

SEWAGE SYSTEM INSPECTION POLICY

WHEREAS, LAKE THUNDERBIRD ASSOCIATION (the Association) is an Illinois not-for profit corporation and a Common Interest Community Association as defined in Section 18.5 (c) (7) of the Illinois Condominium Property Act and/or the Illinois Common Interest Community Association Act, 765 ILCS 160/1-1, *et seq.*; and

WHEREAS, the Association is governed by a Board of Directors (the Board); and

WHEREAS, the Association has the power and authority under the Declaration of Restrictive Covenants for LAKE THUNDERBIRD ASSOCIATION, recorded in the Office of the Putnam County Recorder of Deeds on the 5th Day of September, 1969, in Volume 6 of the Plat of Putnam County, beginning at page 460 thereof, and in the Office of the Bureau County Recorder of Deeds on June 21, 1971, as Document No. 71-1716 in Volume/Book 485 of the Plat of Bureau County, beginning at page 53 (Declaration) and By-Laws, as thereafter amended and/or restated, to adopt rules and regulations, including rules regarding and requiring the inspection of certain types of septic/sewage treatment systems as required by and consistent with applicable provisions of the Illinois Administrative Code, Ordinances of Putnam and/or Bureau Counties, and the authority of the Bureau/Putnam/Marshal County Department of Health (Department); and

WHEREAS, rules, regulations and policies enacted by the Board become effective immediately upon being adopted by the affirmative vote of a majority of a quorum of Directors at a meeting held pursuant to notice; and

WHEREAS, the improper disposal of sewage is a menace to the public health, and septic/sewage systems that are not maintained and in proper working order are a risk to the health of residents and their guests; and

WHEREAS, the Director of Environmental Health for the Department has expressly authorized the Association, by and through its Board, and in the interests of the health and welfare of residents of said Counties, including residents, occupants and Lot Owners in the Association, to enact and enforce rules consistent with the requirements of the Illinois Environmental Protection Agency (EPA), and of applicable provisions of the Illinois Administrative Code, including Section 905.100 thereof regarding Aerobic Treatment Plants and NSF International/ANSI Standard 40 Wastewater Treatment Systems, the Illinois Private Sewage Construction Code, the Ordinances of Bureau and Putnam Counties, including but not limited to the Putnam County Private Sewage Ordinance, regarding the regular inspection and maintenance of private septic and other sewage systems within the Association by qualified and registered contractors and to require proof of same; and

WHEREAS, the Board, pursuant to the foregoing and in the exercise of its vested authority, deems it to be in the best interests of the Association to adopt rules and regulations establishing uniform requirements / procedures for the systematic inspection of both aerobic and anaerobic septic systems;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

The following shall constitute the Sewage System Inspection Policy of the Lake Thunderbird Association:
Sewage System Inspection Policy

The foregoing Recitals are incorporated herein by reference.

Aerobic Sewage Systems: Each Owner of a Lot within the Association (as those terms are defined in the Declaration) (hereafter, "Lot Owners") having on said Lot an aerobic sewage treatment system of whatever kind, type or design, including without limitation aerobic treatment systems, aerobic sewage systems and/or surface-discharging aeration treatment units, intended for the purpose of disposing of household sewage, waste water, and/or effluent (an "Aerobic Sewage System"), shall arrange to have 'Regular Service Calls' (as hereinafter defined) for the inspection of, and all necessary maintenance and service upon, their Aerobic Sewage System performed by a

septic/sewage installer/servicer licensed by the State of Illinois, registered with the Department (a Registered Septic/Sewage Contractor), and authorized/trained by the manufacturer of the system.

Anaerobic Septic Systems: Each Lot Owner having on said Lot an anaerobic sewage treatment system(s) of whatever kind, type or design, including without limitation an anaerobic septic system with or without a tank, and with or without a subsurface leach field, intended for the purpose of disposing of household sewage, waste water, and/or effluent (an “Anaerobic Septic System”), shall arrange to have ‘regular service calls’ (as hereinafter defined) for the inspection of, and all necessary maintenance and service upon, their Anaerobic Septic System performed by a septic/sewage installer/servicer licensed by the State of Illinois and registered with the Department (a Registered Septic/Sewage Contractor).

Required Regular Service Calls. With respect to the respective types of septic/sewage systems described in Sections 2 and 3 above, the term “Regular Service Calls” shall be defined as follows:

Each Lot Owner having on his/her Lot an Aerobic Sewage System shall, at a minimum, arrange with a Registered Septic/Sewage Contractor to provide the following services: A service call and reporting at least once approximately every six (6) months, (but in no event fewer than two (2) service calls per year) which service calls must include:

Inspection, adjustment and servicing of the mechanical and the applicable component parts of the Sewage System to ensure proper functioning, and adding of chlorine tablets or other disinfectant as specified;

An effluent quality inspection consisting of a visual check for color, turbidity, scum overflow, and an examination for odors, as well as a yearly chemical analysis of the output of the system to be performed by the EPA, with written results of said test(s) to be kept by the Lot Owner, and a copy provided to the Association; and

A written report/certification to the Lot Owner signed by the authorized representative of the Registered Septic/Sewage Contractor, as described in Section 5, below, with a copy delivered by the Lot Owner to the Association/its Manager at its business office within seven (7) days of the day the report/certification is made, each time an inspection or service call is made.

Each Lot Owner having on his/her Lot an Anaerobic Septic System shall, at a minimum, arrange with a Registered Septic Contractor to provide the following services: A service call and reporting at least once every three (3) years which service calls must include:

Inspection, adjustment and servicing of the mechanical and all applicable component parts of the Anaerobic Septic System, including a tank, if any, and the leach field, to ensure proper functioning;

A written report/certification to the Lot Owner signed by the authorized representative of the Registered Septic/Sewage Contractor, with a copy delivered by the Lot Owner to the Association/its Manager at its business office within seven (7) days of the day the report/certification is made, each time an inspection or service call is made; In the event that a Lot Owner has had a service call/inspection of his/her Anaerobic Septic System within the last prior two (2) years, it shall be sufficient to show compliance with Section 4 b. if the Lot Owner provides a copy of an inspection/service report made by the contractor at/about the time of that inspection to the Association/its Manager as provided above.

If, however, a Lot Owner does not have, or did not receive, an inspection/service report in connection with such last service call/inspection, the Lot Owner shall arrange for a service call and reporting as required under Section 4 b. within, including delivering to the Association the written report/certification described in Section 5, below, no later than one (1) year from the effective date of this Sewage System Inspection Policy.

At a minimum, the report/certification by a Registered Septic/Sewage Contractor shall certify to the Association/its Manager the type and kind of system inspected and the condition of the system inspected, whether or not any defects or malfunctions were observed, and for systems having tanks, whether or not, at the time of the inspection, the tank was pumped. The inspector shall report to the Lot Owner and the Association any improper operation that cannot be corrected at the time of the inspection. In the event the system is not corrected at the time of the inspection, the inspector shall furnish a written report to the Lot Owner, who shall deliver a copy of same to the Association's business office within seven (7) days, stating the date by which the condition will be corrected, which shall in no event be longer than thirty (30) days.

The Department maintains a list of Registered Septic/Sewage Contractors for each of the Counties served by the Department, and the Association will maintain a list of Registered Septic/Sewage Contractors that are familiar with the Aerobic Sewage Systems in the area based upon the Department's list and will provide copies of the list to Association Lot Owners within a reasonable time upon request.

Lot Owners may engage/arrange with contractors other than those on the Department's list to perform the required services, provided the contractor is licensed by the State and becomes a Registered Septic/Sewage Contractor registered in the County where the Septic System is located pursuant to procedures and requirements of the Department.

Each Registered Septic/Sewage Contractor retained by a Lot Owner shall be an independent contractor of that Lot Owner and is not the contractor or employee of the Association.

The Association shall have the authority under its Rules and Regulations and this Sewage System Inspection Policy to impose fines upon Lot Owners for failure to comply with this Septic System Inspection Policy, including the reporting requirements, after notice of violation and an opportunity for appeal and/or (in the Board's sole discretion) alternative remedy.

All Violations for this Article are Class 1, 2, 3, 4, amount determined by Board of Directors
(Effective 01/01/2021)

Notwithstanding the forgoing, nothing in this Sewage System Inspection Policy shall act as a bar or in any manner prevent the Department, the State, the EPA, or any applicable governmental authority from imposing fines for violations of applicable provisions pursuant to, without limitation, the Illinois Administrative Code, the Illinois Private Sewage Construction Code, Ordinances of Putnam and/or Bureau Counties, and the authority of the Department.

NOW THEREFORE, we, the undersigned members of the Board of Directors of LAKE THUNDERBIRD ASSOCIATION consent to and adopt the foregoing Sewage System Inspection Policy on this 16th day of September, 2017. (See minutes for details of voting.)