

Rules & Regulations

Oak Creek Subdivision Homeowners Association

No construction of any kind may occur until and unless the plans and specifications therefore have been approved in writing by the Architectural Review Committee. This includes (but not limited to):

- the erection or re-erection of any building;
- the erection or re-erection of any accessory building or structure; the installation of any garage, driveway, parking area or similar structure

No permanent accessory building or other supplemental structure shall be used as a residence, either temporarily or permanently. (**Major Offense**, Article II #2 Dwelling Quality and Size, #8 Garages and Driveways, #9 Utility or Storage Building, #12 Construction Materials)

1. No above ground pools shall be constructed or installed in the subdivision. (**Major Offense**, Article III #2 Dwelling Quality and Size, OCHA Declarations)
2. No structure of a temporary character, trailer, incomplete buildings, tent, shack, garage, barn, storage pods, basement or other outbuilding shall be used at any time as a residence, either temporarily or permanently. (**Major Offense**, Article III #7 Temporary Structures, OCHA Declarations)
3. A utility or storage building may be erected on each of the lots, providing the County of Kendall acceptance of this plat so permits. Said utility or storage building shall only be built after obtaining the approval of the Architectural Review Committee, as provided herein. (**Major Offense**, Article III #9 Utility or Storage Building, OCHA Declarations)
4. Fencing shall not be allowed. Privacy fences, pool security fences, and dog kennel fences may be constructed on lots located in said subdivision upon prior written approval of the Architectural Review Committee. (**Major Offense**, Article III #12D Construction Materials, OCHA Declarations)
5. No exterior antennas, aerials, satellite dishes (more than 1 meter in diameter), transmission and/or reception towers. (**Major Offense**, Article III #12E Construction Materials, OCHA Declarations)
6. Exterior Lighting and Security Lights: Coach lights, driveway lights and security lights may be installed by each individual lot owner subject to prior written approval by the Architectural Review Committee in order that they not be offensive to adjacent property owners. (**Major Offense**, Article III #12F Construction Materials, OCHA Declarations)
7. Homeowners may not remove any healthy tree with a diameter of more than twelve (12) inches without the approval of the Architectural Review Committee or unless it lies within the approved building pad, driveway or within twenty (20) feet of the dwelling structure. (**Major Offense**, Article III #12G Construction Materials, OCHA Declarations)
8. No sign of any kind shall be displayed to the public view on any lot except a professional sign of not more than five (5) square feet advertising the property for sale or signs used by a builder to advertise the property during the construction and sales period. (**Minor Offense**, Article III #14 Sign, OCHA Declarations)

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH FED LAW

BOARD & COUNSEL REVIEW

Sec. 5 (p. 5): FCC OTARD Satellite Dish / Antenna Preemption Defect: Clause imposes a blanket ban, prior-approval delay, or sub-1-meter size cap on residential reception antennas/satellite dishes preempted by 47 C.F.R. § 1.4000.

Statutory / Legal Reference: 47 C.F.R. § 1.4000 (FCC OTARD Rule)

Statutory Comparison: Under the FCC Over-the-Air Reception Devices (OTARD) Rule, 47 C.F.R. § 1.4000, promulgated under § 207 of the Telecommunications Act of 1996, any covenant or rule that prohibits, requires prior architectural approval before installation, or restricts satellite dishes/antennas measuring one meter (39.37 inches) or less in diameter on property within the owner's exclusive use or control is federally preempted and void.

CURRENT WORDING IN DOCUMENT:

5. No exterior antennas, aerials, satellite dishes (more than 1 meter in diameter), transmission and/or reception towers. (Major Offense, Article III #12E Construction Materials, OCHA Declarations)

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 5 to incorporate the mandatory statutory safe harbors of 47 C.F.R. § 1.4000 (FCC OTARD Rule); 765 ILCS 605/ (Illinois Condominium Property Act), permitting OTARD reception antennas (up to 1 meter in diameter without prior approval) and solar/EV/water-wise installations within statutory parameters.

ISSUE #1