O City of Fayetteville 433 Hay Street Fayetteville, NC 28301

(INSERT PROJECT NAME, MUST MATCH PLAT TITLE)

**DECLARATION OF COVENANTS
For Maintenance of Stormwater Structural Controls
City of Fayetteville**

THIS DECLARATION OF COVENANTS, made this ____ day of ____, 20____, by _____ hereinafter referred to as the "Developer" to and for the benefit of the City of Fayetteville and its successors and assigns.

WITNESSETH:

WHEREAS, the City of Fayetteville is authorized to minimize the downstream impacts from increased stormwater runoff and prevent surface water quality degradation from development or redevelopment activities within its jurisdiction as set forth in the City of Fayetteville Stormwater Management Ordinance: and

WHEREAS, the Developer is the owner of a certain tract or parcel of land more particularly described as: _____ being all or part of the land which it acquired by deed dated ____ from _____ grantors, and recorded with the Cumberland County Register of Deeds Office , in Book _____ at Page _____ such property being hereinafter referred to as "the property;" and

WHEREAS, the Developer desires to construct certain improvements on its property regulated by the City of Fayetteville Stormwater Management Ordinance; and

WHEREAS, in order to construct certain improvements on its property, the Developer desires to build and maintain at its expense, a stormwater structural control more particularly described and shown on plans titled: _____ and further identified under Infrastructure Permit Number _____ ; and _____.

WHEREAS, the City of Fayetteville or its designee have reviewed and approved the plans associated with the Infrastructure Permit subject to the execution of this agreement.

NOW THEREFORE, in consideration of the benefits received by the Developer as a result of approval by the City of Fayetteville or its designee of these plans, the Developer, with full authority to execute deeds, mortgages, other covenants, and all rights, title and interest in the property described above, does hereby covenant with the City of Fayetteville as follows:

1. The Developer shall develop and attach to this “DECLARATION OF COVENANTS” for recording at the Cumberland County Register of Deeds Office a “MAINTENANCE PLAN” that has been reviewed and approved by the City of Fayetteville or its designee. This Maintenance Plan shall describe the specific maintenance practices to be performed for the above referenced stormwater structural control and include a schedule for implementation of these practices. The Plan shall indicate that the stormwater structural control shall be inspected by a qualified professional at least annually to ensure that it is operating properly. The Plan shall specify the name, mailing address and phone number of the party responsible for the fulfillment of the Maintenance Plan and describe the mechanism by which the funding for the performance of this maintenance shall be secured through the use of an (Insert “ESCROW ACCOUNT” OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER.)

2. The Developer shall establish an (Insert “ESCROW ACCOUNT” OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER.)

which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the above referenced stormwater structural control. If the stormwater structural control is not performing adequately or as intended or is not properly maintained, the City of Fayetteville, in its sole discretion, may remedy the situation, and in such instances the City of Fayetteville shall be fully reimbursed from the (Insert “ESCROW ACCOUNT” OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER.)

Funds may be spent by the Developer for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the stormwater structural control, provided that the City of Fayetteville shall first consent to the expenditure.

3. Both contributions by the Developer and contributions to an escrow account fund from either the Developer or a property owners' association shall fund the (Insert "ESCROW ACCOUNT" OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER.)

_____. Prior to the release of the installation performance guarantee, the Developer shall pay into the (Insert "ESCROW ACCOUNT" OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER.)

_____.. an amount equal to fifteen (15) per cent of the initial construction cost of the stormwater structural control (INSERT DOLLAR AMOUNT EQUAL TO 15%)_____. Two-thirds (2/3) of the total initial construction cost (INSERT DOLLAR AMOUNT EQUAL TO 2/3)_____ shall be deposited into the (Insert "ESCROW ACCOUNT" OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER) within the first five (5) years and the full amount

_____ ((INSERT DOLLAR AMOUNT EQUAL TO THE FULL AMOUNT)) shall be deposited within ten (10) years following initial construction of the stormwater structural control. Funds shall be deposited each year into the (Insert "ESCROW ACCOUNT" OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER.)

_____. A portion of the annual assessments of the property owners' association shall include an allocation into the (Insert "ESCROW ACCOUNT" OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER.)

_____. Any funds drawn down from the (Insert "ESCROW ACCOUNT" OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER.)

_____ shall be replaced in accordance with the schedule of anticipated work used to create the escrow account budget.

4. The percent of Developer contribution and lengths of time to fund the (Insert "ESCROW ACCOUNT" OR OTHER FUNDING SOURCE AS APPROVED BY THE CITY ENGINEER.)

_____ may be varied by the City of Fayetteville depending on the design and materials of the stormwater structural control.

5. The Developer shall construct and perpetually operate and maintain, at its sole expense, the above-referenced stormwater structural control in strict accordance with the attached Maintenance Plan approved by the City of Fayetteville or its designee.

6. The Developer shall, at its sole expense, make such changes or modifications to the stormwater structural control as may, at the discretion of the City of Fayetteville or its designee, be determined necessary to ensure that the facility and system is properly maintained and continues to operate as designed and approved.
7. The City of Fayetteville, its agents, employees and contractors shall have the perpetual right of entry to inspect, monitor, maintain, repair and reconstruct the stormwater structural control.
8. The Developer agrees that should it fail to correct any defects in the above described stormwater structural control within ten (10) days from the issuance of written notice, or shall fail to maintain the structure in accordance with the attached Maintenance Plan and with the law and applicable executive regulation or, in the event of an emergency as determined by the City of Fayetteville or its designee in its reasonable discretion, the City of Fayetteville or its designee is authorized to enter the property to make all repairs, and to perform all maintenance, construction and reconstruction as the City of Fayetteville or its designee deems necessary. The City of Fayetteville or its designee shall then recover from the Developer any and all costs the City of Fayetteville expends to maintain or repair the stormwater structural control or to correct any operational deficiencies. Failure to pay the City of Fayetteville or its designee all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. The City of Fayetteville or its designee shall thereafter be entitled to bring an action against the Developer to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.
9. The Developer shall not obligate the City of Fayetteville to maintain or repair any stormwater structural control, and the City of Fayetteville shall not be liable to any person for the condition or operation of any stormwater structural control.
10. The Developer shall not in any way diminish, limit, or restrict the right of the City of Fayetteville to enforce any of its ordinances as authorized by law.
11. The Developer shall indemnify, save harmless and defend the City of Fayetteville or its designee from and against any and all claims, demands, suits, liabilities, losses, damages and payments including attorney fees claimed or made by persons not parties to this Declaration against the City of Fayetteville or its designee that are alleged or proven to result or arise from the Developer's construction, operation, or maintenance of the stormwater structural control that is the subject of this Covenant.
12. The covenants contained herein shall run with the land and the Developer further agrees that whenever the property shall be held, sold and conveyed, it shall be subject to the covenants, stipulations, agreements and provisions of this Declaration, which shall apply to, bind and be obligatory upon the Developer hereto, its heirs, successors and assigns and shall bind all present and subsequent owners of the property served by the stormwater structural control. Upon the sale and conveyance by the owner of the

Property (or any portion thereof) of its entire interest therein, such owner shall automatically be deemed to be released of all future obligations thereafter arising under this Declaration; and as to any future owner of the Property, or any portion thereof, such future owner shall automatically be subject and bound by the terms and provisions of this Declaration upon its acquisition of fee simple title to the Property (or portion thereof) in the same manner as the owner of the Property as of the date hereof is presently bound under this Declaration.

13. The Developer shall promptly notify the City of Fayetteville or its designee when the Developer legally transfers any of the Developer's responsibilities for the stormwater structural control. The Developer shall supply the City of Fayetteville or its designee with a copy of any document of transfer, executed by both parties.
14. The provisions of this Declaration shall be severable and if any phrase, clause, sentence or provisions is declared unconstitutional, or the applicability thereof to the Developer is held invalid, the remainder of this Covenant shall not be affected thereby.
15. The Declaration and the exact boundary of all stormwater structural controls (as shown on final plats prepared by a registered surveyor) shall be recorded at the Cumberland County Register of Deeds Office at the Developer's expense.
16. In the event that the City of Fayetteville or its designee shall determine at its sole discretion at future time that the stormwater structural control is no longer required, then the City of Fayetteville or its designee shall at the request of the Developer execute a release of this Declaration of Covenants which the Developer shall record at its expenses.

IN WITNESS WHEREOF, the Developer has executed this Declaration of Covenants as of this ____ day of _____, 20____.

ATTEST:

FOR THE COVENANTER(S)

(Signature)

(Signature)

(Printed Name)

(Printed Name and Title)

STATE OF _____:

COUNTY OF _____:

On this _____ day of _____, 20____, before me, the undersigned officer, a Notary Public in and for the State and County aforesaid, personally appeared _____, who acknowledged himself to be _____, of _____, and he as such authorized to do so, executed the foregoing instrument for the purposes therein contained by signing his name as _____ for said _____.

WITNESS my hand and Notarial Seal

My commission expires _____
Notary Public

Seen and approved

(City Engineer)

Appendix C

Form SCO3 – SCM Maintenance Plan Templates

Wet Detention Basin Maintenance Tasks and Schedule

TASK	SCHEDULE
Forebay observation and cleanout	Monthly
Bank mowing and observation / stabilization of eroded areas	Monthly
Outlet / inlet observation and cleanout	Monthly
Unwanted vegetation and trash removal	Monthly
Visual observation of water quality	Monthly
Overall facility observation	Within 24 hours after every storm event greater than 1.0 inch
Inspect / exercise all mechanical devices, valves, etc	Yearly
Inspect for structural damage, leaks, etc	Yearly
Inspect the embankment	Yearly
Forebay inspection and cleanout	Yearly – Remove sediment every 7 years or whenever the sediment volume exceeds 50% of storage volume
Volume measurement	Yearly – Dredging needed every 20 years or when 25% of permanent pool volume has been lost
Rodent management	As needed
Security	As needed

Important maintenance procedures:

- Immediately after the wet detention basin is established, the plants on the vegetated shelf and perimeter of the basin should be watered twice weekly if needed, until the plants become established (commonly six weeks).
- No portion of the wet detention pond should be fertilized after the first initial fertilization that is required to establish the plants on the vegetated shelf.
- Stable groundcover should be maintained in the drainage area to reduce the sediment load to the wet detention basin.
- If the basin must be drained for an emergency or to perform maintenance, the flushing of sediment through the emergency drain should be minimized to the maximum extent practical.

Dry Extended Detention Basin Maintenance Tasks and Schedule

TASK	SCHEDULE
Forebay observation and cleanout	Monthly
Bank mowing and observation / stabilization of eroded areas	Monthly
Outlet / inlet observation and cleanout	Monthly
Unwanted vegetation and trash removal	Monthly
Overall facility observation	Within 24 hours after every storm event greater than 1.0 inch
Inspect for structural damage, leaks, etc	Yearly
Inspect / exercise all mechanical devices, valves, etc	Yearly
Inspect the embankment	Yearly
Forebay inspection and cleanout	Yearly – Remove sediment every 7 years or when sediment volume exceeds 50% of storage volume
Evaluate sediment level	Yearly – Remove as needed
Security	As needed

Important maintenance procedures:

- The drainage area should be managed to reduce the sediment load to the dry extended detention basin.
- Immediately after the dry extended detention basin is established, the vegetation should be watered twice weekly if needed, until the plants become established (commonly six weeks).
- No portion of the dry extended detention pond should be fertilized after the first initial fertilization that is required to establish the vegetation.
- The vegetation in and around the basin should be maintained at a height of approximately six inches.

Stormwater Wetlands Maintenance Tasks and Schedule

TASK	SCHEDULE
Forebay observation and cleanout	Monthly
Bank mowing and stabilization of eroded areas	Monthly
Outlet / inlet observation and cleanout	Monthly
Trash removal	Monthly
Visual observation of water quality	Monthly
Overall facility observation	Within 24 hours after every storm event greater than 1.0 inch
Invasive species control / vegetation management and replanting to maintain design densities	Semi-Annual
Inspect for structural damage, leaks, etc.	Yearly
Inspect the embankment	Yearly
Forebay inspection and cleanout	Yearly – Remove sediment every 7 years or when sediment volume exceeds 50% of storage volume
Evaluate sediment level	Yearly – Remove at 20 years or when plants are being impacted
Rodent and mosquito management	As needed
Security	As needed

Important maintenance procedures:

- Immediately following construction of the stormwater wetland, biweekly inspections should be conducted and wetland plants should be watered biweekly until vegetation becomes established (commonly six weeks).
- No portion of the stormwater wetland should be fertilized after the first initial fertilization that is required to establish the wetland plants.
- Stable groundcover should be maintained in the drainage area to reduce the sediment load to the wetland.

Bioretention Maintenance Tasks and Schedule

TASK	SCHEDULE
Sedimentation prevention	Monthly observation and watch on surrounding drainage areas such as out parcels and parking lots
Drop box clean off	Monthly
Perimeter mowing	Monthly (maintain 3 – 6 inch height)
Observe for proper drawdown / clogging	Monthly
Stabilization of eroded areas	Monthly
Trash removal	Monthly
Observe plants, replace as necessary	Monthly
Overall facility observation	Within 24 hours after every storm event greater than 1.0 inch
Pruning	Yearly
Mulch renewal	Yearly
Conduct soil test of the soil media	Yearly
Mulch replacement	Every 2 years
Test P Index of soil media and replace if over 50 ppm	Every 2 years
Replace pea gravel diaphragm	As needed
Remove sediment	As needed

Important maintenance procedures:

- Immediately after the bioretention cell is established, the plants should be watered twice weekly if needed until the plants become established (commonly six weeks).
- Snow, mulch or any other material should NEVER be piled on the surface of the bioretention cell.
- Heavy equipment should NEVER be driven over the bioretention cell.
- Special care should be taken to prevent sediment from entering the bioretention cell.

Sand Filter Maintenance Tasks and Schedule

TASK	SCHEDULE
Trash removal	Monthly
Observe outlet for obstructions	Monthly
Observe for clogging	Monthly
Observe inlet grates	Monthly
Overall facility observation	Within 24 hours after every storm event greater than 1.0 inch
Skim sand media	Yearly
Pump oil and grit from sedimentation chamber	Yearly or at 50% full
Clean out sedimentation chamber or forebay	As needed (whenever sediment depth exceeds six inches)
Replace sand media	As needed (whenever it fails to function properly after maintenance; expect 3 years)

Important maintenance procedures:

- The drainage area should be carefully managed to reduce the sediment load to the sand filter.

Infiltration Devices Maintenance Tasks and Schedule

TASK	SCHEDULE
Trash removal	Monthly
Remove unwanted vegetation	Monthly
Check observation wells following precipitation events to ensure proper infiltration	Monthly
Record water level in the monitoring wells	Monthly and after every storm event greater than 1.0 inch
Overall facility observation	Within 24 hours after every storm event greater than 1.0 inch
Maintain stone or mulch top surface	Yearly
Clean forebay if present	Yearly or at 50% full

Important maintenance procedures:

- The drainage area of the infiltration trench should be carefully managed to reduce the sediment load to the sand filter.

Grassed Swales Maintenance Tasks and Schedule

TASK	SCHEDULE
Trash removal	Weekly – Monthly (prior to mowing)
Mowing	Weekly – Monthly (as needed to retain 3 – 6 inch height)
Stabilization of eroded areas	Monthly
Observe for clogging (enhanced swale)	Monthly
Observe pea gravel diaphragm and replace / repair as necessary	Monthly
Overall facility observation	Within 24 hours after every storm event greater than 1.0 inch
Inspect condition of dispersion devices and check dams	Yearly
Reseed	Yearly
Removal of sediment	Yearly

Important maintenance procedures:

- The drainage area of the grassed swale should be carefully managed to reduce the sediment load to the grassed swale.
- After the first time fertilization to establish the grass in the swale, fertilizer should not be applied to the grass swale.

Level Spreader – Vegetative Filter Strip System Maintenance and Schedule	
TASK	SCHEDULE
Mowing of grass (harvest clippings)	Weekly – Monthly (as needed to retain minimum 3 – 5 inch height)
Stabilization of eroded areas throughout the filter strip and below the flow dispersion device	Monthly
Check outlet pipes on berms (if present) for clogging	Monthly
Remove debris / unwanted vegetation from behind lip of level spreader	Monthly
Repair flow dispersion device to prevent formation of channels in filter strip	Monthly as needed
Overall facility observation	Within 24 hours after every storm event greater than 1.0 inch
Inspect gravel diaphragm (if present) and remove sediment	Yearly
Reseeding of grass to maintain a dense growth of vegetation	Yearly
Clean forebay (if present)	Yearly or at 50% full
Aerate soil	Yearly as needed
Test soil pH and add lime	Yearly as needed

Important maintenance procedures:

- Immediately after the filter strip is established, any newly planted vegetation should be watered twice weekly if needed until the plants become established (commonly six weeks).
- Stable groundcover should be maintained in the drainage area to reduce the sediment load to the vegetation.

BMP Maintenance Plan

[Name of Development Project as indicated on approved plans]

City of Fayetteville

[Date]

Prepared by/Mail after recording to:

City of Fayetteville, Real Estate, Atten: City Attorney's Office 433 Hay Street, Fayetteville NC 28301-5537

[This document must be recorded as an Addendum to the Operation & Maintenance Agreement]

- I. General BMP Information** [Complete this table with each BMP that is planned within the development. Use the same naming system used on the approved plans, i.e. Stoneridge Phase I – Bioretention – 1]

BMP ID Name	Street with Block Number	Parcel Tax ID
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- II. BMP Site Location Map** (attached) [Attach a small site plan map coinciding with the table above to show the general location of each BMP within the development.]

- III. Maintenance Annual Budget** [Provide a simple annual budget for maintenance and inspection of BMPs and list the source of funding, i.e. owner, trust, HOA, etc. Edit chart below as necessary]

Budget for BMP Maintenance / Inspections		
Expenses	Estimated Costs	Source
Routine inspections	_____	_____
Sediment removal	_____	_____
Plant management / weed control	_____	_____

Replacement supplies, rock, plants, soil media, mulch	_____	_____
Mowing and litter removal	_____	_____
Seeding	_____	_____
Miscellaneous	_____	_____
[Other]	_____	_____
Total	\$ _____	_____

IV. Escrow Account Activity

Provide documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, deposits and withdraws for the previous 12 months.

V. Maintenance Inspection Reports

As indicated in the Stormwater Control Ordinance, annual maintenance inspection reports shall be submitted to the City Engineer. The first report shall be submitted one year following the final approval date of the BMP and each year thereafter on or before the approval anniversary date. All maintenance activities and inspection reports shall be documented using the forms contained in the Administrative Manual. Annual maintenance inspection reports shall be performed by a qualified professional as defined in Section 23-33 of the Ordinance. These inspections shall be discontinued only if the BMPs are accepted for maintenance by the City of Fayetteville.

VI. Routine Maintenance Tasks and Schedule [The following pages outline the specific maintenance tasks and frequency for each type of BMP in tables. For the recorded document, simply discard the pages (tables) that are not needed according to the types of BMPs within the development.]

Appendix D

Form SCO4 – SCM Maintenance and Inspection Checklists

BMP Maintenance and Inspection Checklist
Wet Detention Basin
 [Note: a separate form must be used for each BMP]

Project Name: _____
Project Address: _____
Owner's Name: _____
Owner's Address: _____
Recorded Book / Page Number of the Lot: _____
BMP Name and Location: _____
Inspection Date: _____
Inspector: _____
Inspector Address/Phone Number: _____
Date Last Inspected: _____

Maintenance Item			Comments/Actions Required
	Satisfactory	Unsatisfactory	
1. Debris Cleanout			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Vegetation Management			
Banks / surrounding areas mowed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Unwanted vegetation present	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condition of wetland plants	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Erosion			
Evidence of soil erosion on banks or contributing drainage areas and outlet	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Sedimentation			
Forebay sediment inspection (cleanout every 7 years or when 50% full)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Pond volume measurement (dredge every 20 years or when 25% of permanent pool volume lost)	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Energy dissipaters			
Condition of dissipater at inlets	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condition of dissipater at outfall	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Inlet			
Condition of pipe and / or swale (cracks, leaks, sedimentation, woody vegetation)	<input type="checkbox"/>	<input type="checkbox"/>	_____

7. Outlet		
Condition of orifice (drawdown device)	<input type="checkbox"/>	<input type="checkbox"/>
Condition of riser outlet and trash rack	<input type="checkbox"/>	<input type="checkbox"/>
8. Emergency spillway and dam		
Condition of spillway	<input type="checkbox"/>	<input type="checkbox"/>
Condition of dam (i.e. leaks, holes, woody vegetation)	<input type="checkbox"/>	<input type="checkbox"/>
9. Mechanical devices		
Inspection of all valves, etc. (should be exercised yearly)	<input type="checkbox"/>	<input type="checkbox"/>
10. Visual Inspection		
Appearance of water (i.e. sheen, muddy, oily, clear, algae, etc)	<input type="checkbox"/>	<input type="checkbox"/>
Mosquito larvae	<input type="checkbox"/>	<input type="checkbox"/>
11. Forebay embankment		
Condition of forebay embankment (breached?)	<input type="checkbox"/>	<input type="checkbox"/>
12. Water elevation		
Is pond at normal pool elevation?	<input type="checkbox"/>	<input type="checkbox"/>
13. Miscellaneous		

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions Taken: [If any of the above items were marked “U” for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

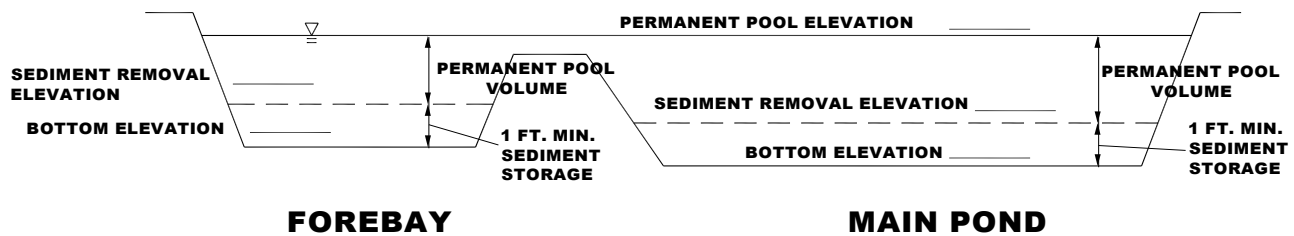
Additional Comments:

The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

When the permanent pool depth reads _____ feet in the main pond, the sediment should be removed.

When the permanent pool depth reads _____ feet in the forebay, the sediment should be removed.

BASIN DIAGRAM
(FILL IN THE BLANKS)



Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector's Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]

**BMP Maintenance and Inspection Checklist
Dry Extended Detention Basin**

[Note: a separate form must be used for each BMP]

Project Name:
Project Address:
Owner's Name:
Owner's Address: Recorded Book / Page Number of the Lot:
BMP Location:
Date:
Inspector:
Inspector Address/Phone Number:
Date Last Inspected:

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
1. Debris Cleanout			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Vegetation Management			
Banks / surrounding areas mowed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Unwanted vegetation present	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Erosion			
Evidence of soil erosion on banks, contributing drainage areas or bottom of pond	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Sedimentation			
Forebay (if present) sediment inspection (cleanout every 7 years or when 50% full)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Sediment level in pond	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Energy dissipaters			
Condition of dissipater at inlets	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condition of dissipater at outfall	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Outlet / Inlet			
Condition of orifice (drawdown device) / trash rack	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condition of outlet	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condition of inlet	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Mechanical devices			
Inspection of all valves, etc. (exercise yearly)	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Dewatering			
Evidence of standing water	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Structural Integrity			

Evidence of structural damage (leaks, cracks, etc)	<input type="checkbox"/>	<input type="checkbox"/>	_____
10. Emergency Spillway & Dam			
Condition of spillway	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condition of dam	<input type="checkbox"/>	<input type="checkbox"/>	_____
11. Miscellaneous			

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions Taken: [If any of the above items were marked “U” for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

See notes listed _____

Additional Comments:

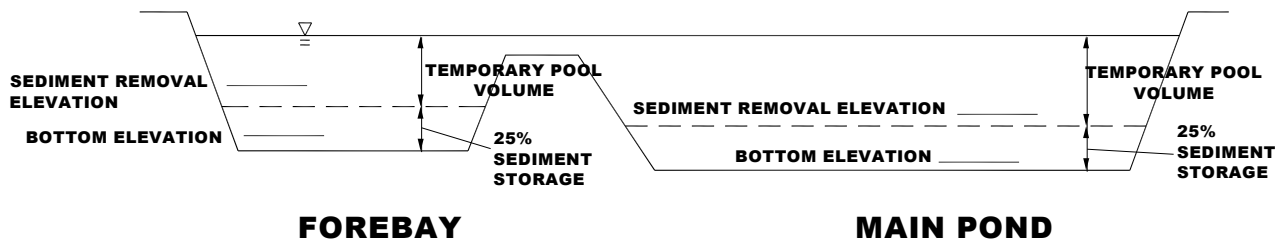
The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

When the sediment removal elevation is _____ feet in the main pond, the sediment should be removed.

When the sediment removal elevation is _____ feet in the forebay, the sediment should be removed.

BASIN DIAGRAM
 (FILL IN THE BLANKS)

 BENCHMARK ELEVATION _____



Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector's Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]

BMP Maintenance and Inspection Checklist

Stormwater Wetlands

[Note: a separate form must be used for each BMP]

Project Name: _____
 Project Address: _____
 Owner's Name: _____
 Owner's Address: _____
 Recorded Book and Page Number of the Lot: _____
 BMP Name and Location: _____
 Inspection Date: _____
 Inspector: _____
 Inspector Address/Phone Number: _____
 Date Last Inspected: _____

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
1. Debris Cleanout			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	_____
2. Vegetation Management			
Banks / surrounding areas mowed	<input type="checkbox"/>	<input type="checkbox"/>	_____
Unwanted vegetation present (replant semi-annually to maintain design densities)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condition of wetland plants	<input type="checkbox"/>	<input type="checkbox"/>	_____
3. Erosion			
Evidence of soil erosion on banks or contributing drainage areas and outlet	<input type="checkbox"/>	<input type="checkbox"/>	_____
4. Sedimentation			

Forebay sediment inspection (cleanout every 7 years or when 50% full)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Sedimentation level in stormwater wetlands (cleanout every 20 years or when plants are being impacted)	<input type="checkbox"/>	<input type="checkbox"/>	_____
5. Energy dissipators			
Condition of dissipater at inlets	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condition of dissipater at outfall	<input type="checkbox"/>	<input type="checkbox"/>	_____
6. Inlet			
Condition of pipe and / or swale (cracks, leaks, sedimentation, woody vegetation)	<input type="checkbox"/>	<input type="checkbox"/>	_____
7. Outlet			
Condition of orifice (drawdown device)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Condition of outlet	<input type="checkbox"/>	<input type="checkbox"/>	_____
8. Mechanical devices			
Inspection of all valves, etc. (should be exercised yearly)	<input type="checkbox"/>	<input type="checkbox"/>	_____
9. Visual water inspection			
Appearance of water (i.e. sheen, muddy, oily, clear, algae, etc)	<input type="checkbox"/>	<input type="checkbox"/>	_____
Mosquito larvae	<input type="checkbox"/>	<input type="checkbox"/>	_____
Water level maintained at permanent pool	<input type="checkbox"/>	<input type="checkbox"/>	_____
10. Dam / Embankment			
Seepage through embankment	<input type="checkbox"/>	<input type="checkbox"/>	_____
Woody vegetation on embankment	<input type="checkbox"/>	<input type="checkbox"/>	_____
11. Miscellaneous			

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions Taken: [If any of the above items were marked “U” for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

Additional Comments:

Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector's Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]

BMP Maintenance and Inspection Checklist Bioretention

[Note: a separate form must be used for each BMP]

Project Name: _____
 Project Address: _____
 Owner's Name: _____
 Owner's Address: _____
 Recorded Book and Page Number of the Lot: _____
 BMP Name and Location: _____
 Inspection Date: _____
 Inspector: _____
 Inspector Address/ _____
 Date Last Inspected: _____

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
1. Debris Cleanout			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
2. Vegetation Management			
Banks / surrounding areas mowed	<input type="checkbox"/>	<input type="checkbox"/>	
Unwanted vegetation present	<input type="checkbox"/>	<input type="checkbox"/>	
Condition of plants	<input type="checkbox"/>	<input type="checkbox"/>	
Condition of mulch - Must be double hammered hardwood, 3 inches deep (replace at least every 2 years and renew yearly)	<input type="checkbox"/>	<input type="checkbox"/>	
3. Erosion			
Evidence of soil erosion on banks or contributing areas	<input type="checkbox"/>	<input type="checkbox"/>	

4. Sedimentation		
Forebay (if present) sediment inspection (cleanout when 50% full)	<input type="checkbox"/>	<input type="checkbox"/>
Evidence of sediment in bioretention cell	<input type="checkbox"/>	<input type="checkbox"/>
5. Energy dissipators		
Inspect pea gravel diaphragm (replace as needed)	<input type="checkbox"/>	<input type="checkbox"/>
Condition of dissipater at inlets	<input type="checkbox"/>	<input type="checkbox"/>
Condition of dissipater at outfall	<input type="checkbox"/>	<input type="checkbox"/>
6. Inlet		
Condition of pipe of swale (cracks, leaks, sedimentation, woody vegetation)	<input type="checkbox"/>	<input type="checkbox"/>
7. Outlet		
Condition of outlet / drop box	<input type="checkbox"/>	<input type="checkbox"/>
8. Dewatering (drawdown must be between 48 hours and 120 hours)		
Evidence of standing water	<input type="checkbox"/>	<input type="checkbox"/>
9. Overall functionality		
Evidence of bypass	<input type="checkbox"/>	<input type="checkbox"/>
P Index test results for soil media (indicate test results and date last tested)	<input type="checkbox"/>	<input type="checkbox"/>
10. Miscellaneous		

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions Taken: [If any of the above items were marked “U” for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

Additional Comments:

Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector's Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]



SCM Inspection Checklist
Cartridge Filter Chambers

Engineering Division

Project Name: _____

SCM Name and Location: _____

Inspection Date: _____ Inspector: _____

System Type: Vault Cast-In-Place Linear Catch Basin Manhole Other

Sediment Thickness in Forebay: _____

Sediment Depth on Vault Floor: _____

Structural Damage: _____

Estimated Flow from Drainage Pipes (if available): _____

Cartridges Submerged: Yes No Depth of Standing Water: _____

Stormfilter Maintenance Activities (check off if done and give description)

Trash and Debris Removal: _____

Minor Structural Repairs: _____

Drainage Area Report: _____

Excessive Oil Loading: Yes No Source: _____

Sediment Accumulation on Pavement: Yes No Source: _____

Erosion of Landscaped Areas: Yes No Source: _____

Items Needing Further Work: _____

Other Comments:

Review the condition reports from the previous inspection visits.

All waste needs to be disposed of in accordance with State regulations.

Inspector's Signature

Date

BMP Maintenance and Inspection Checklist Sand Filter

[Note: a separate form must be used for each BMP]

Project Name: _____
 Project Address: _____
 Owner's Name: _____
 Owner's Address: _____
 Recorded Book and Page Number of the Lot: _____
 BMP Name and Location: _____
 Inspection Date: _____
 Inspector: _____
 Inspector Address/Phone Number: _____
 Date Last Inspected: _____

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
1. Debris Cleanout			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
2. Erosion			
Evidence of soil erosion around contributing areas	<input type="checkbox"/>	<input type="checkbox"/>	
3. Sedimentation chamber			
Sediment level in chamber (pump yearly or when 50% full)	<input type="checkbox"/>	<input type="checkbox"/>	
4. Sand media			
Condition of media (skim annually, replace as necessary)	<input type="checkbox"/>	<input type="checkbox"/>	
5. Outlet / Inlet			
Condition of outlet	<input type="checkbox"/>	<input type="checkbox"/>	
Condition of inlets and grates	<input type="checkbox"/>	<input type="checkbox"/>	
6. Mechanical devices			
Inspection of all valves, etc.	<input type="checkbox"/>	<input type="checkbox"/>	
7. Dewatering			
Evidence of filter clogging	<input type="checkbox"/>	<input type="checkbox"/>	
8. Structural Integrity			
Evidence of structural damage (leaks, cracks, etc)	<input type="checkbox"/>	<input type="checkbox"/>	
9. Overall functionality			
Evidence of odors	<input type="checkbox"/>	<input type="checkbox"/>	
Evidence of bypass	<input type="checkbox"/>	<input type="checkbox"/>	
10. Miscellaneous			

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions Taken: [If any of the above items were marked “U” for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

Additional Comments:

Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector’s Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]

Maintenance and Inspection Checklist Infiltration Devices

[Note: a separate form must be used for each BMP]

Project Name: _____
 Project Address: _____
 Owner's Name: _____
 Owner's Address: _____
 Recorded Book and Page Number of the Lot: _____
 BMP Name and Location: _____
 Inspection Date: _____
 Inspector: _____
 Inspector Address/Phone Number: _____
 Date Last Inspected: _____

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
	Satisfactory	Unsatisfactory	
1. Debris Cleanout			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
2. Vegetation Management			
Banks / surrounding areas mowed	<input type="checkbox"/>	<input type="checkbox"/>	
Unwanted vegetation present	<input type="checkbox"/>	<input type="checkbox"/>	
3. Erosion			
Evidence of soil erosion around contributing areas	<input type="checkbox"/>	<input type="checkbox"/>	
4. Sedimentation			
Forebay sediment inspection (cleanout yearly or when 50% full)	<input type="checkbox"/>	<input type="checkbox"/>	
Evidence of sediment in trench	<input type="checkbox"/>	<input type="checkbox"/>	
5. Energy dissipators			
Condition of dissipater at inlets	<input type="checkbox"/>	<input type="checkbox"/>	
Condition of dissipater at outfall	<input type="checkbox"/>	<input type="checkbox"/>	
6. Surface aggregate			
Condition of stone or mulch	<input type="checkbox"/>	<input type="checkbox"/>	
7. Dewatering			
Evidence of standing water	<input type="checkbox"/>	<input type="checkbox"/>	
Check water level in observation well	<input type="checkbox"/>	<input type="checkbox"/>	
8. Overflow spillway			
Condition of spillway	<input type="checkbox"/>	<input type="checkbox"/>	
9. Overall functionality			
Evidence of bypass	<input type="checkbox"/>	<input type="checkbox"/>	

10. Miscellaneous

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions Taken: [If any of the above items were marked "U" for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

Additional Comments:

Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector's Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]

BMP Maintenance and Inspection Checklist Grassed Swales

[Note: a separate form must be used for each BMP]

Project Name: _____
 Project Address: _____
 Owner's Name: _____
 Owner's Address: _____
 Recorded Book and Page Number of the Lot: _____
 BMP Name and Location: _____
 Inspection Date: _____
 Inspector: _____
 Inspector Address/Phone Number: _____
 Date Last Inspected: _____

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
1. Debris Cleanout			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
2. Vegetation Management			
Grass height (maintain 3–6 inch height)	<input type="checkbox"/>	<input type="checkbox"/>	
Unwanted vegetation present	<input type="checkbox"/>	<input type="checkbox"/>	
Ground cover well established (yearly reseeding needed)	<input type="checkbox"/>	<input type="checkbox"/>	
3. Erosion			
Evidence of soil erosion in swale or contributing areas	<input type="checkbox"/>	<input type="checkbox"/>	
4. Dewatering			
Evidence of standing water	<input type="checkbox"/>	<input type="checkbox"/>	
5. Sedimentation			
Sediment accumulation	<input type="checkbox"/>	<input type="checkbox"/>	
6. Energy dispersion / check dams			
Inspect pea gravel diaphragm and replace / repair as necessary	<input type="checkbox"/>	<input type="checkbox"/>	
Condition of dispersion devices	<input type="checkbox"/>	<input type="checkbox"/>	
Condition of check dams	<input type="checkbox"/>	<input type="checkbox"/>	
7. Miscellaneous			

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions Taken: [If any of the above items were marked “U” for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

Additional Comments:

Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector's Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]

BMP Maintenance and Inspection Checklist
Level Spreader – Vegetative Filter Strip System
 [Note: a separate form must be used for each BMP]

Project Name: _____
 Project Address: _____
 Owner's Name: _____
 Owner's Address: _____
 Recorded Book and Page Number of the Lot: _____
 BMP Name and Location: _____
 Inspection Date: _____
 Inspector: _____
 Inspector Address/Phone Number: _____
 Date Last Inspected: _____

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
1. Debris Cleanout			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
2. Vegetation Management			
Grass height (minimum 3–5 inch height)	<input type="checkbox"/>	<input type="checkbox"/>	
Unwanted vegetation present	<input type="checkbox"/>	<input type="checkbox"/>	
Ground cover well established (yearly reseeding needed)	<input type="checkbox"/>	<input type="checkbox"/>	
3. Erosion			
Evidence of soil erosion in filter strip and below dispersion device	<input type="checkbox"/>	<input type="checkbox"/>	
4. Drainage			

Evidence of standing water	<input type="checkbox"/>	<input type="checkbox"/>
Evidence of bypass	<input type="checkbox"/>	<input type="checkbox"/>
Check outlet pipes for clogging	<input type="checkbox"/>	<input type="checkbox"/>
5. Sedimentation		
Sediment accumulation	<input type="checkbox"/>	<input type="checkbox"/>
Sediment in gravel diaphragm (if present)	<input type="checkbox"/>	<input type="checkbox"/>
6. Energy dispersion / check dams		
Condition / functionality of dispersion devices	<input type="checkbox"/>	<input type="checkbox"/>
Debris on dispersion devices	<input type="checkbox"/>	<input type="checkbox"/>
Condition of check dams / forebay	<input type="checkbox"/>	<input type="checkbox"/>
Inspect pea gravel diaphragm (replace as needed)	<input type="checkbox"/>	<input type="checkbox"/>
7. Miscellaneous		

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions Taken: [If any of the above items were marked “U” for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

Additional Comments:

Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector's Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 2830

Maintenance and Inspection Checklist Underground Detention

[Note: a separate form must be used for each BMP]

Project Name: _____
 Project Address: _____
 Owner's Name: _____
 Owner's Address: _____
 Recorded Book and Page Number of the Lot: _____
 BMP Name and Location: _____
 Inspection Date: _____
 Inspector: _____
 Inspector Address/Phone Number: _____
 Date Last Inspected: _____

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
1. Debris Cleanout			
Entire facility clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
2. Inlet			
Condition of pipe and/or swale (cracks, leaks, sedimentation, woody vegetation)	<input type="checkbox"/>	<input type="checkbox"/>	
3. Outlet			
Condition of orifice (drawdown device)	<input type="checkbox"/>	<input type="checkbox"/>	
Condition of riser outlet (outflow pipe) and trash rack	<input type="checkbox"/>	<input type="checkbox"/>	
Clear of clogging	<input type="checkbox"/>	<input type="checkbox"/>	
4. Underground Vaults/ Pipes			
Sediment accumulation of 6" or more at any point.	<input type="checkbox"/>	<input type="checkbox"/>	
Significant seepage or settlement with cracking within a small area of the vault/ pipe system	<input type="checkbox"/>	<input type="checkbox"/>	
Joint alignment and joint integrity of pipe interior walls	<input type="checkbox"/>	<input type="checkbox"/>	
Condition of observation well(s)	<input type="checkbox"/>	<input type="checkbox"/>	
5. Mechanical devices			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
Evidence of bypass	<input type="checkbox"/>	<input type="checkbox"/>	
6. Miscellaneous			
Ground cover must be stable	<input type="checkbox"/>	<input type="checkbox"/>	
Standing or sediment laden water at any portion of the system	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions taken: [If any of the above items were marked “U” for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

Additional Comments:

Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector’s Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]

Maintenance and Inspection Checklist Pollution Control Devices

[Note: a separate form must be used for each device]

Project Name: _____
 Project Address: _____
 Owner's Name: _____
 Owner's Address: _____
 Recorded Book and Page Number of the Lot: _____
 BMP Name and Location: _____
 Inspection Date: _____
 Inspector: _____
 Inspector Address/Phone Number: _____
 Date Last Inspected: _____

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
1. Debris Cleanout			
Entire system clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
2. Inlet			
Condition of grate (cracks, leaks, sedimentation, woody vegetation)	<input type="checkbox"/>	<input type="checkbox"/>	
3. Outlet			
Condition of orifice	<input type="checkbox"/>	<input type="checkbox"/>	
Discharge outlet free of erosion, debris, etc	<input type="checkbox"/>	<input type="checkbox"/>	
Clear of clogging	<input type="checkbox"/>	<input type="checkbox"/>	
4. Internal Structure			
Sediment accumulation of 3-6" or more at any point.	<input type="checkbox"/>	<input type="checkbox"/>	
Significant seepage or settlement with cracking within a small area of the vault	<input type="checkbox"/>	<input type="checkbox"/>	
Joint alignment and joint integrity of system	<input type="checkbox"/>	<input type="checkbox"/>	
Clean and unbroken pipes	<input type="checkbox"/>	<input type="checkbox"/>	
Manhole cover condition	<input type="checkbox"/>	<input type="checkbox"/>	
5. Cartridges and Drain Down Module (if applicable)			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
Replacement occurring per the sediment level indicated by the manufacturer's specifications	<input type="checkbox"/>	<input type="checkbox"/>	
6. Air Quality			
System internal air quality meets OSHA standards	<input type="checkbox"/>	<input type="checkbox"/>	
6. Miscellaneous			
Ground cover must be stable	<input type="checkbox"/>	<input type="checkbox"/>	
Standing or sediment laden water at any portion of the system	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions taken: [If any of the above items were marked “U” for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

Additional Comments:

Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector’s Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]

Maintenance and Inspection Checklist

Permeable Pavement

(CGP, PA, PC, PICP, PTRG)*

[Note: a separate form must be used for each BMP]

Project Name: _____
 Project Address: _____
 Owner's Name: _____
 Owner's Address: _____
 Recorded Book and Page Number of the Lot: _____
 BMP Name and Location: _____
 Inspection Date: _____
 Inspector: _____
 Inspector Address/Phone Number: _____
 Date Last Inspected: _____

Maintenance Item	Satisfactory	Unsatisfactory	Comments/Actions Required
1. Debris and Chemical Cleanout			
Clear of trash and debris	<input type="checkbox"/>	<input type="checkbox"/>	
Evidence of chemicals such as deicers?	<input type="checkbox"/>	<input type="checkbox"/>	
2. Vegetation Management			
Unwanted vegetation present? (Pollen, leaves, twigs, weeds, grass etc.)	<input type="checkbox"/>	<input type="checkbox"/>	
Are any vegetated areas draining to the area causing a nuisance?	<input type="checkbox"/>	<input type="checkbox"/>	
Un-stabilized tributary areas draining to the BMP area?	<input type="checkbox"/>	<input type="checkbox"/>	
3. Permeable Pavement Perimeter			
Areas of bare soil and/ or erosive gullies?	<input type="checkbox"/>	<input type="checkbox"/>	
Curb restraints present and in good condition (PICP*)	<input type="checkbox"/>	<input type="checkbox"/>	
4. Sedimentation			
Evidence of sand, salt, or sediment within porous or infiltrating areas of the BMP?	<input type="checkbox"/>	<input type="checkbox"/>	
Stockpiles of sand, soil, mulch, or similar materials on the permeable pavement area?	<input type="checkbox"/>	<input type="checkbox"/>	
5. Pavement Surface			
Cracking?	<input type="checkbox"/>	<input type="checkbox"/>	
Missing pavers	<input type="checkbox"/>	<input type="checkbox"/>	
Adequate void space between joints (PICP*)	<input type="checkbox"/>	<input type="checkbox"/>	
Patching areas of permeable pavement	<input type="checkbox"/>	<input type="checkbox"/>	

with impervious material shall not exceed 5% of the total area		
Snow or Ice?	<input type="checkbox"/>	<input type="checkbox"/>
No asphalt sealcoats or overlays	<input type="checkbox"/>	<input type="checkbox"/>
Pavement buckling or showing major signs of instability?	<input type="checkbox"/>	<input type="checkbox"/>
Hot mix asphalt layers must be at least 4" thick		
6. Aggregate		
Condition of aggregate beneath pavers or surface	<input type="checkbox"/>	<input type="checkbox"/>
Condition of choker stone - No impermeable material used for choker stone (to include dense graded aggregate)	<input type="checkbox"/>	<input type="checkbox"/>
7. Dewatering		
Evidence of standing water	<input type="checkbox"/>	<input type="checkbox"/>
Check water level in observation well	<input type="checkbox"/>	<input type="checkbox"/>
Underdrains installed correctly	<input type="checkbox"/>	<input type="checkbox"/>
8. Educational Sign		
Is the sign missing or damaged?	<input type="checkbox"/>	<input type="checkbox"/>
9. Temperature		
Minimum ambient placement temperature should be 60 degrees Fahrenheit	<input type="checkbox"/>	<input type="checkbox"/>
10. Overall functionality		
Evidence of bypass	<input type="checkbox"/>	<input type="checkbox"/>
Simple Infiltration Test passed?	<input type="checkbox"/>	<input type="checkbox"/>
11. Miscellaneous		

* CGP: Concrete Grid Pavers
 PA: Permeable Asphalt
 PC: Permeable Concrete
 PICP: Permeable Interlocking Concrete Pavers
 PTRG: Plastic Turf Reinforcing Grid

If applicable: Attach to this form documentation of BMP maintenance escrow account activity. This may be provided in the form of a bank statement which includes the current balance, as well as deposits and withdraws for the previous 12 months.

Maintenance Actions Taken: [If any of the above items were marked "U" for unsatisfactory, explain the actions taken and time table for correction. Attach additional pages as necessary.]

Additional Comments:

Based upon my inspection of the constructed BMP described herein on _____, I certify that at the time of my inspection said BMP was functioning properly and was in substantial compliance with the approved plans and the terms and conditions of the approved maintenance agreement required by the Stormwater Control Ordinance.

Certification:

Inspector's Signature

Date

[Note: The Stormwater Control Ordinance requires that inspections be conducted of all BMPs beginning within one (1) year from the date of record drawing certification and each year thereafter and that these inspections be completed by a qualified professional as defined in Section 23-33 of the Ordinance. All inspections must be documented and submitted using this form. The inspection form must be signed by the inspector and mailed to the City Engineer at the following address: City of Fayetteville, City Engineer, 433 Hay Street, Fayetteville NC 28301]

Appendix E

Form SCO5 – Transfer of Maintenance Responsibilities Agreement

Parcel ID #: _____

**DECLARATION OF COVENANTS
INSPECTION/MAINTENANCE OF STORMWATER
MANAGEMENT FACILITY, TRANSFER OF MAINTENANCE RESPONSIBILITIES**

THIS DECLARATION, made this _____ day of _____, 20____, between _____, hereinafter referred to as the “Covenantor,” owner(s) of the following property: _____, and the City of Fayetteville, North Carolina, hereinafter referred to as the “City”.

WITNESSETH:

The Covenantor, with full authority to execute deeds, mortgages, other covenants, and all rights, titles and interest in the property described above, does hereby covenant with the City as follows:

1. Prior to the release of the installation performance guarantee, the Developer shall pay into a Maintenance Fund used to maintain stormwater management facilities in the future an amount equal to twenty (20) percent of the initial construction cost of the stormwater management facility _____ ((INSERT DOLLAR AMOUNT EQUAL TO 20%)) serving the Property.
2. The Covenantor must maintain the Easement Area(s) depicted in **Exhibit A** (Final Plat) by providing trash removal, grass cutting, and landscaping on the Property and performing other nonfunctional maintenance, described in **Exhibit B** (Maintenance Plan). Therefore, the Covenantor shall develop and attach to this “DECLARATION OF COVENANTS” for recording at the Cumberland County Register of Deeds Office a “MAINTENANCE PLAN” that has been reviewed and approved by the City of Fayetteville or its designee. This Maintenance Plan shall describe the nonfunctional maintenance practices to be performed for the above referenced stormwater management facility and include a schedule for implementation of these practices. The Plan shall specify the name, mailing address and phone number of the party responsible for the fulfillment of the Maintenance Plan.
3. The City must provide routine inspection and structural maintenance for the BMP(s) as needed to ensure that the BMP(s) remain(s) in proper working condition in accordance with approved design standards. The City shall undertake all reasonable measures to return the Easement Area(s) to its original condition whenever the City undertakes repairs and maintenance in accordance with this Covenant.
4. The Covenantor must provide and maintain perpetual access from public rights-of-way to the BMP(s) for the City, its agents and its contractors.

5. The Covenantor must grant the City, its agents and its contractors a right of entry to the BMP(s) for the purpose of inspecting, operating, monitoring, installing, constructing, reconstructing, modifying, altering or repairing the BMP(s).
6. Except in the case of an emergency, the City shall provide not less than seven (7) days prior notice to the Covenantor before performing any structural maintenance or repair of the BMP(s) in accordance with this Covenant. The City shall also notify the Covenantor after completing the maintenance or repair work specified in the notice.
7. If, after reasonable notice by the City, the Covenantor fails to maintain the Easement Area(s) in accordance with this Covenant, the City may perform any nonfunctional maintenance needed to correct a condition that impacts the effectiveness of routine structural maintenance and collect any costs incurred as a result from each owner of the BMP(s) and in the same manner as real property taxes are collected. In addition, the City may seek reimbursement under any other method legally available to collect debts owed to the City.
8. The Covenantor agrees to indemnify and save the City harmless, including the City's elected officials, employees, agents, successors, and assigns, from any and all liability and any and all claims for any personal injury or property damage arising from maintenance of the Easement Area(s) in accordance with this Covenant. The City agrees to indemnify and save the Covenantor harmless from any and all liability and any and all claims for any personal injury or property damage caused by any act, omission or negligence of the City during the routine inspection and functional maintenance of the BMP(s). Either party's obligation under this paragraph is subject to and contingent upon the other party providing it with notice of any and all claims upon which the party shall rely for indemnification. A party's failure to provide timely notice of any claim shall cause this indemnification to be void and of no further force or effect as to the event for which the party seeks protection under the indemnification.
9. The Covenantor must promptly notify the City when the Covenantor legally transfers any of the Covenantor's responsibilities for the BMP(s). The Covenantor must provide the City a certified copy of any fully executed document of transfer.
10. The covenants contained herein shall run with the land and shall bind the City, the Covenantor and the Covenantor's successors and assignees, and shall bind all present and subsequent owners of property served by the BMP(s).
11. This Covenant shall be recorded in the Cumberland County Register of Deeds Office of Cumberland County, North Carolina.
12. This Covenant runs to the benefit of the City and may not be released or modified except by written consent of the City.

IN WITNESS WHEREOF, the Covenantor and the City have executed this Declaration of Covenants on the date first above written.

ATTEST:

FOR THE COVENANTOR(S)

Signature

Signature

Printed Name

Printed Name

Title

CITY OF FAYETTEVILLE, NORTH CAROLINA

Signature

Signature

Printed Name

Printed Name
City Manager

(Jurats follow)

STATE OF
COUNTY OF

: ss

I hereby certify that on this _____ day of _____, 20____, before the subscriber, a Notary Public of the State of _____, and for the County of _____, personally appeared _____, known to me (or satisfactorily proven) to be the person(s) described in the foregoing instrument, who did acknowledge that (he)(she)(they), having been properly authorized, executed the same in the capacity therein stated and for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my hand and official seal.

NOTARY PUBLIC

My Commission Expires _____

STATE OF
COUNTY OF

: ss

I hereby certify that on this _____ day of _____, 20____, before the subscriber, a Notary Public of the State of _____, and for the County of _____, personally appeared _____, City Manager, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, who did acknowledge that (he) (she), having been properly authorized, executed the same on behalf of Fayetteville, North Carolina in the capacity therein stated and for the purposes therein contained.

IN TESTIMONY WHEREOF, I have affixed my hand and official seal.

NOTARY PUBLIC

My Commission Expires _____

Appendix F

Form SCO6 – Performance Guarantee Templates

**CASH BOND TO GUARANTEE THE INSTALLATION OF IMPROVEMENTS AS
REQUIRED BY STORMWATER CONTROL ORDINANCE**

Date of Issue: _____

Check Number: _____

Obligee: City of Fayetteville
 433 Hay Street, Fayetteville, North Carolina 28301
 Attention: City Engineer

Principal / Developer:
Address:
City, State, Zip:
Phone Number: (____)_____

Principal/Developer, is firmly bound unto the City of Fayetteville in the sum of (\$ _____) _____ Dollars which amount, in cash or by certified check has been deposited with the City of Fayetteville this the _____ day of _____, 20__.

This agreement is made in accordance with the City of Fayetteville Stormwater Control Ordinance (the Ordinance), so that prior to the completion of the improvements required by the Ordinance, _____, may obtain from the City of Fayetteville Engineering Division its final approval of the Subdivision Plats for _____.

(insert principal / developer name)

_____ The bond is in an amount determined by the City Engineering Staff/Certified Engineer to be sufficient to guarantee the installation of the improvements specified in the plans approved by the City of Fayetteville Engineering Division and which provide that the improvements shall be completed by the _____ day of _____, 20__.

(insert plat name being bonded)

The condition of this bond is such that if the Principal/Developer shall faithfully complete the specified improvements within the time period prescribed above and the City of Fayetteville Engineering Division has caused an inspection to be made, then the Principal/Developer must request in writing the release of the security in accordance with the provisions set forth in Section 23-35 of the Fayetteville City Code. Once the City authorizes the release of the security, this bond shall be null and void and the funds deposited with the City shall be returned to the Principal/Developer.

In the event that the Principal/Developer defaults under its obligation to install the required improvements, the City of Fayetteville may complete these improvements using the funds available from the cash bond. Said funds can be used to pay any and all expenses which may be incurred by the City as the result of actions taken by the City after default to require the Principal/Developer to complete the improvements or which may be incurred by the City in connection with the completion of the improvements by the City, including but not limited to construction costs, engineering supervision costs, mobilization costs, and legal fees. Upon completion of the improvements, the City shall refund any unused portion of the funds.

The Principal/Developer hereby stipulates and agrees that no modifications, conditions or omissions in or to the plans or specifications herein referred to or any extension of time shall in any way affect the agreement.

WITNESS our hands and seals this, the _____ day of _____, 20__.

Principal/Developer

Print

By: _____ (SEAL)

Title

Attest: _____

**SURETY BOND TO GUARANTEE INSTALLATION OF IMPROVEMENTS AS
REQUIRED BY THE STORMWATER CONTROL ORDINANCE**

Date of Issue: _____ Surety Bond #: _____

Obligee: City of Fayetteville
433 Hay Street, Fayetteville, North Carolina 28301
Attention: City Engineer

SURETY BOND given by:

Principal:	Surety Company Name:
Address:	Address:
City, State, Zip	City, State, Zip
Phone Number: ()	Phone Number: ()

WHEREAS, _____, has applied for final approval of
(insert principal name)
the subdivision plat in connection with _____ to the Planning Board
(insert project name)
pursuant to the terms of the Ordinance, prior to the improvements required in such Ordinance
having been completed; and

WHEREAS, such Ordinance requires the giving of a bond and filing the same with the City of
Fayetteville Engineering Division, guaranteeing the installation of the required improvements;
and

WHEREAS, said Principal shall by _____ make all improvements as set forth to be
(insert 2 year date)
done and performed in accordance with the Stormwater Control Ordinance for the development
and improvements of _____ Subdivision.
(insert final plat name)

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That we
_____ as Principal, and
(insert principal name)
_____ as Surety are held and firmly bound unto the City of
(insert surety company name)
Fayetteville, in the full sum of (\$ _____) _____
Dollars, for the payment whereof, well and truly be made, said Principal and Surety bound
themselves, their heirs, administrators, successors and assigns jointly and severally by these
presents.

NOW, THEREFORE, the condition of this obligation is such that if the above bound Principal shall fully and faithfully perform all work specified to be done and performed under such application for subdivision approval, and within the time prescribed above, such application plans being incorporated herein by reference, then in accordance with the provisions set forth in Section 23-35 of the Fayetteville City Code, this obligation shall be void upon the delivery to the Principal of a statement signed by the City of Fayetteville Engineering Division certifying the completion of said improvements to the satisfaction of the City, but otherwise this obligation shall remain in full force and effect; subject to the condition that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

In the event the Principal defaults under its obligation to install the improvements, as referred to herein, Surety shall (a) within thirty (30) days of notification of such default, take over and assume completion of said improvements, or (b) pay to the City of Fayetteville in cash the reasonable costs of completion. The cost of completion shall include reimbursement to the City of Fayetteville of any and all expenses which may be incurred after the default of the Principal, in the connection with the completion of the improvements, including but not limited to construction costs, administrative costs, engineering supervision costs, mobilization costs, and legal fees. Should the City of Fayetteville and the Surety not agree as to the costs of completion, the same shall be fixed by taking bids by the City of Fayetteville after advertisement as provided by law for public contracts covering similar installations. Provided, however that the liability of the Surety to the obligee shall not exceed the amount of the bond. The Surety shall make such payment within ten (10) days after the costs of completion have been determined.

The Surety hereby stipulates and agrees that no modifications, conditions, or omissions in or to the plans or specifications herein referred to, or any extension of time in any wise effect the publications of Surety on its bond.

WITNESS our hands and seals this, the _____ day of _____ 20 _____.

PRINCIPAL: _____

Principal:

By:

Principal (authorized signature)

Principal (printed name and title)

WITNESS for Principal:

(signature)

(printed name)

Principal:

By:

Principal (authorized signature)

Principal (printed name and title)

WITNESS for Principal:

(signature)

(printed name)

Surety:

By:

Surety (authorized signature)

Surety (printed name and title)

WITNESS for Surety:

(signature)

(printed name)

Appendix H

Form SCO7 – Performance Guarantee Release Checklist



PERFORMANCE GUARANTEE RELEASE CHECKLIST

PROJECT NAME: _____

NOTE: Performance securities are not available for release until one year after:

- 1) The issuance of a Certificate of Occupancy for commercial properties,
or*
- 2) The conversion of an Erosion Control Measure to a Stormwater
Management Facility in a single-family subdivision.*

- Date: ____/____/____
 - Certificate of Occupancy
 - Conversion to BMP
- Operation and Maintenance Agreement recorded (must have been recorded prior to certificate of occupancy or final plat)
- Transfer of Maintenance Responsibilities Agreement recorded (if applicable)
- Drainage Easement / Access Easement recorded (appropriate references)
- Record Drawings and Engineer's Certification
 - Hard copy – prior to Final Inspection
 - Digital
- Annual Inspection Report after first year
- Request for release of performance guarantee in writing
- Escrow Account of 15% / Maintenance Fund of 20% (for single-family subdivisions only)
- Final Inspection of BMP by the City
- Payment of BMP Inspection Fee
- City Engineer's Approval

City Engineer

Date

Additional Comments:

Appendix I

Form SCO8 – Bond Release



**FINAL
BOND RELEASE FORM**

BOND FILE #: _____ AMOUNT: \$ _____

BOND TYPE: LETTER OF CREDIT _____ SURETY _____ CASH _____

PROJECT NAME: _____
(AS IT APPEARS ON BOND LIST)

COVERAGE: (LOT & BLOCK #) _____

We the undersigned, have made a Final Inspection on the above project, and have found **ALL WORK** to be completed in accordance with the approved plans, and the City of Fayetteville Stormwater Control Ordinance requirements:

We recommend the bond covering this project be released:

Construction Management Inspector

Date

City Engineer

Date

BOND RELEASE INFORMATION

Principal/Developer

Phone #

Company Name

FAX #

Address

City

State

Zip

To be picked up: _____

To be mailed: _____

Appendix J

Plat Checklist

Public Services
PLAT CHECKLIST
February 2012

Project Name: _____ File #: _____

Reviewer: _____ Date Reviewed: _____ Phone #: _____

Surveyor: _____ Contact Person: _____ Phone #: _____

This is an internal document generated to facilitate consistent plat reviews. Additional information may be necessary based on site-specific conditions.

Initial review takes place during the subdivision review and approval process. For final plats, one mylar is submitted to the Planning Department. Plats will not be signed until bond, Guarantee of Installation and other information as required is received.

GENERAL PLAT REQUIREMENTS:

	REQUIRED	COMMENTS & REQUIRED NOTES
<input type="checkbox"/>	All storm drainage easements (SDEs) with proper dimensions/widths	REQUIRED NOTE: "The purpose of the storm drainage easement (SDE) is to provide stormwater conveyance. Buildings or permanent structures are not permitted in the easement area. Any other objects which impede stormwater flow or system maintenance are also prohibited."
<input type="checkbox"/>	35x35 & 10x70 sight triangles	
<input type="checkbox"/>	Minimum 20' radii at all intersections or as approved on driveway permit	
<input type="checkbox"/>	Dedication of minimum R/W on existing roads	REQUIRED NOTE: "Right of way dedicated to City of Fayetteville."
<input type="checkbox"/>	Roads and sidewalks	COMMENT: If not built, bond shall be posted.

NOTATIONS:

<input type="checkbox"/>	"The subdivided property is considered a larger common plan of development and therefore will be subject to the applicable portions of the City of Fayetteville Stormwater Control Ordinance during development and redevelopment (including expansion)."	COMMENT: When property is subdivided without building activity this notation serves to inform future "owners" or developers that the lot is part of a larger common plan of development and needs to be evaluated for Stormwater Control Ordinance requirements when developed.
<input type="checkbox"/>	"Compliance with the Stormwater Control Ordinance is required."	COMMENT: This note must be placed on all Minor Subdivision Plats not associated with building activities at time of recordation.

FLOODWAY:

<input type="checkbox"/>	Creek Name (label centerline)	
<input type="checkbox"/>	Floodway cross-section (number and location)	
<input type="checkbox"/>	Minimum finished floor elevation (per lot)	

<input type="checkbox"/>	FEMA Floodway Fringe Line	
<input type="checkbox"/>	FEMA Floodway Encroachment Line	
<input type="checkbox"/>	Benchmark (BM) (description, elevation referenced to NGVD 1988)	
<input type="checkbox"/>	Flood Hazard Area Statement	REQUIRED NOTE: “This plat contains lots located within a special flood hazard area as designated on firm community panel _____ zone _____ dated _____.”

SETBACKS ALONG CREEKS:

<input type="checkbox"/>	Major Stream Name	COMMENT: The location and name of major streams must be shown on the plat.
<input type="checkbox"/>	Top of Bank Labeled	COMMENT: The top of the bank must be field located by a registered surveyor and shown on the plat.
<input type="checkbox"/>	Stream Setbacks (30 feet, 50 feet, 75 feet)	COMMENT: The location of stream setbacks must be shown on the plat.

BMPs (BEST MANAGEMENT PRACTICES)

<input type="checkbox"/>	All BMPs shall be shown on plat and named	COMMENT: All BMPs must be named as follows: Project or subdivision name – BMP Type – Number. Example: Stoneridge Phase I – Bioretention – 1.
<input type="checkbox"/>	Permanent 20’ wide maintenance access easement to BMP BMP located entirely within permanent drainage easement with easement extending 10’ beyond and around perimeter of BMP	REQUIRED NOTE: “The maintenance access easement must extend to the BMP and the drainage easement must be around the BMP and, to the extent feasible, allow vehicles to turn around.”
<input type="checkbox"/>	Dimensions around BMP	
<input type="checkbox"/>	Copy of the Operations and Maintenance Agreement and BMP Maintenance Plan stamped by register of deeds office	COMMENT: The Operations and Maintenance Agreement and BMP Maintenance Plan must be recorded and a copy provided for plat approval.
<input type="checkbox"/>	BMP Maintenance Statement	REQUIRED NOTE: “This property contains stormwater management facilities that must be maintained according to the Operations and Maintenance Agreement and Plan recorded in Deed Book _____ and Page _____.”

Please inform the reviewer if you need a bond estimate at the time of plat review. A bond is required before the plat is released by the City when subdivision improvements have not yet been completed, inspected and approved.

City of Fayetteville Staff

Date

Appendix K

Form SCO9 – Record Drawing Requirements

CITY OF FAYETTEVILLE

Public Services Department

Stormwater Control Ordinance and Storm Drainage Record Drawing Requirements

Two (2) copies of plans must be signed and sealed by a North Carolina licensed professional as outlined in Section 23-31 of the Ordinance and certified by the designer that the completed project and record drawing plans are in compliance with approved stormwater management plans and designs and the requirements of the Stormwater Control Ordinance. Mylars are not required but the submitted plans must be clearly identified as “Record Drawings”.

Please note that in single-family residential subdivisions where the stormwater management facility initially functions as an erosion control measure, it will be necessary to provide a record drawing survey and certification letter at the completion of the drainage system minus the BMP. After the erosion control measure is converted to a stormwater management facility, it will be necessary to provide a record drawing survey and certification letter for the BMP only.

Storm Drainage Pipe and Inlet Information

- Slopes
- Pipe length and size
- Pipe material
- Pipe location
- Inlet rim elevations
- Invert elevations
- Verify special requirements (such as Class IV pipe or o-ring joints)

Storm Drainage Ditch Information

- Typical cross-section for all designed ditches. Indicate location of changes if cross-section varies from the typical

Water Quality Facilities ⁽¹⁾

- BMP Type (Wet detention basin, Stormwater Wetlands, Bioretention, etc.)
- BMP Name (Project or subdivision name – BMP Type – Number) as shown on plat
- Field location
- State plane coordinates of each water quality facility and structure
- Wet detention basin elevation for high water mark (full pond)
- Surface area and depth
- Length of swales
- Elevations of all outlet structures
- Size of all discharge features
- Verify existence of drawn-down valves, when required
- Spillway and weir cross-sections
- Areas of planted vegetation (planted shelf, etc.)
- Plant substitutions, if applicable

Appendix L

Form SCO10 – Notification of Record Drawing Approval and Digital Submission Request



DATE

(Insert delivery method, US MAIL, CERTIFIED, ELECTRONIC MAIL, or FACSIMILE)

NAME AND TITLE OF PRIMARY POINT OF CONTACT

Company Name

Mailing Address

Re: **PROJECT NAME**

Notice of Requirement for Digital Submittal and Payment of BMP Inspection Fee

City of Fayetteville Stormwater Control Ordinance

Permit # _____

Dear **NAME OF PRIMARY POINT OF CONTACT:**

Please be advised that a review has been completed of record drawings and a site inspection conducted on (**INSPECTION DATE**) revealing that the above referenced project is in satisfactory compliance with approved plans and specifications. To satisfy Stormwater Control Ordinance requirements, you must provide this Office with a digital submittal of the record drawings as a separate City software compatible file. It is requested that this digital submittal be provided by _____ (30 calendar days). The digital submittal must be provided to the City Engineer's office. A digital file for the project shall be provided based on NC GRID with all BMPs shown. For this record drawing digital submittal, NAD 1983 (*tied to the North Carolina State Plane Coordinate System*) shall be the projection delivery format and shall include the following layers:

- Name, location, size, and elevation (NAVD 88) of the BMPs actually constructed
- Location and elevation (NAVD 88) of stormwater infrastructure inlets
- Location and elevation (NAVD 88) of stormwater infrastructure outlets

The locations for BMPs, and Storm Sewer System Inlets and Outlets shall be supplied as North Carolina State Plane X- and Y-coordinates. The title block and engineer's seal / signature do not need to be submitted electronically.

Along with the digital submittal, please provide payment of the City's BMP Inspection Fee which is (**INSERT FEE**) per BMP. With a total of _____ (number of BMPs) BMPs for the above referenced project, please submit a payment of _____ (total fee).

If you fail to provide the digital record drawing submittal, bonds shall be withheld and certificates of occupancy shall not be released. In addition, a failure to provide digital files is a violation of the Ordinance and is subject to penalties.

If you have any questions, please give me a call at (910) 433-1656.

Sincerely,

City Engineer

Appendix M

Form SCO11 – Notice of Site Compliance



DATE

NAME AND TITLE OF PRIMARY POINT OF CONTACT

Company Name
Mailing Address

Re: **PROJECT NAME**
Notice of Site Compliance
City of Fayetteville Stormwater Control Ordinance
Permit # _____

Dear **NAME OF PRIMARY POINT OF CONTACT:**

Please be advised that a review has been completed of record drawing plans and a site inspection conducted on (_____) revealing that the above referenced project is in satisfactory compliance with plans and specifications and the requirements of the City of Fayetteville Stormwater Control Ordinance. In order to ensure continued compliance with Ordinance requirements, all structural best management practices (BMPs) must be maintained in accordance with the recorded Operation and Maintenance Agreement and attached Maintenance Plan. The City of Fayetteville Stormwater Control Ordinance requires that all BMPs be inspected by a qualified professional as outlined in Section 23-33 of the Ordinance on an annual basis. An inspection report must be completed for each BMP indicating the status of each item inspected and any maintenance that was conducted. Maintenance that was not completed but is planned should include a timeline for completion. The inspection report must be completed on the forms provided by my Office. The first inspection report must be submitted to my Office no later than one (1) year following the BMP's final approval date and each year thereafter. Therefore, the inspection reports should be submitted no later than (_____) of each year. After inspections and maintenance have been performed, a copy of the Maintenance and Inspection Checklist shall be forwarded by the owner to my Office within two (2) weeks of the inspection. The owner of the BMP shall keep records of inspections, maintenance, and repairs for at least five (5) years from the date of creation of the record and shall submit the same upon reasonable request by this Office.

If you have any questions, please give me a call at (910) 433-1656.

Sincerely,

City Engineer

Appendix N

Form SCO12 – Notice of Site Non-Compliance



DATE

CERTIFIED MAIL (RETURN RECEIPT REQUIRED)
NAME AND TITLE OF PRIMARY POINT OF CONTACT

Company Name
Mailing Address

Re: **PROJECT NAME**
Notice of Site Noncompliance
City of Fayetteville Stormwater Control Ordinance
Permit # _____

Dear **NAME OF PRIMARY POINT OF CONTACT:**

Please be advised that a review has been completed of record drawings and a site inspection conducted revealing that the above referenced project is in noncompliance with the requirements of the City of Fayetteville Stormwater Control Ordinance as specified below:

- 1.
- 2.
- 3.

In order to bring the site into compliance with Ordinance requirements, it shall be necessary to complete the following on or before **DATE:**

- 1.
- 2.
- 3.

Please be advised that the City of Fayetteville Stormwater Control Ordinance provides for penalties up to the maximum allowed by law. Each day of continuing violation shall constitute a separate violation. Additionally, if a bond, letter of credit or other such security has been posted with this office, then **SUCH SECURITY MAY BE FORFEITED** at our request because of your continuing violation of the Ordinance. You shall be advised if penalties are assessed or securities forfeited.

Please contact me at (910) 433-1656 if you have any questions.

Sincerely,

City Engineer

Appendix O

Form SCO13 – Stormwater Control Ordinance NOV Form



DATE

CERTIFIED MAIL (RETURN RECEIPT REQUIRED)
NAME AND TITLE OF PRIMARY POINT OF CONTACT

Company Name
Mailing Address

Re: **PROJECT NAME**
Notice of Violation
City of Fayetteville Stormwater Control Ordinance
Permit # _____

Dear **NAME OF PRIMARY POINT OF CONTACT:**

On (**INSPECTION DATE**), an inspection conducted by the City of Fayetteville revealed that you and/or your firm is in violation of the Stormwater Control Ordinance as specified below.

- 1.
- 2.
- 3.

In order to bring the site into compliance with Ordinance requirements, it shall be necessary to complete the following on or before **DATE:**

- 1.
- 2.
- 3.

Please be advised that the Stormwater Control Ordinance provides for penalties up to the maximum allowed by law. Each day of continuing violation shall constitute a separate violation. Additionally, if a bond, letter of credit or other such security has been posted with this Office, then **SUCH SECURITY MAY BE FORFEITED** at our request because of your continuing violation of the Ordinance. You shall be advised if penalties are assessed or securities forfeited.

Please contact me at (910) 433-1613 if you have any questions.

Sincerely,

(NAME OF INSPECTOR)

Appendix P

Form SCO14 – NOV with Immediate Penalty Form



DATE

CERTIFIED MAIL (RETURN RECEIPT REQUIRED)

NAME AND TITLE OF OWNER / DEVELOPER

Company Name: _____

Mailing Address: _____

Re: _____

PROJECT NAME

Notice of Violation with Immediate Penalty
City of Fayetteville Stormwater Control Ordinance
Case # _____
Permit # _____ (if issued)

Dear _____,

NAME OF OWNER / DEVELOPER

On _____ (**INSPECTION DATE**), an inspection conducted by the City of Fayetteville revealed that you and/or your firm is in violation of the Stormwater Control Ordinance as specified below.

1. _____

2. _____

3. _____

In order to bring the site into compliance with Ordinance requirements, it shall be necessary to complete the following on or before _____ **DATE:**

1. _____

2. _____

3. _____

The Stormwater Control Ordinance allows for immediate penalties of up to the maximum allowed by law for **(choose from the following: failure to submit a Infrastructure Permit application; performing activities without an approved Infrastructure Permit; obstructing, hampering or interfering with an authorized representative who is in the process of carrying out official duties; willful violation of the Ordinance; failure to install or maintain best management practices per the approved plan).**

_____ Since the penalty shall accrue for each day the site remains in violation, corrective action must be taken immediately. When corrective actions are completed, you must notify

_____ (**NAME OF INSPECTOR**) at (910) 433-1613 or by mobile phone at _____ (**MOBILE #**) so that the work can be inspected. Another compliance



inspection shall be conducted no later than _____ (INSERT DATE). The penalty amount shall be determined after compliance has been attained and shall vary based upon aggravating and mitigating circumstances, including your willingness and urgency in correcting the violation. You should not assume that the property is in compliance with Ordinance requirements until this Office has so notified you.

Additionally, if a bond, letter of credit or other such security has been posted with this Office, then such security may be forfeited at our request because of your continuing violation of the Stormwater Control Ordinance.

Please contact me at (910) 433-1656 if you have any questions.

Sincerely,

City Engineer

Appendix Q

Form SCO15 – Continuing NOV Form



DATE

CERTIFIED MAIL (RETURN RECEIPT REQUIRED)
NAME AND TITLE OF PRIMARY POINT OF CONTACT

Company Name
Mailing Address

Re: **PROJECT NAME**
Continuing Notice of Violation
City of Fayetteville Stormwater Control Ordinance
Case # _____
Permit # _____

Dear **NAME OF PRIMARY POINT OF CONTACT:**

On (**NOV DATE**), you received a Notice of Violation from the City of Fayetteville indicating that you and/or your firm is in violation of the Stormwater Control Ordinance as specified below.

- 1.
- 2.
- 3.

On **DATE**, an inspection was conducted at the above referenced site indicating that the violations have not been corrected. In order to bring the site into compliance with Ordinance requirements, it shall be necessary to complete the following on or before **DATE**:

- 1.
- 2.
- 3.

Corrective action must be taken immediately. Please be advised that because the violations were not corrected before the previously specified deadline, this matter has been referred for enforcement, and a *civil penalty* is being considered. Penalties are assessed from the date the violations were noted until all violations are corrected and the site is brought into compliance with the Stormwater Control Ordinance. When corrective actions are completed, you should notify (**NAME OF INSPECTOR**) at (910) 433-1613 or by mobile phone at (**MOBILE #**) so that the site can be inspected. Another compliance inspection shall be conducted no later than (**INSERT INSPECTION DATE**). You should not assume that the property is in compliance with the Ordinance until this Office has so notified you.

Additionally, if a bond, letter of credit or other such security has been posted with this Office, then such security may be forfeited at our request because of your continuing violation of the Stormwater Control Ordinance.

Please contact me at (910) 433-1656 if you have any questions.

Sincerely,

City Engineer

Appendix R

Form SCO16 - Stormwater Control Ordinance Penalty Assessment Guide

Stormwater Control Ordinance
Penalty Assessment Guide
Internal Use Only

Adjustments to Daily Fine

- Failure to Obtain Permit: Up to \$5,000/day

- First Offense:
 - Off-site impacts documented \$3,000/day
 - No off-site impacts documented \$1,000/day

- Second Offense (within 2 years):
 - Off-site impacts documented \$5,000/day
 - No off-site impacts documented \$3,000/day

- Over Two Offenses (within 2 years)
 - All violations \$5,000/day

Note: No adjustment shall be made for violations that damage protected waters or wetlands. Protected waters would include 303(d) listed streams and other waters with special State designation.

Adjustments to Number of Days of Noncompliance

The amount of a penalty is based on the amount of the daily fine multiplied by the number of days of noncompliance. The number of days of noncompliance is calculated by totaling the days from the day the violation was noted until the day compliance was achieved (count the day the violation was noted but not the compliance date). For example, if a violator received an NOV on the 10th, a CNOV on the 15th, and achieved compliance on the 20th, the total number of days of noncompliance is ten (10). The number of days of noncompliance shall be reduced as follows:

- Deduct days between when the NOV was sent and received by the responsible party's office if no verbal notification was given.
- Deduct for staff delays in the issuance of the CNOV (deduct each day beyond two (2) business days between reinspection and CNOV).
- Other days due to staff actions.
- Deduct days of inclement weather that delayed erosion control installation and maintenance or restoration of damaged areas (only if weather is the actual cause of the delay).
- Holidays: two (2) days for the Fourth of July, Thanksgiving and Christmas unless the owner or contractor was negligent in taking responsible steps to protect the site before the holiday.

Restoration

In addition to the charges specified above, the owner/developer/builder may also be required to restore damaged property, including streams, wetlands, lakes and other surface waters. The penalty can also be increased to reflect costs saved by noncompliance.

Appendix S

Form SCO17 – Stormwater Control Ordinance Penalty Assessment Worksheet

Stormwater Control Ordinance Penalty Assessment Worksheet

Project Name: _____
Location(s): _____
Owner / Developer: _____
Date of Notice of Violation: _____
Deadline for Compliance: _____
Date of Continuing Notice of Violation: _____
Date of Compliance: _____
Number of Days from Initial Violation to Compliance Date: _____
Adjustment in Violation Days due to Circumstances beyond Owner / Developer's Control: _____
Explanation for Adjustment: _____

Per Day Penalty Amount:

- Failure to Obtain Permit: Up to \$5,000/day

- First Offense:
 - Off-site impacts documented \$3,000/day
 - No off-site impacts documented \$1,000/day

- Second Offense (within 2 years):
 - Off-site impacts documented \$5,000/day
 - No off-site impacts documented \$3,000/day

- Over Two Offenses (within 2 years)
 - All violations \$5,000/day

Note: No adjustment shall be made for violations that damage protected waters or wetlands. Protected waters would include 303(d) listed streams and other waters with special State designation.

If necessary, include an explanation of aggravating and mitigating circumstances on the back of this sheet.

Did violator save money through non-compliance? If so, how much: _____

Total Penalty = _____ days x \$ _____ penalty per day = \$ _____.

Signature of Authorized Person

Date

Appendix T

Form SCO18 – Stormwater Control Ordinance Penalty Assessment Checklist

Stormwater Control Ordinance Penalty Assessment Checklist

The following information must be contained in a penalty assessment file for all Stormwater Control Ordinance penalty assessments. These files should contain the following information in the order listed below from the back of the file to the front:

- Inspection Reports
- Pictures (showing violations and compliance) – All pictures must be dated
- Notices of Violation (NOV)
- Continuing Notices of Violation (CNOV)
- Notice of Violation with Immediate Penalty (NOVP) – Signed by City Engineer
- Penalty Worksheet
- Penalty Assessment Guide
- Notice of Compliance with Penalty (NOCP) – Signed by City Engineer
- Documentation of Penalty Assessment Conference
- Request for Remission of the Civil Penalty
- Check for Payment of Penalty

Note: All notices are to be sent certified mail. In the file, return receipts must be attached to all notices verifying that the notice was received.

Appendix U

Form SCO19 – Notice of Compliance and Penalty Form



DATE

CERTIFIED MAIL (RETURN RECEIPT REQUIRED)
NAME AND TITLE OF PRIMARY POINT OF CONTACT

Company Name
Mailing Address

Re: **PROJECT NAME**
Notice of Compliance/Penalty
City of Fayetteville Stormwater Control Ordinance
Case # _____
Permit # _____

Dear **NAME OF PRIMARY POINT OF CONTACT:**

Pursuant to the attached Notice of Violation (NOV), an inspection of the subject project was made by the City of Fayetteville on (**DATE OF INSPECTION**). The inspection revealed that the actions required by the attached NOV have been completed, which brings the site into compliance with the Stormwater Control Ordinance.

The attached NOV establishes (**DATE**) as the initial date of the violation. A subsequent inspection found the site to be in compliance on (**DATE**), resulting in a delinquent period of (**NUMBER**) days. Please be advised that a civil penalty has been assessed against (**OWNER / DEVELOPER**) in the amount of \$(**AMOUNT**) per day for (**NUMBER**) days for a total of \$(**AMOUNT**) for the aforementioned violation of the Stormwater Control Ordinance.

The undersigned, as City Engineer and acting by authority delegated by the City of Fayetteville, has assessed this penalty pursuant to the Stormwater Control Ordinance. In determining the amount of the penalty, the following aggravating and mitigating factors have been taken into account.

- The effect and extent of harm, if any, of the violation:
(LIST EFFECTS, POSSIBLY INCLUDING SEDIMENT IN WATER SUPPLY SURFACE WATERS, SEDIMENT IN SURFACE WATERS, OFF-SITE SEDIMENT, FISH KILL, ETC.);
- The degree and extent of the violation:
(DESCRIBE SEVERITY INCLUDING SIZE, LOCATION, WATER SUPPLY WATERSHED, ETC.);
- Weather conditions during the violation and their effect on efforts to bring the site into compliance:
(DESCRIBE WEATHER CONDITIONS THAT MAY HAVE AFFECTED REACHING COMPLIANCE);

- The amount of staff time employed to rectify the damage:
(COST AND TIME TO TAXPAYERS TO INSPECT AND PROCESS VIOLATION);
- Whether the violators saved money by noncompliance:
(EVIDENCE OF MONEY SAVED);
- Degree of cooperation and whether the violators took reasonable measures to bring the site into compliance:
(WAS THE VIOLATOR COOPERATIVE AND DELIBERATE IN ATTEMPTING TO CORRECT VIOLATIONS);
- Whether the violation was committed willfully:
(EVIDENCE OF DISREGARD FOR NOV'S, CNOV'S, VERBAL COMMUNICATIONS, ETC.);
- The prior record of the violator in complying or failing to comply with the Ordinance:
(CITE PREVIOUS CIVIL PENALTIES, CNOV'S AND NOV'S WITHIN THE LAST 24 MONTHS).

Within thirty (30) days of receipt of this notice, you must:

1. Submit full payment of the assessed penalty in the form of a check payable to the City of Fayetteville; or
2. Submit a written request for a hearing before the City Council, including in your request a statement of the factual or legal issues in dispute. Relief from an adverse determination by the City Council is by appeal to the Superior Court of Cumberland County.

Before requesting a hearing, if you wish to discuss any additional facts which should have been considered by the City Engineer prior to assessment, or your inability to pay the penalty, please contact the City Engineer's office at (910) 433-1656.

Your payment or request for a hearing before the City Council should reference the Case Number from the first page of this letter. It should be mailed to:

City Engineer
Engineering & Infrastructure Department
City of Fayetteville
433 Hay Street
Fayetteville, NC 28301-5537

Please be aware that payment of the penalty shall not foreclose further enforcement action against any other continuing or new violations.

Failure to exercise one of the aforementioned options shall result in the initiation of civil action to collect the penalty. In addition, the City of Fayetteville may seek an injunction to prevent further activity at the site and/or criminal penalties against those persons responsible for the violations of the Stormwater Control Ordinance.

Sincerely,

City Engineer

Attachments: **(ATTACHMENTS)**

Appendix V

Form SCO20 – Notice of Appeal

Notice of Appeal Request Stormwater Control Ordinance

INSTRUCTIONS FOR FILING AN APPEAL

This Appeal must be filed within thirty (30) calendar days of receipt of an Assessment of a Civil Penalty, or within fifteen (15) calendar days of receipt of a Notice of Violation, Order of Restoration, Disapproval or Modification of Proposed Plan, or any decision, order, requirement, or determination relating to the interpretation or application of the Ordinance by the City Engineer. The applications are placed on the agenda according to the date they are received subject to the availability of parties concerned and other factors.

Copies of the Stormwater Control Ordinance are available from the City Engineer's office or on the Internet at: www.cityoffayetteville.org/stormwater.

It is necessary for the Appellant to complete every portion of this application form. Please read each item carefully and supply the information based upon your particular factual situation. Should you have any questions concerning the meaning of any portion of these questions, you may consult with the City Clerk. You will be contacted before your hearing date and given the date, time and place of the appeal hearing.

The City of Fayetteville shall comply with the American with Disabilities Act (ADA), which prohibits discrimination on the basis of disability. Anyone needing special accommodations when attending this meeting and/or if this information is needed in an alternative format because of a disability, please contact the City Clerk at least 72 hours prior to the meeting.

Appeal Hearing Notes

1. It is recommended that the appellant meet with City staff before the appeal hearing to negotiate a settlement. In many cases, this negotiation process is successful and less burdensome for all parties than an appeal hearing.
2. After hearing the appeal case, the City Council shall review the testimony and render a decision. This is usually done immediately following the hearing.
 - You may remain present during the deliberations, but no further testimony may be presented; or,
 - You may call the staff attorney after the hearing to receive the decision of the City Council.
3. All exhibits should be numbered and must remain with the City Council. Please hand them first to the City Clerk. You may show other materials, but do not hand them to the City Council unless you are prepared to leave them.
4. If you feel there is a conflict of interest of any member of the City Council, or an association that would prejudice your case, please let it be known at the start of your case.
5. This is a quasi-judicial proceeding for which only sworn testimony is accepted.
6. All appeal hearings held before the City Council are recorded and meeting minutes are prepared.

7. Any party aggrieved by the decision of the City Council with regard to the disapproval or modification of a Plan, issuance of a notice of violation, assessment of a civil penalty or order of restoration shall have thirty (30) days from the receipt of the decision of the City Council to file a petition for review in the nature of certiorari in Superior Court with the Clerk of Cumberland County Superior Court.

STORMWATER CONTROL ORDINANCE

REQUEST FOR APPEAL
TO THE CITY COUNCIL
FROM A DECISION
OF THE CITY STAFF

Date Filed: _____ **Case Number:** _____ **Received By:** _____

This Appeal must be filed within thirty (30) days of receipt of an Assessment of a Civil Penalty, or within fifteen (15) days of receipt of a Notice of Violation, Order of Restoration, Disapproval or Modification of Proposed Plan. The applications are placed on the agenda according to the acceptance date.

_____)	
_____)	
(print your name))	
)	
PETITIONER,)	
)	
vs.)	REQUEST FOR APPEAL
)	
FAYETTEVILLE PUBLIC SERVICES)	
DEPARTMENT)	
)	
RESPONDENT.)	

I hereby ask for a hearing as provided for by the Stormwater Control Ordinance to review the decision of City staff as stated in the:

- Assessment of a Civil Penalty
- Notice of Violation
- Order of Restoration
- Plan Disapproval or Modification
- Decision, Order, Requirement, or Determination relating to the interpretation of the Ordinance

dated: _____,

for the property located at:

(Address)

and activity known under the project name of:

Briefly state facts showing how you believe you have been harmed by the City of Fayetteville.

Parties involved in the land disturbing activities:

Owner

Developer / Builder

Contractor conducting the activity

Any changes in information on this application must be presented to the City Clerk at least seven days before the appeal hearing.

SIGNATURE PAGE

I certify that all of the information presented by me in this application is accurate to the best of my knowledge and belief.

Signature of Applicant

Type or print applicant's name

Applicant's title

Company Name

Address

City, State, Zip Code

Date

Telephone Number

Fax Number

Email Address

Appendix W

Form SCO21 – Notice of Petition for Variance Request

Notice of Petition for Variance Request Stormwater Control Ordinance

INSTRUCTIONS FOR FILING A PETITION FOR VARIANCE

Instructions

1. **Fill out all forms completely.** Because the City Council must find evidence to support each of the questions/statements, the answer “not applicable” is generally not acceptable and shall delay your request. Incomplete applications cannot be accepted.
2. In order for the City Council to grant a variance, **a land hardship must be demonstrated.** Only the following conditions shall constitute a hardship (all three must be met):
 - a. The difficulty or hardship would result only from these regulations and from no other cause, including the actions of the owner or previous owners of the property; and
 - b. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties in the same neighborhood and/or used for the same purposes; and
 - c. The difficulty or hardships resulting from the application of these regulations would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

Checklist

- If applicable, attach a copy of your permit or plan review comments if this variance resulted from a permit or plan denial.
- A survey or to scale site plan must be included. The survey or site plan should include:
 - all existing buildings and structures on the property
 - all easements for streets, utilities, driveways and others
 - all proposed improvements should be drawn on the survey or site plan to scale
 - shade in the map to highlight the portion of the improvements that are subject to the requested variance (i.e. for a setback variance, the portion of the structure beyond the setback line)
- Nonrefundable filing fee of \$500

Additional Information:

1. If construction has started, no further work shall be done on those portions of the project in violation of the Stormwater Control Ordinance.
2. If this variance request is a result of a Notice of Violation, no further enforcement action shall be taken until the City Council makes a decision regarding your case.
3. Once a case has been heard, the City Council may not hear the same case again unless it finds there have been substantial changes in the conditions or circumstances relating to the matter.

Variance Hearing Notes:

1. After hearing the variance case, the City Council shall review the testimony and render a decision. This is usually done immediately following the hearing.
 - You may remain present during the deliberations, but no further testimony may be presented; or,
 - You may call the staff attorney after the hearing to receive the decision of the City Council.
2. All exhibits should be numbered and must remain with the City Council. Please hand them first to the City Clerk. You may show other materials, but do not hand them to the City Council unless you are prepared to leave them.
3. If you feel there is a conflict of interest of any member of the City Council, or an association that would prejudice your case, please let it be known at the start of your case.
4. This is a quasi-judicial proceeding for which only sworn testimony is accepted.
5. All variance hearings held before the City Council are recorded and meeting minutes are prepared.
6. Any party aggrieved by the decision of the City Council with regard to the petition for variance shall have thirty (30) days from the receipt of the decision of the City Council to file a petition for review in the nature of certiorari in Superior Court with the Clerk of Cumberland County Superior Court.

**Notice of Petition for Variance Request – Form #1
City Council**

Stormwater Control Ordinance

Date Filed: _____ **Case Number:** _____ **Received By:** _____

INSTRUCTIONS FOR FILING A PETITION FOR VARIANCE

This form must be filled out completely. Please attach the appropriate additional form depending on your request type along with required information as outlined in the appropriate checklist. Please type or print legibly. All property owners must sign and consent to this application, attach additional sheets if necessary. If the application is not the owner, the owners must sign the Designation of Agent section at the bottom of this form.

The Applicant Hereby requests a variance from the provisions of the Stormwater Control Ordinance as stated on Form #2.

Applicant or Agent's Name: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Telephone: _____ Home Telephone: _____

Interest in this Case (Please circle one): Owner Adjacent Owner Other

Property Owner(s) [if other than applicant/agent]: _____

Mailing Address: _____

City, State, Zip: _____

Daytime Telephone: _____ Home Telephone: _____

Property Address: _____

Tax Parcel Number: _____ Zoning District: _____

Subdivision Name: _____ Conditional District: YES NO

Applicant Certification and Designation of Agent

I (we) certify that the information in this application, the attached form(s) and documents submitted by me (us) as part of this application are true and correct. In the event any information given is found to be false, any decision rendered may be revoked at any time. I (we) hereby appoint the person named above as my (our) agent to represent me (us) in this application and all proceedings related to it. I (we) further certify to have received, read and acknowledged the information and requirements outlined in this packet.

Property Owner

Date

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**Notice of Petition for Variance Request – Form #2
City Council**

Stormwater Control Ordinance

Date Filed: _____ **Case Number:** _____ **Received By:** _____

Has work started on this project? YES NO

If yes, did you obtain a building permit? YES NO If yes, attach a copy.

Have you received a Notice of Violation for this project? YES NO If yes, attach a copy.

Has this property been rezoned? YES NO If yes, Petition Number: _____

(1) What section numbers from the Stormwater Control Ordinance are you seeking a variance from? Please list each section, the requirement and the requested variance.

Item	Code Section	Code Requirement	Variance Request
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A

B

C

D

E

(2) Please describe why the variances requested are necessary.

(3) THERE ARE PRACTICAL DIFFICULTIES OR UNCESSARY HARDSHIPS IN THE WAY OF CARRYING OUT THE STRICT LETTER OF THE ORDINANCE. The courts have developed three rules to determine whether, in a particular situation, “practical difficulties of unnecessary hardships” exist. State facts and arguments in support of each of the following:

(a) If the property owner/applicant complies with the provisions of the Ordinance, the property owner can secure no reasonable return from, or make no reasonable use of his property. (It is not sufficient that failure to grant the variance simply makes the property less valuable.)

(b) The hardship of which the Applicant complains results from unique circumstances related to the Applicant's land. (Note: Hardships common to an entire neighborhood, resulting from overly restrictive ordinance requirements, should be referred to the City Staff. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the life of the land.)

(c) The hardship is not the result of the Applicant's own actions.

(4) THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE AND PRESERVES ITS SPIRIT. (State facts and arguments to show that the requested variance represents the least possible deviation from the letter of the Ordinance to allow a reasonable use of the land; and, that the use of the property, if the variance is granted, shall not substantially detract from the character of the neighborhood.)

(5) THE GRANTING OF THE VARIANCE SECURES THE PUBLIC SAFETY AND WELFARE AND DOES SUBSTANTIAL JUSTICE. (State facts and arguments to show that, on balance, if the variance is denied, the benefit to the public shall be substantially outweighed by the harm suffered by the Applicant.)

