

Adopted Lakeview Estates HOA Board Rule

March 20, 2020

Hello Lakeview Estates Property Owners:

Over the last year, your HOA Board of Directors has received questions and complaints regarding LVE Covenant Section 3.05, which covers Nuisances in the community. As you know there can be many types of Nuisances for homeowners, such as loud noise coming from a property as specifically defined in Section 3.05. There are also wildlife Nuisances that can exist, and left unattended by the homeowner, can become a serious safety and health concern for our neighborhood.

The HOA Board of Directors has recently adopted a rule that seeks to clarify section 3.05 regarding wildlife nuisances and identifies but a few of the potential rodents and other vermin that can, in greater numbers, pose a potential health and safety risk to our community.

When you have a moment, please review the existing LVE covenant below, the Board of Directors authority to adopt rules in support of existing covenants, and the recently adopted Board rule clarifying wildlife nuisances in support of Section 3.05.

I hope to see you all at the annual meeting this year!

Sincerely,

Scott Craig
President
LVE HOA Board of Directors

2019 HOA Board of Directors
Bruce Born – Vice President
Nancy Adams – Secretary
Tammy Frye – Treasurer
Bob Masitti – Board Member
Shannon Fails – Board Member
Julie Morris – Board member

Existing LVE Community Covenant

3.05 Nuisances:

No rubbish, weeds (higher than 6") or debris of any kind shall be placed or permitted to accumulate on any property within LVE-35 and no odors shall be permitted to arise therefrom so as to render any such property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other Property or its occupants. *No noise or other nuisance shall be permitted to exist or operate upon any such property so as to be offensive or detrimental to any other Property or to its occupants.* Without limiting the generality of any the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices (other than security or fire devices used exclusively for security purposes) shall be located, used or placed on any such property without the prior written approval of the Board.

Authority for Board to Adopt HOA Rules:

So long as there is a basis in the covenants for a proposed rule, the Board may adopt the rule without community owner approval. In this case, the nuisance provision in the covenant requires that owners maintain their lots in such a way as not to be unsanitary, unsightly, offensive or detrimental to other lots. That serves as the basis for the Board to adopt a rule that owners are required to mitigate Nuisances from their property.

Adopted LVE HOA Rule to Further Clarify 3.05 Nuisances

LVE HOA Adopted Rule: Control of Rodents or other Vermin

Rodents (Including but not limited to; rats, mice, and prairie dogs) or other vermin (Including but not limited to; snakes, voles, and rabbits) which "take up residence" on any property in LVE-35, and that rise to the level of complaints, are required to be mitigated/ removed if they render any such property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other Property or its occupants. Homeowner(s) will be required to work with the HOA Board of Directors to oversee the timely mitigation/ removal of the Nuisance from their entire property. It will be the sole responsibility (financial or otherwise) of the property owner(s) to see to it that the mitigation/ removal of any such Nuisance from their individual property is completed.