

§ 25-7-153 DETENTION BASIN MAINTENANCE AND INSPECTION.

(A) In this section:

(1) **COMMERCIAL DEVELOPMENT** means all development other than Residential Development.

(2) **COMMERCIAL BASIN** means a required detention basin or appurtenance that receives stormwater runoff from a Commercial Development.

(3) **DCM STANDARDS** means the provisions in the Drainage Criteria Manual regarding maintenance of a required detention basin or appurtenance.

(4) **RESIDENTIAL DEVELOPMENT** means development of two dwelling units or less per lot.

(5) **RESIDENTIAL BASIN** means a required detention basin or appurtenance that receives stormwater runoff from a Residential Development.

(B) The record owner of a commercial development shall maintain the commercial basin serving the commercial development in accordance with the DCM standards, whether or not the commercial basin is located on the same property as the commercial development. The record owner shall provide the City proof of the right to access and maintain the commercial basin if it is not located on the same property as the commercial development.

(C) If more than one commercial development is served by a single commercial basin, the record owners of the commercial basin and all commercial developments served by the commercial basin shall be jointly and severally responsible for maintenance of the commercial basin in accordance with the DCM standards.

(D) The director may authorize an alternative arrangement for maintenance of a residential or commercial basin in accordance with the DCM standards. If an alternative arrangement is approved by the director, the city attorney shall determine whether an agreement is necessary; the agreement must be approved by the city attorney and filed of record.

(E) The City shall inspect each commercial basin that is not a subsurface basin at least once every three years to ensure that the commercial basin is being maintained in accordance with the DCM standards. If the commercial basin fails inspection requiring an additional inspection, the director may charge a re-inspection fee.

(F) The record owner of a subsurface commercial basin must provide the Watershed Protection Department with a maintenance plan and an annual report from a registered engineer verifying that the basin is in proper operating condition.

(G) Until the City accepts a residential basin for maintenance, the record owner(s) of the residential basin and the residential development served shall maintain the residential basin in accordance with the DCM standards.

(H)~~(G)~~ The City shall be responsible for maintenance of a residential basin only after the residential basin has been accepted for maintenance by the City. The City will accept a residential basin upon determining that it meets all requirements of the Drainage Criteria Manual.