

SUBSURFACE SEWAGE DISPOSAL SYSTEM CLEANING ORDINANCE

1. Statement of purposes and authority.

A. Hidden Lake Association (“Association”) declares that it is in the best interests of the Association and all of its members that Hidden Lake be managed in an environmentally and ecologically sound manner, to the extent the same is within the power and control of the Association, and further declares that keeping Hidden Lake in such an environmentally and ecologically sound condition enhances the public health, safety, and welfare of the members of the Association and enhances the values of properties located within the Association.

B. In furtherance of the foregoing statement of purposes, the Association hereby invokes the powers granted by Section 7 of the Special Act of 1937, as amended, authorizing the enactment and enforcement of ordinances concerning, among other things,

- i) the power to protect by suitable means property within Association limits from injury;
- ii) the power to clean and improve any and all unsightly or neglected waste places;
- iii) the power to prevent a deposit within Association limits of any refuse, garbage or waste material of any kind which in the opinion of the Board of Governors may endanger the public health or safety; and/or
- iv) the power to remove garbage, filth, ashes and any other refuse matter within Association limits, and to authorize such person as the Board of Governors may designate to make entry on any private property within the Association limits for the purpose of taking and removing all filth, garbage, ashes, brush or any other offensive matter. Based on the foregoing, this Ordinance is hereby adopted.

2. Certification of cleaning. The owner or owners of each parcel of land on which there is located any structure used as a seasonal and/or year-round residence, or on which there is located any device, apparatus, system or outbuilding appurtenant to any such structure, shall jointly and severally be responsible to deliver to the Association, on or before April 1, 2000, and on or before each April 1st of every fourth year thereafter, a written certification from a qualified and bona fide septic cleaning service, in a form acceptable to the Association, indicating that the subsurface sewage disposal system servicing such parcel has been cleaned in accordance with proper and acceptable subsurface sewage disposal cleaning methods (“Certification”). For the purposes of this Ordinance, “subsurface sewage disposal system” means any method, process or system, including but not limited to a septic system, whether or not in compliance with current state law, by which waste water, sewage or effluent is discharged from such parcel into the subsurface of any portion of any land within the Association limits. Nothing contained in the foregoing is intended or shall be construed as the approval, permission, acquiescence, or condoning by the Association of the use of any particular structure for residential purposes, nor the use of any such subsurface sewage disposal system which does not comply with state law and regulations.

3. Cleaning by the Association. In lieu of requiring the Certification under Section 2, the Association will, upon request of an owner of any parcel subject to this Ordinance, provide for cleaning of any such subsurface sewage disposal system at a cost to be determined from time to time by the Board of Governors, which cost shall not exceed the actual costs incurred by the Association in performing such service. Notwithstanding the above, the Association may, at the Board of Governors' sole discretion, provide such service without charge. The Board of Governors shall, each year, establish the maximum amount the Association will pay to clean any such system, and the excess cost, if any, shall be the responsibility of the owner(s) of such parcel.

4. Entry onto private land. Nothing in the foregoing Sections is intended or shall be construed to limit the power of the Association to make entry upon any parcel within the Association limits subject to this Ordinance, including but not limited to the right to clean the subsurface sewage disposal system on any parcel for which no Certification has been received by any date required under this Ordinance. The Association shall not, however, enter onto any such parcel without first sending to the owner(s) of such parcel, by first class mail addressed to the owner(s) at the last address of such owner(s) on the records of the Association, a notice providing thirty (30) days to comply with Section 2 of this Ordinance.

5. Enforcement. In lieu of or in addition to the power of the Association to enter any parcel within the Association limits on the conditions and for the purposes stated above, the Association may impose a fine in the amount of \$25.00 per day of noncompliance starting with the first day of noncompliance following the thirty (30) day notification required under Section 4, and shall have the power to collect any such fine by a civil action in the Superior Court for the Judicial District of Middlesex at Middletown. In addition to the above, the Association shall have the right to prosecute a civil action for equitable relief against any such owner or owners, which relief shall include, but not be limited to the issuance of a temporary and/or permanent injunction for the enforcement of this Ordinance. In any action for collection of fines imposed, and/or for equitable relief, the Association shall be entitled to recover from the owner or owners of such parcel the Association's reasonable and actual attorney's fees and costs.

6. This ordinance shall take effect on January 1, 2000, or ten days after its passage or posting pursuant to Section 7 of the Special Act, whichever is later.