

ISSUE #1

SUN DECK (A/so See Hospitality Rooms)

The Sun Deck is located on the Penthouse floor – 44th floor – of James House and can be accessed with your key fob. It is open from 8:00 AM to 10:00 PM, 7 days a week, weather permitting, spring through fall.

The Sun Deck is an exceptional amenity for our Residents. Therefore, it is important that all rules be followed for everyone’s safety and enjoyment.

A unit Owner is responsible for the behavior of his/her guests. All guests must follow the Rules of the Association at all times. Violations will be the responsibility of the unit Owner including any fines the Board may deem necessary.

You are responsible for telling your guests the Sun Deck Rules in advance.

Residents must be mindful of wind conditions and remove all personal items when leaving the Sun Deck and secure personal items at all times.

The Sun Deck is not available for rental, and may not be reserved for private use. The reservation of a Penthouse room does not include exclusive use of the Sun Deck.

Not Permitted

- More than 4 guests per unit.
- Guests who are not accompanied by a Resident at all times.
- Children under the age of 16 who are not accompanied by an adult at all times.
- Listening to music/movies without headphones.
- Making any loud noise including loud conversations that interfere with others.
- ALL GLASS OR BREAKABLE MATERIALS. NO EXCEPTIONS! *All containers must be made of paper, plastic or metal.*
- Littering on the Sun Deck. *All trash must be deposited in the trash receptacles before leaving.*
- Smoking.
- Pets.
- Throwing anything on or from the Sun Deck.
- Leaning over the railing.
- Cooking, barbequing, grilling.
- Bicycles, roller blades, skateboards, etc.
- Standing on deck furniture.
- Removal or moving any furniture or furnishings on the Sun Deck or Penthouse rooms.
- Disorderly conduct: e.g., horseplay, excessive noise.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. THEFT, VANDALISM, LOSS, DAMAGE, FIRE OR FLOOD DAMAGE IN THE (p. 44): Fining provision permits the imposition of fines without advance written notice and an opportunity for a hearing before the board.
Statutory / Legal Reference: 765 ILCS 605/18.4(l) (Illinois Condominium Property Act)

Statutory Comparison: Under 765 ILCS 605/18.4(l) (Illinois Condominium Property Act), the board may levy reasonable fines for violation of the declaration, bylaws, and rules and regulations of the association only after notice and an opportunity for a hearing. Any governing document clause authorizing summary, automatic, or unilateral fines without prior written notice and a hearing opportunity conflicts with mandatory Illinois statutory due process.

CURRENT WORDING IN DOCUMENT:

Owner including any fines the Board may deem necessary.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to 765 ILCS 605/18.4(l) (Illinois Condominium Property Act), no fine or disciplinary charge shall be levied against any Owner unless the Board has first provided the Owner with written notice of the alleged violation and a reasonable opportunity for a hearing before the Board or its designated hearing committee.