

**RULES AND REGULATIONS  
FOR  
LAS VEGAS RANCH ESTATES  
PROPERTY OWNERS ASSOCIATION, INC.**



Adopted: (New Date Required)

**LVRE**  
**Rules and Regulations**  
**Draft**  
**May 8, 2019**

Contained within this document are changes to the Rules and Regulations for Las Vegas Ranch Estates, as proposed by the Document Review Committee. In alphabetical order, the members of the Document Review Committee are:

- Darrell Bryant
- Joe Dalmas
- Jim Istwan
- Brian Peterson
- Mark Spiegel
- John Uczekaj

Changes to the Rules and Regulations:

- Proposed changes to the Rules and Regulations are in Red
- Comments and additional information are in Blue

The Board of Directors is empowered to adopt, amend, and repeal rules and regulations pertaining to the maintenance and use of parcels. It is not the intent of the Board of Directors to burden POA Members with unnecessary rules, but rather establish and maintain rules that preserve and enhance our community, and protect the health, safety, and welfare of the Association's Members.

RULES AND REGULATIONS FOR LAS VEGAS RANCH ESTATES  
PROPERTY OWNERS ASSOCIATION, INC.

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RULES AND REGULATIONS

FOR

LAS VEGAS RANCH ESTATES PROPERTY OWNERS ASSOCIATION, INC.

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SECTION ONE

PREAMBLE

The Las Vegas Ranch Estates ("LVRE") Property Owners Association ("Association") is a nonprofit corporation incorporated under the laws of the State of Arizona.

The Declaration of Covenants, Conditions and Restrictions (CC&R's) for LVRE, delegate to the Association the powers of managing, maintaining and administering any Areas of Association Property **Responsibility** within LVRE; administering and enforcing the CC&R's; collecting and disbursing funds in accordance with the established assessments and charges; and, performing other acts provided for in the CC&R's or which generally benefit its members, LVRE, and the owners of any interests therein.

As such, the Association is empowered to adopt, amend and repeal, as required, Rules and Regulations (R&Rs). It is not the intent of the Association to burden members with capricious or unnecessary rules. Rather, we consider the inclusion of new rules or the clarification of existing provisions of the CC&Rs based on key criteria that provide significant benefit to all members. These criteria include: the rule preserves or enhances parcel and home asset values; the rule preserves or enhances quality of life; or the rule minimizes unnecessary habitat destruction and mitigates environmental impacts.

## SECTION TWO

1.1. Antennas and similar devices for the transmission or reception of signals or any other form of electromagnetic radiation are prohibited without the prior written consent of the Design Review Committee (DRC). Ham Radio antennas are strictly prohibited as they are not deemed to be in harmony with the general development plan of LVRE.

1.2. ~~Use of resident owned motorized recreational vehicles, including, but not limited to, All Terrain Vehicles (ATV's), Trail and Mini Bikes are permitted on the resident's parcel (or split) during daylight hours. Operation shall be in a manner so as not to create a nuisance<sup>1</sup> or harm the environment or natural habitat of LVRE.~~

~~Further, such vehicles may not be operated on other LVRE private property without the consent of the property owner or at any time on Association common areas, easements, or other areas of Association responsibility.~~

Use of motorized recreational vehicles, including, but not limited to, All-Terrain Vehicles (ATV's), Trail and Mini Bikes is permitted on the resident's parcel (or split) during daylight hours. Such use shall be consistent with activities commonly related to farming, ranching and property maintenance. Any operation shall be in a manner so as not to create a nuisance<sup>1</sup> or harm the environment or natural habitat of LVRE. Thus, activities that create excessive noise, including but not limited to, recreational riding and/or motocross, off-road motorcycle racing or track riding, are prohibited. Such vehicles may not be operated on LVRE private property without the consent of the private property owner, Habitat Preservation Areas, or on Association common areas, easements, or other areas of Association responsibility.

1.3. Ingress to and egress from LVRE is restricted to the use of Las Vegas Road via the entrances/gates on Fair Oaks Road and Camp Wood Road (North and South). No other motor vehicle access is authorized including, but not limited to, parcels (or splits) contiguous to Camp Wood Road.

Alteration to and use of Association-owned perimeter fences for the purpose of ingress and egress is not permitted without the prior review and written consent of the Design Review Committee (DRC). If granted, use shall be solely limited to equestrian and pedestrian traffic. Any form of motorized vehicle is prohibited.

- 1.4. Unmanned/Remote Control Model Aircraft and Drones are permitted so long as the operation of such is restricted to the airspace above the owner's property (parcel or split). Operation of ~~such aircraft~~ Unmanned/Remote Control Model Aircraft and Drones shall not create a nuisance<sup>1</sup> and will be in a manner consistent with protecting the health, safety, welfare and privacy of other LVRE property owners. In addition, the operator must be familiar and in compliance with both State and Federal restrictions established for flying unmanned aircraft.

In the event a duly licensed Real Estate agent/broker desires access to the airspace above a parcel/split for the purpose of conducting aerial photography he/she shall contact a representative of the LVRE POA for approval.

The launching and recovery of model rockets are not permitted on LVRE.

- 1.5. On occasion, the Board must consider approval of requests to combine parcels. A written request from the Owner of Record must be provided to the Board of Directors prior to any parcel combination.

Parcel combinations will be considered for approval by the Board of Directors, based upon the following conditions being met:

- To be considered for combining of splits into a larger parcel all splits must be from the same original Developer's Parcel
- The combination of splits must comply with the rules and regulations of County and State Governments.

When splits are combined and the result of the combination is less than the full, original Developer's Parcel:

- An annual assessment will be levied against the newly created parcel and any remaining split/s will be treated as separate parcels and assessed as such
- Voting rights will be limited to that of a single split
- The new parcel may not be split at any future date

When splits are combined to complete the full, original Developer's Parcel:

- An annual assessment will be levied against the newly created parcel
- The parcel may be split per the CC&Rs
- Full voting rights will be restored

Combinations beyond the boundaries of the original Developer's Parcel will not be approved.

1.6. From time to time the outcome of a Board vote for motions brought forth in an Open or Executive meeting may result in a tie of 2 to 2.

If a motion is made and seconded and the resulting Board vote ends in a tie of 2 to 2, the deciding vote will be cast by the President of the Association. Only the Board President has the ability to break such a tie. In the event that the Board President is not present at a meeting in which a tie vote is taken, the action must be tabled for the next meeting where either the President is present, or all Directors are present.

1.7. The vote allocations for parcels and splits are designated as follows:

- Full, original, parcels will have three votes.
- Each split will be granted one vote and the original parcel will lose one vote for each split.

**Footnote:**

1. A nuisance is **generally** defined as anything that interferes with a person's use and quiet enjoyment of his/her land.

## Proposed Rules

### Use of Easements:

The Amended Records of Survey for Las Vegas Ranch Estates identifies various Easements applicable to the specific Parcels.

An easement is generally defined as a non-possessory right to cross or otherwise use another's land for a specified purpose. It entitles the holder only to the right to use such land in the manner specified. Easements are more specifically addressed in Article 4 of the CC&R's.

The designated easements include: a 100' easement (two 50-foot parallel bands as measured from the center of the existing developed roads) for ingress, egress, public utilities, roadway and drainage purposes (and in certain areas, 40' and 50' easements for the same); various stock tank easements; and a 50' easement for livestock ingress and egress along the Eastern most portions of Parcels.

Specific easements were created for the exclusive use of all LVRE Property Owners for ingress and egress to their Parcels. As such, Owners must be familiar with the location and proper usage of the designated easements and be respectful of the property rights of those owners whose parcels may abut the same. Respective Owners may specifically grant access to their individual private property at their discretion; however, absent express permission, non-authorized entry upon another Owner's private property may constitute criminal trespass under the applicable Arizona Revised Statute (ARS 13-1502).

Stock Tank Easements are designated to provide and preserve water access for cattle and not for intended for general use by all Property Owners.

### Parking:

No more than three vehicles may be parked outside, and the vehicles must be registered and operable. For no more than 72 hours, recreational vehicles, campers, trailers, boats, and trucks may be parked on a driveway to load, unload, or clean.

### Short Term Rentals:

A lease for a term of less than 180 days is prohibited by the CC&Rs. This includes a short term rental for an entire residence, or a portion of a residence, through vacation rental agencies including, but not limited to, Airbnb, VRBO, HomeToGo, FlipKey, or any similar service. A guest house may not be rented or leased.

### Shared Fences and Common Driveway Disputes:

The Board and the Design Review Committee have no authority over and will take no action in Parcel Owner disputes regarding shared fencing and/or common driveways.



### **Financial Transactions:**

- The funds of the POA shall be expended in accordance with the approved/amended annual budget and future forecast.
- A Committee Chairman may spend up to \$200 without oversight, if the expenditure is within the approved budget for the Committee.
- All request for funds, checks or withdrawals of more than \$200 but less than \$2,000 must be authorized by the Treasurer and approved by the President or Vice President. Funds, checks or withdrawals over \$2,000 must be approved by both the Treasurer and the President, and notification sent to the remaining members of the board.
- No loans shall be contracted on behalf of the Association and no indebtedness shall be issued in its name unless authorized in advance by resolution of the Board of Directors.
- A minimum of three vendor quotes must be obtained for expenditures over \$5,000.00 unless otherwise directed by the board. All vendors must be licensed, bonded, and insured.

### **Annual Review of Property Tax Rolls:**

- The Board shall verify annually that all Parcels within Las Vegas Ranch Estates are properly identified and that all new Parcel splits and/or re-combinations are properly documented. This annual review will be used to assure that member votes are properly apportioned and annual Assessments are collected for each Parcel.
- The process of Parcel review and verification will be led by the Treasurer and conducted by the Association management agency if utilized. Absence a management contract, the Treasurer will perform the audit utilizing publicly available tax rolls and the Yavapai County interactive map and any other resource available.

### **Guest Houses and Parcel Splits:**

The CC&R's authorize and the Design Review Guidelines set forth the process through which Property Owners may improve their parcels through the construction of buildings, including, but not limited to primary residences and guest houses.

The Design Review Committee (DRC), through the Design Review Process, may grant a Property Owner the right to construct a primary residence and a single guest house on a parcel. An owner that owns multiple parcels may build the guest house on any of their parcels, however only one guest house per primary residence will be allowed. Primary residences must be completed and occupied prior to construction of guest houses unless specifically authorized otherwise by the DRC.

If a parcel with a guest house and no primary residence is sold, the guest house may not be used as a primary residence unless the guest house meets the requirements for residence (i.e., livable area no less than 2200 square feet exclusive of open porches, ramadas, patios, balconies, pergolas, detached garage or attached garage, if any—Section 3.2, CC&R's) the guest house may not be used as a primary residence.

If a Property Owner seeks authority from the DRC and Board to split their parcel as outlined in Section 3.16 of the CC&R's and the Parcel split would result in a guest house resting on a parcel separated from the primary residence, then, unless the guest house meets the requirements for a residence (i.e., livable area no less than 2200 square feet exclusive of open porches, ramadas, patios, balconies, pergolas, detached garage or attached garage, if any—Section 3.2, CC&R's) the guest house may not be used as a primary residence on the new parcel split.

### **Cross-fencing Pastures:**

Properties owners may install and/or relocate cross fencing for animal grazing and pasture management purposes. Such relocation shall be within the existing perimeter fencing area on those parcels approved by the Design Review Committee (DRC). The materials used shall be the same or similar to those previously approved by the DRC and not more visible than the existing perimeter fencing when viewed from Neighboring Property. Brightly-colored insulators on any electrified fencing is prohibited.

### **Relocating Water Tanks/Troughs:**

Properties owners may place water tanks/troughs on their respective properties to provide water for \*\*livestock. Such water tanks/troughs may be permanent or portable and relocated throughout the individual properties as deemed necessary by the properties owners.

\*\* "Livestock" means cattle, equine, sheep, goats and swine, except feral pigs. (Arizona Revised Statutes § 3-1201)

### **Prohibitions for Livestock and Domestic Animals:**

Properties owners enjoy the right to maintain horses on their properties solely for their personal use and enjoyment. Horse events and competitions, including, but not limited to, shows, exhibitions, racing, and rodeos may not be conducted within the boundaries of LVRE without the prior approval of the Board of Directors and adjacent property owners.

Properties owners should strive to reasonably limit the number of horses on their respective properties in order to maintain the overall natural ranch habitat of their parcels and be consistent with the Landscape Design Code of the LVRE Design Guidelines. Neither the HOA nor Board of Directors shall be responsible for monitoring or enforcing the standard of reasonableness unless a formal complaint is received in writing from an adjacent property owner. However, once a formal written complaint is submitted and received the same shall be resolved at the discretion of the Board of Directors.

No animals of any kind may be kept, bred or maintained for any commercial or charitable/non-profit purpose including, but not limited to, animal “rescue” and shelter programs. However, a Member may participate in a domestic animal rescue program, and foster domestic animals, so long as the number of animals does not exceed two (2) animals and the animals do not create a nuisance<sup>1</sup>.