

OAK RUN
ARCHITECTURAL AND ENVIRONMENTAL CONTROL
RULES AND REGULATIONS

TABLE OF CONTENTS

INTRODUCTION..... 1

SECTION 100. GENERAL POLICIES

Section

1 Authority of the AEC Committee 2
2 Notification of Changes to Rules and Regulations 2
3 No Construction without Prior Committee Approval 2
4 Improvements Not Listed..... 3
5 Refusal of Permission..... 3
6 Fees..... 3
7 Authorization to Impose Fees for Non-compliance 3
8 Diligence in Building 3
9 Property Owner Responsibility 3
10 Deviation from Plans..... 4
11 Variance Policy 4
12 Use of Common Areas for Construction Activities 4

SECTION 200. HOME CONSTRUCTION

Section

1 Construction on Split Lots..... 5
2 Home Application Requirements 5
3 House Plans 6
4 Site Plans 6
5 Erosion Control 6
6 Building Setbacks..... 6
7 House Size..... 7
8 Exterior Materials..... 7
9 Exterior Colors 7
10 Roof Pitch..... 7
11 Decks 8
12 Boardwalks 8
13 Exterior Lights..... 8
14 Propane Tanks 8

15	Satellite Dishes, Wind Turbines, and Solar Power	9
16	House Demolition.....	9

SECTION 300. GARAGES

Section

1	Garage Application Requirements	10
2	Garage Plans.....	10
3	Site Plans	10
4	Gazebos	11
5	Pergolas	11
6	Accessory Structure Rules.....	11

SECTION 400. BOAT DOCKS AND SHORELINE CONSTRUCTION

Section

1	Dock Permit Requirements	12
2	Dock Dimensions and Location	12
3	Miscellaneous Dock Rules	13
4	Swim Platforms	13
5	Watercraft Lifting Devices	13
6	Watercraft Covers.....	14
7	Shoreline Maintenance	14
8	Rip Rap.....	14
9	Sea Walls.....	14
10	Reclaiming Shoreline	15

SECTION 500. MISCELLANEOUS CONSTRUCTION

Section

1	Driveways and Culverts	15
2	Fences	16
3	Swimming Pools.....	16

SECTION 600. LOT MAINTENANCE

Section

1	Maintenance Requirements	17
2	Tree Removal	17
3	Burning Regulations.....	18
4	Nuisance Vehicles and Equipment.....	18

SECTION 700. GENERAL RESTRICTIONS

Section

1 Residential Addresses..... 19
2 Use of Adjacent Property 19
3 Construction Material Storage..... 19
4 Construction Waste 20
5 For Sale Sign Policy 20
6 Contractor Signs 20
7 General Sign Rules 20
8 Oak Run Sponsored Activity Signs 21
9 Civic Activity Signs 21
10 Garage Sale Signs..... 21
11 Private Event Signs 21

SECTION 800. UTILITIES

Section

1 Utility Locations..... 22
2 Connection to Water System..... 22
3 Connection to Sewer System..... 22
4 Septic System Approval 22
5 Geothermal Heating Systems 22
6 Electricity and Telephone..... 23
7 Re-subdivision of Lots 23
8 Combining Adjoining Lots..... 23
9 Road Restrictions 23

SECTION 900. ENFORCEMENT

Section

1 Non-Judicial Enforcement..... 24
2 Judicial Enforcement 25

INTRODUCTION

The covenants of the Oak Run subdivisions provide in Article VI for an Architectural Control Committee and an Environmental Control Committee. These committees are to be appointed by the Board of Directors and are responsible for review and approval of any proposed buildings, fences, walls or other structures. The Board has chosen for the sake of efficiency and consistency to appoint the same individuals to these committees and combine their functions.

The covenants also provide that the Oak Run Property Owners Association is responsible for the administration and enforcement of the covenants and other restrictions at Oak Run. The Association's Bylaws, Article X, permit the Board of Directors to establish rules to carry on the business of the Association. Accordingly, the Oak Run Board of Directors has established these Rules to define and regulate the jurisdiction of, the activities of, and the decisions of the Architectural and Environmental Control Committee at Oak Run. Because enforcement of the rules and restrictions at Oak Run requires prompt action in most circumstances, the Board has determined that the Architectural and Environmental Control (AEC) Committee is best suited to address these issues within the parameters established by these Rules.

With respect to property owner improvements to the "Common Properties," i.e., the lake and the shoreline areas, the Oak Run Board has delegated responsibility to the AEC Committee to review and approve such improvements pursuant to the Board's authority in Article IV of the covenants.

These Rules are intended to be consistent with and in furtherance of the restrictions in the restrictive covenants. If there is any inconsistency, the covenants control.

The covenants at Oak Run, Article VI, Sections 1 and 2, provide that in the event the Committee fails to act on a given set of plans or specifications within 30 days, in the absence of a lawsuit being filed, the plans are "deemed" approved. These provisions make it crucial that both the owner and the Committee comply with these Rules and act promptly on any plans, specifications or proposals which are submitted.

Accordingly, in connection with any application or submission of plans and specifications, these Rules will be construed as follows:

First, an application for Oak Run permit (i.e., submission of plans and specifications) will not be deemed submitted to the Committee for review until the application requirements of these Rules are fully met. If the Committee requests more information or documentation, that shall be deemed a disapproval of the submission.

Second, once the application is complete under these Rules, the Committee will act on that application within 30 days as provided herein.

Strict adherence to these Rules will thus ensure compliance with the covenants and the intended scheme of residential development at Oak Run. This will benefit and protect the interests of all property owners.

The Oak Run Property Owners Association volunteers, committee members, and officers charged with the enforcement of these rules and regulations, while acting for the Association, should be entitled to such immunity as the applicable state and federal law may provide. Any suit instituted against any volunteer, committee, member, employee, officer or Board member at

Oak Run because of an act performed in the lawful discharge of duties and under the provisions of these rules and regulations shall be defended by the legal representative of the Association at the expense of the Association.

ARCHITECTURAL AND ENVIRONMENTAL CONTROL **RULES AND REGULATIONS**

100 – GENERAL POLICIES

The purpose of this book is to document the building regulations at Oak Run. The Board of Directors of the Oak Run Property Owners Association reserves the right to add, change or delete any rules and regulations herein.

100.1 – AUTHORITY OF THE ARCHITECTURAL AND ENVIRONMENTAL CONTROL COMMITTEE

The Architectural and Environmental Control Committee (herein after referred to as the AEC Committee) is an all-volunteer group designated by the covenants under Article VI, Sections 1 and 2 to review and approve all applications for construction. Its discretion is subject to these Rules as adopted by the Board.

100.2 – NOTIFICATION OF CHANGES TO RULES AND REGULATIONS

Property owners will be notified of any changes in these Rules through the Oak Run Association newspaper, the *Communicator*, or the website. All rules have been adopted with the Association and property owners' best interests in mind.

100.3 – NO CONSTRUCTION WITHOUT PRIOR COMMITTEE APPROVAL

No house, residence, secondary building, addition, deck, dock, structure, or improvement of any type may be constructed or placed on any lot in the development without the prior written approval of the AEC Committee.

Additionally, no activity which, in the opinion of the AEC Committee, significantly changes the existing topographic character of the land shall be commenced without first obtaining approval of the Committee. This includes tree removal, grading, filling, moving and shaping of the terrain and alterations of natural watersheds. All construction projects within the Oak Run development must meet, at a minimum, the applicable requirements as published and current at the time a permit application is submitted.

The AEC Committee will not accept or approve applications for permit from non-members.

100.4 – IMPROVEMENTS NOT LISTED

Any improvement not listed in these Rules is subject to approval by the AEC Committee, which is agreed to by all lot owners by accepting deed to the lot per Oak Run restrictive covenants. When in doubt whether an improvement requires approval, the property owner shall contact the Association office.

100.5 – REFUSAL OF PERMISSION

The AEC Committee may refuse to grant permission to construct, place or make the requested improvements when: (a) The drawings or other material submitted are themselves inadequate or incomplete, or show the proposed improvement to be in violation of these restrictions. (b) The design or color scheme of a proposed improvement is not in harmony with the general surroundings of said lot or with adjacent buildings or structures. (c) The proposed improvement, or any part thereof, would in the opinion of the Committee, be contrary to the interests, welfare or rights of part or all of the owners of other said lots in the development

100.6 – FEES

Pursuant to the authority granted under Article IV Section (d), of the Oak Run covenants, the Board of Directors shall set yearly fees for administration and review of permit applications.

One copy of all required applications and rules and regulations will be presented to a lot owner free of charge. The Association reserves the right to assess a fee for additional copies. There will be a charge for the building package for non-property owners.

All assessments and fees owed by an Association member on any property must be paid in full before a building permit will be issued for that property.

100.7 – AUTHORIZATION TO IMPOSE FEES FOR NON-COMPLIANCE

The Oak Run Board of Directors shall have the power, pursuant to the governing documents to levy a fine or seek injunctive relief in the event that any improvement is constructed in violation of approved specifications.

100.8 – DILIGENCE IN BUILDING

Construction shall begin within 180 days of issuance of an Oak Run permit. Completion of the exterior of the improvement, including basic landscaping must be completed within twelve months. Any construction not started within 180 days or completed within 12 months from the start of construction will require an extended permit and be assessed a fee. A new completion date will be set. Failure to complete by this date will be considered a violation.

100.9 – PROPERTY OWNER RESPONSIBILITY

The property owner is responsible for the actions and activities of all persons contracted to perform work on a lot. It is the property owner's responsibility to make all such persons aware of the Association Rules and Regulations.

100.10 – DEVIATION FROM PLANS

If, during the progress of the execution of such 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 AEC Committee and an amended plan showing the alteration or deviation shall be submitted for its approval.

100.11 – VARIANCE POLICY

The AEC Committee shall determine and vary these regulations in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Committee makes a finding of fact based upon the standards hereinafter prescribed that there are practical difficulties or particular hardships in the way of carrying out the letter of these regulations.

1. An application for variance shall be filed with the AEC Committee. The application shall contain such information as the Committee may require. No more than sixty (60) days after filing a completed application, a hearing shall be held on the application. Notice of hearing shall be given by the Committee to adjacent lot owners to either agree or disagree with the variance requested.
2. Variances beyond the recorded plat of survey setback line, for front, side or rear setback, shall be considered by the AEC Committee only after approval of said variance by Knox County Zoning and the appropriate easement holders.

100.12 – USE OF COMMON AREAS FOR CONSTRUCTION ACTIVITIES

Background: The common properties are an asset for Association members and their families. They are permanently set aside for the use and enjoyment of the members and to maintain a buffer between residence and commercial areas. The preservation of these lands depends primarily on the cooperation of the Association and its members.

1. All construction or repair projects conducted on commonly owned property must have prior written approval of the AEC Committee.
2. The start and finish date must be approved by the AEC Committee.
3. Construction shall not extend for a period of more than 48 hours at any designated park or boat launch.
4. The storage of material or equipment is limited to the period of construction.
5. Insurance certificates must be submitted within minimum requirements of \$1,000,000 liability, naming the POA as additionally insured and workers comp.
6. A non-refundable fee may be set by the AEC Committee.
7. A refundable security deposit or bond for damages and construction clean-up will be set by the AEC Committee.
8. All construction waste shall be hauled off site or disposed of in approved receptacles. Oak Run owned receptacles shall not be used.
9. All construction related vehicles must be parked at predetermined and approved locations. No vehicles are to be left overnight in the park without prior written approval.

10. Construction at parks or boat launches shall be limited to Monday's, Tuesday's and Wednesday's, and no holidays.
11. The Association assumes no responsibility for accidents, injuries, property damage or theft.

200 – HOME CONSTRUCTION

The Oak Run Development is a recreational and residential community, which 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 quality, detail and preservation of the natural beauty of the land. This care in planning and development has placed Oak Run 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 location of their homes.

No recreational vehicles, trailers or mobile homes shall be acceptable as a family dwelling, nor will permits be approved for their use as such.

200.1 – CONSTRUCTION ON SPLIT LOTS

1. The restrictive covenants for the subdivisions at Oak Run neither specifically prohibit nor allow subdivisions of original lots, but they contain provisions regarding possible mandatory connection to the sanitary sewer system.
2. The Oak Run Property Owners Association Board has taken a position to support the Spoon Valley Sanitary District Ordinances regarding limitations on connecting to the sanitary sewer.
3. No building permits shall be issued by Oak Run until appropriate permits are obtained from the Sanitary District and other appropriate entities.
4. All property at Oak Run is subject to Knox County Zoning rules and regulations.
5. Oak Run will not approve building permits for residences which will create a potential density of more than one residence per "Original Lot" in the subdivision where the residence is proposed to be built.
6. This rule shall not affect the validity of any transactions or subdivisions, approved or otherwise of record before July 17, 1997.

200.2 – HOME APPLICATION REQUIREMENTS

1. Two complete and identical copies of building plans.
2. Two copies of plot plan drawn to scale.
3. A plat of survey completed by a registered Illinois surveyor.
4. A Knox County Zoning [Department] permit.
5. A Spoon Lake Sanitary District permit for sewer or septic.
6. A completed Oak Run Building Permit Application.
7. Administrative Fee.

200.3 – HOUSE PLANS (must show)

1. Be drawn to scale (1/4"= 1' preferred).
2. A cross sectional view, roof through foundation and finished grade.
3. Four basic elevations, with grade notes.
4. Footing size with a continuous depth below grade (36" minimum).
5. All porch and/or deck piers with footing depth below grade (36" minimum).
6. Foundation plan with dimensions and materials to be used.
7. Total living area of the ground floor.
8. Specify exterior siding materials and color.
9. Specify type and color of roofing materials.

200.4 – SITE PLANS (must show)

1. Be drawn to scale (1"=20' preferred).
2. Basic house lines, plus porches, decks and garages.
3. Distances from front, rear, and side lot lines.
4. Type, location, distances from boundaries and details of septic and drain field.
5. The location of geothermal heating systems and distances to the septic system drain field and the lake (if applicable).
6. Erosion control plan.
7. Location of driveway.
8. Location of LP tank and plan for concealment.
9. Drainage easements.
10. Meander line, if applicable.
11. Arrow indicating north.

200.5 – EROSION CONTROL

Prior to any construction activity at Oak Run, the property owner must take steps to prevent eroded material or run off from leaving the lot being worked on. On a plat of survey a layout showing the position of the building, the open swales and/or lakefront must be defined.

Designated on the plat must be the positioning of the silt fence or other approved erosion control material. The erosion control measures must be maintained until the lawn and/or ditch has been seeded or sodded and cover is established.

200.6 – BUILDING SET BACKS

No building or deck shall be located on any property nearer than:

1. 30 feet to the front property line or any side street line.
2. 10 feet to any side property line.

No building shall be erected on any lakefront lot below the 657.5 above sea level elevation (Meander line).

200.7 – HOUSE SIZE

The minimum size of enclosed living space on the ground floor exclusive of breezeways, patios, garages and other accessory uses is 680 square feet. No dwelling shall exceed two and one-half stories in height.

200.8 – EXTERIOR MATERIALS

No asphalt shingles, imitation brick, building paper, insulation board or sheathing or similar non-exterior materials shall be used for the exterior finish of any such building.

Exterior finish shall be wood, siding, logs, brick, stone, or concrete. Textured surfaces are generally preferred over smooth surfaces.

Exposed foundations of more than two feet must be sided or painted to match the building.

200.9 – EXTERIOR COLORS

The committee looks favorably on the use of natural colors and textures. The house style will, in most instances, dictate the proper range of materials and colors. When selecting your exterior colors you must select colors from the approved palette of color schemes available at the Association Office.

The choice of exterior materials and colors is extremely important. The committee may refuse to grant permission to construct, place or make the requested improvements, when the design or color scheme of the proposed improvement is not in harmony with the general surrounding of said lot or with adjacent buildings or structures. The proposed improvement or any part thereof, would in the opinion of the Committee, be contrary to the interests, welfare or rights of part or all owners of other lots in the development.

If you wish to change the color of your home, you must use the approved pallet of color schemes available at the Association Office.

200.10 – ROOF PITCH

One of the most visible elements of any home is the roof. Its ultimate appearance in relation to the structure should be carefully considered, as well as the color and texture of the roofing material.

Roofs with a significant pitch are normally most desirable; flat or low-pitched roofs are unacceptable. A minimum pitch of 5/12 is required within the development. This does not include dormers or any secondary roof structure.

Cedar shakes or heavy earth tone asphalt shingles are preferred as roofing materials. The Committee may approve other materials if texture and color are satisfactory. Single tab shingles will not be approved.

200.11 – DECKS

1. All attached decks must be supported by piers which are at least 36 inches below finished grade.
2. All decks, whether attached or unattached, shall comply with the building setback requirements for front and side lot lines.
3. Decks above the roofline are prohibited on detached structures.
4. Decks attached to a primary structure may be no higher above grade than the floor level of the second floor.
5. Permanent shade structures are prohibited on unattached decks.
6. Unattached decks above grade must be specifically approved by the POA.
7. Only stainless steel, galvanized, or double coated fasteners will be used on new treated lumber.

200.12 – BOARDWALKS

1. A Boardwalk is a promenade or walkway made of deck boards or stone and located along the shoreline at the water's edge.
2. A Boardwalk may not extend over the water or be more than 4 foot in width.
3. A Boardwalk may extend from lot line to lot line.

200.13 – EXTERIOR LIGHTS

Post lights should not exceed 10 feet in height to the top of light fixture, and the light source should be directed downward or of sufficiently low wattage to reduce glare. Direct glare shall be minimized through the use of sufficient shrouding and diffusing lenses and cannot exceed 25 watt or 75 watt LED.

200.14 – PROPANE TANKS

All LP tanks must meet National Fire Protection Association and State codes for installation procedures.

Above Ground Installation – All above ground propane tanks shall be screened in such a manner that the tank cannot be viewed from the road, side yard or lake. This can be accomplished by using natural evergreen shrubbery and fencing material.

Homes off the Lake – LP tanks shall not be placed in the front yard.

Lakefront, and Golf Course Homes – LP tanks, when placed in the front yard shall be a minimum of fifteen feet from the front lot line.

LP tanks shall be a minimum of ten feet from the side lot line. Side yard placement shall be no closer to the front of the home than one-half the distance of the depth of the house.

All LP tanks must be approved by the AEC Committee. The site approved will be based in part on the consideration that approximately 100 feet of hose is available on most refueling trucks.

The design or color scheme of LP tank enclosures shall be in harmony with the general surroundings. Enclosures must be maintained in such a manner as to not become unsightly.

Below Ground Installation - All buried LP tanks shall be equipped with cathodic protection. The site plan shall show the location of burial and include a corrosion protection plan.

The Oak Run AEC Committee recommends that all underground propane tanks be marked with an elevated reflective marker.

200.15 – SATELLITE DISHES, WIND TURBINES AND SOLAR POWER

Definition: Any parabolic-shaped receiving antenna, of 4 foot or more in diameter, that is designed and used for receiving television or other electromagnetic signals from fixed orbit, earth satellite transmitters. An Oak Run Building Permit is required prior to installation.

A satellite dish may not:

1. Be installed in the area that lies between the meander line and the lake shoreline
2. Obstruct the view of the lake from neighboring residences
3. Be installed within 30 feet of the front yard or rear yard setback

Residential wind turbines will not be permitted.

Roof top solar collectors will be permitted providing they are not visible from the lake, do not extend beyond 18 inches above the roof surface, are not visible above the roof peak, and blend in with the existing roof material. The AEC may modify the 18 inch requirement based upon specific issues relating to the proposed roof top solar collector.

Free standing solar collectors will not be allowed.

200.16 – HOUSE DEMOLITION

1. Neighboring homeowners must be advised of demolition plans and start date.
2. Proof of liability insurance and bonding must be submitted with permit application.
3. All utilities must be located and turned off, prior to starting.
4. Septic tanks must be pumped and capped.
5. A hazardous material inspection may be required.
6. A plan must be submitted for the removal of material.
7. Demolition must be completed within 15 days of start date.
8. If the structure is not rebuilt the lot must be returned to its natural appearance within 30 days.

300 – GARAGES

1. Garages must be approved by the AEC Committee prior to construction.
2. Only one detached garage may be erected, placed or permitted to remain on any lot.
3. No garage can precede the construction of a residence on any Oak Run lot.
4. No garage shall be located nearer than 30 feet to front and rear lot line, 10 feet to any side lot line or below the meander line.
5. The minimum size is 12'x 20' or 240 square feet. The maximum size is 1000 square feet.
7. Requirements include a floating slab of at least 4 inches or 36-inch footings.
8. Garages shall match the primary residence in color and kind and have a door which is at least 7 feet by 8 feet.
9. Exposed foundations of more than one foot must be sided or painted to match the building.
10. Roof slopes will be a minimum of 5/12 unless specifically varied by the AEC Committee.
11. Pole buildings are prohibited.

300.1 – GARAGE APPLICATION REQUIREMENTS

1. Two complete and identical copies of building plans
2. Two copies of plot plan drawn to scale
3. A plat of survey completed by a registered Illinois surveyor
4. A Knox County Zoning [Department] permit
5. A completed Oak Run Building Permit Application
6. Administrative Fee

300.2 – GARAGE PLANS (must show)

1. Be drawn to scale (1/4"= 1' preferred)
2. A cross sectional view, roof through foundation and finished grade
3. Four basic elevations, with grade notes
4. Footing size below grade (36" minimum). Floating Slab (4" minimum depth)
5. Foundation plan with dimensions and materials to be used
6. Specify exterior siding materials and color
7. Specify type and color of roofing materials

300.3 – SITE PLANS (must show)

1. Be drawn to scale (1"=20' preferred)
2. Basic garage lines, plus porches, decks if applicable
3. Distances from front, rear, and side lot lines
4. Erosion control plan
5. Location of driveway
6. Drainage easements
7. Meander line, if applicable
8. Arrow indicating North

300.4 – GAZEBOS

1. Gazebos are not considered buildings under Oak Run rules - but they are considered “structures.”
2. The maximum size is 155 square feet and must be constructed on ground level. The maximum height is 14 feet from ground level.
3. Gazebos shall be located a minimum of 30 feet from property lines.
4. Sides below floor level shall be enclosed.
5. Sides above floor level may be partially enclosed and /or screened.
6. Under no circumstances will gazebos be used for storage sheds or sleeping quarters.
7. Roof slopes will be a minimum of 5/12 unless specifically varied by the AEC Committee
8. Permits are required for construction of a gazebo.

300.5 – PERGOLAS

1. Pergolas are not considered buildings under Oak Run rules - but they are considered “structures.”
2. The maximum size is 255 square feet. The maximum height is 8 feet from floor ground level.
3. All pergolas will be constructed of treated wood or composite material.
4. No pergola will have a covered roof (permanent or temporary).
6. Pergolas will be constructed solely over land and will not be approved to be constructed over the water on any dock.
7. Permits are required for construction of a pergola.

300.6 – ACCESSORY STRUCTURE RULES

Definitions: A storage shed (shed) is defined as an accessory structure not exceeding 120 square feet in size. Structures larger than 120 square feet are considered buildings and shall conform to the established rules for a secondary building.

1. An Oak Run building permit is required for all storage sheds, no matter what type or size.
2. Only one shed will be allowed per improved lot. (Lots with a dwelling.)
3. No shed shall be erected or placed on an unimproved lot. (Lots without a dwelling.)
4. To lessen the unfavorable visual impact within the development, the location of sheds shall be determined solely by the AEC Committee, or the Board of Directors.
5. Sheds shall not be erected or located in the front or side yard of any lot.
6. Sheds shall not be located in a utility or drainage easement.
7. Sheds shall be located further back than the main structure, and may be required to be positioned behind and within the confines of the house and/or garage.
8. On lakefront lots, no shed shall be erected or placed below the meander line, and shall be located within 25 feet of the main structure.
9. Sheds shall not have a footprint that exceeds 120 square feet in size, or be more than 10 feet in height from ground level.
10. All sheds must be constructed using wood framing. No pre-molded plastic sheds are allowed.

11. The outside finish of all sheds shall be made of exterior building materials. No asphalt shingles, metal, imitation brick, building paper, insulation board, or sheathing will be allowed.
12. Sheds shall be sided or painted to match the house. They shall correspond to the established color pallet and match the house in color and kind.
13. Sheds shall be maintained in such a manner as to prevent peeling, fading, degradation, or unsightliness.
14. All sheds shall have doors, which shall remain closed when not in use.
15. All sheds must be maintained and anchored to a slab that is a minimum of 4 inches in depth.

400 – BOAT DOCKS AND SHORELINE CONSTRUCTION

Definition: Any structure built along or on the lake or on the lake shore which extends into the waters of the lake and used for the purpose of mooring or storing any type of floating device commonly referred to as a boat/or boats, shall be considered to be a boat dock for the purpose of granting a building permit. By adopting these rules, the Board has delegated its general authority to regulate construction on and improvements to the “Common Properties, i.e., the lake, to the AEC Committee. The jurisdiction of Oak Run for such boat dock and shoreline regulation is based on Article IV of the covenants.

400.1 – DOCK PERMIT REQUIREMENTS

An application for permit for dock construction must be submitted to the AEC Committee and approved before construction may begin.

The application for permit must contain:

1. A plot plan of the lot showing the exact location of the proposed dock with respect to the side property lines, shoreline, and existing structures.
2. A specification sheet showing materials, type of dock, dimensions, floats (if applicable) and other pertinent information.
3. A plat of survey, completed by a registered Illinois surveyor, showing the location of the proposed dock.
4. A side view showing dock supports and piers.
5. Only stainless steel, galvanized, or double-coated fasteners will be used on new treated lumber.

400.2 – DOCK DIMENSIONS AND LOCATION

No dock shall be allowed to project into the lake further than 25 feet as measured along a line perpendicular to the shoreline from the outermost portion of the dock to the water’s edge, determined at normal pool elevation of the lake surface (652 feet). The distance may be less than 25 feet as stipulated by location determined by the AEC Committee.

All docks shall be located not less than 10 feet from the side lot line as determined by the extension of each side lot line. The distance may be less than 10 feet as determined by location and the AEC Committee.

400.3 – MISCELLANEOUS DOCK RULES

1. All docks shall be maintained in good repair to prevent broken or detached portions from becoming floating debris and creating potential hazards to navigation and the property of others.
2. A maximum of two storage units are allowed to be located on docks. The maximum size of each unit can be no larger than 5 feet in height and 60 cubic feet.
3. Any dock extending into the lake shall display a series of two (2) letters, or one (1) number, and then three (3) numbers identifying such dock. The letters, or first number, shall identify the subdivision and the following three numbers shall identify the lot. As an example Parkview 121 shall be displayed as PV-121 or 3-121. Letters and numbers shall be a minimum of 3 inches in height and be of a color or material that contrasts with the dock.
4. No roof or other permanent type of overhead structure made of metal, wood, plastic, or other structural material shall be attached to any type of dock.
5. No hollow drums, metal drums, or barrels shall be used for the purposes of floatation or buoyancy, to support either a floating or combination dock.
6. Winter storage of docks on outlots is prohibited.

400.4 – SWIM PLATFORMS

Lakefront property owners may use swim platforms when confined within 25 feet of the owner's shoreline and subject to limitations of permanent floating dock restrictions.

1. The size of swim platforms is restricted to 15 feet x 15 feet.
2. All swim platforms must display a minimum of eight (8) reflective devices which are at least four (4) inches in diameter. One reflective device must be located adjacent to each corner of the platform and shall be of a color and material that contrasts with the platform so as to provide maximum visibility.
3. All swim platforms must be pulled to shore after dusk and secured to prevent them from becoming a hazard to boaters.

400.5 – WATERCRAFT LIFTING DEVICES

Definition of Watercraft Lifting Devices: A device used to lift out of the water, or to moor, any type of watercraft. A device which incorporates into its structure: a manual, electrical, hydraulic, or pneumatic device for watercraft lifting.

1. No watercraft lifting device may have a permanent cover over the top for any purpose, either as part of the lifting mechanism or as protection from the elements.
2. A permit is not required for installation of a non-covered watercraft lifting device, providing it is properly installed, maintained and used for the purpose intended.
3. Watercraft lifting devices must be positioned so as not cross an extension of the side property line.

4. Watercraft lifting devices shall be installed in the water no later than the second Saturday in June, and removed from the lake by the first week in December, of each year.
5. Storing of watercraft lifting devices on any lot within the development between the second week in June and the first week in December is prohibited.

400.6 – WATERCRAFT COVERS

Temporary Watercraft Covers - are acceptable at any time, providing they are used for the purpose intended, and the vertical sides or skirts are no more than 24 inches in length. A permit is not required to use a temporary cover.

Permanent Watercraft Covers - are illegal at any time, and permits for construction of permanent covers will not be issued. Factory installed canvas (or convertible tops) are excluded from the rule, providing that the vertical sides or skirt are no more than 24 inches in length.

400.7 – SHORELINE MAINTENANCE

The energy of wave action transports soil from the shoreline and deposits it in deeper water as sediment. This process damages shoreline habitat and structure, pollutes water with suspended solids, damages aquatic habitat, and results in sedimentation and degradation of our water resources. A continuous comprehensive erosion control program will promote desirable water quality, recreational opportunities, and storage capacity, and will postpone the expensive prospect of dredging.

It is the responsibility of lakefront property owners to maintain their individual shoreline in such a manner as to prevent erosion from occurring.

Approval for shoreline stabilization structures to prevent erosion must be obtained from the AEC Committee prior to construction.

400.8 – RIP RAP

Shoreline stabilization using rip rap shall be accomplished by placement of properly sized stone on a properly graded shoreline. Variances shall be granted for technical reasons only.

1. Rip rap shall extend from lot pin to lot pin except where a small beach area exists.
2. Rip rap shall meet the minimum criteria of IDOT RR#3 with an average size of six (6) to ten (10) inches.
3. A 2 to 1 slope which extends 2 feet above full pool (657.5 above sea level) is recommended for most projects. This amounts to approximately .6 to .8 tons per linear foot.

400.9 – SEA WALLS

Sea walls may be constructed of concrete, gabion baskets, block, treated timber, steel, or PVC piling. No railroad tie walls will be allowed.

1. All sea wall plans must include start and finish dates.
2. Plans should include weep holes, filter cloth, and proper drainage to relieve pressure from the sea wall.
3. The base of the sea wall shall be a minimum of three (3) feet below normal pool. The top of the sea wall shall be a minimum of two (2) feet above normal pool (657.5 above sea level).
4. For straight vertical sea walls, rip rap must be placed at the base of the wall to provide toe protection and deflect wave energy.
5. Sea walls shall be designed with adequate tie back and anchors to prevent movement.
6. A plat of survey, completed by a registered Illinois surveyor, showing location of the purposed dock.

400.10 – RECLAIMING SHORELINE

At the discretion of the AEC Committee, property owners may reclaim shoreline lost to erosion.

1. Reclaimed shoreline may extend no further into the lake than the original shoreline and must be replaced with soil reclaimed from the lake.
2. The property owner is responsible for locating meander line pins and staking the original shoreline prior to the start of reclamation.
3. An application to reclaim shoreline lost due to erosion will not be approved if any portion of the shoreline to be reclaimed, which in the opinion of the AEC Committee, impairs or blocks access to neighboring properties.

500 – MISCELLANEOUS CONSTRUCTION

500.1 – DRIVEWAYS AND CULVERTS

Driveway location must be shown on a plat of survey prior to construction. A culvert must be installed prior to the start of construction. Check with the Township Road Commissioner for size requirements prior to installation.

All driveways or roadways extending past the primary residence on lakefront lots shall:

1. Require prior approval from the AEC Committee.
2. Be maintained in such a manner as to not allow soil or other eroded material from entering the lake.
3. Be serpentine in nature and flow with the natural hillside on steep slopes.
4. Be constructed with natural materials that blend with the surroundings. Approved materials include asphalt, or earth-toned concrete or rock.

The AEC Committee reserves the right to determine distances and location based on topography and site.

All temporary roadways constructed for shoreline maintenance shall be removed and seeded within 90 days of completion of the maintenance.

500.2 – FENCES

It is important to consider your neighbors when choosing a fence. A poorly placed fence can detract from the community's natural beauty. It can also block your neighbor's view. Consider your neighbors and inform them of your intentions before bringing your plans to the Committee. If there is the possibility of an obstruction, the Committee will determine if such an obstruction exists and approval will be granted or denied accordingly.

In order to preserve the natural quality and aesthetic appearance of the existing geographic area within the development, all property lines shall be kept free and open one to another and no fence shall be permitted to enclose or define property lines of individual home sites. As with all elements, the fence should enhance rather than detract from the overall appearance of the property. The Committee encourages use of rough-hewn woods, or natural plantings as fencing and screening materials. The Committee shall reserve the right to determine the size, location, height, and composition of the fence or other enclosure.

1. Fencing must be erected only for specific purposes.
2. Chain-link or weatherized fences will only be permitted for dog runs and garden enclosures. The maximum size of dog runs shall be 10 feet by the width of the residence or secondary building.
3. Fences shall not exceed six (6) feet in height above the natural grade of any lot.
4. No fence or screen shall be permitted to obstruct traffic visibility on corner lots or driveway entrances.
5. No dog kennel, dog run, or other structure used to house dogs, shall be located any closer than ten (10) feet from any property line.
6. No fencing shall be permitted on lake frontage, which, in the opinion of the Committee, detracts from the overall aesthetic appearance of the community.
7. On non-lakefront lots, fencing may only be erected on those portions of the lot that are as far back or further back from the street than the main building.
8. All fencing, including dog runs, must be approved by the AEC Committee.

500.3 – SWIMMING POOLS

1. Any structure, such as pools, hot tubs or spas that contains water over 24 inches deep must be approved by the AEC Committee.
2. A new or existing survey showing the plot plan with properly established distances to lot lines, buildings, fences, etc. must be submitted to the AEC Committee.
3. Plans shall include dimensions and construction of the pool 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.
4. All pools, hot tubs, ponds and outdoor spas must meet State code requirements.
5. All pools, tubs, ponds and outdoor spas must relate unobtrusively to the house, lot and neighboring properties, and should be properly screened with landscaping.

600 – LOT MAINTENANCE

Property ownership includes the responsibility for continued maintenance of all structures and grounds which are part of the property. This includes, but is not limited to, items such as mowing grass, removal of trash and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety. Violations of these maintenance standards are violations of the Oak Run covenants, Article VI, Section 2.

600.1 – MAINTENANCE REQUIREMENTS

1. Residents are responsible for maintaining the exterior of their dwellings and any other structures on their lots, such as decks, fences, docks, boatlifts, and playground-type equipment in a manner as to prevent:
 - a. Peeling or faded stain/paint on exterior siding and trim.
 - b. Broken, cracked or missing parts.
 - c. The overgrowth of trees, bushes, or other plant material.
 - d. Buildings and roofs from severe degradation or unsightliness.
2. All improved lots must be kept in a neat and orderly fashion. Lawns must not be allowed to grow so tall as to become unsightly. The Association may arrange for mowing at the owner's expense.
3. It shall be the duty of every person to control the spread of, and eradicate, all noxious weeds on lands owned or controlled by him in the State of Illinois. (Illinois Noxious Weed Law).
4. Features such as statues, brightly colored, conspicuous or excessive lawn ornaments, or exotic horticultural varieties, which are not harmonious with the natural setting, will not be permitted.
5. The storage of lawn equipment, snow removal equipment, barbecue grills, etc., is not permitted in the front or side yard. All items must be stored either in the garage, approved storage area, or back yard screened from view of adjacent properties. Decks or patios may be used for the storage of items such as grills and outdoor lawn furniture which are normally used on the deck.
6. Garbage cans shall not be left out for curbside service for a period of more than 48 hours.

600.2 – TREE REMOVAL

1. No tree over 6 inches in diameter, as measured one foot above ground level, may be cut down or removed from any privately owned lot, for any reason, without prior written consent of the AEC Committee. No tree, brush or other vegetative matter of any diameter shall be removed from commonly owned property without prior written consent from the AEC Committee.
2. Strip clearing of lots for the purpose of construction will not be permitted. Site planning and clearing for new construction should be accomplished, insofar as is feasible, in a manner which respects and preserves existing trees, vegetation and land contours. Trees immediately adjacent to the construction site should be protected to avoid damage.

FINE SCHEDULE FOR TREE HARVESTING WITHOUT PRIOR WRITTEN CONSENT OF THE AEC COMMITTEE:

Fines are per tree and require the property owner to replant a tree for each tree harvested.

TREE DIAMETER	PROPERTY OWNER LOT	OUTLOT
6"-10"	\$1,000	\$2,000
10"-14"	\$2,000	\$4,000
14"-18"	\$3,000	\$6,000
18"-22"	\$4,000	\$8,000
22" +	\$5,000	\$10,000

600.3 – BURNING REGULATIONS

1. No person shall cause or allow open burning, except as provided by the Environmental Protection Act.
2. During very dry conditions, prohibitive burning signs may be posted at the Oak Run entrances and posted on the website. During this time, no burning is permitted.
3. The fire department and POA Office must be contacted when large burn areas are planned.
4. Regardless of conditions, no open fire will be left unattended. Precautions such as water hoses, shovels, rakes, etc., must be readily available to contain the spread of fire.
5. The burning of landscape waste is permitted under the following conditions:
 - a. When burned on the premises on which the waste was generated.
 - b. When atmospheric conditions will readily dissipate the contaminants.
 - c. If such burning does not create a visibility hazard on roadways.
6. Landscape waste is defined as any vegetable or plant refuse (except garbage and agricultural waste) which includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.
7. All household and construction waste shall be contained in an on-site dumpster which shall be removed to a proper landfill when filled.
8. No such other waste shall be disposed of in any Association-owned dumpster or garbage can.
9. The owner or the owner’s designee shall properly supervise all burning of landscape waste.

600.4 – NUISANCE VEHICLES AND EQUIPMENT

1. All inoperable vehicles, whether on public or private property and in view of the general public, shall be considered a nuisance.
2. In this article “inoperable motor vehicle” means any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels, or other parts have been removed, or have been damaged or otherwise so treated that the vehicle is incapable of being driven under its own motor power. Also, for the purposes of this article an “inoperable motor vehicle” is one which has no current license issued for operation on the public highways by the Secretary of State.

3. The storage of multiple pieces of mechanical equipment, vehicles, trailers, or other implements not in accordance with normal domestic household purposes, is prohibited on any lot within the development.
4. Vehicles must be parked only in areas (driveways, streets, and garages) designated for this purpose. At no time may any residential lawns, yards, open space, or general turf areas be used for the parking, storage, or other recurring use for vehicles of any type.

700 – GENERAL RESTRICTIONS

700.1 – RESIDENTIAL ADDRESSES

All owners or occupants of residences within the Oak Run development shall display said address numbers in such a manner as to ensure the address number is clearly visible to emergency service providers and others from the publicly maintained roadway on which that structure may be located.

Such address numbers shall be displayed in the following manner:

1. Upon the front of said structure in numbers no less than four (4) inches in height, provided that such numbers are clearly visible from the publicly maintained roadway; and/or
2. On the side of the mail box intended to serve said structure in numbers no less than three (3) inches in height; and/or
3. If the structure is not served by a mail box or if the mail box is placed at a location away from the driveway or lane providing access to the structure, the address numbers shall be displayed at the entrance of the driveway or lane in numbers no less than three (3) inches in height in such a manner that such numbers are clearly visible from the publicly maintained roadway.

700.2 – USE OF ADJACENT PROPERTY

1. The use of adjoining properties for access to a site, or for the storage of materials, without the written permission of the adjacent property owner is prohibited.
2. Any damage to Oak Run POA property, or to any other property, which is the direct result of the construction project, will be considered a violation of the permit requirements. Restoration of the affected area will be the responsibility of the permit holder.

700.3 – CONSTRUCTION MATERIAL STORAGE

1. No building materials or equipment may be stored on any lot prior to the commencement of construction. Doing so will constitute the commencement of construction.
2. The storage of materials shall be on an inconspicuous area on the site, when possible.
3. Parking of vehicles by the contractor, subcontractors, workmen, and construction material delivery personnel shall be upon the construction site when practical. When parking along the side of the road is necessary due to non-availability of space on the lot, such parking shall normally be only on the side of the road where the house is located so as not to impede the flow of traffic along any road.

700.4 – CONSTRUCTION WASTE

1. All home and large construction sites shall be required to have a dumpster in place at the beginning of construction through completion of the project. The dumpster must be unloaded when capacity is reached.
2. No debris will be allowed to be thrown on the ground, or be allowed to blow into ditches or onto other property.
3. The burning of construction waste is prohibited.

700.5 – FOR-SALE SIGN POLICY

1. All signs to be erected within the development require prior approval from the AEC Committee.
2. “For Sale” signs are only allowed on residential lots with houses. Signs are not allowed on lots without residential homes.
3. Lakefront lots and golf course lots with residential homes may have two signs: one on the lakeside/golf course side, and one on the roadside of the property. All other lots with homes may have only one sign per lot. Sign placement is restricted to the lot (with home) which is offered for sale.
4. The maximum size for all signs shall be 24 inches x 36 inches or six (6) square feet.
5. All signs to be placed within the development must be constructed of substantial material, well maintained, attractive, and not over five (5) feet in height.
6. Commercial real estate agents must register with the Association office on a yearly basis in order to erect a sign within the development. All agents must agree to abide by the rules contained herein.
7. All “For Sale” signs must be removed within 10 days after closing.
8. Signs found not to be in compliance with the restrictions contained herein shall be removed. If signs are not retrieved within 10 days from removal, they will be discarded.
9. Entrance upon any lot for the removal of such violation shall not be regarded as trespass.

700.6 – CONTRACTOR SIGNS

1. One contractor sign is allowed per lot on the roadside during construction. No contractor signs are allowed on the lakefront or golf course.
2. No sub-contractor signs are allowed.
3. Contractor signs must be removed within seven (7) days of the completion of the exterior of the improvement, or once the property owner has taken occupancy.
4. Signs found not to be in compliance with the restrictions contained herein shall be removed. If signs are not retrieved within 10 days from removal, they will be discarded.
5. Entrance upon any lot for the removal of such violation shall not be regarded as trespass.

700.7 – GENERAL SIGN RULES

1. All signs to be placed within the development must be constructed of substantial material, well maintained, and attractive.
2. Signs shall not include advertising for alcoholic beverages or other questionable content not in keeping with community standards.

3. Signs must be removed within one day following the activity.
4. Signs may not be placed in such a manner that they block roadway site lines, directional signs or Oak Run sponsored advertising devices. Signs shall not be over five (5) feet in height above ground level.
5. Signs shall not be attached or affixed to any Oak Run building, shelter, directional sign, or street sign.
6. Signs found not in compliance with the restrictions contained herein shall be removed and discarded.
7. If Oak Run staff is required to remove any sign, for any reason, a monetary fine may be imposed on the individual or organization that erected the sign.
8. Over use or abuse of sign policies will necessitate review by the AEC Committee or Board of Directors.
9. The Oak Run Board of Directors may, by resolution, exempt certain activities or events from the foregoing rules.

700.8 – OAK RUN SPONSORED ACTIVITY SIGNS

Oak Run sponsored activities include sporting events and social activities that are organized by POA sponsored committees and advertised to Association members and their guests.

1. Signs may be erected on the Saturday that occurs the week before the activity is to take place. Any sign proposed for a longer period shall require prior approval from the Board of Directors.
2. Any proposed sign that exceeds six (6) square feet in size shall require prior approval from the AEC Committee or Board of Directors.

700.9 – CIVIC ACTIVITY SIGNS

1. Advertising by groups or individuals for civic events, is limited to four (4) times per year.
2. One sign, in accordance with 700.8 above, may be placed at each of the three entrances to Oak Run.
3. Signs may be erected a maximum of three (3) days prior to the date the event is to take place.

700.10 – GARAGE SALE SIGNS

1. The placement of garage sale advertisement, or directional signs for any one property, is limited to two (2) times per year.
2. Two signs, in accordance with 700.8 above, may be used for the event.
3. One sign may be placed at the corner of the main intersection leading to the location, and one sign may be placed along the road at the site of the event.
4. Signs may be erected a maximum of 24 hours prior to the date the event is to take place.

700.11 – PRIVATE EVENT SIGNS

1. The placement of notification or directional signs, for private events or parties for any one property or property owner, is limited to two (2) times per year.
2. Two signs, in accordance with 700.8 above, may be used for the event.

3. One sign may be placed at the corner of the main intersection leading to the location and one sign may be placed along the road at the site of the event.
4. Signs may be erected one day prior to the date the event is to take place and must be removed at the conclusion of the event.

800 – UTILITIES

800.1 – UTILITY LOCATIONS

Contractors must call J.U.L.I.E. (800-892-0123) before digging for utility locations.

800.2 – CONNECTION TO WATER SYSTEM

A common water system has been constructed to serve all lots within the development. No individual wells may be drilled on any lot served by the common water system. In order for your contractor to tap onto the water system, it will be necessary for you to contact Aqua Illinois, Inc. It is the responsibility of each owner or contractor to extend water service from the lot line to the house. After connection to the water system, a monthly consumption charge will be billed by the utility company in an amount approved by the Illinois Commerce Commission.

800.3 – CONNECTION TO SEWER SYSTEM

At the present time, only homes within the Forest Ridge Subdivision are served by a central sewage system. In order for your contractor to tap onto the sewer system, it will be necessary for you to file an application with the Spoon Valley Lake Sanitary District. It is the responsibility of each owner or contractor to extend sewer service from the house to the sewer main. Some homes may require a sewer lift pump to reach a sewer main, which is at a higher elevation. After connection to the sewer system, a monthly consumption charge will be billed by the utility company in the amount which has been approved by the Illinois Commerce Commission.

800.4 – SEPTIC SYSTEM APPROVAL

Sewage treatment for homes not serviced by a sewer main will be by means of sanitary septic systems. All septic systems must be designed and installed by a licensed private sewage disposal installer and approved by the Spoon Valley Lake Sanitary District. The septic design shall be drawn on a site plan that is based on the plat of survey.

All septic systems shall be sized in accordance with the Knox County Private Sewage Disposal Ordinances and with Illinois State Law.

800.5 – GEOTHERMAL HEATING SYSTEMS

No geothermal well or piping, either vertical or horizontal, may be constructed so that any portion thereof will be within 75' (feet) of the lake shoreline. All setback distances to septic systems and other utilities as required by local and state ordinance shall be adhered to. Owners shall be required to contact Knox County Zoning and Knox County Health Department offices for specific regulations.

800.6 – ELECTRICITY AND TELEPHONE

Before construction or excavation is to begin, the property owner or contractor must notify Corn Belt Electric Coop and Mid Century Telephone Coop of their intentions. The power and telephone companies will authorize their inspectors to locate any existing underground cable. Application for service should be made directly to each of the utility companies. Please refer to the information sheet provided at the back for addresses and phone numbers.

800.7 – RESUBDIVISION OF LOTS

Spoon Valley Lake Sanitary District, Ordinance 2004-3, Article II, Section 204 states: No more than one sewer tap-on, or private sewage treatment system, as herein defined shall be allowed in the subdivisions of Forest Ridge, Westwood, Parkview, Charter Oak, Old Orchard, Windemere, Laurel Hills, or Brentwood of the Oak Run Development than were originally anticipated and planned when the plats of each subdivision were created and filed for record in the Office of the Knox County Recorder of Deeds, Knox County, Illinois.

To that end, the owner of a parcel of ground in the above-mentioned subdivisions, whether replatted or not, must own greater than 50% of an originally platted lot to either qualify for a permit for a sewer tap-on, private sewage treatment system. The intent and purpose of this section is to provide for the orderly planning and administration of the aforementioned subdivisions. The unauthorized construction of a private sewage treatment system or tap-on to the central sewer system shall constitute a violation of section and be punishable by a fine in the amount of \$500.00 for each of said violation. Each day in which any such violation shall continue shall be deemed a separate offense. These penalty provisions shall supersede, with respect to this Section only, the penalty provisions contained in Article X of this Ordinance.

800.8 – COMBINING ADJOINING LOTS

The person owning more than one lot may build on any such lot line and the easement shall be inoperative as to said line provided that such building shall be placed thereon prior to the instigation of use of this easement.

800.9 – ROAD RESTRICTIONS

From February 15th thru May 10th, the weight limit on the roads within the development is restricted to five (5) tons. Please contact the Township Road Commissioner in your area for additional information concerning these restrictions.

900 – ENFORCEMENT

The covenants at Oak Run, Article VI, vest jurisdiction for enforcement of the building restrictions on residential lots to the Architectural and Environmental Control Committee. The same covenants authorize the Association to take legal action as appropriate to enforce the covenants and the decisions of the Committee. Enforcement for rules governing construction on and use of the “Common Properties” (lake and lakefront) is based on Article IV of the covenants.

900.1 – NON-JUDICIAL ENFORCEMENT

If the Committee becomes aware of proposed or actual construction or development in violation of these Rules and/or in violation of the Oak Run covenants, or of construction or development without a valid Oak Run permit or contrary to or exceeding the scope of an otherwise valid Oak Run permit, written warnings shall be issued as follows:

1. A first warning shall be mailed by regular mail to the property owner or owners advising of:
 - a. The alleged violation or violations
 - b. A specific time period within which to agree to comply
 - c. The possibility of immediate legal action by the Association seeking an injunction against the violation and to restore the condition as it existed prior to the violation
 - d. The optional appeal procedure available if the property owner wishes to contest the alleged violation
2. If the property owner does not respond within the time allowed, a second warning with the same information shall be mailed by regular mail, advising the property owner that he must file an appeal within seven (7) days under these rules or the Association will consider immediate legal action.
3. If the Association receives a timely response from the alleged violator denying the violation, the owner shall be entitled to a due process hearing before the AEC Committee, or any other panel appointed by the Board of Directors (hereinafter referred to as “hearing panel”). In order to receive a hearing, the appealing owner shall, in writing, request such hearing within ten (10) business days of receipt of the written warning. If no such hearing is requested, the violation will be deemed admitted. To request a hearing, the property owner agrees to extend any deadlines applicable to the Association.
4. At the appeals hearing, the owner is entitled to be represented by legal counsel, has a right to confront and cross-examine any witnesses the Association may call to sustain the allegations of the complaint, and has the right to present evidence. The hearing panel may receive and consider any and all evidence it deems relevant to the proceedings and may receive hearsay evidence, if in its determination, such evidence is reliable. Should the accused or appointed representative fail to appear at the hearing, the panel shall consider the evidence presented and make a determination accordingly. In order to sustain the violation, the vote of a majority of a quorum of the Committee is required. A quorum shall consist of at least three (3) or more members. The written decision of the hearing panel shall be mailed to the appealing party within ten (10) business days of the date of the hearing.
5. All decisions handed down by the Committee may be appealed to the Board of Directors, at the request of the involved party. All such appeals must be made in writing to the General Manager within ten (10) business days of the Committee’s decision. To request a hearing before the Board, the property owner agrees to extend any deadlines applicable to the Association. A decision to honor a request for an appeal, is at the Board’s discretion. If an appeal is not made within the allotted time, the hearing panel’s decision shall be final.
6. If no response is received by the Association within the time specified in the second notice, or if the property owner’s appeal is denied, then the matter will be subject to judicial enforcement.

900.2 – JUDICIAL ENFORCEMENT

1. The decision of whether or not to seek judicial enforcement of the Oak Run rules and covenants, including determinations of the AEC Committee, shall be vested in the sound discretion of the Board of Directors. The Board may delegate that authority to the manager or the AEC Committee.
2. Pursuant to the covenants, other property owners may also have the ability to bring suit to enforce the covenants, regardless of whether or not the Board decides to pursue a judicial remedy.