

APPENDIX B

MAINTENANCE AGREEMENTS

When a maintenance agreement is required by these regulations, the agreement shall include, but not be limited to, the following information as is applicable:

1. A detailed description of the maintenance responsibilities to be performed.
2. The principal party having responsibility for the assured maintenance, including the responsible party during the time the subdivision facilities will be under the control of the subdivider, and the responsible party during any time that will precede the formation of a homeowners' association or similar entity, when subdivision facilities are no longer under the control of the subdivider, and the responsible party to which the responsibility will be permanently assigned.
3. A general schedule and/or frequency for performing the maintenance responsibilities.
4. A method for assessing owners within a subdivision who must fund the maintenance, or the identification of another funding mechanism, if necessary.
5. An assurance that the developer will perform the maintenance until such time as a homeowners' association or similar entity is able to assume the responsibilities.
6. The method by which the developer will transfer the maintenance responsibilities to the association or other entity and the process by which the association accepts the responsibilities.
7. The provision of a surety in the amount of 125% of the cost of performing the maintenance for one year.
8. The identification of any approvals or permits that may be required by these regulations or state regulations. Such approvals may include, but not be limited to, approval by the fire authority having jurisdiction pertaining to fire suppression facilities, or Montana DEQ for water and wastewater facilities.
9. An authorization for Missoula County to use the surety and/or to other legal mechanisms to perform the maintenance in the event of non-performance by the developer and/or responsibility entity.
10. A prohibition of amending or extinguishing the agreement without the prior approval of the Board of County Commissioners.

In addition to the maintenance agreement including the information listed in this Appendix, the agreement shall be incorporated into the Conditions, Covenants, and Restrictions (CCR) for the subdivision, if any, or be recorded as an individual document in the absence of CCR.