

BROOKSIDE ESTATE HOMES NEIGHBORHOOD ASSOCIATION

RULES & REGULATIONS HANDBOOK

A companion to our Bylaws:
Declaration of Covenants, Conditions,
Restrictions and Easements for
The Brookside Neighborhood Association
2735813 & 2898823

1ST EDITION
Effective November 15, 2009

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We hope you enjoy living in the Estate Homes of the Brookside Subdivision and welcome your comments and suggestions to improve our neighborhood. Please email comments to: HOABrooksideEstates@gmail.com

This Handbook was prepared by:
The Brookside Estates Rules & Regulations Committee
The Brookside Estates Homeowners Association Board (BEHOA)
October 2009

I) INTRODUCTION AND PURPOSE

This Handbook (**effective 11/15/2009**) contains the Rules and Regulations for the Brookside Estate Homes Neighborhood Association¹ (*commonly known as Brookside Estates Homeowner's Association*). These Rules and Regulations are directly derived from the Declaration of Covenants, Conditions, Restrictions and Easements, and the First Special Amendment to Declaration of Covenants, Conditions, Restrictions and Easements recorded at the office of the recorder of deeds in Lake County, Illinois as documents number **2735813** and **2898823** respectively. The covenants above are commonly known as the Bylaws.

This Neighborhood Association consists of the 74 owners of single family homes, sharing common areas, in the ESTATES section of the Brookside Subdivision. As Homeowners, we are responsible for maintaining the overall appearance, appeal and integrity of the character of our neighborhood to ensure homeowner value².

This Rules and Regulations Handbook is meant to clarify and aid in understanding the Brookside Estates Homeowner's Association's Bylaws. Footnotes have been provided to refer to the Bylaws or County and Township rules that were used in the creation of this document.

We hope to make this a living, helpful document for all of us to use 'hand in hand' with our Bylaws. It should encourage neighborhood improvement; making Brookside a better place for all of us to live.

Although the Brookside Subdivision maintains a Gurnee mailing address, we are governed by Warren Township and Lake County. We have included regulatory references to Warren Township and Lake County ordinances for advisement purposes. In case of a common ruling, the strictest law applies, and the Homeowner's Board (BEHOA) has the right to add additional restrictions, as appropriate.

¹ 2898823, item 1

² 2735813 Article I, sect. 1, c

II) CHANGES AND IMPROVEMENTS TO PROPERTY³

1. **Prohibited** changes to Homeowner's property⁴:

- a. temporary building or structure
- b. trailer or mobile home
- c. tent, except for temporary camping play
- d. shack or similar structure

2. **Allowed** changes to Homeowner's property, **without** involvement by the Association (BEHOA) or Architectural Control Committee (ACC):

Note: Township and County rules, permits, and codes may still apply.

- a. **Internal remodeling**: Any addition, removal, remodeling, installation, or work internally done to the dwelling or accessory buildings. Internal means not visible from the outside.
- b. **Maintenance**: Any repainting, refurbishing, or maintenance of existing dwelling, accessory building, or lot feature,
- c. **Replacement "in kind"**: Any replacement in kind⁵ of existing dwelling components, and lot features provided that the replacement is similar (not necessarily identical) in use, location, shape, form, and material. For example, owners are free to replace windows, doors, roofs, siding, shutters, masonry, private sidewalks, driveways, etc.,
- d. **Ornamental work**: Any removal, addition, or replacement of ornamental features on the dwelling or the lot such as flower pots, landscape terraces and edging, sidewalk lights, ornamental rocks, etc.
- e. **Landscaping**: Any removal, addition, or replacement of tress, shrubs, flowers, or general landscaping.
- f. **Satellite dishes**: The Bylaws require ACC approval for external satellite dishes.⁶ Currently, a neighborhood "**blanket**" **approval** by the ACC is in force as follows: "For satellite dishes meeting current technology requirements for single resident home owners, dishes may be installed. These satellite dishes shall not be installed on the front part of any lot or dwelling. No lines or cable wire shall be noticeable."

*Note: "Ham" or amateur radio⁷ antennas are **not allowed** unless completely screened from view from all streets and neighboring lots, and have approval from the ACC.*

3. **Allowed** changes to Homeowner's property, **with** Association (BEHOA) or Architectural Control Committee (ACC) review and approval.

³ 2735813 Article I, sect. 1.c; Article III, sect. 2; Article V, sect. 4

⁴ 2735813 Article III, sect. 2; Article V, sect. 4 & 5

⁵ See definition in this document, IX, (u)

⁶ 2735813 Article III, sect. 2, page 7; 2898823, item 2

⁷ 2735813 Article V, sect. 9

The general rule of thumb is if a Lake County permit is required for your external improvements, you need ACC approval. (example: anything that changes the original plot plan design)

Note: The Homeowner is solely responsible for compliance to all applicable Township and County permits and codes. Approval by the ACC does not relieve the Homeowner from such obligations.

- a. **Accessory buildings:** Additional or accessory buildings⁸ are allowed on a lot provided they are for residential living/use of a single family⁹, and they comply with the Bylaws, these Rules and Regulations, and the conditions set forth in the ACC approval. The location on property, and materials used must all be approved by the ACC.

These include: conservatories, greenhouses, un-attached garages, sheds or other storage structures.

Each additional building or improvement proposed shall have an exterior surface of substance¹⁰: brick, stone, cedar, glass, or heavy gauge aluminum.

Such building or improvement shall not be more than one story high, shall not exceed 525 square feet in surface area, shall be configured in a harmonious width to length ratio, and shall have an appropriate roof-line that is harmonious with the rest of the dwelling.¹¹

The additional building or improvement must be permanent and be attached¹² or adjacent¹³ to the rear of the existing home or in a place deemed reasonable to public-street viewing of the property. Adjacent will mean that the new structure's most distant outside wall can not be more than 25 feet from the outside wall of the original home.

Landscaping around accessory buildings and improvements may be added, as appropriate, to improve privacy from the street and adjacent neighbors.

- b. **Lot Improvements:** These are allowed on a lot provided they are for residential use of a single family, and they comply with the Bylaws, these Rules and Regulations, and the conditions set forth in the ACC approval. The location on property, and materials used must all be approved by the ACC.

These include: decks, patios, fences, swimming pools, whirlpools, spas, saunas, pool and spa enclosures, gazebos, open-air gathering rooms, permanent outside cooking and eating areas and outside permanent fireplaces.

⁸ 2735813 Article III, sect. 2; Article II, sect. 1h, 1o; Article IV, sect. 1

⁹ 2735813 Article II, sect. 1n

¹⁰ 2735813 Article III, sect. 2

¹¹ See definition in this document, IX, t

¹² See definition in this document, IX, q

¹³ See definition in this document, IX, r

Fences¹⁴ in any location on a lot are generally discouraged as they tend to destroy the harmony of the neighborhood. However, plans can be submitted for approval provided that no fence or wall shall be erected, placed or altered on any Lot nearer to the front line of the Lot than the permitted building line or, in the case of corner Lots, no nearer than the wall of the residence facing the lot line.

Lake County has specific fence requirements (for those that surround a pool) that supercede the BEHOA Rules and Regulations and Bylaws.

- c. **Additions, removals, and changes to the main home:** Building additions, removals, or expansions to the existing dwelling are allowed provided they are for residential living/use of a single family, and comply with the Bylaws, these Rules and Regulations, and the conditions set forth in the ACC approval.

These include room or garage additions or expansions, and any changes to rooflines and 'footprint' of the dwelling necessary to accommodate the improvements.

III) PROCEDURES FOR SUBMISSION, REVIEW, AND APPROVAL OF IMPROVEMENT PLANS

The Architectural Control Committee (ACC) is responsible for protecting the harmony of the neighborhood while helping Homeowners realize improvements to their property.¹⁵ Their written approval may be required to obtain your Lake County permit.

Contact the ACC as far in advance as possible to allow adequate time for review.

E-mail, with the appropriate attachments, is recommended.

Please send plans to: brooksideestates@comcast.net

1. Submission of plans includes:¹⁶

- a. Lot site plan where the location of the proposed change is shown relative to the location of the main house, other buildings or structures, driveways, the public street, and adjacent neighbors,
- b. elevations, grade, roofline, color, and exterior construction materials,
- c. size and/or dimensions,
- d. any other relevant information as requested by the ACC. Note that complex projects may need to be submitted by the owner's architect.
- e. \$100 non-refundable fee used for processing the ACC application; check payable to: Brookside Estates Homeowner's Association

2. Response from the Architectural Control Committee:

- a. At least 1 member of the ACC will meet with the Homeowner on site to review the proposed plans within 7 days.

¹⁴ 2735813 Article III, sect. 2; Lake County

¹⁵ 2735813 Article IV, sect. 1

¹⁶ 2735813 Article IV, sect. 2

- b. The ACC has a maximum of 30 calendar days to respond in writing with approval, denial, or to request additional information. Failure to respond will be tacit approval for the Homeowner to proceed.
 - c. If an additional plan of submission is required, an additional 30 calendar day period is allowed to resolve issues with the Homeowner.¹⁷ Failure to respond to the second period shall be tacit approval for the Homeowner to proceed.
Note: The time limits may not apply if the ACC delay is caused by failure of the Homeowner to provide adequate and timely information.
 - d. Any denial shall describe the reason and the relevant section of the Bylaws or the R&R in effect.¹⁸
 - e. Please keep this written ACC approval with your home records.
3. **Post approval changes:**¹⁹
The Homeowner must obtain written approval from the ACC for any significant change in the approved plan or project. In the case of change, the process begins again.

IV) COMMON AREAS

- 1. **Changes and Improvements:**²⁰
Changes to the common areas of the Subdivision are **prohibited** unless prior approval is obtained from the Brookside Master Association (BMA). However, efforts to improve the appeal and harmony of common areas are welcome, including litter clean-up and other community service activity.
- 2. **Pond Use:**
(refer all ruling questions to BMA, Warren Township and Lake County)
No recreational activities are permitted in/on the common area ponds, including but not limited to: swimming, fishing, skating, boating, ball playing.

V) GENERAL HOMEOWNER RULES

- 1. **Driveways and sidewalks:**
Each Homeowner is responsible for timely maintenance and upkeep of their personal sidewalks and driveways. These do not include those in the common areas.
- 2. **Snow removal:**
Warren Township plows the streets of the Brookside Subdivision. Homeowners are responsible for snow/ice removal on all sidewalks on their lot.²¹

¹⁷ 2735813 Article IV, sect. 3 & 4

¹⁸ 2735813 Article IV, sect. 3

¹⁹ 2735813 Article IV, sect. 6

²⁰ 2735813 Article II, sect. 1d; 2735813 Article IV, sect. 1

²¹ Per Warren Township & Lake County ordinances

3. Lawn and lot maintenance:²²

Each Lot shall be properly maintained and landscaped in such a way as to enhance the appearance of the lot and the surrounding lots, and shall be neat in appearance and in good order.

4. Drainage and detention areas:²³

Drainage and detention areas of your property must be maintained and unobstructed. Swale lines and ditches shall be kept unobstructed and shall be mowed regularly. Sump pump²⁴ drainage shall not discharge on or within any right of way, and shall flow onto the storm drainage on each lot or be connected directly into adjacent storm sewers or detention areas.

5. Commercial use of a home and/or lot is prohibited.²⁵

This restriction is targeted to prevent professional or business activity that involves customer visits to the neighborhood, warehousing and distribution traffic, and any business requiring outdoor commercial signage and displays. Work-from-home arrangements with an employer are exempt.

6. Commercial & recreational vehicle restrictions:²⁶

No part of any lot or driveway shall be used for storage or parking of commercial vehicles, trucks, campers, boats, trailers, snowmobiles, dirt bikes, or other recreational vehicles; except within the Homeowner's garage.

Please request permission from the BEHOA for a temporary exception, if needed, to accommodate visiting relatives, summer camping plans, unloading after late night arrival, transferring a boat from storage to a lake, etc.

Note: Exceptions are intended to be temporary and sporadic. Typically they may last a maximum of one week and be granted no more than twice per year. Homeowners are asked to use reasonable judgment. Abuse shall not be tolerated and is subject to fines.

7. Street parking limitation:²⁷

Continuous and repeated parking of private vehicles on the streets or roadways of the Brookside Subdivision is prohibited. Temporary exceptions apply for periods of a few hours in order to accommodate guests and social gatherings at your home. Overnight parking is prohibited.

8. Vehicle repair restrictions:²⁸

Repair or body work of any motorized vehicle is not permitted except within the confines or the Homeowner's garage. Such repair shall only be on the Homeowner's vehicle.

²² 2735813 Article V, sect. 5

²³ 2735813 Article V, sect. 6, Warren Township and Lake County ordinances

²⁴ 2898823, item 4

²⁵ 2735813 Article V, sect. 3

²⁶ 2735813, Article V, sect. 4

²⁷ 2735813, Article V, sect. 8

²⁸ 2735813, Article V, sect. 7

9. **Junk and debris:**²⁹

Disabled or junked vehicles, litter, refuse, or any unsightly materials are prohibited on any part of the lot or driveway.

10. **Outside Equipment Storage:**³⁰

Lawn maintenance tools, bicycles, wagons and such must be removed from your lawn or driveway and be placed inside the home or garage by sunset.

11. **Garbage & recycle containers:**³¹

Containers, garbage and other unsightly materials are not to be stored outside, or if necessary must be properly screened. Local code requires that all rubbish, trash, or garbage shall be kept so as not to be seen from neighboring dwellings, and shall not be allowed to accumulate thereon.

Homeowners should place containers at the street curb at sunset of the day preceding pickup and retrieve them after pick up on the same day. Paper lawn bags used for the collection of grass and landscaping clippings should be handled in the same manner as the refuse containers.

Homeowners should contact a special service for instructions on disposal of large items (example: refrigerator). In such cases, large items, may not sit on the driveway for more than 48 hours.

12. **Pets:**³²

Only common domestic household pets (dogs, cats, birds, fish, etc.) are allowed. Breeding or keeping household pets for sales or profit is prohibited.

Lake County limits each household to a maximum total of 4 dogs and cats for each lot that is larger than one acre in size.

Lake County has strict leash laws requiring all pets to be leashed when not on the homeowner's lot.

A pet owner is responsible for the actions of their pets. All feces deposited on common grounds or any other home owner's area must be immediately removed by the pet owner.

VI) OTHER GENERAL RULES

1. **Noise**³³:

Lake County prohibits unreasonable noise, and disturbance is not permitted at any time. This includes excessive outside noise as well as loud internal noise which resonates to other Homeowner dwellings.

- a. Reasonable Homeowner judgment should be used for noisy **maintenance or repair** (hammering, drilling, sawing, excavation, etc.)
- b. Targeted **lawn mowing/trimming** times are between 7:00am and 8:00pm on weekdays, and 8:00am and 7:00pm on weekends.

²⁹ 2735813, Article V, sect. 5

³⁰ 2735813, Article V, sect. 5

³¹ 2735813, Article V, sect. 5, Warren Township, Lake County

³² 2735813 Article V, sect. 9; Lake County animal control - 847-949-9925

³³ Lake County

c. Necessary and reasonable **snow blower use** is permitted; understanding the need to get to school or work.

2. **Lawn watering:**³⁴

BEHOA defers to Lake County on all water restriction issues.

The current restriction states: *"From May 15 through September 15, ordinances prohibit any outside water usage between 10:00am and 6:00pm. Outside usage includes watering grass and plants, car washing, filling swimming pools and such. In addition, outside watering before 10:00am or after 6:00pm can only be done on the odd/even day corresponding to your home address."*

3. **Brush removal program:**³⁵

Warren Township currently offers a brush removal program. They have a chipper service that will pick up and remove tree limbs and branches. There is no fee for this service. All brush must be cut no longer than 8 feet in length and no larger than 6 inches in diameter. Branches must be placed at the street edge of your property with the cut edge against the curb.

Generally service is once a week, when the crew is available.

This service is for Homeowner trimmings only; if you had an outside company do the work, they are responsible for removing the trimmings.

4. **Garage sales:**

A committee of Homeowners from Brookside Estates facilitates a subdivision-wide garage sale once per year (generally in May). Homeowners from all 4 areas of the Brookside Subdivision are encouraged to participate in this sale. A nominal fee is paid to cover 'blanket' advertising of the sale and neighborhood signage.

VII) GOVERNANCE OF THE ASSOCIATION

1. **Directors, membership and voting.**³⁶

Ownership of a lot is the sole qualification for membership in the Brookside Estates Homeowners Association. Only one membership per owner is allowed. Each member is entitled to one vote. Co-owners acting jointly are entitled to one vote.

a. Members elect a Board of no more than 5 Directors; including President, Vice President, Treasurer, Secretary, and Representative to the Master Board.

b. Board of Directors appoint committees such as the ACC, which is made up of 3 Homeowner volunteers. Other committees may be appointed as needed.

2. **Assessments:**

a. **Maintenance**³⁷ assessments are for administrative costs and the costs of maintaining the common areas of the subdivision.

Most of this amount is forwarded to the MBA for the maintenance of the common areas in the subdivision. Each Homeowner is responsible for the

³⁴ Lake County

³⁵ Warren Township

³⁶ 2735813 Article VI, sect. 2, sect. 4

³⁷ 2898823, item 5

- timely payment of these annual dues. Billing statements with due dates are mailed to Homeowners of record usually in January of each year.
- b. **Special**³⁸ assessments can be levied by the Board as appropriate for the costs of repairs or replacements in the common areas of the Subdivision.
 - c. **Late fees:**³⁹
Unless paid on time, dues are subject to late fees as regulated by the Brookside Estates Homeowner's Board Treasurer and the BEHOA's Accounting firm. Late fees are intended to cover interest loss, collection costs, and administrative expenses.
Each 'late' assessment, together with interest, fees, and reasonable attorney's fees, shall be the personal obligation of the homeowner at the time when the assessment fell due. Failure to resolve the matter shall result in a lien placed on the property.
3. **Homeowner meetings:**
Quarterly meetings of the Brookside Estates Homeowner Association are held in the Brookside Clubhouse. All Homeowners are invited to attend and participate in the governing of our subdivision. Annual elections are held for BEHOA positions and volunteers are gathered for various committees.

VIII) OTHER ASSOCIATION PROVISIONS

1. **Rules and Regulations (R & R) Handbook updates** do not materially change or amend the Bylaws since they are intended only as clarification and interpretation tools; therefore they do not require membership approval.
The BEHOA will provide to the Homeowners a 30 day written notice prior to any new R & R edition. Homeowners shall conform to and abide by the R & R Handbook. A violation of any such Rules and Regulations shall be deemed a violation of the terms of the By-laws.
2. **Violations and fines policy:**⁴⁰
 - a. **Complaint:** In the event of an alleged violation of any of the provisions of the By-laws or Rules and Regulations, a written complaint will be submitted by the Board to the Homeowner. The Homeowner will be asked to stop and not repeat the alleged conduct, and to make a correction within 30 days.
 - b. **Hearing:** The homeowner may request a 'hearing' with the Board to review the complaint. The Board will weigh all evidence and circumstances before rendering a finding.
 - c. **Fines:** If the homeowner is found guilty of the violation, and the 30 day time period has elapsed, the Board will notify the Homeowner again in writing and a fine may be charged to their assessment account.
An annual schedule of fines and late fees will be presented to all Homeowners by the BEHOA. Any and all costs and attorneys' fees shall be assessed back to the offending Homeowner at the time they are incurred.

³⁸ 2735813 Article VI, sect. 6d

³⁹ 2735813 Article VI, sect. 6b, h

⁴⁰ 2735813 Article VI, sect. 5

3. **Up-to-date Homeowner data:**

Each Homeowner must keep the Association advised of correct contact information.

E-mail updates to: brooksideestates@comcast.net

or contact the BEHOA Secretary.

A neighborhood Directory will be printed periodically and distributed to all Homeowners.

Quarterly newsletters are distributed to all Homeowners by mail and e-mail.

IX) ADDITIONAL DEFINITIONS (not originally addressed in BY-LAWS 2735813)⁴¹

- (q) “Attached” shall refer to the location of a structure⁴²; must have a common wall with the original dwelling; further clarifying the definition of “Dwelling”⁴³.
- (r) “Adjacent” shall refer to the location of a structure; must be within the plot building lines and have it's most outer wall less than 25 feet of distance from the outer wall of the existing home; in further clarification of the definition of “Dwelling”.
- (s) “Permanent” shall refer to any improvement that is not meant to be movable, transportable, disassembled, or temporary in further clarification of the definition of “Structure”⁴⁴.
- (t) “Accessory buildings” shall refer to sheds, garages, and other storage structures that meet definitions (h, o, q, r, and s). Accessory buildings are not to be confused with room additions and expansions to the living quarters of the dwelling.
- (u) “Replacement in kind” shall refer to replacing existing features and components in a lot or a dwelling with similar but not necessarily identical items, features, or components.
- (v) Acronyms:
 - “R & R” = Rules and Regulations handbook
 - “BEHOA” = Brookside Estates Homeowner Association Board of Directors
 - “BMA” = Brookside Master Association Board of Directors
 - “ACC” = Architectural Control Committee

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⁴¹ **Lettering sequence continues from original definitions** in 2735813 Article II, Sec 1, (a-p).

⁴² 2735813 Article II, Sec 1, (o)

⁴³ 2735813 Article II, Sec 1, (h)

⁴⁴ 2735813 Article II, Sec 1, (o)