

**City of Alpharetta, Georgia**  
**Comprehensive Stormwater Inspection and Maintenance Policy**

**1.0 Purpose**

The Goal of this Comprehensive Stormwater Inspection and Maintenance Policy is to define the rights and responsibilities of the property owner(s) for maintaining the water quantity and quality functions of their Stormwater Best Management Practices (BMPs) as well as provide for City guidance to ensure their proper functioning. This policy is based upon the Stormwater Management Ordinance (Section 3.3 of the City of Alpharetta's Unified Development Code).

**2.0 Definitions**

**Stormwater Management Facility.** Any infrastructure that controls or conveys stormwater runoff, including but not limited to, pipes, swales, ditches, ponds, pond outlet structures, creeks, catch basins, and drop inlets.

**Structural Stormwater Control.** A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity, quality, period of release or velocity of flow of such runoff.

**3.0 Inspection and Maintenance Responsibilities (Figure 1)**

For all existing and new developments the following inspection and maintenance responsibilities shall apply:

**Private Stormwater Management Facilities**

Private stormwater management facilities shall be privately owned and it shall be the responsibility of the owner(s) to ensure proper function of the stormwater management facilities located on their property. This shall be accomplished through, periodic inspections and routine maintenance by the responsible party. The owner(s) shall maintain a perpetual, non-exclusive easement that allows access for inspection and emergency maintenance activities. Private stormwater management facilities may include ponds, creeks, pipes, ditches, and drainage swales.

**Public Stormwater Facilities**

The City of Alpharetta is responsible for inspecting and maintaining stormwater management facilities located on public property and within the public right-of way (ROW). This includes stormwater structural controls on properties owned by the City of Alpharetta; pipes, ditches, and drainage swales in the public ROW; and pipes draining City streets. Pipes draining City streets are maintained to the headwall. The area just downstream of the headwall, known as the public water influence zone, may be maintained as necessary to ensure the free flow of water and prevent erosion around the headwall.

The Public Works Department may expand the MS4 for a single, one-time repair or for maintenance in perpetuity, on a case-by-case basis, if certain conditions are met. These conditions are as follows:

- The structure(s) (e.g. pipe, headwalls, and junction boxes) are directly connected to the existing MS4;
- The existing conditions pose a significant and real threat to human health and safety, property (including City infrastructure), or the environment;
- Water draining from the MS4 contributes a significant amount to the total flow draining through the structure(s);
- The source of the problem is not attributable to negligence of a particular property owner; and,
- Appropriate easements for drainage and maintenance are provided by the property owners to the City.

The Public Works Department evaluates all requests for an Extent of Service expansion and prepares a corrective action plan/design for those meeting the above criteria and a cost estimate. The project is then prioritized against all other Capital Improvement and maintenance projects. Projects are implemented by the City of Alpharetta as time and resources allow.

Stormwater systems on office, institutional, commercial or industrial properties are not eligible to be included in the City's MS4.

### **3.1 Structural Stormwater Controls / Detention Ponds**

The following statements identify who will be responsible for structural stormwater controls on private property. All correspondence and violations will be addressed to the responsible party.

In subdivisions with an established homeowners association (HOA) - The HOA shall be the responsible party.

In subdivisions without an established HOA - The owner(s) of the property that the facility is on or serviced by shall be the responsible party. The City will only issue maintenance requests and violations to the responsible party. This in no way shall hinder the rights of the property owner(s) to take civil action against or involve the other property owners that the facility serves.

In commercial and industrial developments - The property owner(s) shall be the responsible party.

In properties with a Stormwater Management Inspection and Maintenance Agreement - The responsible party as well as the responsibilities shall be described in the agreement.

### **3.2 Pipes**

Residential - If the pipe is connected to and directly drains a City street, it shall be maintained by the City ~~Engineering~~/Public Works Department. If the pipe does not connect to a City street and is on private property it shall be maintained by the property owner(s).

Commercial - The property owner(s) shall be responsible for any pipes that are located on private property. For any pipe that crosses a property line between private and public property, the City Engineer will determine who is responsible for maintenance on a case-by-case basis.

### **3.3 Open Channels**

Residential and commercial - The property owner(s) shall be responsible for maintaining normal unobstructed flow of any open channel(s) located on private property. This may include, but not be limited to ditches, swales, and creeks.

Rip Rap Program - The City has established a rip rap program to assist homeowners with erosion problems along open channels on their property. The City will deliver rip rap free of charge if the property owner signs a waiver of liability. Placement of the rip rap is the responsibility of the owner(s).

### **3.4 Records of Maintenance Activities**

The responsible party shall keep documentation of all of their inspections and maintenance activities and provide this documentation to the ~~Engineering~~/Public Works Department upon request.

## **4.0 City Inspection Programs of Privately Owned Facilities**

The ~~Engineering~~/Public Works Department has established an inspection and maintenance program for privately owned structural stormwater controls. The inspection program includes routine inspections; random inspections; requested inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include but are not limited to: visual inspections; review of maintenance and repair records; sampling of discharges; and evaluating the condition of structural stormwater controls and practices.

- The City will not involve itself in private property disputes or other legal actions between property owner(s).

- The City may provide technical assistance and riprap to assist with the maintenance and stabilization of stormwater management facilities.
- The City inspection program has a goal of inspecting 180 privately owned structural stormwater controls per year.

#### **4.1 *Notification to Owner(s)***

In the event that the structural stormwater control is in good working order and does not need any maintenance, the City Engineer shall notify the responsible party within 10 business days of the inspection.

In the event that the stormwater management facility needs maintenance, has not been maintained, and/or becomes a danger to public safety or public health the City Engineer shall notify the responsible party by registered or certified mail within 10 business days of an inspection. The notice shall specify the measures necessary to bring the stormwater structural control into compliance.

#### **4.2 *Responsible Party Response to City***

The City must receive a response within 60 days of issuing a notice of required maintenance to the responsible party. Included in the response must be the maintenance measures performed and/or a timeline for when the measures will be completed.

#### **4.3 *Violations***

In the event that the responsible party does not respond to the City and/or perform the required maintenance within 60 days, a violation will be issued in accordance with Section 3.3.14 of the Unified Development Code.

#### **4.4 *Emergency Maintenance/Failure to Maintain***

In accordance with Section 3.3.14 of the Unified Development Code, the ~~Engineering~~Public Works Department may conduct emergency maintenance if the responsible party fails or refuses to maintain their stormwater management facility in proper working order. In the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient. The City may correct a violation by performing the necessary work to place the facility in proper working condition. The City may assess the responsible party for the cost of the repair work that shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.