

**CITY OF WILLIAMSTOWN
WOOD COUNTY, WEST VIRGINIA**

ORDINANCE NO. 2015-03

**AN ORDINANCE REGULATING ILLICIT DISCHARGE
AND CONNECTION STORM WATER**

The Council of the City of Williamstown does hereby ordain that the Codified Ordinances of the City of Williamstown relating to storm water management and surface water discharge controls is hereby amended and reenacted as follows:

SECTION 1

PURPOSE/INTENT

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Williamstown through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- (1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.
- (2) To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

The authorized Enforcement Agency shall be the Williamstown Sanitary Board, created and appointed in accordance with Article 146 of the Codified Ordinances of the City of Williamstown and in its capacity as the Administrative and Enforcement Agency of the Williamstown Storm Water Utility previously created by ordinance.

SECTION II

DEFINITIONS

For the purposes of this ordinance, the following shall mean:

Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Building Official. The person appointed by the City of Williamstown to perform the duties of Building Official as defined by ordinance.

Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of 5 acres or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system.

Illicit Connections. An illicit connection is defined as either of the following:

Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC ' 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Person: Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Sanitary Board. The Williamstown Sanitary Board created pursuant to Article 146 of the Codified Ordinances of the City of Williamstown and as Administrator of the Williamstown Storm Water Utility.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan: A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm water, Storm water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater: Means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

SECTION III

APPLICABILITY

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Sanitary Board.

SECTION IV

RESPONSIBILITY FOR ADMINISTRATION

The City of Williamstown, acting by and through its Mayor, City Council, Building Official, Sanitary Board, and/or any employees designated by the above shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Sanitary Board may be delegated in writing by the Mayor to persons or entities acting in the beneficial interest of or in the employ of the City.

SECTION V

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

SECTION VI

ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

SECTION VII

DISCHARGE PROHIBITIONS

A. Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated - typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.
- (b) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (c) Dye testing is an allowable discharge, but requires a verbal notification to the Sanitary Board prior to the time of the test.
- (d) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition of Illicit Connections.

- (a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

SECTION VIII

SUSPENSION OF MS4 ACCESS

A. Suspension due to Illicit Discharges in Emergency Situations

The City Williamstown may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

B. Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Sanitary Board will notify a violator of the proposed termination of its MS4 access. The violator may petition the Sanitary Board for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Sanitary Board.

SECTION IX

INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Williamstown Storm Water Board prior to the allowing of discharges to the MS4.

SECTION X

MONITORING OF DISCHARGES

A. Applicability.

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

B. Access to Facilities.

- (a) The Building Official shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
- (b) Facility operators shall allow the Building Official ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- (c) The Building Official shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.
- (d) The Building Official has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Building Official and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- (f) Unreasonable delays in allowing the Building Official access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the Sanitary Board reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

- (g) If the Building Official has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Sanitary Board may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION XI

REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

The Sanitary Board will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION XII

WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

SECTION XIII

NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Williamstown within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

SECTION XIV

ENFORCEMENT

A. Notice of Violation.

Whenever the Sanitary Board finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Sanitary Board may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (a) The performance of monitoring, analyses, and reporting;
- (b) The elimination of illicit connections or discharges;
- (c) That violating discharges, practices, or operations shall cease and desist;
- (d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (e) Payment of a fine to cover administrative and remediation costs; and
- (f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the

established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

SECTION XV

APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the Sanitary Board. The notice of appeal must be received within 15 days from the date of the Notice of Violation. A Hearing on the appeal before the Sanitary Board shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the Sanitary Board shall be final, and subject only to an appeal therefrom to the Circuit Court of Wood County, West Virginia, which must be filed within 30 days of the date of the decision of the Sanitary Board denying an appeal.

SECTION XVI

ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or in the event of an appeal, within 15 days of the decision of the Sanitary Board upholding the decision of the Sanitary Board, then representatives of the Sanitary Board shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

SECTION XVII

COST OF ABATEMENT OF THE VIOLATION

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the Sanitary Board or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 2 percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

SECTION XVIII

INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Sanitary Board may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

SECTION XIX

COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the Sanitary Board may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

SECTION XX

VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

SECTION XXI

RECOVERY OF FEES AND EXPENSES

The Sanitary Board may recover all attorney fees, court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

SECTION XXII

CRIMINAL PROSECUTION

Any person that has violated or continues to violate this ordinance shall be guilty of a misdemeanor, and shall be subject to a criminal penalty of up to \$1,000.00 dollars per violation per day.

SECTION XXIII

REMEDIES NOT EXCLUSIVE

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Sanitary Board to seek cumulative remedies.

SECTION XXIV

EFFECTIVE DATE

This ordinance shall be effective upon its adoption.

FIRST READING: September 1, 2015

FINAL READING: September 15, 2015



JEAN FORD, Mayor



SUSAN KNOPP, City Clerk

WILLIAMSTOWN SANITARY / STORMWATER BOARD
REGULAR MEETING
AUGUST 18, 2015

The Williamstown Sanitary/Stormwater Board met in regular session on Tuesday, August 18, 2015, at 3:00 pm. Those present were Mayor Jean Ford, Boardmembers Jeff DePuy, Charlie Meyers and Nick Frank, Councilperson Ron Erb, City Employees Alan Gates and Bob Stirling, Fred Radar and Tim Meeks with MOVRC, and City Clerk Susan Knopp. Boardmember Chip Pickering was absent.

Mayor Ford called the meeting to order.

On a motion by DePuy and second by Meyers to approve and dispense with the reading of the minutes of the previous meeting, all voted yes.

On a motion by Meyers and second by DePuy to adopt a Petition of the Sanitary Board for the City Council to enact an Ordinance to issue Sewer Revenue Bonds, 2015 Series A (West Virginia SRF Program), all voted yes.

Mayor Ford said the hearing concerning the Rt. 14 construction project is scheduled for August 28th.

Bob Stirling said the new truck had been ordered and should be ready in a couple weeks.

Bob Stirling presented info needed for the DEP violations. He presented an IDD Ordinance, Storm Water Management / BMP Facilities Covenant, and written Policies and Procedures. He said the City Attorney looked over the Ordinance and Covenant and gave his approval.

After some discussion, on a motion by Meyers and second by DePuy to approve the written Storm Water Policies and Procedures, all voted yes.

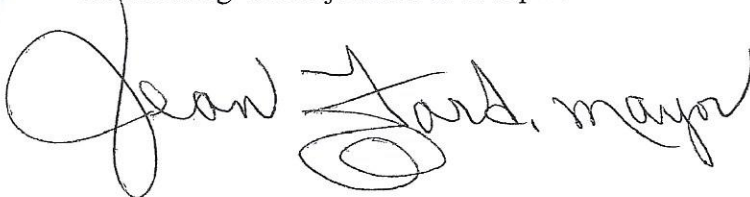
Bob Stirling said the DEP requires these three documents and updated land development regulations.

After further discussion, on a motion by Meyers and second by Frank to adopt the BMP Facilities Covenant, all voted yes.

On a motion by DePuy and second by Meyers to recommend City Council adopt the IDD Ordinance, all voted yes.

Tim Meeks stated he spoke with Engineer Jim Hildreth who told him the contract for the CSX Project will be awarded Sept. 30th. He said as of right now the contractor thinks they will be substantially complete by Thanksgiving. The contract award will be at 10:00 and the pre-construction meeting will be at 11:00 on Sept. 30th.

The meeting was adjourned at 3:45pm.

 Jean Ford, Mayor

 Susan Knopp

City of Williamstown Stormwater policies and procedures

1. It shall be the procedure of the City of Williamstown Stormwater Board to review and update its IDDE ordinance once annually during regular Board meetings, allowing input from the public. During this review the board will evaluate and assess our policies and procedure including our stormwater tracking procedures. The record of this annual review shall be kept in the board minutes of the meeting.
2. It shall be the policy of the City of Williamstown Stormwater board to designate projects with reasonable potential for pollutant loadings as hot spots. Water quality treatment standards will be required to be provided prior to infiltration or discharge and will be designed for the specific pollutant source. A hot spot project will be required to discharge into the City's sanitary sewer if it cannot properly prevent or treat pollutants.
3. It shall be the procedure of the City of Williamstown Stormwater Board that all illicit discharges found by or reported to the City shall be recorded on a standardized form. This form shall at minimum contain the following information. Characterization of the nature of the discharge, potential for public or environmental threat posed by the discharge, date, time, location of discharge, investigation of discharge and follow up information. It shall be the procedure of the Williamstown Stormwater board that all field staff, plant and office personnel will be trained on the use of this form. It shall be the policy of the Williamstown Stormwater board that all complaints received shall be investigated at a minimum of no more than 72 hours after they are received.
4. It shall be the procedure of the Williamstown stormwater board that personnel utilize the following steps when necessary in tracing the source of illicit discharge: visual inspections, opening of manholes, using mobile cameras, collecting and analyzing water samples and or other detailed inspection procedures. Once illicit discharges are located the City shall utilize authority authorized under the illicit discharge ordinance to remove and correct the pollutant.
5. It shall be the policy of the Williamstown Stormwater Board that all field and plant staff be trained annually on identification and reporting of illicit discharges.

Adopted on

August 18, 2015

Mayor City of Williamstown

Jeant Ford
Mayor

Date

8/18/15

STORMWATER MANAGEMENT/BMP

FACILITIES COVENANT

City of Williamstown

Wood County, West Virginia

(304) 375-7761

THIS Covenant made and entered into this _____ of _____, 20_____,
by and between (Insert Full Name of Owner) _____
hereinafter called the "Landowner", and City of Williamstown hereinafter called the "City."

WHEREAS, the Landowner is the owner of certain real property described as (Wood County
Tax Map/Parcel Identification Number) _____ as recorded by
deed in the land records of Wood County, West Virginia at Deed Book
_____ Page _____,
hereinafter called the "Property;" and

WHEREAS, the Landowner is proceeding to, or has, made improvements on the Property; and

WHEREAS, the Site Plan/Subdivision Plan known as _____
(Name of Plan/Development) hereinafter called the "Plan," which is expressly incorporated
herein by reference, as approved, or to be approved, by the City, provides for detention of
stormwater within the confines of the Property; and

WHEREAS, the City requires that onsite stormwater management/BMP facilities as shown on
the Plan be constructed and adequately maintained by the Landowner, its successors and
assigns, including any homeowners association;

WHEREAS, the Landowner, its successors and assigns, understands that the execution and
adherence to the provisions of this Covenant is a condition precedent to the City's permitting,
and/or approving the final plat for the Property and subdivision located thereon;

NOW, THEREFORE, in consideration of the foregoing premises and mutual covenants the parties hereby agree as follows:

1. The on-site stormwater management/BMP facilities shall be constructed, operated, and maintained by the Landowner, its successors and assigns, in accordance with the plans and specifications identified in the Plan, as well as in accordance with State and Federal law, and any and all applicable City ordinances.
2. The Landowner, its successors and assigns, including any homeowners association, shall adequately maintain the stormwater facilities and improvements on the Property. Adequate Maintenance required by this Covenant shall include, but is not limited to, scheduled and corrective maintenance of all facilities and improvements intended to manage and/or control stormwater on the Property, with such facilities and improvements to expressly include, but not be limited to pipes, channels structures, vegetation, berms, outlet structures, pond areas, access roads, or any other improvement relating to stormwater on the Property but excluding any such improvements located on, under, or within any publicly owned rights of way (the "Stormwater Facilities and Improvements"). Adequate maintenance is herein defined as keeping such Stormwater Facilities and Improvements in good working condition such that they satisfactorily perform their intended design functions.
3. The Landowner, its successors and assigns, shall inspect the Stormwater Facilities and Improvements and submit an inspection report to the City on an annual basis. The purpose of the inspection is to assure safe and proper functioning of the Stormwater Facilities and Improvements located on the Property. Each annual inspection shall include a full and complete inspection of all Stormwater Facilities and Improvements located on the Property. Any and all deficiencies identified during such inspections shall be noted in the inspection report submitted to the City. The inspection report shall also include a detailed plan for any and all repairs to the Stormwater Facilities and Improvements necessary to correct any deficiencies identified during the inspection, with the repair plan to be prepared by a professional engineer, or some other duly qualified professional, licensed in the State of West Virginia.
4. The Landowner, its successors and assigns, hereby grants permission to the City, its authorized agents and employees, to enter upon the Property and to inspect the Stormwater Facilities and Improvements as deemed necessary by the City for purposes of protecting the public health, safety or welfare, for purposes of investigating or inspecting any reported or suspected deficiencies in the Stormwater Facilities and Improvements on the Property, for purposes of responding to or investigating citizens' complaints relating to the management or control of stormwater on the Property, or for any other purpose deemed necessary by the City. The City shall provide the Landowner, its successors and assigns, with a copy of any inspection findings, as well as a directive to commence with any required repairs. To the extent that the City does not agree with or to the contemplated repairs proposed by the Landowner, the City may submit an alternate repair plan to the Landowner

5. In the event the Landowner, its successors and assigns, fails to maintain the Stormwater Facilities and Improvements on the Property in good working condition acceptable to the City, or fails to make repairs as specified in the inspection report within a reasonable time frame as established by the City, with such time frame not to be shorter than thirty (30) days, the City may enter upon the Property and take any and all action necessary to correct deficiencies identified in the inspection report. The Landowner, its successors and assigns, shall be responsible for any and all fees and expenses incurred by the City in taking such corrective action. This provision shall not be construed to allow the City to erect any structure of a permanent nature on the land of the Landowner outside the easement for the stormwater management/BMP facilities. It is expressly understood and agreed that this Covenant imposes no obligation or responsibility on the City to routinely maintain or repair any Stormwater Facilities and Improvements located on the property.
6. The Landowner, its successors and assigns, will perform all work necessary to keep the Stormwater Facilities and Improvements in good working condition as required by the approved Plan, as well as by State and federal law, and any and all applicable City ordinances.
7. In the event that the City performs or undertakes work of any kind pursuant to this Covenant or expends any funds or resources in performance of said work for labor, use of equipment, supplies, material, and the like, the Landowner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt of same.
8. This Covenant shall impose no liability on the City with respect to the maintenance or repair of any Stormwater Facilities and Improvements on the Property, nor does the City assume any obligation or duty to undertake or perform any action allowed for, or permitted by, this Covenant. The Landowner, its successors and assigns, further agrees to indemnify and hold the City harmless from any liability arising out of the management, operation, maintenance, or failure of any Stormwater Facilities and Improvement subject to this Covenant.
9. Notwithstanding any right extended to the City pursuant to this Covenant, it is expressly recognized and acknowledged that the City retains all prosecutorial rights and remedies available to it, including the enforcement of any and all applicable City ordinances, against the Landowner, its successors and assigns, relating to the operation, maintenance, and/or repair of Stormwater Facilities and Improvements located on the Property.
10. This Covenant shall be recorded among the land records of Wood County, West Virginia and shall constitute running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including homeowners association.

WITNESS the following signatures and seal

(SEAL)

Company/Corporation/Partnership Name

By: _____

(Signature)

(Type/Print Name)

STATE OF _____

COUNTY OF _____

The foregoing Instrument was acknowledged before me this _____ day of
_____, 2_____, by

NOTARY PUBLIC
(SEAL)

My Commission Expires: _____

Responsible Person

The Landowner hereby identifies the responsible person or position responsible for ensuring that the inspection and maintenance of the Stormwater Facilities and Improvements is accomplished according to the inspection and maintenance schedule prepared by the engineer of record for this

Property

(Address or Name of the Property) as

(Name and Title of person so identified).

Results of the inspections shall be submitted annually to City of Williamstown.

Inspection reports shall be submitted to:

City of Williamstown
100 West Fifth Street
Williamstown, WV 26184

If the responsible entity or contact person changes, the City shall be notified in writing of the change not later than thirty (30) days from the effective date of such change.

Responsible Entity

Contact Person's Name

Signature

Address

City, State, Zip Code

Phone Number