

CHAPTER ELEVEN - Section 11.01
STORM WATER MANAGEMENT PROGRAM

[Formerly titled: GROUNDWATER RUN-OFF AND EROSION CONTROL]

Adopted: April 25, 1991
Rewritten: September 25, 2003

I. POLICY

It is the purpose of this policy to detail a community program to minimize the silt infiltration into Lake Monticello from the surrounding water shed due to storm water run-off. The requirements for this program include assignment of responsibilities to ensure implementation, recommendations for storm water run-off control within the communities watershed, follow-up for fulfillment of accepted recommendations to accomplish the end goal, and for funding of the program on an annual basis.

II. DEFINITIONS

Storm water run-off: Surface or rainwater, which drains from the LMOA community watershed into Lake Monticello.

(Soil) Erosion: Soil/silt that is moved, or caused to be moved, by storm water flow across ground surfaces.

III. RESPONSIBILITIES

- A. The **Lake Monticello Owners Association** shall be responsible for implementing storm water controls for all common property, considering the latest technological solutions and the cost of implementation and maintenance.
- B. The **General Manager** shall be responsible for implementing all efforts directed towards minimizing silt infiltration into Lake Monticello, in accordance with steps and funding made available by the Board of Directors.
- C. The **Environmental Control Committee** shall be responsible for enforcing those rules of LMOA Policy Manual, Chapter 13 which apply to erosion control for all building lots.
 1. The Committee shall review lot development plans and, when necessary, consult with the Storm Water Management Committee for their recommendations.
- D. The **Building, Roads, and Grounds Committee** shall be responsible for following up on recommended changes directed by the General Manager on all LMOA common property.
- E. The **Lake Preservation Committee** shall be responsible for reporting any areas indicating an increase in soil/silt infiltration into the Lake to the Storm Water Management Committee, for their investigation and recommendations.

- F. **Lot owners** are granted an easement of ingress and egress from their respective lots across the Association's right of way to the hard surface road. The lot owners are also permitted to install and maintain a driveway over the easement and a culvert in the drainage ditch. According to the law of Virginia, the beneficiary of an easement is responsible for properly maintaining the easement. Consequently, lot owners shall be responsible for the maintenance of their under-driveway culverts and the adjacent roadway ditches so as not to interfere with the flow of storm water in the ditch/culvert system in the Association's right of way, where it is crossed by their driveways. Materials interfering with the water flow include, but are not limited to, leaves, branches, papers, and other debris and crushed or broken culverts.

Lot owners are also granted permission to use the non-road surface area within the right of way adjacent to their respective lots as part of their yard. As a condition of that permission, lot owners shall not interfere with storm water flow in natural drainage areas and in the drainage ditches.

In the event a lot owner does not perform the required maintenance of the culvert or does not cease interfering with the water flow in the drainage ditch, within 30 days after written notice by the ASSOCIATION, THE Association's employees or agents shall have the right, but not the obligation, to take all reasonable corrective actions deemed necessary by LMOA, which shall be accomplished at the owner's expense. The lot owner shall pay the Association for such charges which shall be a special assessment on the lot, within 30 days written notice of the special assessment. In the event of an emergency, the Association shall take corrective action without giving the written notice or waiting 30 days. Failure to maintain the culvert or pay the special assessment within such 30 days time frame after written notice shall constitute a violation of the Rules and Regulations.

- G. The **Storm Water Management Committee** shall have the overall responsibility for the programs necessary to carry out this Community effort.

IV. FUNDING

Whenever possible, storm water control projects shall be identified and prioritized for consideration by the Planning Committee and the Finance Committee to allow orderly planning of the necessary funding.

- A. Unplanned or unforeseen storm water control projects of an emergency nature shall be addressed by the General Manager and the Finance Committee on a case-by-case basis, to determine the source and availability of funding.

See also: Policy PM 13.03