

# **Pendaries Park at Rociada**

## **Rules and Regulations**

### **Handbook**

This handbook provides a copy of the Regulations set forth in SECTION 9. GENERAL PROHIBITIONS AND REQUIREMENTS of the DECLARATION OF UNIFORM PROTECTIVE COVENANTS AND RESTRICTIONS PENDARIES PARK PLACE SUBDIVISION, SAN MIGUEL COUNTY, NEW MEXICO. It lists all RULES that have been implemented as part of those Regulations.

**Revision: September 1, 2012**

## **Preface**

This handbook restates regulations set forth in Section 9 of the DECLARATION OF UNIFORM PROTECTIVE COVENANTS AND RESTRICTIONS PENDARIES PARK PLACE SUBDIVISION, SAN MIGUEL COUNTY, NEW MEXICO. These regulations are shown in bold. They may only be amended in accordance with Section 3 of the Covenants.

Rules to implement or clarify these regulations as allowed by Section 9 of the Covenants are shown in italics. They may only be enacted, modified, or deleted in accordance with Section 9 of the Covenants.

**9. GENERAL PROHIBITIONS AND REQUIREMENTS:** The following general prohibitions and requirements shall control the construction and activities conducted within the Subdivision:

The Developer shall be entitled to prepare rules clarifying and implementing these covenants. Such rules shall be enforceable by Developer in the same fashion as these covenants. All such rules shall be in conformity with these conditions, covenants, and restrictions.

**a. Animal Control**

- (a1). A reasonable number of generally recognized household pets (such as dogs, cats and birds) may be maintained on any lot, but only as pets and not for commercial purposes. Such pets are permitted on roads, common areas and open space only while on a leash.
- (a2). No vicious or dangerous dogs shall be permitted within the subdivision. Dogs must be controlled by Owner at all times. Owner shall be responsible for cleaning up after and removing and properly disposing of their animal droppings from their lots and from all other areas of the subdivision.
- (a3). No structures for the housing of animals or fowl shall be constructed on the property.
- (a4). Animals kept and maintained within the subdivision shall be subject to further rules as may be determined by the Developer.
  - (a). *The owner of an animal is expected to control the noise (barking, howling, etc.) the animal makes to a reasonable level and duration for the peace of mind of neighbors. Failure to do so may result in the owner being asked to remove the animal from the subdivision.*
  - (b). *Due to wild animals that visit the park, no pet shall be left outside after dark in any manner that would put the animal at risk.*
  - (c). *Due to undesirable nocturnal animals that roam the park (such as skunks, badgers, raccoons), no animal feed shall be left on the ground or in close proximity to the ground after dark.*
  - (d). *No poisonous substance may be used outdoors for varmint control.*

## **b. Construction**

On January 1, 2013, all existing buildings and structures within the subdivision shall be “Grandfathered” and exempt from complying with Section 9b of these Restrictive Covenants. There are two exceptions to this exemption. First, any structural modification to an exempt structure, except like for like maintenance, shall invalidate the exemption and shall require the entire structure to comply with Section 9b of the Restrictive Covenants in entirety. The second exception is any modification necessary to bring a structure into compliance with a governmental requirement. Should that occur, the exemption shall be invalidated and shall require the entire structure to comply with Section 9b of the Restrictive Covenants in entirety.

The Developer reserves the right to develop rules and guidelines regarding architectural styles, materials, and colors for all structures constructed within the subdivision. The Developer retains the right to approve in writing, for good cause, construction of improvements that do not conform to the following limitations.

No improvements, including buildings, structures, or permanent installations, shall be erected or installed on the subject property, except as provided herein below. The following improvements are permitted on residential lots, provided however, such improvements or modifications to improvements must be constructed by the Developer or its successor, or by the owner. In all cases, no improvement or modification to an improvement shall be started without prior submission to Developer of detailed construction plans and approval by the developer of such plans. The permitted improvements are:

- (a). Approval to build or modify a structure on any lot, as well as all Rules and Regulations set forth regarding construction activities, are strictly to ensure aesthetically pleasing and uniform architectural styles within the subdivision. Approval to build does not imply approval of the engineering design of the project nor does it imply approval with any governmental regulation, requirement, or permit.*
- (b). All requests for construction, landscaping, or other lot improvements must be submitted in writing and approved by the Developer prior to commencement of work. All requests shall be submitted on the Park's **Lot Improvement Request Form**.*
- (b1). A single completely enclosed shed per lot, not to exceed 144 sq. feet in building area nor 13 feet in height (excluding hardware projections).**
  - (a). No wood or other biodegradable building material shall contact the ground. All such materials shall be separated from the ground by a non-biodegradable material at least 1 inch above grade.*
  - (b). Allowable external siding – vertical grooved tempered hardboard or cement board sheeting/lap siding.*
  - (c). Allowable roofing materials – asphalt shingles (color: Brown), Metal roofing (colors: - tan, red, green, brown)*
  - (d). Painting required. Allowable colors: Siding – Brown (Example - Lowe's - #1003-9A Cliveden Virginia Soil, Home Depot - 750B-7 Thick Chocolate, BTU and Hacienda's Pendaries Park Shed brown). Trim – Ivory (Example - Lowe's - #7003-9 Malted Milk, BTU and Hacienda's Pendaries Park Shed ivory).*
- (b2). Combinations of a porch, deck, gazebo, pergola, pavilion, canopy, or screened**

enclosure are allowed on each lot. All of these structures must be substantially open on all sides. A single structure cannot exceed 400 sq. feet in area nor 13 feet in height (excluding hardware projections). A combination of any of these structures on a single lot shall not exceed 600 sq. feet in total area.

- (a). *No wood or other biodegradable building material shall contact the ground. All such materials shall be separated from the ground by a non-biodegradable material at least 1 inch above grade.*
- (b). *All support posts shall be anchored to concrete piers and be a minimum of 1 inch above grade.*
- (c). *Only wood, wood products, composite decking, and stone products may be used in the construction of any of these structures.*
- (d). *Lattice, plastic or wood, may be used for decoration. Only natural wood colors are allowed.*
- (e). *Allowable roofing materials – Metal roofing (colors: - tan, red, green, brown)*
- (f). *All wood and wood products, if stained, may only be stained a natural wood color. They should be stained and/or sealed to protect the materials. Painting is not allowed.*

(b3). **Park models constructed in accordance with Recreation Park Trailer Industry Association (RPTIA) standards may be installed on any lot. The Developer reserves the right to develop rules and guidelines unique to park models.**

- (a). *The exterior of the park model is limited to cedar wood (natural color only) or cement board stained a cedar color.*
- (b). *Skirting of the park model is required and must be completed within 60 days of placement on the lot.*
- (c). *Allowable roofing materials – Metal roofing (colors: - tan, red, green, brown)*
- (d). *Porches originally supplied with the park model may be enclosed and made into rooms. These existing porches are exempt from the square footage requirements of Section 9.b.(b3).*

(b4). **No concrete: slabs, pads, sidewalks, foundations, or borders, except for small pads for exterior HVAC systems and in ground footings for the mounting of posts, are allowed on any lot.**

(b5). **No outside toilet shall be constructed on any lot. All plumbing fixtures, dishwashers, toilets or sewage disposal systems shall be connected to the subdivision's sewage collection system. Gray water discharge is allowed for irrigation purposes only, subject to further restrictions as may be specified.**

- (a). *Gray water discharge shall be in compliance with New Mexico Administrative Code NMAC 20.7.3.810.*
- (b). *Gray water discharges shall not exceed 250 gallons per day*

- (c). *Gray water shall not run off of the lot on which it is generated.*
- (d). *Gray water discharge shall not result in standing water.*
- (e). *Any storage tank used for gray water retention must be screened to restrict access and to eliminate habitat for mosquitoes and other insects.*
- (b6). **No fence of any kind shall be constructed on the subject property or along any lot boundary.**
- (b7). **No permanent structures, other than those described within this document, shall be permitted on the subject property. Provided, however, the necessary soil lines, service lines, transformers and junction boxes to provide utilities and sewer service shall be permitted.**
- (b8). **No timber cutting is allowed, except for thinning or pruning, unless otherwise specifically permitted by the Developer.**
- (b9). **Satellite dishes are permitted. Permanent TV antennas or radio towers are not permitted.**
- (b10). **No temporary - house, garage, or structure of any kind shall be placed or erected on any lot. However, a tent or screen room may be constructed for the use of the owner or guests of the owner provided that the same is maintained in an orderly fashion and is not constructed and maintained as a permanent structure throughout the season. See Section 9.b.(b2) for permanent structures.**
- (b11). **No furniture or appliance designed for normal use or operation indoors and no building or construction materials or supplies shall be placed upon, stored, or located upon any lot or any street in the subdivision. Provided, that building and construction materials in a quantity not in excess of that actually required for construction may be placed upon a subject property for a reasonable period of time to permit construction of any improvement.**

**c. Emergency Orders**

There may arise from time to time conditions that require temporary emergency rules to be enacted to protect property, health, and personal well being. Conditions requiring enactment of such rules include, but are not limited to, emergency government declarations, fire conditions, wildlife activities, and water rationing. The Developer reserves the right to develop and enact such emergency rules as are deemed necessary. All emergency rules are of limited duration and not to exceed thirty (30) days in length, or the term of the emergency. They do not require approval by Lot Owners. Upon issue, each rule shall be in writing and shall have an effective date, expiration date, and scope listed. Such rules shall be posted in the Park Office, the Clubhouse, and shall be made available to all owners within a reasonable period of time.

**d. General**

- (d1). Individual lots may only be used for residential purposes. They may not be further sub-divided nor may they be used, either in form or substance, in a time share or membership arrangement.
- (d2). No trash, garbage, or other refuse shall be dumped or stored on any lot in the Subdivision. No outside burning of trash or garbage shall be permitted.
- (d3). No gainful occupation, profession or trade shall be maintained on any residential lot or in any structure on any residential lot without the prior approval of the Developer.
- (d4). Vegetation within any lot shall be planted and maintained in such a manner as to prevent or retard shifting or erosion and to encourage the growth of indigenous ground cover. An owner may maintain a small plot of land, not larger than 100 square feet, for planting of wildflowers or similar decorative plants. No lawn may be planted on any lot.
- (d5). No use shall be made of any lot which shall cause the improvements within the Subdivision to be uninsurable against loss by fire or the perils included in an extended coverage endorsement in the form approved by the Superintendent of Insurance of New Mexico, or cause any policy representing such insurance to be cancelled or suspended, or cause any company issuing such policy to refuse renewal or to increase insurance premiums thereon.
- (d6). No activity shall be permitted on any lot or any street within the subdivision that shall be construed as an unreasonable annoyance or nuisance to the neighborhood or to the users of any adjacent property to the subdivision.
- (d7). Except for construction of permitted structures, no drilling, refining, quarrying, or mining operations of any kind shall be permitted upon or in any lot and no derrick or other structure for use in drilling or boring shall be erected, maintained or permitted on any lot.
- (d8). No improvement which has been partially or totally destroyed by fire, earthquake or otherwise, shall be allowed to remain in such state for more than two (2) months from the time of such destruction.
- (d9). There shall be no blasting, discharge of explosives or fireworks, hunting, or the

**discharge of firearms within the subdivision without the prior approval of the Developer.**

- (d10). **No open fires except propane fires and charcoal grills are permitted within the subdivision.**
- (d11). **Developer reserves the right to enter upon any lot for the purposes of maintaining the utility and sewer systems, for trash collection, to police and maintain the area, and to remove any unsightly or unwanted trash or structures.**
- (d12). **The speed limit on all roads within the subdivision is 10 MPH.**
- (d13). **All signs and billboards are prohibited except upon approval of the Developer. Resident ownership signs no larger than 3' x 3' and constructed of attractive, durable material are encouraged. The Developer retains the right to place "for sale" advertising signs on the property. Owners wishing to advertise their lot for sale may register the lot with the R.V. Park management, use a local realtor, or place a small unobtrusive Real Estate Flyer Box on the lot. "For Sale" signs are not permitted.**
  - (a). *No sale or advertisement for sale of any merchandise shall be conducted from any lot. This includes sales normally referred to as "Garage Sales" or "Yard Sales". The only permissible "For Sale" signs are the real estate "For Sale" signs available through the Welcome Center.*

**e. Utilities**

- (e1). **The Owner shall use water from the community water system only for domestic purposes and for watering of ornamental shrubs and flowers. The Owner shall confine the use of all community water to a reasonable minimum. In no event shall an owner permit water to run continuously on the property or to allow water to be wasted.**
- (e2). **No above ground utility lines including, but not limited to, water, electrical, gas, telephone, or television are allowed on any lot. All utility lines must be buried underground except for structure entry risers.**
- (e3). **A single above ground LPG Storage tank rated not larger than 120 gallons may be placed on any lot where a park model or other RV remains year around.**
  - (a). *Compliance with New Mexico Administrative Code (NMAC 19.15.40 – New Mexico Liquefied Petroleum Gas Standard) is required.*
  - (b). *Screening for the LPG tank providing visual shielding from the road and from adjacent neighbors is optional. In accordance with NMAC 19.15.40, screening requirements are as follows:*
    - (i) *Screening material shall be non-combustible if container is screened on three sides. If solid screening is used, each wall up to 20 feet in length shall be provided with at least one opening, with an additional opening for each 20 feet of length or fraction thereof. Each opening shall have a*



*minimum size of 50 square inches, the bottom of which shall not be more than 6 inches above the ground.*

- (ii) If the screen encloses two sides or no more than 50%, a wood fence may be used.*
- (iii) The screen shall enclose no more than three sides of the container.*
- (iv) There shall be a minimum clearance of three feet from the container to the screen.*
- (v) The screen shall not exceed the height of the container by more than one foot.*
- (vi) Covers or tops shall not be installed over containers.*

**(e4). An owner shall not introduce any foreign substance or matter which is harmful or injurious to the operation of the waste treatment system. In the event such material is willfully or negligently introduced by any Owner, such Owner shall be responsible for all costs associated with repairing the system and reestablishing proper operation of the system.**

**(e5). Utility Ownership:**

**The sewage disposal line belongs to and is the responsibility of the owner while on the owner's lot.**

**The electrical pedestal on a lot, its circuit breakers, and all electrical lines after the meter are owned by and the responsibility of the lot owner. The electrical meter and all lines from the meter back toward the electric utility company are owned by and the responsibility of the electric utility company.**

**The water line up to and including the Service Transfer Point (first water shutoff valve or meter yolk assembly) on the lot belongs to the water supply utility. All water lines, valves, and hydrants on the lot, after the Service Transfer Point, are owned by and the responsibility of the lot owner.**

**f. Vehicles**

**(f1). No more than one (1) RV, two (2) automobiles or trucks, and two (2) golf carts or ATVs are allowed per lot, unless otherwise approved by the Developer. Guest vehicles are allowed for brief periods.**

*(a). Brief periods are defined as no longer than 2 weeks without written approval from the Developer.*

**(f2). No vehicles or trailers shall be parked on any street in the subdivision after dark. Trailers involved in construction activities may be exempted upon approval by the Developer.**

**(f3). No stripped, unsightly, offensive, wrecked, junked or dismantled vehicles or portions thereof, shall be placed upon, stored, or located upon any lot or any street in the subdivision.**

**(f4). No owner may park a vehicle or use a vehicle in such a fashion that vegetated**

**areas on the lot or within the subdivision will be subject to plant destruction or misuse. All vehicles and wheeled devices, including golf carts, bicycles, motor scooters, trail bikes or any similar wheel vehicles shall be employed only upon approved roads or upon such trails as Developer shall designate.**

- (f5). Powered vehicles, fueled or electric, may only be operated within the subdivision by persons possessing a valid driver's license, or by someone accompanied by a person with a valid driver's license.**
- (f6). Washing of automobiles or recreational vehicles shall be permitted on the lot. Changing vehicle fluids, minor maintenance, and emergency repairs shall be permitted. Major engine or mechanical overhaul, including removal of major vehicular components shall not be permitted.**