

# Prestbury

## **RULES AND REGULATIONS**

*(As approved by the PCA Board of Directors 04/05/05)*

### **OBJECTIVES**

On behalf of the Prestbury Citizens Association (hereafter referred to as the PCA or the Association), we welcome you to our community. Prestbury is governed by an Association with an elected Board of Directors who have compiled this booklet as a means of informing you about the shared responsibilities of Prestbury residents.

Our Rules and Regulations are purposely few and have been developed on the basis of experience gained during the many years of Prestbury's existence. To continue to benefit from self-governance, we must also share the responsibilities and obligations necessary to preserve Prestbury as an exceptional place to live.

Your participation in community activities and governance is welcomed.

### **GENERAL RESTRICTIONS**

Your Association is responsible for maintaining the facilities of Prestbury. It is also charged with maintaining the high standards established for this community. The Association is an Illinois not-for-profit corporation operated by the residents of Prestbury for the mutual benefit of all people residing within the community. The Association's responsibilities include the following:

1. Maintaining and enforcing decisions of the Association and its Board of Directors.
2. Enforcing all facets of the restrictive covenants established and recorded for the community.
3. Managing and maintaining all open spaces, parks, recreational facilities (e.g., pool, tennis courts), the clubhouse, and the office building.
4. Serving as a contact for governmental agencies on behalf of the residents of Prestbury.
5. Providing street maintenance and snow removal.
6. Assessing all owners of record in Prestbury a sum equal to the amount necessary to provide these services.
7. Enforcing the Rules and Regulations so as to carry out the legitimate objectives of the Association.

The registered office of the Association is located at 15 Winthrop New Road, Aurora, Illinois 60506.

### **ARCHITECTURAL STANDARDS**

The Association has a complete set of Architectural Standards that must be adhered to for construction of new homes; remodeling of, or additions to, existing homes; or erection of any structure on the member's premises. The latter includes, but is not limited to, basketball goals, skateboard ramps, and awnings. Residents contemplating any of the above should request a set of Standards from the Association Manager.

### **LOT MAINTENANCE**

1. Visual character and economic value of property in a neighborhood are affected by the quality of building and grounds maintenance. Each owner shall keep all lots and premises owned by them, and all improvements therein or thereon, in good order and repair.
2. Property owners and residents are responsible for properly maintaining the exterior of their residence, as well as fences, decks, and other structures on their lots. Required maintenance includes those actions necessary to preserve the appearance of the property and prevent deterioration. Materials that have deteriorated must be repaired or replaced. Examples of deterioration include,

but are not limited to, peeling, fading or chalking paint; siding or trim (including shutters, fascia, and flashing) that is severely faded, mismatched, broken, rotted, dirty, dented, or missing; gutters or downspouts that are bent, sagging, or missing; and approved fencing that is broken, rotted, leaning, or missing.

3. Undeveloped lots and lawns surrounding residences shall be kept free of trash, refuse, and debris.
4. Lawns must be maintained in a manner that is keeping with the ambience of Prestbury. Turf, including that on undeveloped lots, must be mowed before it exceeds 6" in height. Planting beds, shrubbery, driveways, and walkways must be properly maintained. Dead or dying trees and downed branches must be removed in a timely fashion.
5. Exterior use of artificial turf and plant material is not permitted.
6. Grass clippings and yard waste must be placed in appropriate brown paper bags with stickers affixed as required by the waste hauler, unless used as compost. Neither garbage nor yard waste may be placed on curbs prior to 5:00 p.m. on the evening preceding the day of garbage pick-up.
7. Dumping of grass clippings or other refuse on empty lots, in common areas, on right of ways, into Prestbury lakes, or against fences is prohibited.
8. Burning of grass clippings, leaves, tree branches, or other yard waste or garbage is prohibited, except for controlled burns that periodically may be performed on common areas under the direction of the PCA. Violation of burning restrictions will result in a fine of \$50/incident.

### **PARKING AND VEHICULAR RESTRICTIONS**

1. Commercial vehicles may not be parked in Prestbury, except for vehicles belonging to purveyors who are performing a service at a home. Commercial vehicles are defined as those licensed as commercial vehicles and/or those bearing signs or printing making reference to any commercial undertaking or enterprise. Stretch limousines and hearses are considered to be commercial vehicles.
2. No trailers of any type (e.g., camping trailers, house trailers, motor homes, boat trailers) may be parked overnight on any lot, in off-street parking areas, or on Prestbury streets. Residents needing to park trailers for 24 hours for loading or unloading must contact PCA for permission.
3. Operation of unlicensed vehicles (e.g., snowmobiles, motor bikes, mini bikes, go carts, or all-terrain vehicles) is prohibited within Prestbury. Licensed vehicles, with the exception of service vehicles, are not allowed on common areas.
4. Residents should make every effort to park their personal vehicles within their garage or on their driveway.
5. Residents or their guests may use off-street parking areas for no longer than 48 consecutive hours. Residents or guests wishing to use off-street parking areas for longer than 48 consecutive hours must obtain permission from the PCA.
6. Overnight parking on any street (including cul-de-sacs) within Prestbury is prohibited.
7. Owners of abandoned or immobile vehicles that are parked in off-street parking areas for longer than 48 consecutive hours will be notified and must remove those vehicles within 24 hours of notification. If not removed pursuant to notification, the PCA reserves the right to tow and store such vehicles at their owners' expense. If the owner is a resident, and the associated costs of towing and storage are not immediately paid by the owner, these costs will be included in the resident's monthly assessment. The PCA assumes no responsibility for damage to vehicles parked at residences, in off-street parking areas, or on Prestbury streets.
8. Violation of these rules will result in a \$25/day fine.

### **PETS/ANIMAL CONTROL**

1. No livestock (including poultry), horses, or more than three (3) each of dogs or cats four (4) months of age or older shall be kept or maintained on any lot or in any dwelling unit.
2. Dogs and cats must be kept on a leash except when confined in residences or fenced yards. Residents walking pets on public streets or in common areas must clean up after their pets and shall provide appropriate equipment for doing so (e.g., plastic bag and shovel). Pets are to be kept off private property, including empty lots.

3. In accordance with Kane County animal control ordinances, every owner of a dog or cat four (4) months of age or older must register that dog or cat with the county animal control department within thirty (30) days after having that dog or cat inoculated against rabies as required by law. Every owner of a dog or cat three (3) months of age or older, shall cause such dog or cat to be inoculated against rabies by a licensed veterinarian at such intervals as have been established by the Illinois Department of Agriculture.
4. When pets are found roaming within Prestbury, every effort will be made to identify their owners. If the pet's owner cannot be identified, Kane County authorities will be notified and the pet will be impounded to be retrieved by, and at the expense of, its owner.

## NUISANCE

1. Noise—Residents shall conduct themselves and their activities on their property in a manner that shall not create noise that is obtrusive to their neighbors. Noise, including loud music, which becomes a nuisance and prevents neighbors from quiet enjoyment of their property is prohibited.
2. Lighting—Outside lighting that detracts from the community's ambience because of excessive lumens/brightness/candlepower or that shines onto neighboring property so that it prevents full enjoyment of that property is prohibited.
3. Real Estate Signage
  - a. Realtors and Private Homeowners
    - i. One (1) standard (24"x18"), wood or metal, professionally made "For Sale" sign may be placed on private property (not on parkways, common areas, or right of ways). **In the event a home has rear street frontage, one additional, otherwise conforming sign may be placed in the rear of the property.** A box for literature may be attached to the sign. Such signs must be removed within five (5) days following the closing of the sale or lease of the property being advertised.
    - ii. Wood or metal, professionally made, two-color directional signs may be erected on corners to assist in guiding prospective homeowners to open houses. The content of these directional signs shall be limited to "Open House" accompanied by an arrow. Such signs are limited to one (1) per corner (irrespective of the number of open houses being held on that particular street or cul-de-sac) and must be erected and removed on the same day the home is declared open for viewing. Dimensions of these signs shall not exceed 24" x 12." When multiple homes are open for viewing on a given street or cul-de-sac, real estate agents are responsible for coordinating their activities to ensure adherence to this provision.
  - b. Developers and Builders
    - i. One (1) wood or metal, professionally made "Model Open" sign may be placed by developers and builders on private property (not on parkways, common areas, or right of ways). Such signs must be erected and removed on the same day the completed model is declared open for viewing. Dimensions of the sign shall not exceed 24" x 18."
    - ii. One (1) developer's/builder's *or* real estate sign, no larger than 24" x 18" may be placed on private property of homes under construction (not on parkways, common areas, or right of ways).
    - iii. No more than one (1) sign may be erected on the property, except for days when a model home is open for viewing. In the latter case, two (2) signs as described in i and ii are permitted.
  - c. Flag strips, flashing signs, and other attention-getting promotional items are prohibited.
  - d. Signs in violation of these regulations will be removed and disposed of or destroyed.
4. Election signs may only be erected on private property, and must be removed within 24 hours after said election.

5. No signage of any type, with the exception of real estate directional signage as described in (3)(a)(ii), may be erected within common areas, rights of way, or parks, unless approved by the Board of Directors.

### **PARKS, LAKES, AND COMMON AREAS**

1. All members are entitled to use parks, lakes, and common areas within the boundaries of Prestbury, unless determined by plat to be, and posted as, "private property."
2. Grass cutting, planting, and maintenance of parks or common areas is only to be performed under the direction of the Prestbury Citizen's Association, unless written permission is obtained from the Association.
3. All boats must be photographed and registered with the PCA. Each boat shall receive a tag verifying ownership by a PCA member. As a condition of registration, each boat owner agrees to remove his or her boat from the water by December 1<sup>st</sup> and to use the designated boat pads. All abandoned or unregistered boats shall be removed and stored at their owners' expense. If abandoned or unregistered boats are not claimed within 30 days of notification via the PCA monthly publication, PCA shall have the right to sell or destroy said boats. Any proceeds of a boat's sale (after payment of removal and storage expenses) shall be placed in the PCA general fund.
4. Only boats with electric motors of three (3) horsepower or less are permitted on lakes in Prestbury. The only exception is the official Prestbury Yacht Club float boat, which is permitted to have an internal combustion engine.
5. Recreational swimming in Prestbury lakes is prohibited.
6. Removal of water from lakes in Prestbury by pump or other mechanical means, irrespective of purpose, is prohibited unless approved by the PCA.
7. Use of the island is restricted to those authorized by the PCA (e.g., landscaping, erosion control, and other such purposes).

### **TENNIS COURTS**

1. Tennis shoes are required and appropriate apparel is suggested. Court surfaces are easily damaged by inappropriate shoes.
2. Courts are for the use of residents only. Guests must be accompanied by a resident.
3. Skateboards, bikes, and skates are not allowed on tennis courts.
4. If other residents are waiting to use the courts, players should relinquish them after 1 hour for singles and 2 hours for doubles.
5. After 5:00 p.m. and on weekends and holidays, adults have preference over children in the use of tennis courts.
6. Adherence to general rules of courtesy and good behavior is expected. Excessive noise, foul language, racquet throwing, and poor sportsmanship can result in the loss of tennis privileges.
7. Prestbury tennis courts are kept locked and a key must be obtained from the Prestbury manager. Please relock courts after use.
8. Cars of residents using the tennis courts should be parked in off-street parking areas rather than on the street.

### **SWIMMING POOL**

1. Enter through shower rooms only.
2. Proper swimming attire is required. No cut-offs are allowed.
3. Only shoes designed for use on pool decks are to be worn in swimming pool deck area.
4. Admission will be refused to anyone appearing to have a contagious or infectious disease or open wounds.
5. Showers must be taken before entering the swimming pool.
6. Large inflatable objects, including balls of various types, will not be permitted in the pool. Water games are not allowed except at the discretion of the lifeguard(s).

7. Everyone, whether resident or guest, must sign the guest book prior to entering the pool deck area.
8. Food and beverages are to be restricted to the patio area. No glass containers are permitted anywhere at any time.
9. Running, playing tag, pushing, dunking, throwing persons into the pool, use of profane language and other forms of rowdy behavior will not be tolerated.
10. Periodic rest breaks will be called at the discretion of the lifeguard(s).
11. A telephone is provided for **emergency use** and may be used only with the permission of the lifeguard(s).
12. Lifeguards have the authority to expel anyone who violates rules for use of the pool.
13. Radios, tape or CD players should be maintained at a sound level so that only the person(s) listening can hear.
14. Children using the pool (including the wading pool) must be toilet trained or wear a swim diaper.
15. There is a daily guest fee per person. That fee shall be set annually and posted in the pool area. Guests must be accompanied by a resident.
16. Pool rules and hours will be reviewed annually and will be posted in the pool area. Unauthorized persons found in the pool area when it is closed are subject to arrest.
17. Lifeguards will close the pool in case of inclement weather or other conditions deemed dangerous to swimmers. The pool will also be closed if the air temperature is below 70 degrees.

#### **MAINTENANCE AND OPERATION OF THE CLUBHOUSE (CHESHIRE CLUB)**

1. The Clubhouse Committee shall consist of PCA members appointed by the Clubhouse Committee Chair, who must be a member of the Board of Directors.
2. Prestbury property owners may use the Cheshire Club provided that their dues payments to the PCA are up-to-date at the time of use, no liens or judgments on behalf of the PCA exist, and there are no other Board-invoked restrictions on their property.
3. Any live music or artificial amplification of sound must terminate at 12 am (midnight). The Clubhouse must be vacated by 1:00 a.m.
4. All members requesting use of the Clubhouse are required to execute an indemnity agreement prior to reserving the facility. A \$100.00 security deposit must also be posted at the PCA office before picking up the Clubhouse key.
5. Prestbury residents reserving the Clubhouse for personal profit or business gain (including, but not limited to, sales meetings, demonstrations, and seminars) will be charged a fee as determined by the Board of Directors.
6. A calendar of dates shall be kept by a person appointed by the Chair of the Clubhouse Committee. That person will coordinate scheduling and cleaning of the Clubhouse. Reservations shall be accepted on a "first come—first served basis," and reservations may not be made more than 12 months in advance.
7. The Cheshire Club shall be locked at all times when not in use, and it shall be the responsibility of members reserving the Clubhouse to see that it is locked prior to their departure. The Clubhouse key must be returned to the PCA Office and may not be transferred to another Association member.
8. All members using the Clubhouse will be charged a fee for professional cleaning of the facility after their event, regardless of the number of people in attendance or whether or not food is served. It is the responsibility of the reserving member to leave the Clubhouse in a basically clean and orderly condition with all kitchen garbage removed and with furniture returned to its proper position (as per the map in the kitchen).
9. Property owners in Prestbury may not reserve the Cheshire Club on behalf of nonresidents.
10. All persons using the Cheshire Club shall treat it as though it were their home.
11. The reserving member must be in attendance at all times during the function.
12. All guests are restricted to the Clubhouse grounds.

13. Decorations may be attached to wood surfaces as long as the method of adhesion does not mar the finish of those surfaces. No decorations may be affixed to painted walls. Logs in the fireplace may not be rearranged and the couch may not be moved. All furniture should be returned to its original location after use.
14. Wedding receptions are limited to property owners and their children.
15. Children's parties at the Cheshire Club are defined as those functions at which the principal participants are under the age of twenty-one (21) years. All children's parties require prior approval of the Board of Directors before the Cheshire Club can be reserved. The Board may require the presence of appropriate supervision, including off-duty police officers. No alcoholic beverages may be present or served at any children's party.
16. Additional rules and conditions of use may be found on the Clubhouse reservation application.

#### **MAINTENANCE AND OPERATION OF THE OFFICE BUILDING**

1. The Office Building Committee shall consist of PCA members appointed by the Office Building Committee Chair, who must be a member of the Board of Directors.
2. Subassociations within Prestbury may use the Office Building conference room for community or association meetings only.
3. A calendar of dates shall be kept by a person appointed by the Board of Directors. This person or the PCA Manager shall be consulted prior to reserving the conference room. Reservations shall be made on a "first come-first served" basis, and reservations may not be made more than 12 months in advance.
4. The PCA Office Building shall be locked at all times when not in use and it is the responsibility of those who have reserved the conference room to see that it is locked prior to their departure. The Office key must be returned to the PCA Manager within 24 hours, and is not to be transferred to others.
5. The PCA Office Building may not be reserved for functions other than Association meetings.
6. It is expected that all persons using the Office Building shall leave the building in the same condition as it was found.
7. The reserving member must be in attendance at all times during the function.
8. All furniture is to be returned to its original position after use.

#### **ENFORCEMENT OF RULES AND REGULATIONS**

Prestbury is a private community composed of residents who share a neighborhood and its amenities. Residents' compliance with these Rules and Regulations is to everyone's advantage. These Rules and Regulations will be enforced to the fullest extent possible on behalf of the residents of Prestbury. Such enforcement will respect the rights of alleged violators to be heard and to appeal subsequent actions imposed.

Depending on the seriousness and/or number of violations involved, residents or property owners found to have violated any rule and/or regulation may be subject to either or both of the following procedures as determined by the Board:

1. A letter from the Board of Directors.
2. A private appearance before the Board.

If compliance is not thereby secured, and the Board determines that further sanctions are in order, the Board shall have the right to take any or all of the following actions against the property owner/violator:

1. Revoke the right to vote on Association issues and in Association elections.
2. Suspend the right to use the clubhouse, pool, tennis courts, and all other common grounds and facilities.
3. Set and impose fines for violations of the Rules and Regulations. In addition, the Board shall have the right to file liens against the violator's property to secure payment of said fines, along with interest, reasonable attorney's fees, and other costs incurred in collecting said sums. Enforcement shall be pursuant to Article X under the By-Laws of the Prestbury Citizens Association.