DOC #: 623540
10/19/2020 01:01 PM Page: 1 of 15
OFFICIAL RECORD
Requested By:
JON LINKE
Lyon County, NV
Margie Kassebaum, Recorder
Fee: $40.00 RPTT: $0.00
Recorded By: csmith

Unofficial Copy

AIRPARK ESTATES HOMEOWNERS ASSOCIATION

Dayton Valley Airport (A34)
Rules and Regulations

Revision 2

Adopted by the Board: 15 October 2020

Signed: _____
Jon Linke, President
Airpark Estates Homeowners Association

Airpark Estates Homeowners Association

Dayton Valley Airport Rules and Regulations

Revision 2

History of Revisions

Version	Pages	Description of change	Approval date
Draft 2	all	First HOA Board review of draft document 1/8/2018	Review only
Revision 1	all	First release of document, containing draft 2 through draft 8, by HOA Board	2/20/2020 /s/ J Linke
Revision 2	all	Clarification of 1.4, 2.3, 3.6, 3.6.1, 4.3.3, 4.4.2, 4.4.3, 4.4, 4.6 & 9.1. Added new "Purpose and Authority", 2.2.4, 4.4.4, & 4.12. Added "Rules and Regulations" heading, clarification of 3.6, added 3.6.5, added document #368808 to SCOPE, added title to FAA Advisory Circular AC 150/5200-33C	9/19/2020 J Linke

Unofficial Copy

Airpark Estates Homeowners Association

Dayton Valley Airport Rules and Regulations

Revision 2

TABLE OF CONTENTS

TABLE OF CONTENTS III
PURPOSE AND AUTHORITY IV
RULES AND REGULATIONS 1
1. SAFETY AND OPERATIONS 1
2. RUNWAY 1
3. PARALLEL TAXIWAY 2
4. RESIDENTIAL TAXIWAYS AND TRANSIENT TIEDOWN AREA 3
5. CONSTRUCTION ACTIVITIES 5
6. RADIO CONTROL MODELS 5
7. UNMANNED AERIAL SYSTEMS (UAS, AKA "DRONES") 6
8. ANIMALS 7
9. RETENTION PONDS AND DRAINAGE CHANNEL 7
10. RULES: NOTIFICATION AND REVISION (NRS 116.31031) 7
11. FINES AND SANCTIONS (CC&R 3.11, 5.08, AND 5.08.1) 7
APPENDIX 9
I. SCOPE 9
II. NAME AND ALIASES OF THE ASSOCIATION 9
III. ACRONYMS AND DEFINITIONS 10
IV. AUTHORITY AND REFERENCES 11
V. CONFLICTS WITHIN THIS DOCUMENT 11
VI. FUTURE CHANGES TO THE RULES 11

Unofficial Copy

Airpark Estates Homeowners Association

Dayton Valley Airport Rules and Regulations

Revision 2

PURPOSE AND AUTHORITY

The purpose of these Rules and Regulations shall be to supplement and strengthen Federal, State and Local regulations, laws and ordinances pertaining to private, industrial or commercial activities on Dayton Valley Airport. The airport owner has the authority to develop, amend, revise or apply such rules and regulations as necessary.

These Rules are adopted for the benefit of the Dayton Valley Airpark Estates residents, industrial tenants and visitors. They are intended to contribute to the Operational Safety of aircraft arriving, taxiing and departing A34.

Safety is a community mind-set, not an inconvenience.

Unofficial Copy

Airpark Estates Homeowners Association

Dayton Valley Airport Rules and Regulations

Revision 2

RULES AND REGULATIONS

1. SAFETY AND OPERATIONS

1.1. All property owners, both Residential and Industrial, their contractors, guests, visitors, renters, and lessees shall abide by these rules. Property owners are responsible for all acts of their contractors, guests, visitors, renters, and lessees.

1.2. Residential and Industrial owners are responsible for the distribution of the latest version of this document to their visitors, renters and lessees.

1.3. Owners of Industrial parcels shall maintain fencing and gates such that only authorized personnel will have access to airport property.

1.4. Airport property and entrances to the residential taxiways are posted as NO TRESPASSING, PRIVATE PROPERTY for the safety of aircraft operations and the Airpark community. Trespassing is to be reported to the Lyon County Sheriff.

1.5. All Pilots and Aircraft using the runway and taxiways shall comply with applicable FAA regulations and carry liability insurance.

1.6. The Airport is intended for DAY operations under Visual Flight Rules (VFR) only; It is not equipped for either NIGHT or Instrument Flight Rules (IFR).

1.7. Residential and Industrial Property owners, guests, visitors, renters, and lessees will be held responsible for the actions of persons under the age of 18 and pets.

1.8. Flight vehicles, trailered to the Airport by non-owners with the intent to assemble and fly, will be denied access unless authorized by the HOA Board of Directors. See Airport/Facility Directory (A/FD) for exceptions.

1.9. Residential and Industrial Property owners, guests, visitors, renters, and lessees shall not conduct any business related to parachuting, sky-diving or soaring.

1.10. Any penalties authorized hereunder may be assessed against the responsible property owner.

2. RUNWAY

2.1. Emergency response efforts have priority. Lacking an Emergency, normal aircraft operations have priority over all other activities and vehicles.

Unofficial Copy

2.2. In the event of an aircraft accident within the Obstruction Free Zone of the runway, the following steps will be followed:

2.2.1. Observers should call 9-1-1, describing the accident at the Dayton Valley Airport and its location as West end, East end or Middle of the runway.

2.2.2. The accident shall not be moved without the written permission of the aircraft insurance company.

2.2.3. The Airport Manager will issue a NOTAM, closing the airport until the obstruction is removed.

2.2.4. The owner, or duly appointed agent, shall have the sole responsibility of providing and maintaining security of the accident site and coordinating access with the Airport Manager.

2.3. Aircraft operational safety is paramount. Access to the runway, day or night, shall be limited to those vehicles properly equipped with a 3' x 3' orange and white Ramp Flag, operating hazard flashers, 2-way comm. radio tuned to the Common Traffic Advisory Frequency (CTAF 122.9 Mhz) and legitimate airport business.

2.4. Aircraft and all other vehicles are limited to a maximum combined loaded weight of 12,500 pounds.

2.5. Contractor vehicles require prior coordination and escort by the Airport Manager and/or HOA Board Member.

2.6. Vehicles shall not be parked on or near the Runway, Runway shoulders, Taxiways, nor the overrun areas. The Runway Safety Area (RSA) requires at least 130 feet of clearance, measured from the runway center line. Each end requires at least 300 feet of clearance to any obstacle.

2.7. Casual use of the runway by pedestrians, motorcycles, bicycles, ATV's or vehicles is prohibited, unless authorized by the HOA Board of Directors.

3. PARALLEL TAXIWAY

3.1. Emergency response efforts have priority. Lacking an Emergency, normal aircraft operations have priority over all other activities and vehicles.

3.2. Access to the parallel taxiway is limited to those vehicles properly equipped with a Ramp Flag, operating hazard flashers, 2-way comm. radio (CTAF 122.9 Mhz) and legitimate airport business, unless authorized by the HOA Board of Directors.

Unofficial Copy

3.3. Street vehicles, trailers, recreational vehicles, and aircraft are limited to a maximum combined loaded weight of 12,500 pounds.

3.4. The Taxiway requires at least 50 feet of clearance, measured from the taxiway center line, to any obstacle.

3.5. Contractor vehicles require prior coordination and escort by the Airport Manager and/or HOA Board Member.

3.6. Until such time as Lakeview Drive is completed, property owners and residents may use the parallel taxiway and dirt road to walk, or to occasionally ride a bicycle or an ATV, motorcycle or drive a street licensed vehicle from one residence to another. Guests and Contractors must be escorted due to the hazards of aircraft ground operations. AIRCRAFT OPERATIONS HAVE PRIORITY and all casual use shall yield, well clear of the taxiway shoulders.

3.6.1. At no time will casual use cross the "Hold Short" line, entering the active runway.
3.6.2. At no time will the parallel taxiway be obstructed by vehicles or equipment.
3.6.3. During casual use of the parallel taxiway, it is strongly recommended that CTAF communications be monitored.
3.6.4. The use of Ear Buds or Headphones not tuned to the CTAF frequency (122.9 Mhz) is prohibited.
3.6.5. Due to the uneven surface of the dirt road, night use for walking or unlighted vehicles is strongly discouraged.

4. RESIDENTIAL TAXIWAYS AND TRANSIENT TIEDOWN AREA

4.1. Emergency response efforts have priority. Lacking an Emergency, normal aircraft ground operations have priority over all other activities and vehicles.

4.2. Chain and lock access control is designed to meet the requirements of the local Fire Department, Emergency Services, Law Enforcement and Airport Maintenance.

4.2.1. The Residential Taxiway Easements also serve as emergency access for First Responders and must remain clear for that purpose.

Unofficial Copy

Airpark Estates Homeowners Association

Dayton Valley Airport Rules and Regulations

Revision 2

4.3. Access to the Residential Taxiway Easements shall be limited to property owners, renters or lessees requiring occasional ground vehicle access to the rear of their property.

4.3.1. Access points shall remain open or unlocked only as long as the owner/ renter/lessee needs to traverse the gate area.

4.3.2. An open or unlocked access point shall be visually monitored at all times to prevent unauthorized entry.

4.3.3. When passage event is complete, chain gates shall be returned to the closed position and locks shall be re-set by turning all the dials away from the combination.

4.4. The HOA Board of Directors shall have the authority to determine the combination of the locks and to revise it, should it become compromised.

4.4.1. The Airport Manager has the sole responsibility for the update of all locks and issuance of the revised lock combination to the Management Company and members of the HOA Board of Directors.

4.4.2. The HOA Board of Directors shall issue the revised combination to individual property owners, renters, and lessees via the Management Company.

4.4.3. The lock combination is private data and shall not be distributed to non-owners, contractors, visitors or guests.

4.4.4. Any owner, renter or lessee, who repeatedly leaves the access control chain down, locks not secure, or distributes the combination to the general public may be fined by the Executive Board of Directors and cause a new combination to be issued per 4.4.2.

4.5. Street vehicles, construction vehicles, trailers, recreational vehicles, and aircraft are limited to a maximum combined loaded weight of 12,500 pounds.

4.6. Aircraft, vehicles, trailers, and other objects over 12 inches high shall not to be left unattended on the Residential Taxiway Easement.

4.7. Unless authorized by the HOA Board of Directors, the Transient Tiedown Area is reserved for transient aircraft use only.

4.8. Contractor vehicles must be escorted by the Airport Manager or property owners/renter/lessees familiar with aircraft ground operations.

Unofficial Copy

4.9. Guest vehicles must be pre-coordinated 24 hours in advance with the Airport Manager, then escorted by either the Airport Manager or property owner/renter/lessees familiar with aircraft ground operations.

4.10. During the casual use of the Residential Taxiway and Transient Tiedown area, it is strongly recommended that CTAF communications be monitored.

4.10.1. The use of Ear Buds or Headphones not tuned to the CTAF frequency (122.9 Mhz) is prohibited.

4.11. Owners/renters/lessees are responsible for the removal of all Foreign Object Debris (FOD) from their Residential Taxiway as a result of their vehicle, contractor activities or weather event.

4.12. Unattended vehicles, including automobiles, trucks, trailers, containers, etc. shall not be permitted to park on the Transient Tiedown Area or within the taxiway easement.

5. CONSTRUCTION ACTIVITIES

5.1. During any construction or modification of a home, hangar, ramp or accessory dwelling, the Residential owner, Industrial owner, renter, lessee, or contractor shall control the accumulation of debris and trash to prevent unsightly litter and the creation of FOD for the airport.

6. RADIO CONTROL MODELS

6.1. Flight by a Radio Controlled model (airplane, helicopter, glider) is PROHIBITED during Emergency Response Operations.

6.2. Radio Controlled models (airplane, helicopter, glider) are not to be operated at A34 without authorization of the HOA Board of Directors.

6.2.1. A Notice to Airmen (NOTAM) will be issued, specifying dates and times, for any approved operations of radio controlled models.

6.2.2. Radio Controlled models shall be properly registered and insured prior to flight and comply with the Academy of Model Aeronautics (AMA) National Safety Code.

Unofficial Copy

7. UNMANNED AERIAL SYSTEMS (UAS, AKA "DRONES")

7.1. UAS flights are PROHIBITED during Emergency Response efforts.

7.2. UAS shall not be operated within 1.5 statute mile (sm) radius of A34, higher than 200 feet AGL nor beyond the unaided visual range of the operator without authorization of the HOA Board of Directors. The center of the area is defined as 39° 14' 18" North latitude; 119° 23' 20" West longitude, the A34 A/FD airport location.

7.3. No UAS may be operated within the Obstruction Free Zone or within the artificial surfaces defined by the A34 Airspace drawing without the express written authorization of the Airport Manager.

7.3.1. If authorized, a NOTAM will be issued, specifying dates and times, for any approved operations of UAS.

7.3.2. UAS shall be properly registered and insured prior to flight.

7.3.3. Notification of the Airport Manager is required when ready to begin the flight.

7.3.4. UAS operator shall monitor the CTAF frequency (122.9 Mhz) and visually monitor for aircraft traffic. Upon initial visual or voice contact, the UAS operator shall describe his vehicle's location, altitude, direction of flight, and divert as necessary to avoid the aircraft.

7.4. UAS may be operated 1.5 sm to 5.0 sm radius of the A34 location within the guidelines of FAA Advisory Circular AC 91-57B, "B4Ufly" app and/or "AIRMAP " app and the Academy of Model Aeronautics National Safety Code.

7.4.1. Notification of the Airport Manager is required, specifying date, time, duration, and altitude of the flight(s). The Airport Manager will determine the necessity for a NOTAM.

7.4.2. UAS shall be properly registered and insured.

7.4.3. UAS operator shall monitor the CTAF frequency (122.9 Mhz) and visually monitor for aircraft traffic. Upon initial visual or voice contact, the UAS operator shall describe his vehicle's location, altitude, direction of flight, and divert as necessary to avoid the aircraft.

Unofficial Copy

8. ANIMALS

8.1. While on Airport Property, Parallel Taxiway, Residential Taxiways and Transient Tiedown Area, pets must be on-leash. Pets are not allowed on the Runway.

8.2. No Residential or Industrial property owner, guests, visitors, renters or lessees shall intentionally attract wild animals, including birds, to the airport, residential or Industrial areas. (reference FAA Advisory Circular AC 150/5200-33C).

9. RETENTION PONDS AND DRAINAGE CHANNEL

9.1. The Retention Ponds on the North side of the Runway shall remain clear of all debris. Dumping of material or vegetation by residential owners, guests, visitors, renters, lessees, Industrial owners or contractors is prohibited.

9.2. The Drainage Channel on the South side of the Runway shall remain clear of all debris. Dumping of material or vegetation by residential owners, industrial owners, guests, visitors, renters, lessees or contractors is prohibited.

10. RULES: NOTIFICATION AND REVISION (NRS 116.31031)

10.1. Notification of Rules - A copy of the rules, as adopted, amended or repealed, shall be mailed or otherwise delivered to Association members and owners of Covered Industrial Parcels or their owners Association.

10.2. Effective Date of Enforcement of Rules – Rules shall be effective thirty (30) days after notification has been issued.

10.3. 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.

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

11.1. 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:

11.1.1. Special charge (fines) may be assessed per the guidelines of NRS 116.31031.1b.2 at the discretion of the Executive Board.

Unofficial Copy

11.1.2. Fines may vary depending upon the infraction and fines shall be determined on the basis of the severity of the violation.

11.1.3. Suspension of use of Association Property or suspension of voting rights for up to 30 days per NRS 116.31031.1a.1.

11.1.4. Costs for remedying violation charged to such property owner.

11.1.5. Injunctive relief obtained against the continuance of such violation.

11.2. Assessment of Fines - The Executive Board shall follow the procedures in NRS 116.31031, including but not limited to the steps below:

11.2.1. 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.

11.2.2. 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, 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.

11.2.3. 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.

11.2.4. Fines will be effective 14 days after date of mailing unless the violation is corrected within the 14 days.

11.2.5. 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.

11.2.6. 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).

Unofficial Copy

Airpark Estates Homeowners Association

Dayton Valley Airport Rules and Regulations

Revision 2

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; "Airport Facility Use Agreement Dayton Valley Airport-Industrial", Lyon County Recorded Document #461447 filed June 30, 2010; "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; "Amended and Restated Industrial Airport Facility Use Agreement", Lyon County recorded document #501813 filed January 17, 2013; and "Memorandum of Agreement", Lyon County Document #501775 filed January 17, 2013. All Residential and Industrial property owners, guests, visitors, renters, 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 Airport 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 will be referred herein as "airpark". The Airpark Estates Homeowners Association 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 Airport 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

UNOFFICIAL DOCUMENT

Airpark Estates Homeowners Association

Dayton Valley Airport Rules and Regulations

Revision 2

III. ACRONYMS AND DEFINITIONS

A/FD	Airport/Facility Directory
AFUA	Airport Facility Use Agreement
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	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.
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.
Covered Industrial Parcel	Per AFUA document #461447: APN 017-363-07, 126 Lakes Blvd.; AND Per AFUA document #501813 any property that agrees to execute a counterpart of AUFA document #501813 and a Notice of Addition of Land.
CTAF	Common Traffic Advisory Frequency
FOD	Foreign Object and Debris
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)
NOTAM	Notice to Airmen
NRS	Nevada Revised Statues, 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)

Unofficial Document

Taxiway, Airport	Aircraft taxiway providing access to and from residential or industrial 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)
Tiedown 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
- FAA Advisory Circular AC 150/5200-33C, Hazardous Wildlife Attractants On Or Near Airports

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 approved Rules and Regulations are signed and dated as Revision 1. 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.

Unofficial Copy