

**Apple Canyon Lake  
Property Owners Association**



**Apple Canyon Lake  
Building and Environmental Code**

January 2006

Amended 3-18-06    Amended 9-20-08

Amended 05-16-09    Amended 03-20-10

Amended 03-19-11    Amended 04-21-12

Adopted 05-16-2020

**14A157 Canyon Club Drive  
Apple River, IL 61001**

**(815)492-0900: ACLPOA Building Inspector  
(815) 492-2238: ACLPOA Office**

**This booklet contains all Board of Directors approved amendments and/or revisions to the Apple Canyon Lake Building and Environmental Code  
through May 16, 2020**

**The Apple Canyon Lake Building and Environmental Code adopted January 2006 and all amendments thereto are hereby deleted and replaced with the terms of this title effective coincident with the effective date hereof.**

The Apple Canyon Lake Building and Environmental Code was adopted by the ACLPOA Board of Directors on 11/20/82.

The Building and Environmental Code was subsequently revised and approved by the ACLPOA Board of Directors on 12/17/88, prescribing minimum standards necessary for the building of any structure, garage, Dwelling, accessory building, septic systems, piers, and docks at Apple Canyon Lake.

Since 12/17/88 the Apple Canyon Lake Building and Environmental Code has periodically been amended or revised by the ACLPOA Board of Directors. Dates include:

8/19/89	2/17/90	2/15/92
5/15/93	8/21/93	5/24/94
9/21/96	5/16/98	1/01/99
2/19/00	3/18/00	5/20/00
7/15/00	9/16/00	12/16/00
3/17/01	1/19/02	8/17/02
1/16/02	6/21/03	7/19/03
9/18/04	1/15/05	11/19/05
3/18/06	9/20/08	5/16/09
3/20/10	3/19/11	4/21/12
	5/16/20	

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(References to the Jo Daviess County Illinois currently adopted International Residential Code for One-and Two-family Dwellings are in parenthesis.)

**PREAMBLE  
TO APPLE CANYON LAKE  
PROPERTY OWNERS ASSOCIATION  
BUILDING AND ENVIRONMENTAL CODE**

**INTRODUCTION**

This preamble is an integral part of the "The Apple Canyon Lake Building and Environmental Code".

The purpose of the Apple Canyon Lake Building and Environmental Code (The Code) is to provide owners and builders a complete guide when considering and planning new construction, or when other additions or alterations are required. It has been prepared by the Architectural and Environmental Control Committee (AECC) and approved by the ACLPOA Board of Directors (the Board) as the minimum standard for use at Apple Canyon Lake. It amends the Jo Daviess County, Illinois currently adopted version of the International Residential Code for One- and Two-Family Dwellings.

Nothing in the ACL Building and Environmental Code should be construed to be punitive in nature. It is intended to be a positive formulation to ultimately enhance the value of all our property. The AECC should be thought of as the representative of the ACL Property Owners in the pursuit of a mutually beneficial result.

**THE AECC**

The AECC is a Committee designated by the Not-for-Profit Act (805 ILCS 105/108.40) made up of volunteers with the majority of the committee members serving as current elected members of the Board of Directors.

The ACLPOA governing document, *Amended and Restated Declaration of Covenants and Restrictions, Section VII* (The Covenants), for Apple

Canyon Lake Property Owners' Association provides the authority to AECC to act on behalf of the Association.

The Covenants, Article VII, clearly defines the:

- Powers of the Committee.
- Power of Disapproval for AECC to refuse to grant permission.
- Power to Grant Variances, Adopt Rules.
- Power to Charge Fees.
- Review of AECC Action by the Board.
- Defines the Duties of the AECC.
- Defines the Composition of the AECC.
- Liability of the AECC and the Association.
- Duty of Inspection.
- Remedies for Unapproved Additions and Alterations.

As stated in The Covenants, Article VII:

### **Section 1. Powers of the Committee**

**(a) Generally.** No Dwelling, Multifamily Structure, Dwelling Accessory Building, Structure, Driveway, Water Facility, Fence, Wall or other Structure of any type or kind may be commenced, erected nor shall any exterior addition to or change or alteration be commenced or made on any Lot or on any of the Common Properties or Reserved Properties subject to this Declaration without the prior written approval of the Architectural and Environmental Control Committee (AECC); provided, that, additions, alterations or changes to the Common Properties and Reserved Properties may be made by the Board. Such approval shall be obtained only after written application has been made to the AECC by the Owner of the Lot requesting authorization from the AECC. Such written application shall be in the manner and form prescribed from time to time by the AECC and shall be accompanied by two (2) complete sets of plans and specifications for any such proposed construction or improvement. Such plans shall include plot plans showing the location of all improvements existing upon said Lot and the location of the improvement proposed to be constructed or placed upon said Lot, each properly



and clearly designated; said plans shall also show the building lines shown on the recorded plat of subdivision. Such plans shall set forth the color and composition of all exterior materials proposed to be used, together with any other materials or information which the AECC may require from time to time. All plans, drawings and other documentation required to be submitted to the AECC shall be as the AECC may require. There shall also be submitted, where applicable, the permits or approvals required under Article III, Section 11 (Wells and Plumbing) of the Declaration. The AECC shall have the power, subject to the Board's approval, to adopt building codes, guidelines and standards governing the quality, design, workmanship and materials and colors to be used for all proposed construction or improvements.

**(b) Power of Disapproval.** The AECC may refuse to grant permission to construct, place or make the requested improvements when:

- i. The plans, specifications, drawings or other materials submitted are themselves inadequate or incomplete, or show the proposed improvement to be in violation of any of the restrictions contained in this Declaration, or the provisions of any applicable governmental building code, or the codes, guidelines or standards approved by the AECC or the Board.
- ii. The design or the siting of a proposed improvement is not in harmony with the general surroundings of the subject Lot or with adjacent buildings or structures.
- iii. The proposed improvement, or any part thereof, would in the opinion of the AECC be contrary to the interests, welfare or rights of all or part of the Owners.

**(c) Power to Grant Variances, Adopt Rules.**

- i. The AECC may allow reasonable variances or adjustments of this Declaration where the literal application thereof would result in unnecessary hardship, provided however, that any such variance or adjustment that is granted is in conformity with the general intent and purposes of this Declaration where the literal application thereof would result in unnecessary hardship, provided however that any such variance or adjustment that is granted is in conformity with

the general intent and purposes of this Declaration; and that the granting of the variance or adjustment will not be materially detrimental or injurious to other lots in the development. The granting of a variance in any specific case shall not be construed as a precedent or authorization to compel the granting of a variance in any other case, however similar the circumstances may be.

- ii. The AECC may adopt rules, including rules to be applied in requests for variances, building requirement forms, general building procedure requirements including, but not limited to, adoption or acceptance of national or local building codes, either in whole or in part, for use during the construction of improvements upon the Lots, the Common Properties or the Reserved Properties, provided that all such rules and general requirements be approved by the majority of the Board of Directors prior to implementation and use.

**(d) Power to Charge Fees.** The AECC shall recommend to the Board of Directors a schedule of fees to be charged to consider the application of any Owner, and a schedule of fees for the inspection services necessary for all improvements, whether performed by the Association or by any outside source. Such fee schedules shall be approved by the Board from time to time and shall be uniformly charged to all Owners. All funds collected shall be paid to the Association.

**(e) Review of AECC Action by the Board.** The Owner of any Lot or Dwelling whose application to the AECC has been denied may, within sixty (60) days of such denial, appeal such denial to the Board. Such appeal shall be in writing and shall state all reasons why the AECC's decision was either erroneous as a matter of fact or arbitrary and capricious. At the next regular meeting of the Board, the Board shall consider the Owner's appeal and review the AECC's action. The Board shall either affirm the action of the AECC; refer the matter back to the AECC for further consideration; or determine that the action of the AECC was erroneous as a matter of fact or arbitrary and capricious, in which case the Board may direct that the application be granted. The action of the Board shall be final and binding.

**Section 2. Duties of the AECC.** The AECC shall approve or disapprove proposed improvements within sixty (60) days after all required information has been submitted to it. If AECC fails to approve or disapprove the proposed improvements within sixty (60) days, it shall provide the Owner with a written explanation of the reasons it has failed to act. In acting upon such applications, the AECC members may discuss and act on any such applications either at a regularly scheduled meeting or at a special meeting. Members of the AECC may attend such meetings in person or by telephone. One copy of the submitted material shall be retained by the AECC for its permanent file. All notifications to applicants shall be in writing and, in the event that such notification is one of disapproval, it shall specify the reason or reasons for such disapproval.

**Section 3. Composition of the AECC.** The AECC shall be comprised of not less than three (3) representatives who shall be appointed by the Board, and who shall be subject to removal by the Board at any time. The Board shall appoint at least one (1) architect, licensed engineer or building contractor to the AECC, if one is available. The majority of the members of the AECC shall also be Members of the Board. Any vacancies existing from time to time shall be filled by appointments made by the Board. The AECC, subject to the Board's approval, may engage such inspectors or agents to assist it in the performance of its duties and responsibilities. No member of the AECC shall participate in the review of any application in which the member has an interest either as an owner or as the provider of any services for which the member is compensated.

**Section 4. Liability of the AECC and the Association.** No approval of plans and specifications submitted by an Owner pursuant to this Article by the AECC or Board shall be construed as representing or implying that such plans and specifications shall, if followed, result in properly designed improvements. Such approvals shall in no event be construed as representing or guaranteeing that any Dwelling, Multifamily Structure, Dwelling Accessory Building, Structure, Driveway, Water Facility, Fence, Wall, or other Structure of any type or other improvement built in accordance therewith shall be built in a good and workmanlike manner. Neither the Association, the Board

nor the AECC shall be responsible or liable for any defects in any plans or specifications submitted, revised or approved pursuant to the terms of this Article, any loss or damages to any Natural Person or Legal Entity arising out of the approval or disapproval of any plans or specifications submitted, revised or approved pursuant to the terms of this Article, any loss or damages to any Natural Person or Legal Entity arising out of the approval or disapproval of any plans or specifications, any loss or damage arising from the non-compliance of such plans or specifications with any governmental ordinances and regulations, nor any defects in construction undertaken pursuant to such plans and specifications.

**Section 5. Duty of Inspection.** The AECC shall have the power and the right to inspect the work being performed to assure compliance with the applicable provisions of this Declaration and all applicable codes and regulations, and the approved drawings. Approval of plans or work by the AECC shall not be deemed to be a determination that the applicable codes and regulations have been satisfied.

**Section 6.** Left blank on purpose

**Section 7. Remedies for Un-Approved Additions and Alterations.** If an addition, alteration or improvement that requires AECC approval hereunder is made to a Dwelling or Lot by an Owner without the prior written approval of the AECC or Board, then the Association may, at the discretion of the Board and in addition to all other rights of enforcement provided to the Association as set forth in this Declaration, the Bylaws, rules and regulations or as provided at law or in equity, take any of the following actions:

- (a) Require the Owner to remove the addition, alteration, or improvement and restore the Dwelling and Lot to the condition that existed prior to the making of the addition, alteration or improvement, all at the Owner's expense; or
- (b) If the Owner refuses or fails to properly perform the work required under subsection (a) hereof, the Board may cause such work to be

done and may charge the Owner for the cost thereof as determined by the Board; or

- (c) Ratify the action taken by the Owner, and the Board may, but shall not be required to, condition such ratification upon the same conditions that it may impose upon the giving of its prior approval under this Article.

## **CONSTRUCTION PLANNING**

ACL has been professionally planned to provide residents a pleasant and relaxing environment in which to live. Throughout the planning and development process, attention has been given to preserving the natural beauty of the land. This care in planning, coupled with attention to quality and detail in the development process, places Apple Canyon Lake in a position to evolve as an aesthetically pleasing community. The degree to which this is achieved is very much dependent upon the attention Property Owners give to the design and sighting of their homes, as well as proper landscaping. Site planning and clearing should be accomplished, insofar as is feasible, in a manner which respects and preserves the existing natural trees, vegetation and land contours. It is important to secure the advice and services of a competent professional. The Covenants require that in advance of building, you submit your plans for review and approval by the AECC.

When planning construction, please keep in mind that Apple Canyon Lake is zoned by Jo Daviess County Illinois as a RP Planned Residential District. The Jo Daviess County Illinois Zoning Ordinance limits and regulates development at Apple Canyon Lake. In addition to ACL Permits, when applicable, proof of Jo Daviess County Health Department approval of the septic system design is required. Proof of Jo Daviess Planning and Development zoning and building permits is required. New Dwellings and attached garages require proof of review and approval by Scales Mound Fire Protection District. Thompson Road District requirements may also apply.

The AECC has a period of sixty days (after regularly scheduled AECC Meetings) in which to review and act on the plans. Plans shall be delivered to the Maintenance Department Office at Apple Canyon Lake together with the completed ACL application for building permit. Applicable fees will be charged upon approval of the permit. Checks shall be made payable to the Apple Canyon Lake Property Owners' Association (ACLPOA). Upon approval, the Building Inspector or AECC designee will notify the ACL Property Owner indicating AECC approval. In the event plans are not approved, revisions may be submitted at no additional charge.

The AECC will not consider the permit issued until a check for the fees has been submitted, and applicable Jo Daviess County, Scales Mound Fire Protection District and Thompson Township Road District permits are approved.

At crucial points in the construction process, the Building Inspector or AECC designee will make inspections. An initial inspection will be made after the building has been laid out and a silt fence has been installed before any actual construction is begun. At that time the property lines and structure locations must be established and staked by an Illinois licensed surveyor according to the approved plans. The owner or contractor is required to notify the Building Inspector or AECC designee, at the appropriate time for this inspection. The responsibility for conformance with the plans and the ACL Building Code rests with the Property Owner.

Work must begin within 180 days of issuance or the permit will be void. The exterior of the building(s) must be completed within one year of the issuance of the building permit.

The minimum ground floor living space of any Dwelling shall not be less than one thousand (1,000) square feet.

The house exterior must be harmonious with the surrounding environment. To accomplish this, consideration should be given to the existing natural topography as well as the design of neighboring homes. Building exteriors must be made of concrete, masonry, vinyl, brick, wood, log construction, or such other building materials as may be approved by the AECC. All exteriors must be painted, stained, or finished in colors that are compatible and harmonious with the natural setting and other buildings within the immediate area, as determined by the AECC.

Detached garages should be designed to conform to the main Dwelling. Garage doors should be of the overhead type. Driveways should be carefully located for practicality as well as overall aesthetic appearance.

As with all appurtenances, a fence should enhance, rather than detract from the overall appearance of the property. The use of rough-hewn woods or natural plantings as fencing and screening materials is encouraged.

Ground lighting fixtures should be carefully selected for compatibility. Such lighting should be subdued so as not to be objectionable to adjacent Property Owners. Utilize light fixtures that will illuminate the property without putting objectionable light on the neighbors' property or shine in their windows.

Erosion and sediment control measures are an essential part of structure construction. Environmental requirements are in The ACL Building Code because Apple Canyon Lake has steep slopes and erodible soil.

It is vital to the health of the Lake that erosion as well as nutrient and chemical runoff be minimized. Also, invasive species need to be avoided. For these reasons a 50-foot lakeshore buffer zone has been established. This Buffer Zone, exclusive of permitted amenities such as docks, boardwalks, and beach areas should be left as is or restored to native

vegetation as much as practical. When permitted by the AECC, due to the variations in slope, soils, and terrain, such items as terracing and retaining walls in conjunction with vegetation may be appropriate in some circumstances. All areas have their unique challenges and variation among properties is expected.

The ACL Conservation Commission maintains a list of prohibited plants as well as a non-exclusive list of preferable native vegetation plantings. Noxious weed control is expected. It is acknowledged that complete restoration is a long-term project and is expected to be ongoing and changing as new techniques become available.

All projects in the ACL Greenway shall be presented to and approved by Conservation Commission.

The AECC realizes that during construction it may be advantageous to make minor adjustments to approved plans. However, before any changes are made, it is the responsibility of the Property Owner to present any alterations to the AECC for approval by way of the Building Inspector or AECC designee.

For information, contact the

Apple Canyon Lake Building Inspector

12A352 S. Apple Canyon Road, Apple River, IL 61001.

Phone: 815-491-0900 Fax: 815-292-1107

Email: [buildinginspector@applecanyonlake.org](mailto:buildinginspector@applecanyonlake.org)



## **100     ACL BUILDING CODE**

**(References to the International Residential Code are in parenthesis.)**

### **101.1   BASIS OF THE ACL BUILDING CODE**

The International Residential Building Code For One- and Two-Family Dwellings (IRC) is adopted as the official building code of Jo Daviess County Illinois. The ACLPOA Board of Directors has adopted the IRC as adopted by Jo Daviess County Illinois as the official building code of Apple Canyon Lake with these amendments. This code shall be known and may be cited as the Apple Canyon Lake amendments to the IRC herein after referred to as "The ACL Building Code".

### **101.2   BUILDING INSPECTOR (R104)**

Building Inspector (or AECC designee) responsibilities shall include:

- A. Assist the AECC in the performance of its duties
  
- B. Review available data for project conflicts with existing septic systems
  
- C. Review the temporary erosion control plan
  
- E. Project Site inspections, including verifications of erosion control measures prior to construction
  
- F. Upon receipt of a building permit application, the Building Inspector or AECC designee shall review the project and shall

issue a determination as to its suitability as to its compliance with this Code to the AECC

G. Issue citations and stop work orders as described in this Code.

### **101.3 DEFINITIONS (R202)**

The following words, when used in this Code, shall have the following meanings according to governing document Amended and Restated Covenants and Restrictions for Apple Canyon Lake Property Owners' Association, Article I Definitions, Section 1 and Article II.

- A. *"ACL Building Code"* shall mean and refer to the Apple Canyon Lake Building and Environmental Code, as amended from time to time.
- B. *"Adjustment"* Signifies AECC written approval of a departure from an ACL Building Code standard or norm when specifically allowed for in the ACL Building Code.
- C. *"AECC"* See the Amended and Restated Declaration of Covenants and Restrictions for Apple Canyon Lake Property Owner's Association Article VII Architectural and Environmental Control Committee
- D. *"Article III"* See the Amended and Restated Declaration of Covenants and Restrictions for Apple Canyon Lake Property Owner's Association Article III General Restrictions.
- E. *"Building Height"* shall mean the vertical distance measured from the top of the foundation to the highest point of the roofline at the street facing elevation of a building.

- F. *“Building Line”* shall mean a setback line on a Lot that is established by the Governing Documents which denotes the Code required depth of a front, side, or rear yard.
- G. *“Driveway”* shall mean the surface area by which vehicles regularly enter and exit any Lot, whether paved or not.
- H. *“Dwelling”* shall mean any building located on any Lot or an individual living unit in a Multifamily Structure intended for the shelter and housing of a single family.
- I. *“Dwelling Accessory Building”* shall mean a subordinate building of a Dwelling, the use of which is incidental to the Dwelling and customary in connection with that use.
- J. *“Garage”* shall mean a Structure, either attached to a Dwelling or constructed as a separate Structure, designed and constructed for the primary purpose of storing motor vehicles, boats, or other items of personal property under the provisions belonging to the Owner or Occupant of the Dwelling.
- K. *“Ground Floor Area”* shall mean the Living Space in that story of the Dwelling which is the first story entirely above the established building grade at the building front.
- L. *“Hardship”* Special or specified circumstances that partially or fully exempt a person from performance of a legal obligation to avoid an unreasonable or disproportionate burden or obstacle. Compliance requires action of significant difficulty. The alleged hardship cannot be self-created. Expense is not considered as grounds for a variance.
- M. *“Living Space”* Heated enclosed space within a Dwelling Unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes. Living space does not include basement, garage space, three season room, attic, deck, patio, crawl space, breezeway, etc. No areas with less than 7’-8”

headroom shall be included in the minimum required living space.

- N. “*Lot*” also known as Unit, shall mean any numbered parcel of land, or any separately identified condominium unit, in any subdivision as shown on any plat of The Properties recorded under the provisions of Article II, but not including any of the Common Properties or Reserved Properties.
- O. “*Lot Area*” shall mean the area of a horizontal plane bounded by the vertical planes through front, side, and rear Lot Lines.
- P. “*Lot Line*” shall mean any legal boundary of a Lot as shown on a plat of survey prepared by an Illinois licensed surveyor.
- Q. “*Occupant*” shall mean any person authorized by the Owner to occupy a Dwelling for any period of time, whether with the Owner or alone, or whether as a guest of the Owner or as a tenant. Occupants shall be bound by all of the obligations of this Declaration, the Bylaws, and all Rules and Regulations adopted by the Association.
- R. “*Recreational Vehicle*” shall mean and refer to a motor vehicle or trailer equipped with living space and amenities typically found in a residential living unit including, but not limited to, a motor home.
- S. “*Structure*” shall mean anything erected or constructed the use of which requires more or less permanent location on or in the ground or attached to something having a permanent location on or in the ground.
- T. “*Trailer*” shall mean and refer to a transport vehicle designed to be towed by a motorized vehicle.
- U. “*Unsafe building or structure*” The term unsafe building or structure shall apply to buildings or structures or portions thereof, with or without an AECC permit existing prior to January 1, 2000 or after or hereafter erected as follows:

1. Those deemed by an agent of the AECC to be structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, constituting a fire hazard, unsuitable or improper for the use or occupancy to which they are put, constituting a hazard of health or safety because of inadequate maintenance, dilapidation, or abandonment, or otherwise dangerous to life or property.
2. Vacant buildings or structures or portions thereof deemed to constitute a hazard.

V. *“Variance”* An official AECC permit to do something normally forbidden by the ACL Building Code when the literal application thereof would result in unnecessary Hardship or where there are practical difficulties preventing compliance. Granting the variance shall not alter the essential character of the locality.

W. *“Water Facility”* shall mean any pier, gangway, dock, boat lift, or related facility. A boat house shall not be a “Water Facility” and shall be deemed to be a Dwelling Accessory Building.

## **102 PERMITS (R105)**

### **102.1 PERMIT REQUIRED**

- A. Except for shoreline stabilization or watershed projects as prior approved by the AECC, no Detached Garage, Dwelling Accessory Building, Patio, Deck, Fence, Water Facility or any other type of Structure shall be erected on or under a lot PRIOR to construction of a Dwelling on the lot. The structures may be erected WITH the Dwelling.
- B. Prior approval in writing by the AECC must be obtained before the start of construction, alteration and improvements to a Lot. It shall be a violation to commence the construction, addition,

alteration, removal or demolition of a structure without first filing an application in writing with the AECC and obtaining a formal Building Permit.

- C. All structures, additions, alterations and improvements such as the Dwelling, Detached Garage, Dwelling Accessory Building, Driveway, Demolition, Exterior Remodeling, Septic System, Patio, Deck, Fence, Water Facility or any other type of Structure on or under a lot are subject to the ACL Building Code.
- D. No Structure shall be erected, re-erected or maintained on any Lot, except one Dwelling designed for occupancy by a single family, which may include an attached Garage as well as one detached Garage, Dwelling Accessory Buildings (as permitted), and Water Facilities. All such shall be for the sole use of the Owners and Occupants of the Dwelling.
- E. No Dwelling, Dwelling Accessory Building, Detached Garage, or any type of Structure may be erected except in such manner and location as provided in the Amended and Restated Declaration of Covenants and Restrictions for Apple Canyon Lake Property Owners' Association, the ACL Building Code and as approved in writing by the AECC.
- F. After written building permit application, the AECC may allow a property owner a variance to the ACL Building Code without the consent of property owners of other lots or adjoining or adjacent property to deviate from any of the items set forth in this ACL Building Code for reasons of practical difficulties or particular hardships evidenced by the property owner. Any such variance, which shall be manifested by written building permit,

shall not establish a precedent and shall not constitute a waiver of any such code requirement as to other Lots in The Properties.

G. Any Lot which is designated in any of the documents identified on Exhibit A is intended as a Lot and shall be used for Single Family Dwelling residence purposes only. All structures shall be for the sole use of the property owners of the Dwelling. No Structure, except as specifically authorized elsewhere in this Code and in the Amended and Restated Declaration of Covenants and Restrictions for Apple Canyon Lake Property Owners' Association Article III General Restrictions, shall be erected, re-erected or maintained on any Lot except

1. One Dwelling containing no less than 1,000 square feet of ground floor living space designed for Single Family occupancy. The structure may include an attached garage and other non-living space appropriate to a Dwelling
2. One private Detached Garage as permitted containing no more than 1,100 square feet for the sole use of the property owner of the Dwelling constructed with or after but not before the Dwelling. The detached garage footprint shall not be larger than the Dwelling's ground floor living space footprint
3. Detached accessory building, patio, deck, landscape, retaining wall, driveway and water facilities as permitted constructed with or after but not before the Dwelling

H. Any partitioning, subdivision or remodeling of any residential interior area requires an ACL Building Permit, as well as

verification that the existing septic system remains adequate. Inadequate septic system designs shall be enlarged as required to meet Jo Daviess County Health Department and ACL Building Code Standards.

- I. Ground lighting fixtures, antennas, solar panels, flag poles or similar devices that are not a part of a Dwelling at time of Dwelling construction require a separate building permit.
- J. No activity in the opinion of the AECC which significantly changes the existing topographic character of the land shall be commenced without first seeking approval of the AECC. This includes any grading, filling, moving, and shaping of the terrain and alterations of natural watersheds. Seeding and planting activities that do not alter the existing ground contours (as defined in Section 126 of this code, Landscaping/Grading) may be exempt if proper erosion control is implemented.

## **102.2 WATER SUPPLY AND SEWAGE TREATMENT**

- A. All plumbing fixtures, dishwashers, toilets or sewage disposal systems shall be connected to a septic tank system constructed by the Owner and approved by the AECC and by any state, county or municipal authority having jurisdiction.
- B. No permit may be considered to be issued until satisfactory proof has been submitted that Jo Daviess County Health Department approved water supply and sewage treatment facilities are or will be utilized.



### **102.3 CONTINUATION OF PERMIT**

Where no work has been started within one hundred eighty (180) days after the issuance of a permit, such permit shall be void. Exterior work must be completed within three hundred sixty-five (365) days after the issuance of a permit or the permit shall be void. A new permit must be obtained before any work may begin or resume. A fee according to the ACLPOA fee schedule shall be charged for the issuance of the new permit.

A permit may not be transferred by the person to whom it is issued, to another person, without the written approval of the AECC.

### **102.4 RECORDED PROPERTY**

At the time of applying for a permit for the erection of, alteration of, additions to, or moving of any building or structure, all lot corner posts and structure setbacks must be located and flagged by a surveyor licensed by the State of Illinois to show the boundaries of the lot and the position to be occupied by the proposed building, or by the structure to be altered or added to, or structures to be moved thereon, and the position of any structure or structures that may be on the lot. Before commencing construction, a silt fence must be placed and maintained until the property has been seeded and restored to prevent erosion and encroachment on adjoining properties.

When clearing a lot prior to house construction, the owner or agent must have a licensed surveyor locate and flag all lot stakes before any clearing may take place; and must clearly identify any association property that is adjacent to the lot. After clearing, the owner or agent must immediately seed and mulch the property to

prevent erosion. The time of clearing is subject to prior approval of the ACL Building Inspector or AECC designee.

#### **102.5 GPS – AS BUILT MAP**

In all new construction, a Global Positioning System (GPS) - as built map is required at the cost of the Property Owner. The map shall show the location of the house, buried utilities, onsite septic system elements, garage or other accessory structures, driveway, LP tank, and any other below or above ground improvement. A permanent site drawing map shall become a part of the Association records.

#### **102.6 APPLICATION FORM**

An application for a permit shall be submitted in such form as the AECC may prescribe. Such application shall contain proof of ownership and the full names of the applicant's and of the owner, and, if the owner is a corporate body, of its responsible officer. The application shall also briefly describe the proposed work and shall give such additional information as may be required by the AECC for an intelligent understanding of the proposed work.

#### **102.7 THOSE AUTHORIZED TO MAKE APPLICATION**

Application shall be made by the owner or agent of the owner or the architect, engineer or builder employed in connection with the purposed work. It is the sole responsibility of the Property Owner to ensure that all required permits have been obtained and the work is accordingly constructed.

## **103 THE PLAN REQUIREMENTS (R106)**

### **103.1 PERMIT APPLICATION**

A permit application available from the Association Office, Building Inspector or AECC designee is required for any and all construction. An application requires the following items:

- A. Completed ACLPOA permit application with all applicable blanks filled to the satisfaction of the AECC.
  
- B. Two sets of Sanitary System plans, drawn to scale showing setbacks, side lines and dimensioned according to restrictions, all prepared by licensed professional engineers, licensed to practice in the State of Illinois. Any design must have prior approval and a valid permit number from the Jo Daviess County Health Department. The Jo Daviess County code may be more or less stringent than that of Apple Canyon Lake. In such a case, the Jo Daviess County permit does not insure approval under requirements of this code.
  
- C. Two sets of Site Plans as per Code Section 102. This information may be included in the complete set of construction drawings as noted below. Such plans shall include plot plans showing the location of all improvements existing upon said Lot and the dimensioned location of the improvement proposed to be constructed or placed upon said Lot, each properly and clearly designated; said plans shall also show the building setback and easement lines.
  
- D. Two sets of the Construction Documents and Specifications as per Code Section 102, be it Dwelling, garage, accessory building or water facility construction. Such plans shall set

forth size, shape, materials, structure, room square footages, the color and composition of all exterior materials proposed to be used, together with any other material or information which the AECC may require to show Code compliance.

- E. A check made out to the ACLPOA covering Board of Director approved fees.
- F. If required, Environmental Debris Bond check also made out to the ACLPOA.
- G. Water Tap Fee. This fee is sent directly to the water utility.
- H. Culvert Permit. This fee is sent directly to:  
Thompson Township, Road District Office; Phone: 815-845-2391

## **103.2 INFORMATION REQUIRED**

- A. The Architectural Drawings shall comply with the construction document section of the International Residential Code For One- and Two-Family Dwellings as currently adopted by Jo Daviess County, Illinois as amended by The ACL Building Code. It is the responsibility of the Property Owner to be sure the contractor obtains the necessary permits from the Jo Daviess County Planning and Development Department, the Jo Daviess County Health Department, and if applicable, Thompson Township Road District and the Scales Mound Fire Protection District before the ACL Building Permit will be considered issued.
- B. Building Plans shall be at a scale of 1/4" per foot and shall include floor plans, all exterior elevations, and cross sections as required to indicate the construction of the building(s).

Elevations shall show the building heights along with the relationship of existing and proposed grades. Size and spacing of all structural elements shall be identified. A complete description of all exterior materials shall be included. Samples of exterior materials including textures and colors shall be submitted with the application.

C. Also required is a detailed Site Plan at a scale of at least 20 feet per inch (1"=20'). The site plan shall show property lines, set back lines, the position of all buildings on the property as well as all improved walkways, retaining walls, patios, lighting, decks, fences, above or below ground fuel tanks, utility lines, easements, drives, parking areas, water features, silt fence and the size and location of the elements of the septic system.

### **103.3 CONSTRUCTION PLANS**

In all construction work for which a permit is required, the approval and stamped drawings and plans shall be kept on file at the construction site while the work is in progress.

### **103.4 ALTERATION OF PLANS**

If, during the progress of the execution of the permitted work, it is desired to deviate in any manner affecting the construction or other essentials of the building from the terms of the application or drawing, notice of such intention to alter or deviate shall be given to the Building Inspector or AECC designee. An amended plan showing alteration or deviation may be required to be submitted to the Building Inspector or AECC designee for AECC approval, and written consent shall be obtained before such alteration or deviation shall be made.

## **103.5 DEMOLITION**

- A. A permit is required in the case of demolition. The plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain. Guidelines of ACL Building Code 102.4 must be followed.
- B. Details and methods used for demolition and removal including noise, debris and smoke developed shall be included.
- C. Any foundation, concrete or otherwise, must be removed. Septic tanks must be pumped and either removed or crushed.
- D. The lot must be leveled, graded and seeded with 30 days of demolition. The installation of a silt fence may be required by the Building Inspector or AECC designee.

## **103.6 CONSTRUCTION DEBRIS**

- A. No construction debris will be accepted by or left at the Apple Canyon Lake Recycling Center.
- B. No debris from construction at Apple Canyon Lake shall be left on the job site overnight, excluding construction materials which are partially used and may be reused. The contractor will either remove the debris at the end of each day or place a dumpster on the site to hold the debris.
- C. In order to ensure compliance with the above, a \$500.00 refundable environmental debris bond deposit will be required at the time of applying for a permit. Failure to comply will result in the Building Inspector or AECC designee issuing one

warning. Upon issuance of a citation after the initial warning the \$500.00 debris bond shall be forfeited. In addition, a "STOP WORK ORDER" will be issued until compliance is assured and another bond is re-deposited.

D. Because of the implied hazard of burning treated lumber or other materials or unknown content, no construction materials will be burned on Apple Canyon Lake property.

### **103.7 APPROVAL OF PERMIT IN PART**

Nothing in this code shall be construed to prevent the AECC from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, provided adequate information and detailed statements have been submitted for the same and have been found to comply with this ACL Building Code.

## **104 LOT**

Lot, also known as Unit, shall mean any numbered parcel of land, or any separately identified condominium unit, in any subdivision as shown on any plat of The Properties recorded under the provisions of Article II, but not including any of the Common Properties or Reserved Properties.

### **104.1 REDUCING OR DIMINISHING LOT AREA**

It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot plan has been filed and has been used as the basis for a permit, unless a revised plot plan showing the proposed

changes in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

## **104.2 LOT COMBINATION AGREEMENT**

- A. Any two or more numbered lots may be combined by the property owner provided that any Lot combination must be done by written agreement.
- B. The AECC must review all lot combination agreements and may recommend approval to the Board of Directors.
- C. The lot combination agreement may then be approved by the Board of Directors.
- D. The lot combination may then be recorded with the Jo Daviess County Clerk/Recorder.
- E. After the lot combination agreement is approved by both the AECC and the ACL Board of Directors and is then recorded with the Jo Daviess County Clerk/Recorder, the Property Owner may make improvements to both lots subject to the ACL Building and Environmental Code. Provided further that any numbered Lots that are combined shall still be treated as separate Lots for purposes of assessments charged by the Association with each combined Lot continuing to be assessed a separate assessment as if no combination had taken place.
- F. Lots do not need to be adjacent to be combined.



G. Any lot that is combined with another that is not contiguous and adjacent may only be used for a septic system that is approved by the Jo Daviess County Health Department.

H. Any lot that is combined with another that is not contiguous and adjacent may not have any other improvements except a septic system. This means no buildings, structures or storage whether permanent or temporary above or below ground.

### **104.3 UTILITY EASEMENTS**

A. Utility Easements are reserved to install, lay, construct, renew, operate and maintain utility pipes and conduits and underground equipment for the purpose of serving The Properties with telephone, electric, water and other utility services. Any trees or bushes that interfere or threaten to interfere with any such use or right may be cut down and removed.

B. No Structure or trees shall be placed upon said easement except that said easement may be used for gardens, shrubs, landscaping or other purposes which do not at any time interfere with the uses and rights of the easement.

## **105 UNSAFE BUILDING OR STRUCTURE**

### **105.1 REMOVAL OR MADE SAFE**

When a building, structure or site element or any portion thereof is found unsafe upon inspection by the Building Inspector or AECC designee as per 101.3 of this ACL Building Code the AECC shall order such building or structure or any portion thereof to be made safe and secured or taken down and removed.

## **105.2 RESTORATION OF UNSAFE BUILDING OR STRUCTURE**

A building or structure or part thereof declared unsafe by the AECC may be restored to safe condition, and if reconstructed or restored, shall be made to conform with respect to materials and type of construction to the requirements of this ACL Building Code; but no change of use or occupancy shall be compelled by reason of such reconstruction or restoration.

## **105.3 NOTICE OF UNSAFE BUILDINGS OR STRUCTURES**

Upon determining that a building or structure or portion thereof is unsafe, the AECC shall serve or cause to be served on the owner or some one of the owners, executors, administrators, agents, or other persons who may have a vested or contingent interest in the same, a written notice containing a description of the building or structure or portion thereof which has been declared unsafe, and an order requiring the same to be made safe and secure or removed, as may be deemed necessary. If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice and order shall be sent by certified or registered mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.

## **105.4 DISREGARD OF UNSAFE NOTICE**

If the person served with a notice or order to remove or repair an unsafe building or structure or portion thereof should fail, within a reasonable time, to comply with the requirements thereof, the AECC shall advise the ACLPOA Board of Directors of all the facts

in the case who may institute an appropriate action in the courts to compel compliance.

### **105.5 EMERGENCY WORK**

In case there shall be, in the opinion of the AECC, actual immediate danger of failure or collapse of a building or structure or portion thereof so as to endanger life or property, the AECC shall employ such labor and cause the necessary work to be done and render said building or structure or portion thereof, temporarily safe, at the cost of the Property Owner whether the procedure prescribed in this section has been instituted or not.

### **105.6 VACATING UNSAFE BUILDINGS AND CLOSING STREETS**

When a building or structure or portion thereof is in an unsafe condition so that health, safety or welfare is endangered thereby, the AECC may order and require the occupants to vacate the same forthwith. The AECC may, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to such building or structure and prohibit the same from being used.

### **105.7 RECOVERY COSTS**

The ACLPOA may institute proper action against the owner of premises for the recovery of costs incurred in the performance of emergency work.

## **106 VIOLATIONS (R113)**

### **106.1 ENFORCEMENT – PENALTIES**

If an addition, alteration or improvement that requires AECC approval is made to a Dwelling or Lot by an Owner without the prior written approval of the AECC, the AECC may, at the discretion of the Board and in addition to all other rights of enforcement provided to the Association as set forth in the Declaration of Covenants and Restrictions, the By-Laws, rules and regulations or as provided at law or in equity, take any of the following actions:

- A. Require the Owner to remove the addition, alteration or improvement and restore the Dwelling and Lot to the condition that existed prior to the making of the addition, alteration or improvement, all at the Owner's expense; or
- B. If the Owner refuses or fails to properly perform the work required under subsection (A.) above, the Board may cause such work to be done and may charge the Owner for the cost of the work as determined by the Board; or
- C. Ratify the action taken by the Owner, and the Board may, but shall not be required to, condition such ratification upon the same conditions that it may impose upon the giving of its prior approval.

### **106.2 STOPPING WORK**

Whenever in the opinion of the AECC, by reason of:

- A. defective or illegal work in violation of a provision or requirement of this code or the governing documents

- B. the continuance of a building operation is contrary to the building permit
- C. the discovery of new construction contrary to the building permit
- D. continuance of a building operation is contrary to public health, safety or welfare

the Building Inspector or AECC designee shall issue a Stop Work Order, in writing, requiring all construction work to be stopped and require suspension of all further construction work until the condition in violation has been demolished or corrected.

## **107 BUILDING AND ENVIRONMENTAL CODE VIOLATION**

### **107.1 PROCEDURE, APPEAL AND FINE**

- A. Upon the report of a code or building permit violation by the Building Inspector or AECC designee, the AECC may direct that a letter of notice shall be sent to the Property Owner, or party responsible (hereinafter sometimes referred to as “violator”), informing that person that a violation has been observed and stating that a response is expected within ten (10) business days of the date of the letter. A time frame, acceptable to the AECC, for correction of the violation is to be provided at this time. The Building Inspector or AECC designee shall monitor the progress and work with the owner to correct the violation and determine if and when a citation is issued.
- B. In the event no timely response is received, or the violation is not corrected, a final notice of violation (citation) will be issued in writing which requires the violator to correct the violation and pay the fine as indicated in this Code or file an appeal with the ACL Appeals Board.

C. Fines shall be assessed, starting from the date the violation was discovered up to the date that proper application or compliance is made to the AECC as to the amounts and timing, as follows:

1. \$25.00 per day for each non-safety code violation or property maintenance violation.
2. \$100.00 per day for safety code, erosion control or pollution violations. Including but not limited to improper silt fence, blowing/dumping debris in the lake, construction debris not being contained, etc.
3. Flat Fee Fine Schedule Summary
  - a. \$2,500.00 fine for working within the 100' shoreline setback without a building permit approved by the AECC.
  - b. \$1,000.00 fine for not following the specific requirements of a variation or not building in accordance to the approved permitted plans.
  - c. \$1,000.00 fine per tree for removal of trees within 50' of the water without obtaining a permit and approval from the AECC

## **108 NONCONFORMING USES**

### **108.1 LEGAL NONCONFORMING**

A. Any new Structure built upon a Lot after the effective date of this Code is subject to the restrictions contained in Article III

and the current applicable building codes. All permitted existing nonconforming building structures built PRIOR to January 1, 2000 are exempt from the requirements stated in this ACL Building Code in accordance with Article III and may be continued subject to the regulations which follow.

- B. All existing nonconforming structures built WITHOUT a written permit issued by the AECC on or after January 1, 2000 are NOT exempt from the requirements stated in the current ACL Building Code in accordance with Article III and must be fully brought into compliance when new work is done unless approved in writing by the AECC.
- C. All existing nonconforming structures built according to a written permit issued by the AECC on or after January 1, 2000 are exempt from the requirements stated in the ACL Building Code in accordance with Article III; provided, however:
  - 1. Minor repairs and routine maintenance may be made on a previously permitted non-conforming building or structure, provided that it does not change its use or increase the size or volume of the building or structure. Major repair work must be approved by the AECC with a new permit and it is to be brought into conformance with the ACL Building Code
  - 2. If any exempt nonconforming Dwelling, Dwelling Accessory Building, Garage or other Structure is seventy-five percent (75%) or more destroyed and is being reconstructed, restored or replaced it shall, when completed, be in conformance with the requirements of Article III and the current applicable building codes.

## **109 OFF-SITE CONSTRUCTION (R301)**

### **109.1 REQUIREMENTS**

Manufactured and mobile homes are not considered to be a Dwelling. Off-site construction of components, sections, modules and buildings is permitted for installation within Apple Canyon Lake if the following criteria have been met.

- A. Jo Daviess County Illinois permits are issued.
  
- B. The manufacturer submits detailed plans and specifications for each component of the total assembly in accordance with the section concerning information for permit application.
  
- C. The manufacturer shall provide a certificate that the approved plans were followed.
  
- D. The manufacturer agrees upon request to open wall sections or other concealed areas as necessary for inspection on the site.
  
- E. Dwelling must carry the *Modular Seal State of Illinois*.

## **110 CONSTRUCTION AND SETBACK REQUIREMENTS**

### **110.1 FLOOR AREA (R501)**

The minimum total living space of the Dwelling may be no less than one thousand (1,000) gross square feet as defined in the Building Code 101.4 Definitions. Minimum total living space does not include the garage and other non-living space. The ground floor area of any Dwelling shall be the first floor. The first floor shall



be entirely above the highest adjacent grade. Earth sheltered or below grade Dwellings are not permitted, although this does not preclude sloping backfill against first floor walls less than 3' above floor level.

## **110.2 BUILDING HEIGHT**

No Dwelling shall be erected which has a building height of more than thirty-five (35) feet measured from the top of the foundation to the highest roof ridge line as viewed from the street(s). No detached Dwelling Accessory Building, Garage, or other Structure shall exceed seventeen (17') feet in height unless approved in writing by the AECC. The side wall of a detached Dwelling Accessory Building such as a garage shall not exceed twelve feet (12') in height unless approved in writing by the AECC.

## **110.3 BUILDING LINES**

- A. Front setback is 27 feet from the property line adjacent to any street. This would include both streets on a corner lot.
  
- B. Side and rear setback is 10 feet from side and rear lot line.
  
- C. Lakefront setback is measured 100 feet horizontal from any portion of the lake shoreline as established at pool level elevation of eight hundred feet (800') regardless of the survey pin locations of the lot or intervening greenway space between the lot and the lake shoreline.

## **110.4 LOCATION ON LOT (R302)**

- A. Every Dwelling, Garage, Dwelling Accessory Building or other Structure, including any roof overhang, shall be a

minimum of twenty-seven (27) feet from the front Lot Line. For corner lots this twenty-seven (27) foot setback shall be applicable to all sides of the Lot which face the street right of way.

- B. Dwellings, Garages, Dwelling Accessory Buildings or other Structures including any roof overhang, and decks and porches attached thereto shall at minimum be set back ten (10) feet from the side and rear lot line.
  
- C. All Dwellings, Dwelling Accessory Buildings, Garages, attached decks and patios and sanitary systems constructed on any Lot must be not less than one hundred (100) feet from any existing lake edge as established at pool level of eight hundred (800) feet above mean sea level, regardless of the survey pin locations of the lot or intervening greenway space between the lot and the lake shoreline.
  
- D. No part of a septic system shall encroach into the setbacks.
  
- E. Driveways, boardwalks, gangways, decks, patios and retaining walls may encroach into the setbacks with written AECC approval.

#### **110.5 ROOF PITCH (701.2A)**

Roof pitch on the main structure of all buildings shall not be less than 4:12 (4" rise in 12" of run). This does not include shed roofs, dormers or any secondary roof structure.

## **110.6 LOT COVERAGE**

Not more than thirty percent (30%) of the area of a Lot may be occupied by buildings and structures, including but not limited to a Dwelling, Dwelling Accessory Buildings, Garages and impervious driveways.

## **110.7 DRIVEWAY**

A. Before any driveway is constructed or reconstructed, plans and specifications describing such work shall be submitted to the AECC. Driveways shall be located and installed as approved in writing by the AECC.

B. Culverts and work in the right-of-way must be approved in writing by Thompson Township.

## **110.8 WATER FACILITY**

No Water Facility may be built or maintained on any Lot without the prior written approval of the AECC. In its discretion the AECC may approve, prohibit or limit the construction or maintenance or location of any Water Facility and the use thereof. Each Owner shall be responsible for keeping any Water Facility located on his or her Lot in good condition and repair. Any Water Facility that is not maintained in good condition and repair shall be removed from The Properties by the Owner, at the Owner's sole expense, following written notice from the AECC.

## **110.9 TEMPORARY STRUCTURES**

No trailer, vehicle, basement of an incomplete building, tent, shack, accessory building, garage, or temporary building or structure of any kind shall be used at any time as a Dwelling,

either temporary or permanent. Temporary buildings or structures used during any construction, including repair, remodeling or renovation on any Lot, shall be on the same Lot where the construction is being performed, unless the prior written approval of another location is granted by the AECC. All temporary structures shall be removed upon completion of construction.

## **110.10 QUALITY OF ALL STRUCTURES**

- A. Dwellings, Dwelling Accessory Buildings and Garages shall be of a quality of design, workmanship and materials which are compatible and harmonious with the natural setting of the area and the other structures within Apple Canyon Lake.
  
- B. All exteriors must be in colors that are compatible and harmonious with the natural setting and other buildings within Apple Canyon Lake, as determined by the AECC.
  
- C. Manufactured and mobile homes are not considered to be a Dwelling.

## **111 CONNECTION TO WATER SYSTEMS (CH. 25)**

A common water system has been installed to serve the Property Owners in place of individual wells. No individual wells may be drilled on any lot served by the common water system. It will be necessary for the property owner to file an application with the water utility company in order for the contractor to tap-in to the water system.

## **112 GARAGES (R309)**

### **112.1 GARAGE PARKING SPACES - Attached/Detached**

- A. A private garage may contain no more than four parking spaces for the sole use of the owners or occupants of the Dwelling.
- B. The maximum parking space size is 225 square feet
- C. If approved in writing by the AECC, a Detached Garage may have up to a maximum gross square footage of eleven hundred (1,100) sf. However, the gross square footage of a detached garage shall be smaller than the gross square footage of the Living Space on the ground floor of the Dwelling.

### **112.2 GARAGE LIVING SPACE - Attached/Detached**

- A. No Living Space shall be constructed or maintained in any attached or detached Garage.
- B. No Living Space shall be constructed or maintained in the space above any detached Garage without prior written approval by the AECC.
- C. Any such Living Space shall be for the sole use of the Dwelling Owner or Occupants.
- D. Any such Living Space shall not be rented separately from the rental or occupancy of the Dwelling

E. Water and septic systems shall be installed as approved by the Jo Daviess County Health Department

### **112.3 GARAGE CONSTRUCTION- Attached/Detached**

#### **A. Attached and Built-in Garages**

1. Construction same as required for the Dwelling.
2. If there is a door opening between garage and Dwelling a 1-3/4" self-closing door is required.
3. Installation of house heating unit or other fuel burning appliance in garage space is not permitted. Install 1-hour fire rated partition between space containing house heating unit and garage space.
4. Wood frame walls and doors common to Dwelling and garage. Finish on garage side to be a minimum 1-hour (5/8 gypsum board) fire-resistive construction. Where rooms occur over garage, ceiling and all walls shall be a minimum 1-hour (5/8 gypsum board) fire-resistive construction.

#### **B. One-Story Detached Garages**

1. Comply with construction requirements for one-story Dwellings with the following exceptions:
  - a. Bottom of concrete footings or supporting edges of concrete slab not less than 12" below natural grade, for frame garages.

- b. Studs, maximum spacing 24" O.C. Doubling of studs not required on jambs or openings less than 3' 5" wide.
- c. Sheathing and building paper may be omitted.
- d. Corner post may be two 2" X 4", or a 4" X 4".
- e. Top plate may be single, provided rafters occur over studs and plate at corners is lapped to provide tie.
- f. Rafter ties at eaves not less than 2" X 4", maximum spacing 6 ft. O.C.
- g. Corner bracing is required, except where wood sheathing is used, and may be applied on the inside surface of studs.
- h. Flooring shall be concrete. Floor drain in compliance with Jo Daviess County Illinois requirements.

## **113 EXTERIOR MAINTENANCE (IPMC301)**

- A. Property Owners shall maintain their property in accordance with International Property Maintenance Code (Jo Daviess County Illinois adopted as amended) - Chapter 3
- B. No items may be temporarily or permanently stored on a vacant Lot. Items include but not limited to, structures, vehicles, equipment, boats, trailers, campers, recreational items, building materials, firewood or any other similar items.

C. Violators are subject to a fine upon citation by the Building Inspector or AECC designee until removal is confirmed by the Building Inspector or AECC designee.

## **114 LIQUID PROPANE TANKS (NFPA58)**

### **114.1 ABOVE GROUND LP TANKS**

- A. The unburied LP Tank will be placed away from street view
- B. The LP Tank location will comply with the required 10' setback from the side and rear property lines and will comply with NFPA 58 Separation Distances from Buildings illustrated in Figure 1.1(b) Aboveground ASME Containers
- C. The propane tank shall not encroach on or over the setback line, septic system or other utility lines
- D. The above ground propane tank shall be screened from street and adjacent lot view by an AECC approved method. Screening materials for the enclosure of the tank shall be rot-resistant solid screening and be compatible with the adjacent Dwelling's siding. Lattice screening is not permitted. The structure shall be constructed to provide a minimum twelve (12) inch clearance on all sides of the tank and the top must be open and unobstructed. For ventilation purposes an eight (8) inch space between the ground and the screening material shall be provided. A thirty-six (36) inch wide gate must be placed at the closest point to the filling area if the tank is screened on four (4) sides. Evergreens may be planted around the enclosure.



E. Propane tanks must be placed in accordance with NFPA 58 Liquefied Petroleum Gas Code and Jo Daviess County Code requirements.

## **114.2 BURIED LP TANKS**

A. Propane tanks for all totally new Dwelling construction must be buried beginning January 1, 2010 unless approved in writing by the AECC for reasons of hardship.

B. Propane tanks must be placed and buried in accordance with NFPA 58 Liquefied Petroleum Gas Code and Jo Daviess County Code Title 7 Building Regulations Chapter 10 Underground Petroleum Containers and conform to the recommendations of NFPA 58 Annex K.

C. Buried propane tanks shall be routinely inspected for soundness by the propane gas supplier at least every 3 years.

## **115 SIGNAGE**

Apple Canyon Lake homeowners are required to comply with Chapter 8 of the Jo Daviess County Ordinance which refers to the uniform numbering of buildings in the unincorporated areas of the County. Prior to new home construction on a vacant lot, it shall be the responsibility of the Property Owner to notify Jo Daviess County of intent to build and request the installation of 911 signage.

## **116 SEPARABILITY**

It is hereby declared to be the intention of the Apple Canyon Lake Association Board of Directors that the several provisions of this comprehensive code are separable, and if any court of competent jurisdiction shall adjudge any provision of this comprehensive code to be invalid, such judgment shall not affect any other provisions of this comprehensive code not specifically included in said judgment.

## **117 PATIOS, DECKS, SWIMMING POOLS AND BOARDWALKS**

### **117.1 PATIOS**

A patio is an exterior, land-based floor system, constructed of concrete, stone or brick pavers. Patios smaller than 64 square feet are exempt from permitting, unless the horizontal surface is more than 24 inches above grade at any point. Patios must comply with the building setbacks (see 110.3 BUILDING LINES) and must be approved in writing by the AECC prior to construction. Driveways are excluded from patios.

### **117.2 DECKS**

A deck is an exterior, land-based floor system, constructed of wood, or similar, and may include railings and/or benches. Decks must comply with the building setbacks (see 110.3 BUILDING LINES and 110.4 LOCATION ON LOT), and must be permitted, and approved in writing by the AECC prior to construction.

### **117.3 ATTACHED DECK OR PATIO**

An attached deck or patio is one that is within 1 foot of the Dwelling.

### **117.4 DETACHED DECK OR PATIO**

- A. A detached deck or patio is a deck or patio that is not within 1 foot of the Dwelling
- B. A detached deck or patio NOT within the 100' lake front set back
  - a. Only one detached deck, and one detached patio are allowed unless approved in writing by the AECC.
  - b. Each may not exceed 600 square feet
  - c. Any side may not exceed 25 feet in length
- C. A detached deck or patio within the 100' lake front set back
  - a. Only one detached deck, and one detached patio are allowed unless approved in writing by the AECC.
  - b. Each or in combination may not exceed 600 square feet
  - c. Any side may not exceed 25 feet in length

### **117.5 OUTDOOR POOLS, SWIMMING POOLS, HOT TUBS, SPAS**

- A. An outdoor Pool used for landscaping, swimming, hot tub, spa or bathing shall conform to the requirements of IRC Chapter 42 Appendix G and this section provided that these regulations shall not be applicable to any such pool less than 24 inches deep, except when such pools are equipped with a water re-circulating system or involve structural materials. Pool depth is

the distance between the pool floor and the top of the perimeter wall or perimeter overflow system lip. A pool and its equipment shall not encroach on or over setback areas without written AECC approval. Accompanying decks and patios shall comply with Section 117 of this Code.

- B. Wading pools as defined are exempt. Wading Pool means a pool intended only for small children. It is not used for swimming or instruction in swimming. The maximum depth is less than 24 inches. The structure is not permanent. It is not located on a vacant lot.
  
- C. An outdoor pool and supporting assemblies shall not be constructed, installed, enlarged or altered without written approval by the AECC. The approval of authorities having jurisdiction over pools shall be obtained prior to receiving a permit from the AECC. Copies of the approvals shall be filed as part of the supporting data for the permit application. Plans showing dimensions, colors, equipment, fixed accessories and construction materials and distance to property lot lines, buildings, walks, fences, wastewater treatment systems, as well as details of the water supply system, drainage and disposal systems. Detailed plans of structures, vertical elevations and sections through the pool showing depth shall be included.
  
- D. During construction of a pool, the permanent, or a temporary enclosure without any openings except for a gate, shall be in place prior to any water being placed in a pool designed to contain 24 inches or more of water in depth at any point. The temporary enclosure method must be approved by the Building Inspector or designated representative.

- E. An outdoor pool designed to contain 24 inches or more of water in depth at any point, shall be permanently protected by a gated enclosure surrounding the pool area. The outdoor swimming pool, hot tub or spa shall be completely enclosed in accordance with IRC Appendix G, Section AG105 Barrier Requirements. No fence shall be located, erected, constructed or maintained closer to a pool than three (3) feet. The wall of a house or building faced to a pool may be used as a portion of such fence.
  
- F. A natural barrier, pool cover, or other protective device approved in writing by the AECC may be acceptable if the degree of protection afforded by the substituted device of structure is not less than the protection afforded by the standard barrier.

## **117.6 BOARDWALK**

A boardwalk is a type of structure used primarily to provide access from one location to another. A boardwalk may be constructed of wood, tinted concrete, stone or brick pavers; larger than 32 square inches, or similar, and it may include stairs. It may not exceed five (5) feet in width. A boardwalk may not extend over the shoreline. A boardwalk may encroach upon standard setbacks with written AECC approval. Any boardwalk closer than 10 feet to the shoreline may not exceed 25 feet in length.

## **118 EXTERIOR LIGHTS**

- A. Elevated farm lights, flood lights, and high intensity security lights shall not be used. Mercury Vapor, Metal Halide, High Pressure Sodium and High Intensity Discharge lamps are not permitted.

- B. Building and ground lighting shall be installed so as to limit objectionable off-site glare. Fixture bulb lumens shall not exceed 450.
- C. Post lights should not exceed 6' in height to the top of light fixture, and the light source must be directed downward and of sufficiently low wattage (450 lumens or 40 watt incandescent maximum) to reduce glare. Direct glare shall be minimized through the use of sufficient shrouding or opaque glass so that the light bulb is not visible through the glass and cannot exceed 450 lumens (40 watt incandescent).
- D. No fixtures with clear glass lenses will be allowed.
- E. Use of lights as landscape and architectural accent is allowed as long as the light and glare does not emit beyond the property line.
- F. Prior to the new installation or replacement of exterior lights consult with the Building Department. The Building Inspector must approve the installation of any type of outside lights and has the authority to determine if the light is in violation of this section. Removal or shielding of the light may be required.

## **119 FENCES**

- A. Fences are permitted within property lines
- B. Fences may be constructed of natural finished wood, woven wire, chain link or vinyl fencing, in a color approved by the AECC.
- C. The maximum height of fences shall be fifty inches (50").
- D. Fences shall have at least fifty percent (50%) of their vertical faces open, i.e., not solid.

- E. Woven wire or chain link type fences are allowed only within the rear and side building setback lines and not along the front setback. The woven wire or chain link fence shall be painted or coated with a color approved in writing by the AECC.

**120 SATTELLITE DISH/ANTENNA**

- A. No roof or building mounted satellite dish/antenna larger than thirty-six (36) inches is permitted.
- B. No more than two (2) roof or building mounted satellite dish/antennas are permitted
- C. Any existing non-conforming satellite antennas are “grandfathered” until replacement and shall comply under the nonconforming provision of the Code (108).

**121 SOLAR ENERGY (M2302)**

- A. Solar energy systems shall comply with the ACL Solar Energy Policy.
- B. The solar panel array shall be roof mounted unless ground mounting on the same lot as the Dwelling is approved as a variance in writing by the AECC.
- C. Anyone erecting a solar array is required to obtain written approval from the AECC. The request for written approval must include plot plan and location of array on the plot plan and engineering calculations proving required size.
- D. If permitted by variance, ground solar arrays shall conform to normal setback requirements and may not encroach on septic systems, service lines or buried LP tanks. Care should be taken to see that placement will not destroy the natural beauty of Apple Canyon Lake.

E. For the purposes of this Code, solar panel arrays are considered to be a structure.

## **122 TEMPORARY STRUCTURES**

A. As described in 110.9 of the Building Code, no trailer, vehicle, basement of an incomplete building, tent, shack, accessory building, garage, or temporary building or structure of any kind may be used at any time as a Dwelling, either temporary or permanent.

B. A permitted temporary trailer, buildings or structures used during any construction, including repair, remodeling or renovation on any Lot, shall be on the same Lot where the construction is being performed, unless the prior written approval of another location is granted by the AECC.

C. All temporary structures shall be removed upon completion of construction.

## **123 PIERS, DECKS, BOAT LIFTS, SHORELINE CONSTRUCTION (L-100)**

### **123.1 PIER**

A pier is a floor system over the water to allow access to a boat. A pier may not extend past the shoreline in excess of twenty-four (24) feet or be wider than five (5) feet. It may include up to one (1) storage box, not to exceed 6' L x 4'W x 2'6"H, be of a natural or an AECC approved material, in an earth tone color. Piers shall have a minimum of 8 square inches of reflective material, visible from any direction on the lake. The pier shall be identified with the owner's lot numbers. A pier may extend past the shoreline in excess of twenty-four (24) feet for reasons of shallow lake depth with written AECC approval.



## **123.2 GANGPLANK**

A gangplank is a portion of a pier which crosses the shoreline and may not exceed five (5) feet in width. Pier length starts at the point where the gangplank crosses the shoreline.

## **123.3 SEQUENTIAL FLOATING DOCK**

An 8' - 4" x 20' maximum sequential flex technology (SFT) system may be used in place of a conventional boat lift. A 15' x 20' SFT maximum perpendicular to the shoreline may be used in place of a conventional boat lift and a pier.

## **123.4 SHORELINE**

- A. The shoreline is defined as any portion of the lake shoreline as established at pool level elevation of eight hundred feet (800') regardless of previous lot pin position.
- B. No concrete is allowed within 5 feet of the shoreline.
- C. To help prevent aquatic plant growth, no fertilizing of lawns within 100 feet of the shoreline is permitted. It is expected that noxious weeds will be controlled.

## **123.5 SHORELINE BUFFER ZONE**

- A. The shoreline buffer zone is an area 50 foot horizontal from the shoreline, to be left as is, or restored to native vegetation as much as practical except for a deck, a patio, boardwalks, a beach, riprap and retaining walls. All these projects require the written approval of the AECC.

- B. When required due to the variations in slope, soils, and terrain, such items as terracing and retaining walls in conjunction with vegetation may be permitted with written AECC approval.
- C. Trees, alive or dead, shall not be cut down or trimmed within 50' of the shoreline without written AECC approval.
- D. Excluded structures include, but are not limited to sheds, boathouses, roofed structures of any type, large boat storage or shelters, parking areas, or ramps.

## **123.6 WATER FACILITY**

No Water Facility may be built or maintained on any Lot without the prior written approval of the AECC. In its discretion the AECC may approve, prohibit or limit the construction or maintenance or location of any Water Facility and the use thereof. Each Owner shall be responsible for keeping any Water Facility located on his or her Lot in good condition and repair. Any Water Facility that is not maintained in good condition and repair shall be removed from The Properties by the Owner, at the Owner's sole expense, following written notice from the AECC.

## **124 EXCAVATION (R401)**

## **125 CRAWL SPACES (R408)**

- A. Floor: Four (4) inches of stone plus a ten (10) mil vapor barrier.
- B. Cross ventilation or mechanical ventilation is required.

C. Access and light switched at point of entry. Minimum twenty-four (24) inches x twenty-four (24) inches.

D. Show beam and column sizes and locations.

E. Show size, direction and spacing of joists above.

F. Minimum R-13 insulation required in floors above unheated crawlspaces.

G. Minimum height of twenty-four (24) inches is required between bottom of floor joists and top of grade inside crawl space.

## **126 LANDSCAPING EROSION CONTROL (R401)**

### **126.1 APPLICABILITY**

This Code shall be applicable to work that involves:

A. Any earthwork or lot grading whether performed as a single project or as a series of projects on an existing developed Apple Canyon Lake property or lot

B. The potential for changing the discharge point, quantity, or concentration of storm water at the property line

C. The construction of a retaining wall any portion of which is higher than four feet or that exceeds twenty-five (25) feet in total length.

D. Any modification to the ground profile of an existing lot that involves one or any more of the above criteria shall require a

permit. Seeding and planting activities that do not alter the existing ground contours are exempt.

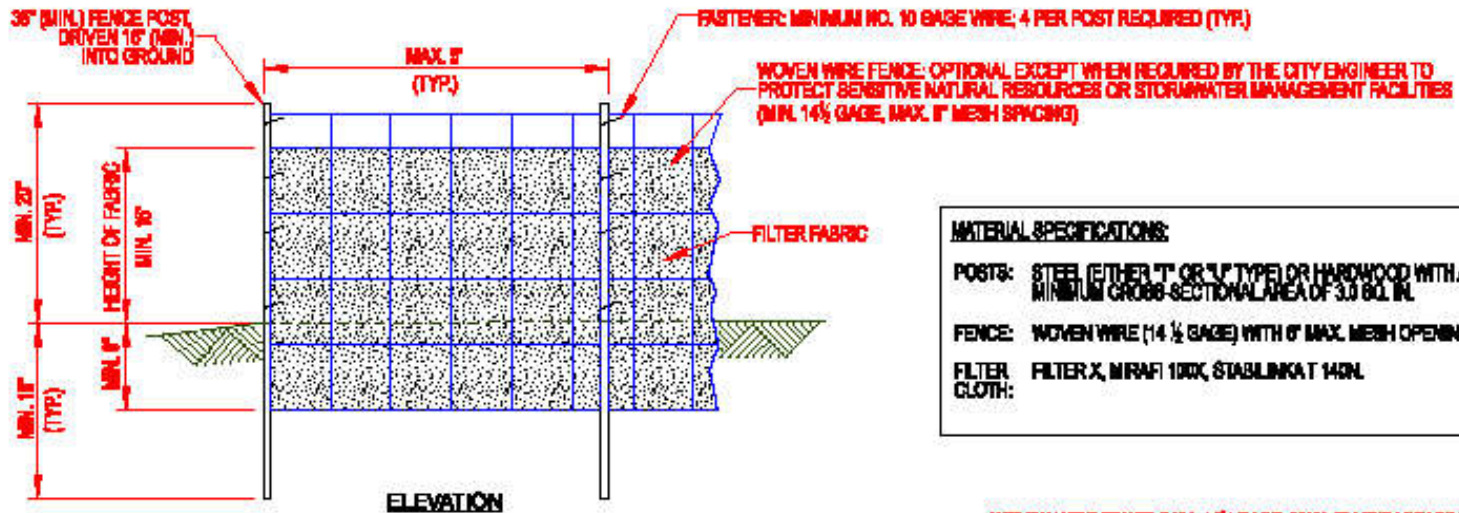
E. Use of creosote treated material is prohibited at Apple Canyon Lake. Existing structures containing creosote will be allowed to remain. When being replaced, a permit is required and an AECC approved alternate material must be used.

## **126.2 EROSION SEDIMENT CONTROL PROCEDURES**

- A. Before commencing construction, a silt fence (per ACL detail) must be placed along the lot lines or as noted on the approved plans. The silt fence must be maintained until the property has been seeded and restored to prevent erosion and encroachment on adjoining properties.
- B. Leave the soil bare for the shortest time possible. All excavated soil must be rough graded and reseeded with perennial rye grass. This is to control erosion until final grading and landscaping.
- C. Immediately after the backfilling of the foundation and septic system, seeding and a suitable mulch of hay or straw is to be spread over the exposed soil area to aid in erosion control before seed germination. Mulch shall be a minimum of one (1") to three inches (3") in depth. The Property Owner is responsible for having the mulch installed.
- D. All boardwalks and steps on slopes are to be of serpentine design and disturbed ground must be seeded and mulched immediately to minimize erosion. Expedient restoration of any

disturbed slope by heavy planting of vegetative cover or mulch is required.

- E. Property Owners' gardens must be mulched when out of growing season.
- F. The contractor has ninety (90) days from the time of groundbreaking to restore the ground cover. If the final ground cover cannot be completed within the ninety (90) day period, a temporary ground cover must be applied in accordance with items one, two and three above. Failure to comply with the above may result in forfeiture of the environmental debris bond.



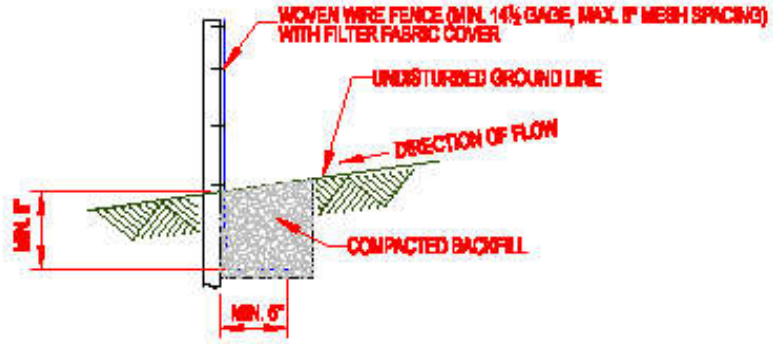
**MATERIAL SPECIFICATIONS:**

POSTS: STEEL (EITHER "T" OR "U" TYPE) OR HARDWOOD WITH A MINIMUM GROSS-SECTIONAL AREA OF 3.0 SQ. IN.

FENCE: WOVEN WIRE (14 1/2 GAGE) WITH 1" MAX. MESH OPENINGS

FILTER CLOTH: FILTER X, MIRAFI 100X, STABILINKAT 140N

- NOTES:**
1. TEMPORARY SEDIMENT FENCE SHALL BE INSTALLED PRIOR TO ANY GRADING WORK IN THE AREA TO BE PROTECTED. THEY SHALL BE MAINTAINED, AS NEEDED, THROUGHOUT THE CONSTRUCTION PERIOD AND REMOVED IN CONJUNCTION WITH THE FINAL GRADING AND SITE STABILIZATION.
  2. WOVEN WIRE FENCE TO BE FASTENED SECURELY TO FENCE POST WITH TIES OR STAPLES
  3. FILTER CLOTH TO BE FASTENED SECURELY TO WOVEN WIRE FENCE WITH TIES SPACED EVERY 24" AT TOP AND MID-SECTION
  4. WHEN TWO (2) SECTIONS OF FILTER CLOTH ADJOIN EACH OTHER THEY SHALL BE OVERLAPPED BY SIX (6) INCHES AND FOLDED
  5. MATERIAL SHALL BE REMOVED WHEN BULGES DEVELOP IN THE SILT FENCE
  6. DOUBLE ROWS OF SILT FENCE SPACED FIVE (5) FEET APART SHALL BE PLACED AROUND EXISTING STORMWATER MANAGEMENT FACILITIES OR WETLANDS AS ADDITIONAL PROTECTION



Approved: City Engineer

*Victor C. Ramirez*

Victor C. Ramirez, P.E.  
Director of Engineering and Building

Drawing Name

**SILT FENCE**

Drawing Number

**EC-01**

Date: 11/2/2007

Drawn: EM  
Checked: LZ



## 127 EARTHWORK CONSTRUCTION

### 127.1 REQUIREMENTS

- A. The maximum embankment slope for any improvement shall be limited to the lesser of:
  - a. 4:1 horizontal to vertical.
  - b. the maximum natural gradient existing on the lot.
- B. The maximum embankment slope permitted at the setback line is 4:1 horizontal to the vertical.
- C. The embankment toe or grading limit for excavation shall not encroach into the building setback without written approval by the AECC.
- D. No open ditch shall have a gradient in excess of 5% without a ditch liner or stabilization.
- E. Underground utilities must be located by contacting J.U.L.I.E and copying the ACL Building Inspector or the AECC designee.
- F. The Property Owner(s) of the adjacent land downgrade from the project shall be notified of the project and acknowledgment furnished with the permit application.
- G. Retaining walls in excess of six feet in height shall be designed by a licensed engineer and stamped drawings submitted with the permit application.

- H. Temporary erosion control plan to contain sediment during construction shall be developed and submitted.
- I. Regulated project under this Code shall be presented to the Building Inspector or AECC designee in a suitable graphic format to completely depict the scope of work, including the temporary erosion control plan. As a minimum, the plan or sketch shall include:
- a. The horizontal limits of the proposed project relative to the lot boundaries and setbacks
  - b. Contours or flow arrows showing existing drainage path(s)
  - c. The project's impact to the existing drainage path at the property line
  - d. Appropriate plan metric features such as buildings, fences utilities and other permanent features
  - e. The erosion control plans showing slit fences, straw bales, or other erosion control devices and details.
  - f. A sufficiently detailed plan including construction materials, ground treatments, and any conversion of previous surfaces to impervious.



## **128 SANITARY SYSTEMS (S101)**

### **128.1 REQUIREMENTS**

- A. Sanitary systems for Dwellings at Apple Canyon Lake must be of a design approved by the Jo Daviess County Health Department and the AECC for use in our lake-oriented community with its special soil and sub-surface conditions. All builders, owners, or agents must submit plans for approval to the Jo Daviess County Health Department who will issue permits for systems meeting the special requirements of each individual lot. The sanitary system shall be designed by a State of Illinois licensed engineer or licensed surveyor. Percolation testing shall be conducted in the same area. The location of the septic system shall be clearly shown on the site plan submitted to the AECC with the application for a building permit. No portion of the sanitary system shall be located within the lot setback areas. The sanitary system shall be located a minimum of 100 feet from the nearest lake front waterline. No portion of any building, driveway, patio, etc. shall be placed over the septic field.
- B. All septic systems shall be sized in accordance with Jo Daviess County Private Sewage Disposal Ordinances and with the Illinois Subchapter r: Water and Sewage Part 905 Private Sewage Disposal Code, with the following additional requirement: In houses with unfinished areas, the septic system design load shall be increased by one bedroom for every 350 square feet of unfinished area suitable for development into living space (not including garages or other non-living space).
- C. The minimum replacement septic tank size allowed is 1,500 gallons.

- D. Garages or other unheated spaces are not classified as "LIVING SPACE".
- E. A house may be classified as a four-bedroom unit but be designed to have more than four bedrooms occupied on occasion. In this instance, the number of bathrooms multiplied by 500 will be used to determine the required septic tank volume (minimum 1,500 gal.) while allowing the drain field to be designed for four bedrooms. Annual systems inspections may be required by the AECC when issuing a permit in which concessions are made to these requirements.

## **128.2 SEPTIC TANK INSTALLATION**

- A. Septic systems shall be constructed and installed in accordance with Title 77: Public Health Chapter I: Department of Public Health Subchapter r: Water and Sewage Part 905 Private Sewage Disposal Code and Jo Daviess County Health Department Private Sewage Disposal Ordinances. A Jo Daviess County Health Department permit is mandatory before constructing a new septic system.
- B. AEROBIC TREATMENT UNIT (ATU) shall not be installed or replaced with an ATU if the existing ATU fails.
- C. Septic tanks may be constructed of materials other than portland cement concrete with a manufacturer's certification that the tank to be furnished has been designed for use as a residential septic tank.
- D. All accessory components installed beyond the discharge of the septic tank, i.e. filters, distribution boxes, pipe or fittings shall be

constructed of plastic. CONCRETE UNITS ARE NOT ALLOWED.

- E. Shop repaired concrete units shall not be installed. Minor surface repairs may be made in the field only after authorization by the County Health Department Inspector.

### **128.3 SEPTIC INSPECTIONS**

- A. Inspections shall be performed in conformance with the ACL SEPTIC INSPECTION PROGRAM. Effective January 1, 2000, all property owners of lots improved with Dwellings, occupied and unoccupied, located in Apple Canyon Lake Subdivision shall be required to obtain periodic inspections and pumping of the sewage treatment systems located on said lots. Such inspections shall be conducted by an independent contractor licensed by the state and registered at ACL who is qualified and experienced in performing such inspections and related sewage treatment system installation, maintenance and repair. New systems shall be inspected every six (6) years from time of occupancy or replacement. Any house built in 2000 and after will be required to have a septic system inspection every six (6) years.
- B. Exceptions: Any septic system servicing a Dwelling that is used for rental purposes shall be inspected EVERY THREE (3) YEARS.
- C. DUE TO THE NEED FOR CONTINUOUS OPERATION, THE AEROBIC TREATMENT UNIT (ATU) requires evaluation and maintenance at least once EVERY SIX (6) MONTHS. The system may be evaluated by a Private Sewage Disposal

System Installation Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department, or an agent of the Department or local health department. The property owner of an ATU may not conduct the inspection and maintenance. If the required inspections and maintenance are not performed, the system is in violation of the Illinois PART 905 PRIVATE SEWAGE DISPOSAL CODE SECTION 905.20 GENERAL REQUIREMENTS and this Code.

- D. The purpose of said inspections shall be to demonstrate to ACLPOA that the property owner's sewage treatment system is in good working order. The inspections shall be conducted for the purposes of determining whether or not the system contains any defects or malfunctions that materially hinder the suitability of the system for the purpose intended.
- E. Said inspections and pumping shall be required regardless of the type of sewage treatment system utilized by the property owner. Such systems subject to inspection include but not by way of limitation, conventional septic tanks and absorption fields and mechanical or aerobic treatment systems and any other systems from time to time utilized by property owners as approved by Jo Daviess County Health Department.
- F. Only inspections conducted by a contractor licensed by the state shall be acceptable to the AECC. Said contractor shall be an independent contractor retained by the lot owner-member and is not the contractor or employee of ACLPOA. It shall be the obligation of the individual property owner having such inspections and pumping conducted to pay the contractors for all services rendered and not the obligation of ACLPOA.

- G. It shall be the obligation of the property owner to provide the AECC with written evidence of said inspection and pumping. Such documentation shall be signed by the authorized representative of the company conducting the inspection. Minimally, such documentation shall certify to the management of ACLPOA the type and kind of system inspected, and the condition of the system inspected, and whether or not any defects or malfunctions were observed. In systems having tanks, the inspection certificate shall indicate whether or not, at the time of the inspection, the tank was pumped. Any tank found to be leaking must be reported to the Building Inspector or AECC designee and scheduled to be replaced within thirty (30) days. ATU systems shall be reported to the AECC.
- H. All two (2) piece septic tanks being inspected and pumped shall be opened and inspected to determine if the tank is leaking. If tank is found to be leaking, it must be reported to the Building Inspector or AECC designee and replaced within thirty (30) days.

#### **128.4 CONVENTIONAL SYSTEMS**

- A. Mandatory inspection and pumping every six (6) years.
- B. Conventional systems frequently utilize a septic tank with baffles and absorption fields of various types.
- C. Written designation of system type must be made at the time of inspection and communicated to ACLPOA.
- D. On the first year designated for system inspection under the terms of this Code and on each subsequent fifth year, or more frequent, a written inspection report copy must be submitted to

the ACLPOA Maintenance Department by the inspecting contractor within seven (7) days of the inspection. The body of this report shall specify the date and location at which the inspection was made, as well as any significant deficiencies in need of repair. Included in the report is the exact location of the septic system.

## **127.5 FAILURE TO COMPLY**

- A. The required inspection of conventional systems as specified herein shall be conducted no later than August 1 in the year specified according to the inspection table maintained by the ACLPOA Maintenance Department. Said inspection report shall be delivered to ACLPOA Maintenance Department Office within seven (7) days of the required inspection. The required copy of a valid annual service agreement in full force and effect to mechanical systems shall be delivered to ACLPOA Maintenance Department no later than March 1 of each year.
  
- B. Any property owner subject to the rules set forth in this Code who fails or refuses to obtain the required inspection and to produce written evidence thereof or to provide the required copy of an annual service agreement, as the case may be, in acceptable form to the ACLPOA Maintenance Department within the time period specified above may result in the imposition of a \$100.00 fine and a per diem penalty of \$100.00 for each day the lot owner is in a state of noncompliance and may be required to pay reasonable attorney fees and court costs of ACLPOA necessitated in compelling compliance. When the fine reaches \$2,000.00, the Association will lien the property.

- C. In addition, any property owner found not to be in compliance as aforesaid may also be subject to other sanctions, including but not limited to, suspension of membership privileges and amenities.
  
- D. ACLPOA shall have the right to enforce compliance of the rules set forth in this Code in a Court of any competent jurisdiction at law or in equity and before any administrative or regulatory agency, bureau or other governmental entity and to pursue, without limitation, every other right to the fullest extent by law permitted to do.

### **128.6 GPS SEPTIC LOCATION FEE**

The cost of the GPS location fee will be billed to the Property Owner by AECC at the time of the initial inspection under the septic inspection program. This fee will also be billed to Property Owners having their septic system inspected out of sequence as established in the table maintained by the Maintenance Department.