



City of Harrisonburg, Virginia
Department of Public Works
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Procedures for completing the *Pre-Existing Stormwater Management/ BMP Facilities Maintenance Agreement* and applying for a stormwater utility fee credit

These steps to be completed by the owner of a property to receive stormwater utility fee credit (reduced fee) for an existing stormwater BMP that (a) was constructed to satisfy development regulations and (b) does not have a maintenance agreement recorded at the Rockingham County Clerk of Court's office.

1. As outlined in the *Stormwater Utility Fee Credit Manual for Non-Residential*, prior to recording the deed, the landowner shall have a licensed professional engineer or other person who holds a certificate of competence described in [Virginia Code 9VAC24-870-114](#) to verify that the BMP is functioning correctly. The applicant must keep a copy of inspection documentation to submit to the City.
2. Once the pre-existing BMP has been documented to be functioning properly, the owner shall have the Maintenance Agreement recorded. Steps for recording the Maintenance Agreement:
 - a. Submit draft maintenance agreement to Public Works for review. The agreement shall include a vicinity map, site map with roads, property tax map number, and location of "BMP Boundary" or "BMP Area(s)" shown on the map. If possible, a reference should be made back to the original site plan. If multiple BMPs are located on the property, only one maintenance agreement needs to be submitted as long as the appropriate exhibits designating "BMP Area(s)" are also provided.
 - b. If revisions to the agreement are required, Public Works will inform the landowner.
 - c. If approved by Public Works, city staff will submit to the City Attorney for the City Manager to sign.
 - d. The signed maintenance agreement will be returned to the Landowner, who will also sign, and then will have the maintenance agreement recorded at the Rockingham County Clerk of Court's office at the owner's expense.

3. Landowner will submit the Stormwater Utility Fee Application, copy of recorded Maintenance Agreement, and other required documentation as outlined in the *Stormwater Utility Fee Credit Manual for Non-Residential to Public Works*.
4. Public Works will have 45 days to approve or deny the stormwater utility fee application.
8. As outlined in the Agreement and Credit Manual,
 - a. The property owner is responsible for having a professional engineer conduct inspections of their BMP(s) once every five years. The inspection report is to be submitted to the Department of Community Development. Reports shall be submitted to the Department of Community Development by July 1 of the inspection year, no earlier than 60 days prior.
 - b. The deed runs with the land and the stormwater management/ BMP facility must be adequately maintained by the Landowner and successors.
 - c. If maintenance actions are not corrected by the Landowner within the time prescribed in the Agreement, the revocation of the stormwater utility fee credits will take place automatically.