

April 26, 2019

## **USE RESTRICTIONS 400 RANCH**

By Resolution of the Board of Directors of the 400 Ranch:

The Bylaws of the 400 Ranch Corporation, A Montana corporation, provide at Article VII, Section 5, that "each lease issued by the corporation to a stockholder shall be subject to the terms and conditions of these bylaws and to such other rules and regulations as, from time to time, may be promulgated by the stockholders of the Board of Directors." Pursuant to the authority conferred by this clause on the Board of Directors of the 400 Ranch Corporation, the Board hereby resolves to impose the following use restrictions on use of shareholders' cabin sites or leaseholders on the 400 Ranch property.

### **PERSONS BOUND BY THESE RESTRICTIONS**

1. **PERSONS BOUND.** All persons, corporations and any other legal entity who now owns or shall hereby acquire any interest in and to any shares of stock of the 400 Ranch Corporation and/or any right to use any part of the real estate owned by the 400 Ranch Corporation are bound by these rules.

### **RESTRICTIONS ON BUILDING**

2. **SINGLE-FAMILY USE.** Each shareholder of 400 Ranch, a Montana corporation, shall hold no more than one site for a single-family residential site. Only one dwelling unit with an out building may exist on the residential site. A "dwelling unit" shall be defined as one principal residence on each residential site represented by one share of stock. All building or construction must be approved by the Board of Directors. Applications shall be reviewed first by the Standing Architectural Committee, and then referred with recommendations to the Board.

3. **LEASING OR RENTAL.** Leasing or rental of cabins is prohibited with the sole exception as follows: The board of Directors will consider approval of a lease or rental under special circumstances upon written application in advance from the owner and a copy of the proposed lease showing the name address and telephone number of the tenant with all rules and regulations of 400 Ranch.

4. **BASIC SIZE RESTRICTIONS.** The Board of Directors may not permit structures larger than those described below:

- a) The limited on new buildings or structures stated below do not create a right in any shareholder to any particular use of his/her cabin site. Use must be consistent with the character of the 400 Ranch, and not unduly burden neighbors or the aesthetics of the neighborhood. Some sites will not accommodate structures as large as those allowed under these Restrictions and the Board reserves the right to limit site use by a particular shareholder to make that use consistent with the general principles set out in this part. No shareholder becomes, by virtue of these Restrictions, entitled to build a structure or as

large of those allowed under these maximum use restrictions, and may indeed be limited to smaller structures.

- b) A one story structure of no more than 2,500 square feet on the ground and no higher than 24 feet above grade may be built. A two story residence of no more than 1,800 square feet on the ground with a second story of no more than 34 feet above grade may be built. Three story structures are not allowed.

If a garage is to be attached to either a one story or two story structure, it must be one story and no larger than 720 square feet on the ground (24' x 30') and no higher than 16 feet above grade. An attached garage constitutes the provided for "on outbuilding" as described in item 4.c., thus, no other outbuildings may be built on any site. (Revised April 4, 2005)

- c) No more than one outbuilding may be built on any site. Any outbuilding must be built so that a straight line no longer than 30 feet can be drawn between some part of the out building and some part of the main structure. The outbuilding must be one story, no higher than 16 feet, and no longer than 720 square feet on the ground (24' x 30'). Further, the structure may be used as a garage, or for storage, and may include a bathroom with a toilet, sink and tub/shower (provided the septic system can handle it), but the structure may not include a kitchen or laundry facilities. (Revised March 20, 2002) The Board may authorize construction of the outbuilding at a different location on the cabin site if made necessary by proximity of the creeks, roads or trees, if topography won't permit construction within the 30 foot boundary.
- d) Minimum distance between two shareholders' structures shall be 50 feet. Shareholders should avoid building too near the Rock Creek bank and be in compliance with local codes and regulations.
- e) Any existing structures are "grandfathered" into these rules. However, no owner may commence new construction without presenting the Board with a plan, and timetable of no more than one (1) year, to bring his/her usage into full compliance with the above maximums.

5. STANDING ARCHITECTURAL COMMITTEE. No construction, modification or exterior remodeling may be commenced without approval of the Standing Architectural Committee and final approval of the Board of Directors. The Standing Architectural Committee once they have approved the application will submit all information to the Board of Directors for Board approval.

The Standing Architectural Committee shall consist of no less than three (3) persons appointed by the Board of Directors for a 3 year term. A committee member can be appointed to an additional 3 year term. It is necessary that one of such persons be a member of the Board of Directors.

The Committee has authority to contract with an architect or construction consultant for help in carrying out its duties. The Committee may also impose on shareholder/applicants a reasonable fee for consultant's services.

(this sentence is a duplication) The Standing Architectural Committee shall review the following:

- a. The location of the proposed construction or modification including existing and/or new well/septic;
- b. Proximity to neighbors: cabin, well and septic;
- c. Proof of notification of the nearest neighbors of the plans for construction or modifications.
- d. Construction materials of exterior surfaces, siding, roofing, windows, doors, etc;
- e. Manner of construction (, mobile, pole barn, etc will not be approved);
- f. Time of construction.; 18 months
- g. Code compliance, state and county;
- h. Sanitation requirements regarding sewage;
- i. Other matters pertinent to construction in a pristine area where building must blend with surroundings, including general appearance of structure and lot,

The Standing Architectural Committee shall notify adjacent cabin owners via email or mail of the proposed construction, modification or exterior remodeling and ask for comments.

The Standing Architectural committee shall allow and open comment period of three weeks prior to yielding a final decision to the Board of Directors.

The Standing Architectural Committee's work, review, permission or denial is not to be construed as a representation that the shareholder's plans comply with any public laws, regulations, any construction or safety standards or codes, nor does it constitute an endorsement or guarantee of the construction methods or materials proposed to be used, or the fitness or unfitness of any aspect of a shareholder's proposal. The sole purpose of the architectural review is to insure shareholder use of cabin sites consistent with the limits and goals of these Use Restrictions.

6. CONSTRUCTION DURATION. After construction has commenced on a dwelling unit or other structure, the exterior shall be completed within twelve (12) months.

7. TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any residential site at any time as a residence either temporarily or permanently. The only exception shall be a trailer which blends with surroundings or a temporary building which blends with surroundings which are used during construction of a permanent dwelling unit for a period not to exceed six (6) months.

8. MAINTENANCE: The property and all buildings and improvements thereon shall be maintained in a neat and orderly fashion at all times.

9. FENCING: Fences are prohibited.

10. SATELLITE DISHES: The installation of satellite dishes must be approved by the Board of Directors. Applications shall be made to the Board of Directors which may seek recommendation and advice from the Standing Architectural Committee.

11. SOLAR PANELS: The installation of solar panels must be approved by the Board of Directors. Applications shall be made to the Board of Directors which may seek recommendation and advice from the Standing Architectural Committee.
12. TRAILER HOME OR RV: No trailer home or recreational vehicle may be parked for longer than seven (7) days every 4 month period..
13. OUTDOOR WOOD FURNACES. The construction and use of an Outdoor Wood Furnace is prohibited. This prohibition is not meant to include the use of indoor wood stoves, chimneys, fireplaces, wood burning barbeques, chimneys, or fire pits. (Revised Sept 14, 2010)

### **GENERAL RESTRICTIONS**

14. FIREWORKS. Shooting of fireworks at any time is totally prohibited
15. FIREARMS. Discharge of firearms is prohibited except for the protection of person or property.
16. FIRE CONTROL AND PRECAUTIONS. Spark arresters shall be installed on all wood-burning stoves and fireplace chimneys as soon as reasonably feasible.
17. FIRE RINGS. Red Lodge Rural Fire District No. 7 has full jurisdiction over the 400 Ranch and subsequent shareholder properties. All shareholders shall abide by the laws and regulations established by the Fire District. Fire rings within the 400 Ranch shall be a minimum of 12 inches tall and no more than 36 inches in diameter. Rock fire rings are discouraged. A five foot cleared area of bare ground shall exist beyond the fire ring. No tree branches shall exist within 15 feet of the fire ring in any direction. A fire bucket of water and shovel shall be present at all times during a burn.
18. FIRE EXTINGUISHERS. Each dwelling unit shall keep at least one fire extinguisher in operable condition on hand at all times,
18. GARBAGE: All grounds must be kept free and clear of rubbish, wet garbage, paper, cans, and any form of trash whatsoever. All garbage must be removed currently by persons using a residential site. The burying of garbage is prohibited.
19. TREES. Cutting live trees outside a shareholder's immediate lot or in general use areas is prohibited except by approval of the Board of Directors. Removal of trees and brush near or on creek banks will be strictly controlled. Removal of dead trees within 50 feet of a dwelling unit is encouraged.
20. NUISANCE. No noxious or offensive activity is permitted. Cabins are to be used as residences and not for business or trade. No garbage or refuse depository, no scrap, no junk machinery, no junk furniture and no discarded property generally are permitted upon any residential site. No semi-trailers, trucks, or equipment may be stored on any residential site at any time except during the construction of buildings or construction and maintenance of roads.

21. NOISE CONTROL. Owners, shareholders and their guests shall recognize and respect the privacy and property of others using ranch facilities, especially with regard to the noise level after dark.

22. USE OF RANCH FACILITIES. Owners, shareholders and their guests shall not alter or otherwise change the landscape or natural environment of the area outside their immediate lot without express approval of the Board of Directors. This rule prohibits, by way of example, the cutting of trees, removal of bushes, diversion of streams, or the natural changes.

23. JUNK VEHICLES. No junk vehicles or inoperable vehicles shall be allowed on any residential site.

24. MOTORIZED VEHICLES, MOTORCYCLES, SNOWMOBILES, ATV. All motorized vehicles must stay on designated roads, even during winter. The use of motorcycles, snowmobiles, or all-terrain vehicles will be allowed on the property only as necessary for access to a residential site. Recreational use of these vehicles on the Ranch is strictly forbidden.

25. PARKING. New road and new parking areas must be approved by the Board of Directors.

#### PARKING

26. DOMESTIC PETS. The owner shall be responsible for domestic pets which the Board of Directors may require to be leashed or kenneled if a pet becomes a nuisance to neighbors. Regardless of whether a pet is leashed, kenneled or controlled by other means, the Board of Directors may order removal of a pet, domestic or otherwise, if it deems it a danger, undesirable or unfitting for the 400 Ranch environments. Construction of a kennel requires approval under Rule 4.

27. HORSES, PACK ANIMALS. Horses or Pack Animals are not allowed to be kept on Ranch Property. Outside boarding of horses or pack animals is usually available in the area.

28. OTHER ANIMALS. No poultry, swine, sheep, goats, cows or other animals shall be permitted on the property.

#### EXCLUSIVE USE AREA

29. EXCLUSIVE USE. The cabin site of each shareholder is designated an exclusive use area. Other persons shall respect exclusive use areas and shall pass through or temporarily remain in privacy of the user only on designated paths, creek bank or other means of lowest intrusion on the privacy of the user of a residential site.

#### DEDICATED EMERGENCY EGRESS/ACCESS: BULL MOOSE LANE

30. This emergency egress/access was developed in 2017 at the request of the Red Lodge Fire Department in agreement with the 400 Ranch for use in fire emergencies. The emergency egress/access

provides emergency vehicle access through the forest between Ranch Site # 35 on Bull Moose Lane and at Ranch Site # 359 aka #59 north of Bull Moose Lane. This use restriction is intended to permanently limit motorized vehicle travel on the emergency egress/access to emergency situations such as fire and flood.

- The emergency egress/access is to be used for motor vehicle travel only at the direction of the Red Lodge Fire Department for emergency vehicles and evacuation of residents in the area during emergencies.
- Non-emergency use by cars, trucks, SUV's and any other motorized vehicle of any kind is prohibited. This motorized vehicle prohibition includes but is not limited to 4-wheelers, snowmobiles, motorized cycles of any kind and all-terrain vehicles.
- Gates at Bull Moose Lane and the northern end of the emergency egress/access are to remain closed and chained unless there is an existing emergency.
- This emergency egress/access is on "Common Land." Foot, ski, and bicycle travel by 400 Ranch owners and/or their guests is permitted over the emergency egress/access. Adequate access is provided for foot, ski and bicycle travel around the gates.

### COMMON AREA

31. COMMON AREA. Common area not designated as residential sites is intended for the use of all shareholders of 400 Ranch, their families and guests. These restrictions apply to common area. All persons on the property shall be responsible to keep common area clean, natural and free of rubbish.

### ENFORCEMENT AND AMENDMENT

32. ENFORCEMENT. The Board of Directors shall have authority to make a civil assessment against a stockholder, or those within his or her immediate control, for a violation of the regulations or restrictions of the corporation. Persons within immediate control of a stockholder shall mean immediate family (spouse, children, and parents), guests and tenants who are on 400 Ranch by the express or implied invitation of the stockholder. The amount of the assessment shall be not less than One Hundred Dollars (\$100) or more than Five Thousand Dollars (\$5000) for each violation. Assessments unpaid after notice and hearing shall become an interest-bearing lien against a share of stock. A full text of the resolution dated March 7, 1995, is in Article V, Section 4 of the Bylaws.

**400 RANCH, a Montana corporation**