



**STORMWATER MAINTENANCE SERVICES  
FROM KENT COUNTY  
For existing residential developments or neighborhoods**

Dear Homeowner:

You are receiving this letter because your Home Owners Association is interested in participating in Kent County's Stormwater Maintenance District Program. The SWMD is a program that is overseen by Levy Court in partnership with Kent County Conservation in order to provide the basic level of maintenance needed to adequately maintain a subdivision's Stormwater Infrastructure<sup>i</sup>.

Subdivisions that join the Kent County Stormwater Maintenance District (SWMD) Program, will have Minor Maintenance<sup>ii</sup> and Major Maintenance<sup>iii</sup> provided to their Stormwater Infrastructure for a fee.

The fee for this service is \$28.00 per residential property, per year.

An optional service includes Routine Maintenance<sup>iv</sup>. Should the Routine Maintenance option be included, a separate fee will be assessed based on factors including square footage or acreage and number of times mowing is to occur each season.

The service fee for Stormwater Maintenance is billed on the property owner's Property Tax bill each year as "Stormwater Maintenance Fee."

There is a process that needs to be followed in order to successfully join the SWMD. This process is modeled from the Light and Trash District program. In general the steps include:

- A letter of intent is submitted to Kent County Planning for inclusion in the SWMD
- Kent County Conservation conducts an assessment of the Stormwater Infrastructure and provides the HOA with a draft Operation and Maintenance Plan<sup>v</sup> which, describes the specific activities included in the minor and major maintenance activities as well as any required repairs to the stormwater infrastructure. If the routine maintenance option is selected, then the Operation and Maintenance Plan will also include these activities and estimated additional cost.
- Any required repairs need to be completed by the property owners prior for inclusion in the SWMD. Alternatively, the property owners may petition the District to complete the repairs and the cost is apportioned to the property owners on a payment schedule.
- A petition is circulated to the property owners within the subdivision for signature. Signatures from the majority (51%) of property owners is needed.
- Each improved lot (i.e. that has a house on it) gets one vote. When a subdivision is still under construction and the developer owns vacant lots, the developer get one vote regardless of the number of vacant lots owned.
- The completed petition is submitted to Kent County Planning for verification.

- The verified petition is submitted to Levy Court for a public hearing
- The public hearing is advertised at least 10 days prior to the meeting in the Delaware State News and posted at all of the entrances to the subdivision
- Levy Court holds the Public Hearing on the scheduled date and vote to accept, reject, table or modify the “Resolution for Stormwater District Formation.” At the Public Hearing, property owners may speak in favor of or against the proposed Stormwater Maintenance District. If Levy Court votes in favor of the formation of the Stormwater District, the Resolution is signed by the President of Levy Court. The Resolution includes the final Operation and Maintenance Plan. If the routine maintenance option is selected, then the Operation and Maintenance Plan will also include these activities and the additional cost.

*Additional information can be found on Kent County’s HOA website: <http://www.co.kent.de.us/planning-dept/planning/homeowners-association.aspx>, or by calling the Planning Office at (302) 744-2471*

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<sup>i</sup> Stormwater infrastructure” includes stormwater collection, conveyance, and management structures shown on approved stormwater management plans and located outside of state maintained rights-of-way.

<sup>ii</sup> Minor maintenance includes activities which typically occur annually or every two or three years such as removal of accumulated sediments, clearing of obstructions from inlet pipes or outlet structures, management of burrowing animals, stabilization of low flow channels, resetting of rip rap, and repair of eroded banks. Minor maintenance shall be provided for all subdivisions and land developments included in a Stormwater Management District

<sup>iii</sup> Major maintenance includes renovations such as replacement of outlet structures and pipes, rebuilding of inlet pipes and aprons, repair of embankments, and in extreme cases, replacing biofiltration media, complete rehabilitation or retrofit. Major maintenance shall be provided for all subdivisions and land developments included in a Stormwater Management District.

<sup>iv</sup> Routine maintenance includes grass cutting, vegetative management, control of invasive species, and trash removal for residential subdivision and land development only. Routine maintenance is an optional service and the Stormwater Management District will perform this task for HOAs and a separate fee will be assessed based on factors including square footage or acreage and number of times mowing is to occur each season.

<sup>v</sup> Operation and maintenance plan identifies the required maintenance and associated schedule for stormwater management systems. A draft plan shall be provided following the initial letter of intent from a community and a final plan shall be included as part of the resolution adopted by Levy Court creating or extending the Stormwater Maintenance District. The plan may be subsequently revised with the approval of the Technical Advisory Committee should conditions of the stormwater management system change (e.g. conversion of turf areas to meadow).