

**Apple Canyon Lake
Property Owners Association**



Operational Procedures

JUNE 2016

14A157 Canyon Club Drive • Apple River, IL 61001

(815) 492-2238: ACL Office

This document, along with any additions or amendments throughout the year, is also available at
www.applecanyonlake.org/operations/governing_docs

Refer to www.applecanyonlake.org/operations/governing_docs
for any changes. Make notes here:

Table of Contents

OPERATIONAL PROCEDURES	Page
Annual [Dues] Assessment & Registration Payment Options.....	5
Boat Slips.....	5
Boat Slip Waiting List.....	5
Boat Slip Assignments	6
Long-Term Boat Slip Transfers	7
Terms of Long-Term Slip Assignment	8
Sub-Licensed Boat Slip Program.....	8
Boat and Boat Slip Rentals - Daily, Weekly	9
Campsite Waiting List.....	9
Email vs. US Mail	10
Golf Cart Storage	10
Heat Light Alarm Program.....	10
Septic Inspection Program	10
Greenway Stewardship Program	12

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ANNUAL [DUES] ASSESSMENT AND REGISTRATION PAYMENT OPTIONS

ACL Annual [Dues] Assessment, Trash, OARF(s), Seasonal site/registration Fee and golf storage fees are due March 1. In addition to payment by check or cash, mail or in person, ACLPOA now offers the convenience of payment via ACH and Credit Card.

ACH Payment: ACH is an automatic debit to your bank checking or savings account. All ACH withdrawals will be processed on February 1. An ACH authorization form must be completed and returned to the Association Office prior to January 25. ACH is a one-time debit transaction for the total balance due on your account. The ACH authorization will remain in effect from year to year until ACL receives written word from you to cancel this payment process.

Credit Card Payment: Credit Card payments may be made in person, or by mail or phone request. If request is made by mail or phone, additional account information will be required. All members who request by mail will need to sign and complete a Credit Card form and return to the Association Office. The authorization to charge your credit card will be good for the current year only. Once authorization is made, ACL will initiate a credit card debit to your credit card account. There is currently a four percent (4%) convenience fee to members who choose payment via Credit Card for dues, assessments and registration fees.

Look for both ACH form and Credit Card form in your annual statement and registration packet.

Amended: January 28, 2012
October 17, 2015

BOAT SLIPS

BOAT SLIPS

Apple Canyon Lake Property Owners Association owns and maintains 728 Boat Slips throughout Apple Canyon Lake. Boat Slips are referred to, and categorized, as:

1. **Non Transferable Slips:** All slips assigned after November 17, 2002 were classed as Non Transferable Slips by the Board of Directors at the November 2002 Board Meeting. Non Transferable Slips cannot be passed on to new owners with sale of lot.
2. **Transferable Slips:** Slips assigned prior to November 17, 2002 were grandfathered in as Transferable Slips by the ACL Board of Directors at the November 2002 Board Meeting. These slips can be transferred to new owners with sale of property.
3. **Sub-Licensed Slips:** Property owners sub-licensing their assigned slip to other property owners for the term of one (1) season only. The original Licensor of record will retain the rights of the boat slip during the Sub-License term. Unauthorized sub-licensing of an ACL Boat Slip may result in the loss of lake privileges for the balance of the current calendar year for the Sub-Licensee.

BOAT SLIP WAITING LIST

BOAT SLIP WAITING LISTS

The Association Office maintains and manages three boat slip wait lists. They include:

1. Boat Slip to Trade Waiting List: Available boat slips are assigned to property owners on this list prior to any assignments to wait lists #2 and #3.
2. No Boat Slip Waiting List
3. Sub-License Slip Waiting List

All three waiting lists are perpetual and are in order of first come/first serve basis.

PROCEDURE TO GET ON A WAITING LIST

Boat Slip to Trade Waiting List Applications, No Boat Slip Waiting List Applications, and Sub-License Boat Slip Program Agreements are available at the office or online.

BOAT SLIP ASSIGNMENTS

PROCEDURE FOR ASSIGNMENT OF BOAT SLIPS

Boat Slip to Trade Waiting List: For those property owners who have an assigned slip but prefer a new location.

Upon selection of a new assignment at the Slip Swap:

1. Property owner immediately forfeits all rights to their previous slip.
2. The forfeited slip immediately goes back into the boat slip pool for new assignment.
3. Property Owner's name is immediately removed from the Slip-to-Trade wait list.

No Boat Slip Waiting List: For property owners who are waiting for their first boat slip assignment. All slips will be assigned at the annual Slip Assignment Day.

Sub-License Slip Waiting List: For property owners licensing a boat slip for the current season only.

PROCEDURES FOR BOAT SLIP TO TRADE WAITING LIST ASSIGNMENTS

The Boat Slip to Trade Waiting List will close at the end of business on the Friday preceding the annual Slip Swap. At the Slip Swap, the first slip license holder on the list will be offered first choice of the available slips; the second slip license holder on the list will have a choice of the remaining slips; etc.; proceeding down the list. After the first round of assignments has been completed, the same process will be repeated with the newly available slips until all desired trades have taken place. Anyone wishing to trade a slip that has opened up in the third round of assignments may request a trade at the end of the event. If more than one person is interested in the same slip, the order of the Waiting List will be followed. A copy of the current Boat Slip to Trade List and available slips will be posted in the ACL lobby and on the ACL website one week prior to the Slip Swap. Property Owners are reminded that additional slips will open up through the course of the event. All slip changes made at the Slip Swap are final and cannot be rescinded.

In order to be eligible to swap a slip:

- All accounts must be current.
- The annual Boat Slip License Agreement must be completed to reserve the current slip for the season.
- The property owner must be on the Boat Slip to Trade Waiting List.

If a property owner is unable to attend, but would like to participate at the Slip Swap, they can submit a Representative Request Form. The form enables the property owner to pre-register an individual to select a slip on their behalf. These forms will be available in the ACL Office and on the ACL website. This form must be returned by the end of business on the Friday preceding the event. The proxy must also present a copy of the Representative Request Form at the Slip Swap in order to participate.

Upon accepting a trade, the property owner is removed from the Boat Slip to Trade Waiting List. A license holder may re-add his/her name to the Boat Slip to Trade List for future slip opportunities by completing a new form and submitting it to the ACL Office. If a trade is not accepted, the property owner maintains their position on the Boat Slip to Trade Waiting List.

PROCEDURES FOR NO BOAT SLIP WAITING LIST ASSIGNMENTS

The No Boat Slip Waiting List will close at the end of business on the Friday preceding the annual Slip Assignment Day. At the Slip Assignment Day, the first property owner on the list will be offered first choice of the available slips; the second property owner on the list will have a choice of the remaining slips; etc.; proceeding down the list. A copy of the current No Boat Slip Waiting List and available slips will be posted in the ACL lobby and on the ACL website one week prior to the Slip Assignment Day. All slip assignments made at the Slip Assignment Day are final and cannot be recinded.

In order to be eligible to receive a slip assignment:

- All accounts must be current.
- The property owner must be on the No Boat Slip Waiting List.

If a property owner is unable to attend, but would still like the opportunity to receive a slip assignment, they may submit a Representative Request Form. These forms will be available in the ACL Office and on the ACL website. The form enables the property owner to pre-register an individual to select a slip on their behalf. The form needs to be received in the Association Office by the end of business on the Friday preceding the Slip Assignment Day. The proxy must also present a copy of the Representative Request Form at the Slip Swap in order to participate.

To complete assignment, property owner(s) must:

- a. Complete and return the ACL Boat Slip License Agreement form prior to or at the time of payment.
- b. Make boat slip/boat fee payment in full.

A boat must be registered to a newly assigned slip by March 1 of the following year.

- a. Proof of insurance and watercraft card as defined in the Rules & Regs, are needed to complete registration.

Upon accepting a slip assignment, the property owner is removed from the No Boat Slip Waiting List. A license holder may add his/her name to the Boat Slip to Trade List for future slip opportunities by completing a Boat Slip to Trade Waiting List Application and submitting it to the ACL Office. If an assignment is not accepted, the property owner maintains their position on the No Boat Slip Waiting List.

Amended: May 17, 2014

ACLPOA SUB-LICENSE BOAT SLIP PROGRAM ASSIGNMENTS

ACLPOA Sub-License Boat Slip Program assignments are open to all property owners who are not currently assigned a boat slip. Property owners on the No Boat Slip Waiting List who have notified the office of their intent to Sub-License will be the first to receive an assignment. Slips will be assigned in order of the No Boat Slip Waiting List. Property owners not on a waiting list who wish to Sub-License a slip for any current year may do so by notifying the office in writing of this request. Any remaining Sub-License slips will then be offered to these property owners. If a property owner had been assigned a Sub-Licensed slip in past year(s), they may request the same slip if it is available.

Assignment of Sub-License slips will not be completed until all available ACL boat slips assignments are completed. The No Boat Slip Waiting List will close at the end of business on the Friday preceding the annual Slip Assignment Day. After all licensed slips have been assigned at the Slip Assignment Day, property owners who had been a sub-licensed slip in past year(s) will be given the opportunity to retain the same slip, if it is available. Next, the first property owner on the list will be offered first choice of the available sub-license slips; the second property owner on the list will have a choice of the remaining sub-license slips; etc.; proceeding down the list. A copy of the current No Boat Slip Waiting List and available sub-license slips will be posted in the ACL lobby and on the ACL website one week prior to the Slip Assignment Day. All ACLPOA Sub-License Boat Slip Program assignments made at the Slip Assignment Day are final and cannot be recinded. If a property owner is unable to attend, but would still like the opportunity to receive an assignment, they may submit a Representative Request Form. These forms will be available in the ACL Office and on the ACL website. The form enables the property owner to pre-register an individual to select a sub-licensed slip on their behalf. The form needs to be received in the Association Office by the end of business on the Friday preceding the Slip Assignment Day. The proxy must also present a copy of the Representative Request Form at the Slip Assignment Day in order to participate.

The person sub-licensing the boat slip (licensee) must make payment, complete and sign the Sub-License agreement, and return the agreement to the office to complete the sub-license boat slip assignment. Any slips remaining after the Slip Assignment Day will be available on a first come first served basis

Amended: October 20, 2012

October 18, 2014

LONG-TERM BOAT SLIP TRANSFERS

TRADING BOAT SLIPS BETWEEN PROPERTY OWNERS

If two property owners have assigned ACL boat slips and wish to trade between each other, they may do so providing both parties have notified the Association Office and both parties have completed, signed and returned to the office,

the Association's Boat Slip Trade Form. Failure to follow procedure will result in termination of Boat Slip Assignment. If exchanging a Boat Slip with another property owner (P.O.), the transferability of the slip stays with the original owner. (Ex. P.O. #1 has a Transferrable (T) slip, whereas P.O. #2 has a Non-Transferrable (NT) slip, the T status remains with P.O. #1 and NT remains with P.O. #2 after the trade is completed.)

TRANSFER FROM LOT TO LOT, SAME OWNER

A property owner may transfer their assigned Boat Slip from one lot they currently own to another lot they currently own, at any time. A Boat Slip Transfer Form from the Association Office must be completed and filed with the Association Office prior to the trade. If the status of the two slips is, one as NT, the other as T, the property owner may choose to exchange the transferability status with the slips. If the property owner does not make a decision prior to the trade, the status of each slip remains the same.

TRANSFER WITH SALE OF LOT

Only Transferable Boat Slips may be transferred to the new property owner(s) with the final sale of lot. If an ACL transferable boat slip is included in the sale of the lot, both the previous owner and the new lot owner must complete and sign an *ASSIGNMENT OF TRANSFERABLE DOCK FORM PRIOR TO THE CLOSING OF THE SALE.*

NOTE: BOAT SLIPS ARE ASSIGNED TO LOTS, NOT INDIVIDUAL PROPERTY OWNERS.

TERMS OF LONG-TERM SLIP ASSIGNMENT

TERMS OF LONG TERM SLIP ASSIGNMENT

Annual Dues and all assessments must be paid in full, and on time, every year *on all properties owned*. Only one Boat Slip will be assigned per lot. The fee for ALL boat registrations will be the motorized fee on the then current schedule regardless of the type of boat you are registering.

Property owners who already have an assigned Boat Slip MUST pay the Boat Slip Fee AND Boat Fee by March 1 of each year. Failure to do so will result in forfeiting your rights to your current assigned Boat Slip per ACL Boat Slip License Agreement. The forfeited Boat Slip is then offered to the first property owner on the waiting list.

A Boat Slip License Agreement must be completed and signed by property owners prior to or at the time of payment. This agreement remains in effect as long as the property owner owns the lot of the Boat Slip is assigned to. The license is subject to change.

Property owners newly assigned to an ACLPOA Boat Slip will have until March 1 of the following year to register a boat for the licensed slip. All watercraft registered to an Association Slip shall pay the motorized fee on the current fee schedule. Boat registration must be completed providing proof of insurance and a valid State Watercraft Registration card prior to launching their boat. Thereafter, the Boat Slip and Boat fees are both due on March 1 of every year.

For existing boat slip licenses, both the boat slip fee and boat fee are due March 1. In order to administer the new boat slip sub-license program in a timely manner, we have changed the due date for payment. It is critical that you keep your addresses up-to-date with the ACL office. A statement will be sent in January. Written notices will also be placed in the December, January and February *Apple Core* and posted on the ACL website.

Adopted: January 1, 2003

Amended: May 1, 2008

Amended: November 4, 2008

Amended: November 15, 2008

Amended: July 16, 2011

Amended: July 16, 2011

SUB-LICENSED BOAT SLIP PROGRAM

ACLPOA SUB-LICENSE BOAT SLIP PROGRAM

Sub-Licensors: Property Owner offering their assigned boat slip to the ACLPOA Sub-License Boat Slip Program

Sub-Licensee: Property owner sub-licensing from assigned owner.

All Sub-License transactions must be executed through the ACLPOA Sub-License Boat Slip Program administered by ACLPOA Association Office. Boat slip sub-licensing not transacted through the ACLPOA Sub-License Boat Slip Program will be considered unauthorized.

Enforcement

On an annual basis and on an irregular schedule, all ACLPOA Marina, Nixon and Zone boat slips will be physically checked by ACL Security for valid boat-to-slip registration, looking for unauthorized sub-licensing. Unauthorized sub-licensing of an ACL boat slip will result in the license holder of record permanently losing their boat slip. Unauthorized sub-licensing of an ACL boat slip may result in the loss of lake privileges for the balance of the current calendar year for the sub-licensee (ACL annual boat sticker to be removed from all sub-licensee watercraft and all sub-licensee watercraft to be removed from Apple Canyon Lake common property).

To be in the ACLPOA Sub-License Boat Slip Program you must be current with all fees due to ACLPOA. Property owners must also sign up for the program prior to March 1 of current year.

Sub-License Term

One (1) season, all boat slip sub-licenses expire on December 31 of each calendar year.

Sub-licenses may be terminated at any time by mutual agreement between the sub-licensor of record and the sub-licensee. The ACL Association Office is to be notified when sub-licenses are terminated prior to December 31 of the current calendar year. No fee refunds will be paid by ACLPOA for sub-licenses terminated early.

Sub-License Assignments

Please see page 7 of these Operational Programs and Procedures for assignment information.

SUB-LICENSOR: If you want to put your boat slip in the Boat Slip Sub-License Program, you must do the following:

1. After December 31 and before March 1 of the current year, the ACL boat slip property owner of record may notify the ACL office in writing that they want to put their assigned boat slip in the current year's ACLPOA Sub-License Boat Slip Program.
2. Boat slip fee, boat fee, and Boat Slip License Agreement must be received from sub-licensor on or before March 1.
3. If your boat slip is assigned (sub-licensed), and payment has been received from sub-license, three fourths (3/4) of your boat slip fee and one hundred percent (100%) of the boat fee will be refunded to sub licensor providing the sub-licensor has put in writing not to launch the boat during the current season. However, if sub-licensor plans to trailer his/her boat for the current season, the boat fee will not be refunded.

The official ACLPOA Sub-License Boat Slip Program Agreement is available from the Association Office or from the website.

Amended: October 18, 2014

BOAT SLIP RENTALS & BOAT RENTAL PROGRAM

Boat slips and boat rentals as available are offered by our Safety and Security Department (SSD) on a daily, weekly, or monthly basis. Contact the Security Office 815-492-2436 for information in this program.

CAMPSITE WAITING LIST

Improved and unimproved campsites are available to ACL property owners. Sites are delegated after all registrations are paid on March 1. If you are interested in a seasonal site, you may fill out an application to be placed on the waiting list. Application forms are available at the Safety and Security Department (SSD) office. Campsite Waiting List is on file at the Safety and Security Department (SSD) located at the Marina building. Sites will be offered on a first-come, first-served basis as available.

Hook-up sites and tent sites are also available for rent by the day or week on a first come, first-served basis. Call SSD at 815-492-2436 for reservations or more information.

EMAIL VS. US MAIL

ACLPOA can contact you by email for billings, updates, and announcements. Please provide us with your email address if you are interested in this service.

GOLF CART STORAGE PROGRAM

Both inside and outside golf cart storage slips are available to ACL property owners. Please contact the ACL office 815-492-2238 if interested. Slips will be offered to members on a first-come, first-served basis as available

HEAT LIGHT/ALARM PROGRAM

The Heat Light/Alarm program was created to take some of the worry off the shoulders of our members while they are away from their lake homes. By having a Heat Light installed in your home, it is not necessary to worry what the temperature is at ACL or whether or not you should make an unexpected trip to Apple Canyon Lake to check the inside temperature of your home in an effort to prevent frozen and ruptured pipes.

To participate in the Heat Light/Alarm program, simply purchase a Winter Watchman, strobe light, and lockbox from the Safety and Security Department . There is a participation fee of \$25 per year for this program. You must supply the Safety and Security Department with a key to your home. They will then install the lockbox next to the front door, and place the key inside.

Here's all you do: Plug the Winter Watchman unit into an inside wall outlet, plug the strobe light into the Winter Watchman, and place the strobe light in a window facing the road. An extension cord may be used between the two units if the strobe cord will not reach the watchman unit. Set the dial on the Winter Watchman to 40 (minimum) and your heat thermostat no lower than 60 degrees and you are ready to go.

If the strobe light should begin flashing, a Safety and Security Officer would enter the home to determine if it is necessary to call your furnace repair service.

The Heat Light/Alarm Program is a low cost, simple system that works very well if you follow the procedures and set your unit properly. The strobe light can be seen over 500 yards away during the day and up to a mile at night.

SEPTIC INSPECTION PROGRAM

(Refer to Building & Environmental Control Code)

Effective January 1, 2000, all owners of lots improved with dwellings located in Apple Canyon Lake subdivisions shall be required to obtain periodic inspections of the sewage treatment systems located on said lots. Such inspections shall be conducted by an independent contractor licensed by the state who is qualified and experienced in performing such inspections and related sewage treatment system installation, maintenance and repair.

The purpose of said inspections shall be to demonstrate to ACLPOA that the member'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.

Said inspections shall be required regardless of the type of sewage treatment system utilized by the lot 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 lot owners as approved by Jo Daviess County Health Department.

Only inspections conducted by a contractor licensed by the state shall be acceptable to the management of ACLPOA. Said contractor shall be an independent contractor retained by the lot owner and is not the contractor or employee of ACLPOA. It shall be the obligation of the individual lot owner having such inspections conducted to pay the contractors for all services rendered and not the obligation of ACLPOA.

It shall be the obligation of the lot owner to provide the management of ACLPOA with written evidence of said inspection. 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.

B.2 CONVENTIONAL SYSTEMS

- * Mandatory inspection every six (6) years.
- * Conventional systems frequently utilize a septic tank with baffles and absorption fields of various types.
- * Written designation of system type must be made at the time of inspection and communicated to ACLPOA.
- * 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 Association Business Office 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.

B.3 MECHANICAL SYSTEMS

- * Mandatory inspection two (2) times a year, every six months.
- * Mechanical Systems are defined as requiring some mechanical element in the system in order to function properly. Typically, these systems require energy to operate and frequently require chlorination of effluent. These systems include what is commonly referred to as "aerobic treatment plants".
- * The obligations of the lot owners using mechanical systems are governed under the building code of ACLPOA. Nevertheless, lot owners having mechanical systems shall also be subject to the rules set forth in this Code commencing with the effective dates hereof.
- * A written designation of system type must be made at the time of inspection and must include a report of the exact location.
- * A copy of the annual service agreement with a system installer or technician licensed by the State of Illinois shall be provided to the Association Business Office with annual dues payments. Service agreements shall specify inspection to be made at least every six months, with inspections to include adjustment and servicing of mechanical parts to ensure proper operation and renewal of chlorine, if needed. Agreements shall also specify that, in situations where corrections cannot be made at the time of inspection, immediate written reports will be made both to the system's owner and the Association by the inspector. Such report shall include the nature of the problem and the date of correction.

B.4 FAILURE TO COMPLY

The required inspection of conventional systems as specified herein shall be conducted no later than August 1 in the year specified in the foregoing paragraph according to the inspection table set forth herein. Said inspection report shall be delivered to ACLPOA Business 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 Business Office no later than March 1 of each year.

Any lot 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 management of ACLPOA within the time period specified above may result in the imposition of a \$100 fine and a per diem penalty of \$100 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, the Association will lien the property.

In addition, any lot owner found not to be in compliance as aforesaid may also be subject to other sanctions, including, but not by the way of limitation, suspension of membership privileges and amenities.

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.

Exceptions: Any dwelling unit that is used for rental purposes, inspection every three (3) years as required by Jo Daviess County

GREENWAY STEWARDSHIP PROGRAM

A healthy, natural greenway system is a vital component linked to the health of Apple Canyon Lake and supports the charming rural image we strive to maintain. In addition to the enjoyment on the part of ACL property owners, a healthy greenway will help keep our lake clean, attract birds and other inhabitants, allowing everyone to benefit. The purpose of the program is to encourage ACL members to adopt a green space area and restore the native vegetation in that area. Since ACL was formed, many of these areas have lacked active management resulting in overgrowth. Non-native and invasive plants have also established themselves. Removing this growth will allow native vegetation to again establish itself in these areas.

GOALS

1. To encourage preservation, restoration, and enhancement of ACL's greenway.
2. To protect the lake and woodlands by ecological restoration, removal of invasive plants, and replacement of native plants if desired.
3. To recommend a maintenance program of continued care for the greenways at ACL.

PROCEDURES

1. The ACL Property Owner obtains a Greenway Stewardship Program application online or from the office, completes the application page, and submits it to the ACLPOA General Manager.
2. The General Manager will review the application and forward it to the appropriate ACL staff member and the designated Conservation Committee member.
3. The ACL staff member and designated Conservation Committee member will review the application, visit the site, and make any recommended changes (see page 2 of the application) to the property owner.
4. The Conservation Committee will review the application and any recommendations made by the ACL staff member and the designated committee member for the site.
5. The Conservation Committee will then approve or disapprove the application and notify the General Manager of their decision. The General Manager will then notify the Property Owners. The ACL Property Owner then acknowledges and agrees to any changes by signing the application.

To ensure effective implementation of Greenway Stewardship applications, each applicant must understand that:

- All activities conducted must follow the approved plan.
- ACL staff must review the site during and at completion of the project.
- Any prescribed burning must only be conducted with the direct supervision of ACL staff with the knowledge and approval of the General Manager. Only ACL staff or ACL staff approved ecological restoration burn plans performed by an insured company are allowed in greenway areas.

AMENDED: JUNE 20, 2015

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