

**PETROGLYPH TRAILS PROPERTY OWNERS' ASSOCIATION  
ARCHITECTURAL CONTROL COMMITTEE  
RULES AND GUIDELINES**

**BACKGROUND**

The Architectural Control Committee (ACC), a volunteer board of up to seven members appointed by the Petroglyph Trails Property Owners' Association (PTPOA) Board, has the duty to consider and act upon matters of all Improvements, including Developments, Enhancements, and Restrictions and other matters outlined in the Covenants, Conditions and Restrictions (CC&R) document.

As part of this duty "the ACC shall have the authority to adopt, amend, add to, replace and rescind, from time to time, procedural and substantive rules to make them more definite and certain, and to carry out the purpose" of the CC&Rs. The following Rules and Guidelines have been adopted to address this objective. The Rules and Guidelines include selected current and past topics requiring definition and intent in keeping with the architectural and environmental character and integrity of the existing subdivision. But the Rules and Guidelines do not define every matter that could possibly come before the ACC, so not all requirements or potential exceptions are in writing. The CC&Rs declare a set of requirements for the subdivision. To the extent the Rules and Guidelines update some CC&R requirements, the ACC acts on the most recent interpretations, definitions, requirements, and restrictions.

The CC&Rs provide for the ACC to have "the greatest degree of discretion possible in reviewing, approving and disapproving Plans", and states its decisions are "final and conclusive". The CC&Rs state an ACC decision varying from the CC&Rs and Rules and Guidelines does not mean the ACC must or will approve a similar exception. Any exception is decided within its own situation. These Rules and Guidelines are intended to assist the ACC, lot owners and builders in achieving the subdivision's intent.

**DEVELOPMENTS AND ENHANCEMENTS**

Any new construction, remodel, improvement, maintenance, repair and/or alteration to, as well as any alteration of or addition to a Lot, must be approved in writing by the ACC, prior to commencement. Failure to obtain ACC approval on any project covered by these Rules and Guidelines may be subject to a fine and/or stop work order.

**NEW CONSTRUCTION AND REMODELS**

Developments are brand new construction of a house structure and/or outbuilding (as defined in the CC&Rs), and Remodels (including Additions) that would affect or alter the exterior of any existing house structure or outbuilding, including but not limited to additions that would change the square footage of the existing house structure or existing outbuilding. All Developments must be in keeping with the architectural and environmental character and integrity of the existing community.

## **EXTERIOR IMPROVEMENT, MAINTENANCE, REPAIRS AND ALTERATIONS**

Enhancements are any exterior improvement, maintenance, repair, and alteration not specifically covered under the definition of Developments and must be approved by the ACC. This includes, but is not limited to, addition of or substantive changes to color of stucco, color of trim, walls, fences, addition, improvement or maintenance of non- permeable surfaces such as patios or driveways, landscaping, installation or placement of recreational equipment, objects Visible From Neighboring Property pools, outdoor spas, addition of or changes to exterior lighting, addition of exterior mechanical equipment (HVAC equipment, solar equipment, etc.) or any other alterations not specifically listed here, but which could be construed to alter the exterior appearance of the property or Lot. All Enhancements must be in keeping with the architectural and environmental character and integrity of the existing community.

### **ENHANCEMENTS: APPLICATION AND APPROVAL**

Any enhancement must comply with both the CC&Rs and ACC Rules and Guidelines and must be approved by the ACC. Requests for approval shall be submitted in writing to the ACC. The application shall include a sketch, drawing and/or photographs and any other pertinent supporting documentation. Physical color or product samples (where applicable) or photographs or brochures may be required. The ACC and Applicant shall discuss and agree to in writing to a reasonable time limit on the completion of Enhancements not specifically dictated by the CC&Rs. A conditionally refundable compliance deposit may be required.

Criteria for completion and Final Inspection requirements of an Enhancement project may vary from those listed in Appendix A, at the ACC's discretion.

### **1. REQUIREMENTS FOR APPROVAL OF IMPROVEMENTS**

1.1. **ACC APPROVAL.** Any construction, remodeling, outbuildings, or exterior alteration of property, including but not limited to addition of or substantive changes to color of stucco, color of trim, walls, coyote fences, addition of non-permeable surfaces such as patios or driveways, landscaping, installation or placement of recreational equipment, including basketball hoops, swing sets, play equipment, objects of art or sculpture visible at street level or from other properties, pools, outdoors spas, addition of or changes to exterior lighting, addition of exterior mechanical equipment (HVAC equipment, solar equipment, etc.) or any other alterations not specifically listed here, but which could be construed to alter the exterior appearance of the property, must be approved in writing by the ACC, prior to commencement.

1.2. **NEW CONSTRUCTION, REMODELS AND OUTBUILDINGS.** Brand new construction, remodels affecting or altering the exterior of an existing structure, and the construction of outbuildings of any sort require that a formal application be submitted to the ACC. Note: All submissions must be in keeping with the architectural character and integrity of the existing community.

1.3. **APPLICATIONS.** The application must be fully filled out and signed by the owner and the contractor. It shall be the contractor's and owner's responsibility to inform the ACC, in writing, of any contact information changes after submission of the Application to Build.

1.4. **FEES AND DEPOSITS.** The Plan Review Fee of \$425.00 and the compliance deposit of \$3,000.00 shall accompany the submission.

1.5. **ARCHITECTURAL.** One full-size set of architectural plans and one half-sized set thereof shall be submitted with the application. Included with these plans shall be a site plan depicting the topography of the lot and the intended footprint of the building, setbacks, ingress and egress, exterior walls, retaining walls where required. A professionally prepared and certified Storm Water Pollution Prevention Plan (SWPPP) may be required if the amount of disturbed land is one acre or more. In such a case, a copy thereof must either be provided to the ACC, along with a copy of the permit application, at the time of the application, or in any event no later than by the time of the mandatory meeting with owner/contractor described below.

1.6. **MANDATORY MEETING.** A meeting shall be scheduled by the ACC with the general contractor and owner if available, to review the architectural and site plans and the process of obtaining ACC approval thereof. (See Appendix A for Summary of Milestones) The owner is ultimately responsible for activity on his or her lot. Assuming approval, a Site Development Approval and a Lot Development Plan Approval will be issued at this meeting.

1.7. **BUILDING PERMIT.** Once the Development Approval and a Lot Development Plan Approval are obtained, they must be submitted to Sandoval County and then to the Town of Bernalillo as part of the building permit process.

1.8. **OTHER ALTERATIONS OR ADDITIONS.** Any other exterior alteration or addition not included in Section 1.1 shall be submitted in writing with a sketch or drawing and any other pertinent supporting documentation as required by the ACC. A fully detailed submission is required including color or product samples (where applicable) or photographs or brochures may be helpful.

## **2. MISCELLANEOUS PROVISIONS APPLICABLE TO INITIAL DEVELOPMENT PLANS AND SUBSEQUENT SUBMISSIONS**

2.1. **COLORS AND MATERIALS.** Colors shall be chosen from those on provided chart and approved by the ACC. Proposed color additions or changes on the exterior (inclusive of trim color or window cladding) necessitate a sample of the color(s) being proposed. On the exterior of a home there shall be only one main color, one accent color (stucco) or material (e.g. stone or tile accent), and one trim color (paint). Each color and material must be submitted for approval in writing by the ACC.

2.2. **FENCES AND WALLS.** Fences and walls should be submitted with a sketch that depicts their placement on the property, their height, a description of the material to be utilized (if stuccoed, they must match the main color of the home).

- 2.2.1. The use of non-stucco-finished concrete masonry units, cinder block, brick, split face block and similar construction materials is not allowed.
- 2.2.2. Split rail fence with wire, or wire fencing of any type is not allowed.

2.2.3. Accommodation for garbage can surround to shield from view must match primary house color or be constructed of coyote fencing (CC&Rs Section 6.4.f).

2.3. ADDITION OF NON-PERMEABLE SURFACE. A non-permeable surface added to any property, for instance, increasing a patio area, adding a roof overhang or paving of driveway that was not previously paved, requires written approval from the ACC prior to commencement of installation. The submission for approval shall include a viable plan for detention of run-off from the new surfaces.

2.4. LANDSCAPING. In addition to completion of the dwelling structure and any ancillary improvements, landscaping must be minimally restored in ALL DISTURBED AREAS for a property to pass final inspection and be considered in compliance. The definition of minimal restoration is: raking all disturbed areas smooth, hydro-seeding with an indigenous mix and placing a native plant in every 100 square feet (10' x10' area) of the disturbed area.

2.5. TERRAIN MANAGEMENT (CC&Rs Section 6.3).

2.5.1. On-Site Detention. Owners are required to construct on-site detention areas to intercept and contain all runoff from developed impermeable surfaces, or, where soils and slope permit, alternatively, use water harvesting swales to harvest runoff water to apply beneficial water to vegetation or gardens. If used instead of on-site detention, swales must be included in the initial design concept for site development and terrain management.

2.5.2. Owner should consult a registered engineer regarding the size and location of detention areas and water harvesting swales as well as consult the pamphlet "Rainwater Harvesting, Supply from the Sky" from the City of Albuquerque. Based on the Lot, the driveway, the soil, and Improvements or Structures proposed, the Lot Owner may, need the following: (1) holding ponds, (2) walled courtyard areas to retain runoff, or (3) use of dry wells, to reduce the effect of potential increased runoff within each Lot. Slope: Owners are required to ensure that any slope that was disturbed does not exceed a 3:1 slope unless permission is given by the ACC and a plan is approved to either armor the slope with rock and or rip rap or some other pre-approved method that will hold the soil in place.

2.5.3. The Lot Owner, not the ACC or the PTPOA, shall be responsible for the proper engineering of these items and neither the ACC, nor the PTPOA shall be liable to any owner or any other person, association, or entity, for any damage, loss or prejudice suffered or claimed on account of the approval or disapproval of any plan.

2.6. NATURAL OR ARTIFICIAL TURF. There is a limit of 600 square feet of natural or artificial turf allowed in any plan. Plantings must be adjacent to or relatively close to the perimeter of the home (CC&Rs, Article VI, Section 6.17(a)).

2.7. RECREATIONAL EQUIPMENT. Recreational equipment or courts of any kind that will be visible from the street or to neighbors must be submitted in writing to the ACC. Basketball hoops of a portable nature shall only be allowed if they are stored completely out of site after use. Above

ground trampolines are prohibited.

2.8. **OBJECTS OF ART AND SCULPTURES.** Objects of art or sculptures on the exterior of the home or on the lot must be submitted to the ACC with their proposed placement and approved in writing by the ACC prior to placement.

2.9. **POOLS AND SPAS.** Pools and spas shall be submitted for approval by the ACC. If approved, they shall remain covered when not in use to minimize evaporation.

2.10. **EXTERIOR LIGHTING.** All exterior lighting fixtures, including decorative, accent, landscape, walkway, driveway, solar, and security lighting shall be submitted to the ACC for review and approval whether the owner/contractor believes it conforms or not. Photographs or brochures of the lighting must accompany the submission for review and approval. It is strongly suggested that this be done PRIOR TO PURCHASE. No lights may shine upward (sconces must be fully shielded on top unless they are under a covered portal) and bulbs may not be visible either through glass, frosted glass or decorative cuts in sconces. Automatic security lighting (spotlights) is allowed; however, such lights may not exceed 100 watts, timers or motion sensors must be adjusted for minimum distance and duration, and they must be shielded and pointed downwards so as to present a minimum of illumination to other lots and roads. All reasonable precautions shall be taken to avoid such lighting arrangements as would be offensive to a reasonable neighbor. If further assistance is needed, consult with the ACC prior to submission.

2.11. **SATELLITE DISHES.** Satellite dishes shall be placed in the least conspicuous place possible that still allows their function. It is best to discuss this with the ACC prior to installation. Prewire through the structure is preferred; however, external wires shall be painted to match the stucco of the home and shall not hang in a place conspicuously visible from the street.

2.12. **OUTBUILDINGS.** All outbuildings permitted by CC&Rs Section 6.10 (with the exception of storage sheds) shall be limited in external size to under 1,000 square feet. Storage sheds may not exceed 100 square feet and must be COMPLETELY concealed by a courtyard wall of an appropriate and approved height or match the residence architecture.

2.13. **TIME LIMITS ON COMPLETION OF IMPROVEMENTS.** The ACC and the applicant shall discuss and agree to in writing reasonable time limits on completion of improvements with each submission not specifically covered in Section 6.2.a of the CC&Rs.

### **3.0. CONSTRUCTION**

3.1. **SITE PROTECTION DURING CONSTRUCTION.** Shall include the placement of protection for all vegetation not included within the footprint of the structure(s) being constructed.

3.1.1. Parking for all construction and worker's vehicles should be off street. If this is not possible, then parking shall be along the least used street or road adjacent to the property on which the construction is taking place and on one side of such street only so as not to impede

the flow of traffic or create a potentially unsafe road condition.

3.1.2. Wherever parking is allowed, the adjacent vegetation must be protected, and cars shall not park on areas (boulevards) between the street and a paved walking path. Parking vehicles or equipment on paved walking paths is strictly prohibited.

3.1.3. Construction shall not begin prior to 7:00am nor continue after 6:00pm.

### 3.2. SITE PREPARATION AND GRADING.

3.2.1. SANITATION. A portable toilet shall be placed at the site when construction commences. Penalties will be assessed with a lack of a portable toilet.

3.2.2. FENCING. The ACC reserves the right to require a chain link fence on any construction site.

3.2.3. GRADING. The site shall be graded to within 5% of final grade as part of the Site Development Plan approval, inclusive of post development runoff detention areas required by the SWPPP permit or any deficiencies perceived by the ACC. No slopes shall exceed 3:1 without the construction of retaining walls or an alternate method of slope stabilization approved in writing by the ACC.

3.2.4. DUMPSTER. An adequate construction type dumpster shall be placed on the site for detention and collection of trash and construction debris prior to the delivery of framing materials. Dumpsters must be closed/covered at the end of each day to prevent trash blowing on the build site and neighboring properties. A wire enclosure is not an acceptable substitute. Penalties will be assessed with an unkempt construction site.

3.2.5. DRIVEWAY CROSSINGS. The driveway crossing must be established at the onset of construction. Wherever possible, the driveway crossing shall be a paved concrete dip section. If this is the crossing approved by the ACC, a cobble dip shall be established and maintained throughout construction and replaced by a concrete dip section when practical and prior to final inspection. When a dip section is not possible, a culvert shall be utilized. A full sized, permanent culvert must be installed as part of the initial site preparation. A culvert shall not be less than 18 inches in diameter unless approved by the ACC. Depending upon the crossing a larger culvert may be required. Culverts shall extend a minimum of two feet beyond each side of the driveway. The owner of the property shall be responsible for maintaining the drainage crossing in a functioning manner, clear of sediment and debris, in perpetuity.

3.2.6. BAR DITCHES. Bar ditches adjacent to the property shall be and restored, if necessary, throughout and at the completion of construction.

3.2.7. ROADWAY. Damage to a roadway or a hazardous condition adjacent to the property under construction, whether a public roadway or a private access easement, shall be the responsibility of the property owner by way of his/her contractor to have repaired or rectified

in a timely manner.

3.2.8. VEGETATION. Vegetation shall be protected by means of flagging barriers to prevent workers, subcontractors and others from parking on or running over areas that are not directly affected by the construction of the home. In addition, the contractor must protect and flag any roadside areas adjacent to, across from or near the construction site. The ACC may require additional protection at its discretion to prevent damage to delicate plant life. Trees outside of the construction footprint shall not be removed without approval from the ACC.

3.2.9. NOTE ON COMPACTION. The ACC recommends that owners require their contractors to provide results of compaction tests related to their home Initial construction prior to the pouring of concrete. The ACC does not monitor and is not liable for performance of this or any other testing.

3.2.10. FORMS SURVEY. A forms survey MUST BE performed by a professional surveyor and a copy of that survey MUST BE reviewed and signed off by the ACC prior to pouring the footings or foundation. The penalty for not obeying this rule is considered a major violation.

3.2.11. SHIELDING OF AIR CONDITIONING OR MECHANICAL EQUIPMENT AND PAINTING OF METAL. Air conditioning or mechanical equipment whether on the roof or the ground shall be shielded from view on all sides. Roof mounted equipment shall be shielded from view by a full height, four-sided stucco enclosure or stucco enclosure and gate that matches the stucco on the house. Ground mounted equipment shall be shielded by either a full height, stucco enclosure or stucco enclosure and gate that matches the stucco on the house or coyote fencing. All metal on the exterior of the home and on the roof shall be painted to match the house stucco.

3.2.12. STOP WORK NOTICE. The ACC reserves the right and has the authority to issue a stop work notice if a written violation notice from the ACC is not rectified within a given time frame. If an immediate situation is severe or dangerous to persons, property or the environment, an ACC member may issue an immediate notice to stop work until the situation has been corrected. Failure to heed a notice to Stop Work carries a major penalty.

## **4.0 FEES, DEPOSITS AND PENALTIES**

4.1 FEES. Fees, deposits and penalties are subject to change from time to time by the ACC. Until further notice the following schedules of fees, deposits and penalties are in effect.

4.1.1 Plan Review Fee – New Home Construction or Detached Guest House: \$425 by check made payable to the Petroglyph Trails Property Owners' Association.

4.1.2 Plan Review Fee – Remodel, addition or outbuilding: \$100 by check made payable to the Petroglyph Trails Property Owners' Association.

4.1.3 Administrative and County filing fee for setback waivers granted: \$225 by check made payable to the Petroglyph Trails Property Owners' Association.

4.2 DEPOSITS. Money shall be held on deposit to assure compliance with the CC&Rs as well as the ACC Rules and Guidelines. Penalties for non-compliance shall be levied against and may exceed the monies on deposit, in which case a lien of non-compliance may be filed against the property by the ACC.

4.2.1 Compliance Deposit – New Home Construction or Detached Guest House (submitted after construction of primary residence): \$3,000 by check made payable to the Petroglyph Trails Property Owners' Association.

4.2.2 Compliance Deposit – Remodel, addition or outbuilding \$1,000. Check shall be made payable to the Petroglyph Trails Property Owners' Association.

4.3 PENALTY SCHEDULE. Each person subject to the ACC Rules and Guidelines, and any amendments or additions hereto, acknowledges and agrees that a breach or violation of these Rules and Guidelines, and any amendments or additions hereto, is likely to result in immediate and irreparable harm to the rights and interests of other property owners in the subdivision and, therefore, agrees that the following penalties may be imposed without the requirement of prior written notice and an opportunity for a hearing in front of the ACC, unless otherwise stated.

4.3.1 MINOR PENALTIES. The following violations shall receive an oral or written warning and a time period to correct. If the situation is not corrected in the time period allotted, then a penalty shall be issued and additional time shall be allowed to correct the situation.

Additional penalties may be levied at the ACC's discretion until the situation is corrected or, if the ACC deems it appropriate a stop work notice shall be issued until the situation is remedied.

- No toilet once site development commences: \$100 per violation.
- Inadequate vegetation protection at the site and along roadways; restoration of any damaged/disturbed areas: \$100 per violation.
- No dumpster prior to delivery of framing material: \$100 per violation.
- Loose trash and debris on construction site: Fines for uncontaminated trash and debris and debris migration to adjacent properties start at \$100 for the first violation and double with each subsequent violation (i.e. first violation: \$100, second violation: \$200, third violation: \$400, etc.).

4.3.2 MAJOR PENALTIES. The following violations will result in an immediate penalty:

- No forms survey prior to pouring concrete: \$500.
- Failure to heed a Stop Work notice: \$250 per day.

- Over 12 months for construction without an extension being granted: \$2500 at the beginning of month 13 or month 19 (if extension granted) and \$250 at the beginning of each month the home remains incomplete.
- Failure to obtain plan review and written authorization from ACC to begin project for remodel, addition, or outbuilding: \$250.

## **5.0 ADDITIONAL ACKNOWLEDGEMENTS, RESTRICTIONS AND DEFINITIONS**

5.1 Any and all variances from each and every covenant, condition, and/or restriction as stated in the "Petroglyph Trails Comprehensive Declaration of Covenants, Conditions & Restrictions" filed with Sandoval County on May 4, 2011, including amendments filed with Sandoval County on January 13, 2023, must be in writing and signed by a majority of the members of the ACC.

5.2 Lot owner acknowledges that "home occupation" shall mean a non-residential use of a home clearly incidental to the use of the home as a single family residence, which use is conducted by an owner or other occupant of the home who is a permanent resident of the home and who has an occupation or business customarily recognized by zoning ordinances as an acceptable home occupation, which for example would include but may not be limited to professionals such as architects, engineers, lawyers, artists, authors or writers and the like, but in no event will a business that is frequented by open to the general public be considered a home occupation. Long- and short-term rentals are allowed so long as they don't become a nuisance. Artists or others with home occupations who open their studios or homes to the general public once or twice year, or otherwise for infrequent special events, are permitted to do so under the CC&Rs and their doing so shall not transform their home occupation into a business categorized as frequented by and open to the general public.

5.3 Lot owner acknowledges that they will, at all times, do what is necessary to protect and maintain all slopes on their property preventing any and all erosion and at all times keep the bar ditches between the bottom of the slope and the roadway open for receiving run off without regard to whether or not the slope and bar ditch is on the county right of way.

5.4 Builder acknowledges that should he/she sell a "spec" home prior to completion, the ACC must be notified immediately. The new homeowner must read and sign this document and provide a signed copy to the ACC.

5.5 PAINTING OF EXTERIOR METAL. Metal attached to the exterior of the home or walls (such as utility boxes, pipe, conduit, canales (a.k.a. scuppers), downspouts, etc.) must be painted to color match the house stucco. No external bare metals can be showing. Bare metal elements (such as metal facia) must be painted to color match the house stucco or trim color. Physical samples of proposed colors and materials must be submitted to the ACC for approval in writing.

5.6 ADDITION OF NON-PERMEABLE SURFACE. A non-permeable surface added to any Lot, for instance, increasing a patio area, adding a roof overhang or paving a driveway that was not previously paved, require written permission of the ACC prior to commencement of such activity. The submission for permission shall include a viable plan for retention of runoff from the new surfaces and might in some cases require that such plan be prepared by a licensed engineer.

**5.7 RECREATIONAL VEHICLES, TRAVEL TRAILERS, BOATS AND UTILITY TRAILERS.** Recreational Vehicle, Travel Trailer, BOAT and Utility Trailer Owners are allowed to temporarily park such vehicles outdoors on their property for four (4) nights per month. The Owners of such vehicles may petition the ACC for an exception to this Rule, on a case-by-case basis. Failure to adhere to this Rule will result in a penalty of \$100 per night for violation of this Rule. Vans may be parked on Owner property provided they do not exceed 10,000 pounds (Vans over 10,000 pounds are considered commercial vehicles and are subject to the requirements of Section 5.14). A van is considered a Recreational Vehicle if it contains at least four of the following amenities: Solar or plug-in power, Water hook-up, gray and/or black water tank, microwave and/or stove, toilet, shower, awning, auxiliary air conditioning, heating or laundry.

**5.8 MAINTENANCE OF WALLS, FENCES AND GATES.** Walls, fences and gates, including gates shielding air conditioning or mechanical equipment, must be maintained and in good repair. If they are in disrepair Lot owner must repair or replace them after receiving approval of the ACC.

**5.9 OBJECTS OF ART, SCULPTURES, OUTDOOR FIREPLACES, FIRE PITS, HOT TUBS AND SIMILAR OBJECTS.** Objects of art, sculpture, fireplaces, fire pits, hot tubs and similar objects on the exterior of the home or on the Lot shall be submitted with their proposed placement in writing to the ACC for approval. Objects within fully walled, enclosed portals and garden and courtyards do not need ACC approval if they do not exceed the height of the enclosure wall.

**5.10 SIGNS.** "For Sale" signs permitted under CC&R section 6.11 are restricted to those advertising the sale of the property on which such signs are sited and must not exceed 6 square feet. Signs advertising public, infrequent Placitas-wide events (e.g. studio tour, garden tour, parade of homes) must not exceed 6 square feet, must be temporary (not be placed for more than 10 days) and approved in writing by the ACC in advance of placement.

**5.11 TEMPORARY SEASONAL LIGHTING.** The ACC allows temporary seasonal decorative lighting outdoors with the following restrictions or a fine may be issued:

- Seasonal lighting must not be installed prior to November 1<sup>st</sup> and must be removed no later than January 31<sup>st</sup>.
- Seasonal lighting illumination is only allowed the Saturday before the Thanksgiving public holiday and must be turned off no later than January 7<sup>th</sup>.
- The lighting may be unshielded if it is of very low wattage and intended to minimize light pollution.
- The total amount of overall light emitted must be respectful of neighbors and the community, and not excessive or otherwise create a nuisance.

**5.12 FLAGS AND FLAGPOLES** The ACC allows displaying the American, New Mexico and United States Military flags. The following rules pertain to all flags displayed and flown:

- No more than two approved flags may be displayed at any one residence.
- Flags are either attached to the façade of the house, preferably, or displayed on a free-standing flagpole.

- Freestanding flagpole locations must be approved by the ACC. Flagpoles must be metal, under the height of 17 feet, properly anchored and homeowners need to adhere to the “Night Sky Act” regarding lighting.
- All other flags must be hung low enough to be concealed within a courtyard/ backyard wall.

5.13 QUIET HOURS. The ACC has designated neighborhood quiet hours from 10pm to 7am Sunday through Thursday and 11pm to 7am Friday and Saturday.

5.14 VEHICLES AND EQUIPMENT. Vehicles weighing more than 10,000 pounds are considered commercial vehicles and must be garaged. No bus, vehicle weighing more than 10,000 pounds, semitrailer, tractor, trailer, machinery or equipment shall be kept, placed (except during the course of making deliveries for the purpose of loading or unloading), maintained, constructed, reconstructed or repaired on the Property other than within a garage. No car, truck, motor vehicle or trailer of any type shall be constructed, reconstructed or repaired on the Property in such a manner as will be visible from Neighboring Property. Recreational vehicles of any sort or type, boats, and trailers (both utility and travel trailers), which are intended to be kept on a Lot by the owner must be garaged. No motorized vehicle of any kind may be operated in any manner which is dangerous, noisy or which creates a nuisance. Parking any vehicle anywhere on a Lot other than on the improved driveway, improved pad or in a garage without prior ACC approval is prohibited. Improved driveway or pad means areas of the lot that have been surfaced with concrete, asphalt concrete or aggregate material.

5.15 NON-DISTURBANCE OF NATURAL VEGETATION; MAINTENANCE OF LAWNS AND PLANTINGS. Each owner shall keep all shrubs, trees, grass and plantings of every kind on all portions of the owner’s lot that are visible from Neighboring Property, or from a dedicated road, Common Property or Common Facility, properly cultivated, pruned and free of trash and other unsightly material. This includes, but is not limited to, invasive and non-native tumbleweeds, (also known as Russian Thistle). To limit the propagation, distribution and scattering of tumbleweeds onto other owner lots or Common Property, lot owners are required to eliminate the occurrence of tumbleweeds on their lots. All tumbleweeds must be physically removed from the lot to be in full compliance and to avoid fines. This includes road shoulders and drainage swales where the PTPOA conducts periodic herbicide spraying to control tumbleweed propagation. Areas where access is limited and/or hazardous, such as steep slopes and arroyos, are exempt from this requirement. To eliminate tumbleweeds, the ACC recommends spraying in early spring.

## **6.0 MAINTENANCE OF COMMUNITY PROPERTY AND PUBLIC RIGHT-OF-WAY**

6.1 COMMUNITY PROPERTY MAINTENANCE. The ACC shall be responsible for the maintenance of community property including the paved walkway along Petroglyph Trail and the entrance wall and sign (under joint financial responsibility with Anasazi Trails Homeowners Association).

6.2 PUBLIC RIGHT-OF-WAY MAINTENANCE. The ACC shall be responsible for the periodic spraying for tumbleweed control along public road bar ditches within the subdivision. The ACC and PTPOA assumes no additional responsibilities, liabilities or obligations related to the maintenance of public right-of-ways within the subdivision.

## **7.0 ADMINISTRATION OF CONTRACTED SERVICES**

7.1 AUTHORIZATION FOR ARRANGING CONTRACTED SERVICES. The ACC shall submit annual budget requests to the PTPOA Board for routine services such as vegetation maintenance along the Petroglyph Trail paved walkway and weed spraying along public road bar ditches. Once approved, the ACC shall have administrative authority to arrange for and conduct those contracted services within the approved budget.

For non routine projects, the ACC shall submit project-specific budget requests to the PTPOA Board for review and approval. Once approved, the ACC shall have administrative authority to arrange for and conduct those contracted services within the approved budget.

7.2 APPROVAL OF CONTRACTED SERVICES. The ACC shall review all bids and proposals for work to be performed for the Subdivision and select the Contractor to perform the work based on both proposed price and Contractor experience and qualifications. If required by the PTPOA Board, the ACC shall submit a recommendation to the PTPOA Board for approval prior to entering into an agreement with the selected Contractor. Otherwise, the ACC shall have the administrative authority to arrange for and conduct those contracted services within the approved budget.

7.3 CONTRACT COORDINATOR DESIGNATION. The ACC shall designate one committee member with the responsibility for coordinating for contracted services related to the maintenance and upkeep of community property and herbicide application on the public right-of-way within the Subdivision. The contract management designee shall be responsible for procuring bids for work approved by the ACC and/or PTPOA Board, and the coordinating, inspection and approval of contractor work.

## **8.0 ACC RESERVATIONS, PROCEDURES AND ADMINISTRATION**

8.1 ACC RESERVATION. The ACC reserves the right to consultation and advice from any professionals in making their decisions.

8.2 ACC COMMUNICATIONS. When interpreting the PTPOA CC&Rs and ACC Rules and Guidelines, any request, approval, written notice, or other communication from the ACC or PTPOA shall be sent via email. Violation notices shall be sent to the responsible party by email. Members should use designated email for all inquiries -- [petroglyphtrailsacc@gmail.com](mailto:petroglyphtrailsacc@gmail.com)

## **ACC RULES APPENDIX A** **Summary of New Build Milestones**

### **1. Mandatory ACC meeting with owner and owner's contractor. Items required:**

- A complete application including necessary samples, plans, etc. If exterior lighting is not included in initial approval, builder/property owner shall obtain approval prior to ordering the fixtures.
- A Stormwater Pollution Prevention Plan (SWPPP) permit application or the permit itself if required.
- Plan Review Fee
- Compliance Deposit

Received at meeting if submittal is approved:

- Site Preparation Approval
- Lot Development Plan Approval to Sandoval County Development for signature and to Town of Bernalillo for building permit. Copy of building permit to ACC within 7 days of issuance.

### **2. Site Development**

- Portable Toilet delivered when significant work commences.
- Flagging installed on site, along and across roadway adjacent to the construction and anywhere else as directed by the ACC.
- Site graded to within 5% of final grade, inclusive of water detention, driveway, drainage crossing (no culvert less than 18 inches wide or less than 2 feet past each side of driveway, unless approved otherwise by the ACC), no slopes to exceed 3:1 without retaining wall or other stabilization method approved by the ACC in writing. Corners of structure staked.
- Once forms are set for concrete, a forms survey must be done. This must be submitted to the ACC for review and signature **PRIOR** to pouring concrete.
- The SWPPP Permit (if required) must be posted at the site and a copy delivered to the ACC **prior** to pouring concrete. The plan must be maintained throughout the construction phase.

### **3. Lot Development**

- Dumpster to be delivered prior to delivery of framing materials.
- Assure that any mechanical equipment on the roof or on the ground is screened from view, by an enclosure that is full height on all four sides.

### **4. Final Inspection**

- Home shall be complete including minimal restoration of disturbed areas or implementation of a formal landscaping plan that has been approved in writing by the ACC.
- Drainage crossing is complete (with end caps if a culvert) or concrete dip section; detention areas adequate and functioning; bar ditch restored; repairs made to adjacent roadway or private access easement if damaged or disturbed.

- All visible signs of construction shall have ceased.
- Once all criteria herein have been met, the deposit will be processed for refund, less penalties, if any.
- Owners of homes under construction past twelve months from the date the building permit was issued will be penalized as detailed herein, unless extension was granted.