

AIRPARK ESTATES HOMEOWNERS ASSOCIATION

Airpark Rules and Regulations

Revision 2


Adopted by the Board 15 October 2020

Signed: 
Jon Linke, President

Airpark Estates Homeowners Association

Airpark Estates Homeowners Association
 Airpark Rules and Regulations
 Revision 2

History of Revisions

Version	Pages	Description of change	Approval date
Revision 1	all	First Record Release	7/11/2016 /s/ Louise Hose
Revision 2	all	Added common Header, Footer and History of Revisions Added “tiedown area” to “COVER LETTER” and “NAME AND ALIASES” Added item 10.4 Revised Items 13.2, 15.7, 15.8, 20.1 and “FUTURE CHANGES” Added “Airpark” to title, added document #368808 to SCOPE, clarified 10.1 Minor revision to VI Future Changes	9/19/2020 

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COVER LETTER CONTENTS

These Rules are adopted for the benefit of the Dayton Valley Airpark Estates property Owners. They are intended to contribute to preserving a clean, attractive environment and to ensure peaceful enjoyment for all Owners. They are intended to protect and enhance the value of all Owners’ property. They are not designed to unduly interfere, restrict, or burden the use of properties.

These rules highlight specific sections of the CC&Rs in condensed form. In a few instances, these rules expand what is allowed without needing approval of the Architectural Committee. The rules were developed by your Board to provide the homeowners with a common-sense, simplified version of the salient points of specific articles of the CC&Rs, especially those sections related to daily living in our common-interest community.

For simplicity reasons, the residential lots and residential taxiway areas will be referred herein as “airpark” and the commonly owned areas of the runway, airport taxiways, tiedown area and land will be referred to as “airport”.

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RULES AND REGULATIONS

1. RESPONSIBILITY (CC&R 3.10)

- 1.1 All property owners, guests, visitors, renters, and lessees are required to abide by these rules. Property owners are responsible for all acts of their guests, visitors, renters, and lessees.
- 1.2 Property owners, guests, renters, and lessees will be held responsible for the actions of their children, pets and their children's guests.
- 1.3 Any penalties authorized hereunder may be assessed against the responsible property owner.

2. ANTENNAS (CC&R 5.01 AND 47 CFR 1.4)

- 2.1 Satellite dishes one meter or less in diameter are permitted provided they are not placed on the front of the building facing the street or above the roof ridge line unless that is the only location that will provide satisfactory reception without additional expense or inconvenience to the property owner.
- 2.2 Other radio, local television and communications antennas not to exceed 35 feet above ground level as permitted by 47 CFR 1.4 may be installed taking care to have the least visual impact on neighboring property while still allowing satisfactory reception.
- 2.3 Anemometers or other weather station devices are permitted provided they do not exceed 10 feet above the roof ridge line nor 35 feet above ground level.
- 2.4 No property owner shall erect or maintain any exterior radio or television antenna/satellite dish or aerial not described above without the prior written approval of the Architectural Committee.

3. SIGNS (CC&R 5.04)

- 3.1 One For Sale, For Lease, or For Rent sign not to exceed 5 sq. ft. in size is permitted. A sign may also be placed facing any taxiway. It is the responsibility of the lot owner to ensure these signs are maintained and removed at the end of the listing.
- 3.2 Security, alarm company, no trespassing, private driveway, beware of dog, and similar signs not exceeding 144 square inches each are permitted.
- 3.3 One contractor's sign not to exceed 5 square feet in size is permitted and must be removed no later than 30 days following completion of project.

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3.4 No other signs of any kind shall be displayed to the public without the written approval of the Architectural Committee except as may be required by legal proceedings, Nevada statutes, county or local ordinances.

4. NUISANCES (CC&R 5.05)

4.1 Rubbish or Debris - No rubbish or debris shall be placed or permitted to accumulate upon any property.

4.2 Odors -No odors permitted to arise so as to render any property unsanitary, unsightly or offensive to any other property or its occupants.

4.3 Noise - No noise or other nuisance shall be permitted to exist so as to be offensive or detrimental to any other property or its occupants.

4.4 Air Traffic – The normal operation of aircraft **shall not** be deemed a nuisance by any owner or resident. (CC&R 7.12)

5. PROPERTY, BUILDING AND FENCE MAINTENANCE (CC&R 3.10 AND 5.06)

5.1 Property owners are responsible for periodic maintenance of the exterior of their house, fences, and related structures.

5.2 On Armstrong Court, wood fences may be protected with natural or transparent stain or clear sealer in the interest of presenting a uniform appearance. Any other changes require Architectural Committee approval.

5.3 Property owners are responsible for routine sweeping and cleaning of the taxiway on their property.

6. IMPROVEMENTS AND ALTERATIONS (CC&R 5.07 AND 10.03)

6.1 Plans and specifications shall be submitted to the Architectural Committee prior to the commencement of any construction.

6.2 Construction may not commence unless and until the Architectural Committee has approved in writing such plans and specifications.

6.3 There shall be no construction, excavation, and/or alteration that alters the exterior appearance of any improvement, or removal of any improvement without prior approval of the Architectural Committee.

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6.4 Plans for changing the color of buildings (house or any other structure) must be submitted to the Architectural Committee for approval.

6.5 Any improvement affecting the exterior of the property requiring a Lyon County building permit also requires Architectural Committee approval.

7. DRAINAGE (CC&R 5.09)

7.1 No owner shall interfere with the established drainage patterns over any property unless adequate provision is made for proper drainage and approved by the Architectural Committee.

8. HAZARDOUS ACTIVITIES (CC&R 5.10)

8.1 No activities shall be conducted or improvements constructed on any property that might be unsafe or hazardous to any person or property.

8.2 Any flammable materials may be stored only in approved containers.

9. TEMPORARY STRUCTURES (CC&R 5.11)

9.1 No temporary structure shall be placed upon any property, except those necessary for builders or contractors during construction.

9.2 Such structures must be approved in advance by the Architectural Committee.

9.3 All temporary structures are to be removed within 30 days of completion of construction.

10. VEHICLES (CC&R 5.13)

10.1 Property owners and residents have the right to use the residential and airport taxiways to walk, or to occasionally ride a bicycle or an ATV, or drive a motorcycle or street licensed vehicle from one residence to another.

10.2 The above right does not extend to unescorted guests or invitees.

10.3 Walking, jogging, running, cycling and similar conveyances, or vehicles on the runway are prohibited except for emergencies, maintenance, or with permission of the airport manager.

10.4 Use of emergency fire access lanes, not designated as easements for ingress and egress of aircraft, requires permission of the property owner(s).

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11. FENCING (CC&R 5.19)

- 11.1 Fencing is not required.
- 11.2 Lot owners may erect a fence four (4) feet in height of black wrought iron along the residential taxiway easement line.
- 11.3 Other than in 11.2 above, any fencing must be approved by the Architectural Committee.
- 11.4 Any fencing along any Lot adjacent to the Airport Property parallel taxiway shall be four (4) feet in height and shall consist of black wrought iron.

12. RESIDENTIAL USE (CC&R 6.03)

- 12.1 Property in the Dayton Valley Airpark Estates is restricted to single-family residential use.

13. RENTING OR LEASING (CC&R ARTICLE 6.03)

- 13.1 Property owners shall notify the Board when property is rented or leased and provide the names and contact information of the tenants or lessees to the Board.
- 13.2 Property owners shall provide tenants and/or lessees a copy of the CC&Rs, the Dayton Valley Airpark Estates Rules and Regulations, and the Airport Rules and Regulations.

14. ANIMALS (CC&R 6.04)

- 14.1 No kennels or other facilities for raising or boarding dogs or other animals for commercial purposes are allowed.
- 14.2 No animals of any kind shall be raised, bred, or kept on any lot except dogs, cats, or other ordinary household pets.
- 14.3 Pets must be under the owner's direct supervision with dogs on a leash when not confined to a house or yard.
- 14.4 Dog owners are responsible for picking up after their pets within common areas, streets and other peoples' property.
- 14.5 Damages to airport property or other owners' property caused by a pet must be rectified by the pet's owner.

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15. UNSIGHTLY ARTICLES (CC&R 6.05)

- 15.1 No unsightly article shall be permitted to remain on any lot so as to be visible from neighboring property.
- 15.2 Neighboring property is defined to include airpark residential lots, public or private thoroughfares and streets.
- 15.3 Construction vehicles, graders, trucks other than pickups, tractors, wagons, buses, motorcycles, motor scooters, and garden and maintenance equipment shall be kept at all times except when in actual use, in an enclosed structure or screened so as not to be visible from neighboring property.
- 15.4 (See Section 16 regarding trailers, motor homes, recreational vehicles, boats, and campers.)
- 15.5 Refuse, garbage, and trash shall be kept in a covered container in an area not visible from neighboring property.
- 15.6 Refuse containers may be placed for pick up no earlier than 24 hours prior to trash collection and returned promptly to storage within 24 hours after collection.
- 15.7 Service areas, storage areas, and compost piles shall be appropriately screened from view; no lumber, grass, plant waste, shrub or tree clippings, metals, bulk materials, scrap ,refuse or trash shall be kept, stored or allowed to accumulate on any property except within an enclosed structure or kept so as not to be visible from neighboring property.
- 15.8 Premade storage sheds constructed of vinyl or plastic such as Rubbermaid sheds or manufactured Tuff Sheds not to exceed 64 sq. ft. and no taller than 8 feet high may be approved in rear or side yards if behind an existing fence. Architectural Committee approval is required.
- 15.9 Owners may better comply with the above provisions by getting approval from the Architectural Committee to build a fence to screen items from view.

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16. PARKING RESTRICTIONS/GARAGE USE (CC&R 6.06)

16.1 Automobiles

16.1.1 A maximum of two (2) automobiles (including pickup trucks) per Airpark Lot may be parked outside on a paved surface if such vehicles are currently licensed, operational and driven on a regular basis.

16.2 Recreational Vehicles (RV)

16.2.1 On Armstrong Court no boat, trailer, recreational vehicle, camper, truck other than a pickup, or commercial vehicle shall be parked or left on any lot other than in an enclosed structure or screened by a fence or wall six (6) feet in height.

16.2.2 On Lindbergh Court, Doolittle Court, or Yeager Court no boat, trailer, recreational vehicle, camper, truck other than a pickup, or commercial vehicle shall be parked or left on any lot other than in an enclosed structure or screened by a fence or wall so as not to be visible from Neighboring Property.

16.2.3 An RV may be parked in a residential driveway for not more than two nights for the purpose of loading or unloading.

16.2.4 Guests may park an RV on a lot or parking area for not more than five nights. Extension of the 5-night period may be obtained by approval of two Board members.

16.2.5 Property owners may live in an RV during construction of a single-family dwelling provided they have been issued a permit to reside in a recreational vehicle by the Lyon County Building Department and provide a copy of said permit to the Board. (See Lyon County Code 10.03.01 (G)).

16.2.6 No other RV shall be used as a living area while parked or located in the Airpark Estates. (CC&R Article 6.07).

16.3 Garage Use- Garages shall be used for parking vehicles and shall not be converted or modified for living or recreational use.

17. MAINTENANCE OF YARDS, LAWNS, PLANTINGS, AND LANDSCAPE (CC&R 6.08)

17.1 All plantings shall be kept neatly trimmed and properly cultivated.

17.2 Property shall be kept free from trash, weeds and other unsightly material.

17.3 Property owners are responsible for maintenance of the non-paved portion of the taxiway easement on their property.

17.4 No shrubs or other landscaping shall be permitted within the portions of a Lot which are subject to any aircraft taxiway easement that are more than one (1) foot in height.

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17.5 No bark, wood chips, light gravel or other landscaping materials shall be permitted within the portions of any Lot subject to any aircraft taxiway easement that may be blown by ambient or aircraft generated wind and cause a safety hazard by reason of aircraft being operated in the area.

18. REPAIR OF VEHICLES (CC&R 7.06)

18.1 Major maintenance or repairing of vehicles or aircraft requiring major disassembly or overnight parking in driveways, streets, ramps, airport tiedowns, taxiways, or parking areas is not permitted.

19. UNAUTHORIZED OBSTRUCTIONS (CC&R 7.01 AND 7.04)

19.1 Obstructions of the Airport, the Airport Facilities or any portion of the Airpark for any reason, including by unattended aircraft, vehicles, animals and children, shall not be permitted, except as may be allowed by the Board in its sole discretion.

19.2 No portion of the Airport or the Airpark, including but not limited to taxiways, may be used for parking or maintenance of aircraft or other vehicles, including washing or fueling operations, except as may be allowed by the Board in its sole discretion.

20. AIRPORT TIE DOWNS PARKING

20.1 Unattended vehicles, including automobiles, trucks, trailers, or other vehicles, shall not be permitted to park on Airport Property tie downs or within the Taxiway easements.

21. AIRCRAFT PARKING (CC&R 7.08 (I))

21.1 An Owner of an Airpark Lot may use an area on their Lot, which is not within any easement or any aircraft taxiway, as a Tie Down for use as a temporary place to park and tie down an aircraft.

21.2 Aircraft shall be tied down securely to prevent being blown about by the winds and damaging the property of other owners or the Airport Property.

21.3 If said tie-down area proves unsatisfactory for any reason and if the tied-down aircraft causes damage to an adjacent property owner's property or to the Airport property, the owner of the tie-down area that fails shall be culpable for all repairs to the adjoining property.

21.4 In no case shall an aircraft be parked or tied down on an Airpark Lot for more than fourteen (14) days.

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22. FUELING OF AIRCRAFT (CC&R 7.09)

22.1 Aircraft shall only be fueled within the lot owner's own property and are not to be fueled on the residential taxiways.

23. USE OF ASSOCIATION PROPERTY (CC&R 9.01)

23.1 Each Member of the Association who resides in Dayton Valley Airpark Estates and the members of the owner's family who reside with them and each lessee of a Lot or any portion thereof shall be entitled to use the Property of the Association, subject to:

23.1.1 The restrictions of the Dayton Valley Airpark Estates CC&Rs and all HOA rules, and each person who uses any Property of the Association, in using the same, shall be deemed to have agreed to comply therewith; and

23.1.2 The right of the Association to charge reasonable use and other fees for those facilities or amenities such as tie-downs for which fees are normally charged or assessed.

24. FLAGS (U.S. CODE TITLE 4, CHAPTER 1 AND NRS 116.320)

24.1 Approval by the Architectural Committee is required prior to installing vertical freestanding flagpoles in the yard of any residential lot.

24.2 Flags of the United States of America and of the State of Nevada may be displayed:

24.2.1 When placed on a pole, in a bracket that is then mounted to a house, garage, or hangar. A maximum of two (2) brackets are allowed on the front of the property and two (2) brackets on the rear of the property.

24.2.2 From a window and may be of cloth, fabric, or paper, but may not be used as drapery or a window covering.

24.2.3 Additional temporary installations of the flag of the United States of America and the State of Nevada are allowed for appropriate patriotic observances or special events not to exceed forty-eight (48) hours before or after said event.

24.2.4 Flags may be a maximum of four (4) feet by six (6) feet.

24.3 The flag of the United States of America must be displayed in accordance with U.S. Code Title 4, Chapter 1, and the flag of the State of Nevada must be displayed in accordance with NRS 116.320.

24.4 Flags of any branch of the United States Military or the POW/MIA flag are also allowed according to the same conditions on size and number.

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25. RULES: NOTIFICATION AND REVISION (NRS 116.31031)

- 25.1 Notification of Rules - A copy of the rules, as adopted, amended or repealed, shall be mailed or otherwise delivered to Association members.
- 25.2 Effective Date of Enforcement of Rules – Rules shall be effective thirty (30) days after notification.
- 25.3 Revision of Rules - These rules may be revised at any time by the Board as conditions warrant provided a written communication is sent to Association members advising of the changes.

26. FINES AND SANCTIONS (CC&R 3.11, 5.08, AND 5.08.1)

- 26.1 Level of Fines - The Board may invoke any one or more of the following remedies for violation of these rules, any Airport Rules, or any governing documents of the Association:
 - 26.1.1 Special charge (fines) of not more than \$50 per violation.
 - 26.1.2 Fines may vary depending upon the infraction and fines shall be determined on the basis of the severity of the violation.
 - 26.1.3 Suspension of use of Association Property or suspension of voting rights for up to 30 days.
 - 26.1.4 Costs for remedying violation charged to such property owner.
 - 26.1.5 Injunctive relief obtained against the continuance of such violation.
- 26.2 Assessment of Fines - The Executive Board shall follow the procedures in NRS 116.31031, including but not limited to the steps below:
 - 26.2.1 No fine may be imposed unless the owner had prior notice of the violation or had an opportunity to stop the violation and failed to do so.
 - 26.2.2 No fine may be imposed unless the person against whom the fine is proposed has been provided with written notice specifying the details of the violation, the proposed action to cure the alleged violation, the amount of the fine, and the date, time, and location of a hearing, and a reasonable opportunity to cure the alleged violation or to prepare for, appear at, and contest the violation at said hearing.
 - 26.2.3 The Executive Board must hold a hearing before imposing any fine unless the fine is paid before the hearing or unless the person against whom the fine will be imposed executes a written waiver of the right to the hearing or fails to appear at the hearing.
 - 26.2.4 Fines will be effective 14 days after date of mailing unless the violation is corrected within the 14 days.

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- 26.2.5 If a fine is imposed and the violation is not cured within 14 days, the violation shall be deemed a continuing violation. Thereafter, recurring violations will be subject to immediate fines for each 7-day period that the violation is not cured without further notification.
- 26.2.6 Fines shall become an assessment against the property owner and a charge will be added to the property owner's account (a statement will be mailed).
- 26.2.7 Delinquent payment of such fine shall be deemed nonpayment of assessment and pursued by the Association under the Lien/Sale provisions of NRS. 116.

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APPENDIX

I. SCOPE

This document defines the rules and regulations of the Airpark Estates Homeowners Association as authorized in section 3.05, paragraph F and section 3.10 paragraph A of the “Amended and Restated Declaration of Covenants, Conditions and Restrictions of Dayton Valley Airpark Estates,” Lyon County Recorded Document # 368807 filed November 23, 2005, “Notice of Addition of Land and Declaration of Annexation Pursuant to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Dayton Valley Airpark Estates”, Lyon County Recorded Document #368808 filed November 23, 2005; and “First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Dayton Valley Airpark Estates,” Lyon County Recorded Document #501768, filed January 17, 2013. All property owners, guests, visitors, renters, and lessees are required to abide by these rules. Property owners are responsible for all acts of their guests, visitors, renters, and lessees. As stated in Section 3.10 of the CC&Rs, these Rules shall become effective on all owners after adoption by the Board and thirty (30) days’ notice to Owners.

II. NAME AND ALIASES OF THE ASSOCIATION

The legal name of the association is Airpark Estates Homeowners Association. In accordance with the CC&Rs, these rules will be named, “Dayton Valley Airpark Estates Rules and Regulations.” The CC&Rs make use of the term “project” which refers to the residential lots and residential taxiways. For simplicity reasons, the residential lots and residential taxiway areas will be referred herein as “airpark” and the commonly owned areas of the runway, airport taxiways, tiedown area and land will be referred to as “airport”.

Declaration/Project Name	Dayton Valley Airpark Estates
Rules	Dayton Valley Airpark Estates Rules and Regulations
FAA	Dayton Valley Airpark A34
Association name	Airpark Estates Homeowners Association as filed with the Nevada Secretary of State
Subdivision Name per Lyon County	Dayton Valley Airpark – Units 1 and 2 Airpark Estates – Units 3A and 4A
Former Airport Owner Name	Dayton Valley Airport, LLC

III. ACRONYMS AND DEFINITIONS

Airpark	The residential lots and residential taxiways described in the CC&Rs
Airpark Lot or Residential Lot	“Those Lots within the Project which adjoin the runways, taxiways, and airport facilities.” (CC&R 2.03)
Airport/Airport Property/Common Area	Also known as airport. Runway, airport taxiways and the unimproved land within the airport as described in Lyon County Recorder Map 137734 dated 11-26-1990, Parcel 4A-1, APN 016-363-21.

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Association	“Airpark Estates Homeowners Association a Nevada non-profit corporation described in Article III, including its successors and assigns (also known as the “Dayton Valley Airpark Estates Association”). (CC&R 2.09). Also known as the aliases described in the Scope, Section II.
CC&Rs	Covenants, Conditions and Restrictions of Dayton Valley Airpark Estates.
CFR	Code of Federal Regulations
HOA	Airpark Estates Homeowners Association.
Legally enforceable	Pertains to the CC&Rs, rules and regulations that are enforceable by law. A non-compliance of any CC&R or rule that is not legally enforceable will not be a violation.
Lot	“Any unit or parcel of land within the Airpark which is designated on any recorded Subdivision plat, whether or not improved, for a single-family residence.” (CC&R 2.27)
NRS	Nevada Revised Statutes, specifically Section 116 pertaining to COMMON-INTEREST OWNERSHIP (UNIFORM ACT) and other sections as applicable.
Project	A term used in the CC&Rs which means the airpark. Per the CC&Rs – “The Dayton Valley Airpark Estates as generally depicted on the overall Dayton Valley Master Plan.” (CC&R 2.37)
Taxiway, Airport	Common area taxiway providing access to and from residential taxiways to the runway. Per the CC&Rs – “Any taxiway within the Airport Property, including, without limitation, any taxiway which is parallel to the runway and any taxiway which provides access for aircraft to any such parallel taxiway, the Airport runway or the taxiways within the Project. (CC&R 2.46B).”
Taxiway, Airpark or Residential	“Any taxiway within the Project, including, without limitation, any taxiway within the Project which is located on an Airpark Lot.” (CC&R 2.46A)
Tie down Area (airport)	Property acquired in 2015 located behind the residential taxiway on the east end as APN 029-221-15, Lakeview Drive Parcel 1, as Maps BA124613, SM326923, PM 542437.

IV. AUTHORITY AND REFERENCES

- Authorized by Nevada Revised Statutes NRS 116.31065 Rules and CC&Rs section 3.05, paragraph F and section 3.10 paragraph A.
- Code of Federal Regulations Title 47 - Telecommunication§ 1.4000

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V. CONFLICTS WITHIN THIS DOCUMENT

In the event any of the rules and regulations stated in this document conflict with the CC&Rs, the legally enforceable CC&Rs will prevail.

If the CC&Rs or these rules conflict with NRS 116, NRS 116 will prevail.

If a conflict exists between the CC&Rs and the bylaws, the CC&Rs prevail except to the extent the CC&Rs are inconsistent with NRS 116.2103.

VI. FUTURE CHANGES TO THE RULES

The officially approved Rules and Regulations will be signed and dated as Revision 1.0. When changes are made to this document, it will be re-issued in its entirety. The revision will increment to the next whole number, i.e. Revision 2.