

**55-326. STORM WATER MAINTENANCE AND REPAIR OF SYSTEM.**  
[Added 2-20-90 by Ord. No. 1990-4]

- A. Responsibility for operation and maintenance facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with the owner or owners of the property with permanent arrangements that it shall pass to any successive owner, unless assumed by a government agency. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each project the property owner, governmental agency or other legally established entity to be permanently responsible for maintenance, hereinafter in the section referred to as the "responsible person."**
- B. Prior to the granting approval to any project subject to review under this Article, the applicant shall enter into an agreement with the municipality to ensure the continued operation and maintenance of the facility.**

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This agreement shall be in a form satisfactory to the Municipal Attorney and may include, but may not necessarily be limited to, personal guaranties, deed restrictions, covenants and bonds. In cases where property is subdivided and sold separately, a homeowners' association or similar permanent entity should be established as the responsible entity, absent an agreement by a governmental agency to assume responsibility.

- C. In the event that the facility becomes a danger to public safety or public health, or if it is in need of maintenance, the municipality shall so notify in writing the responsible person. From that notice, the responsible person shall have fourteen (14) days to effect such maintenance and repair of the facility in a manner that is approved by the Township Engineer or his designee. If the responsible person fails or refuses to perform such maintenance and repair, the municipality may immediately proceed to do so and shall bill the cost thereof to the responsible person.