



**THE TANOAN COMMUNITY
ASSOCIATION, INC.**

COMMUNITY RULES

Amended June 17, 2021



The Tanoan Community Association, Inc.
9820 MURIFIELD CT. NE, ALBUQUERQUE, NM 87111

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SECTION I:

INTRODUCTION

TANOAN ASSOCIATION SUBDIVISION RULES (COMMUNITY RULES)

These *Subdivision Rules* were adopted on September 27, 1979, and revised on March 17, 1994, July 21, 2005, March 15, 2012, and June 17, 2021, by the Board of Directors of The Tanoan Community Association, Inc., 9820 Murifield Court, NE, Albuquerque, New Mexico 87111 pursuant to Section 7.08 of the *Tanoan Community Master Restrictions, dated September 25, 1979 (the "Master Restrictions")*. The Subdivision Rules hereinafter are referred to as the *Community Rules*.

The Tanoan Community Association By-Laws Article III, Section 3 mandates that the Association shall have a "*Book of Resolutions*" and that document will contain rules, regulations, and policies of the Association. The *Book of Resolutions* consists of three parts. Those are: (a) Policy Resolutions, (b) Administrative Resolutions, and (c) Planning Committee Rules. The *Master Restrictions* are the protective covenants for the Association, constituting a Declaration which deals with all lots within the Tanoan Community and the limitations, restrictions, and conditions as set forth therein. The three aforementioned documents (*By-Laws, Book of Resolutions, and the Master Restrictions*) are the foundation by which the Community Rules shall prescribe (but are not limited to) the following constituents:

- A. Rules governing the use of all Tanoan common areas and community roadways by all Tanoan Association Member-Owners, Residents and Guests.
- B. Rights and authorities of the Association to impose late fees and other penalties for delinquent maintenance assessments and to impose Penalty Assessments, and any other authorized penalties if any of these rules are violated.
- C. Procedures for appealing a Citation or Penalty Assessment.
- D. Rules and procedures for controlling community access.
- E. Rules and responsibilities of the Planning and Architectural Committee and the related responsibilities of all Tanoan Member-Owners.
- F. Procedures regarding matters of non-compliance with these *Community Rules*.

Note: These *Community Rules* and the procedures contained herein are intended as a supplement to, and are subject to the provisions of, *Master Restrictions, Articles of Incorporation, By-Laws, and the Book of Resolutions*. These *Community Rules* shall be enforced in conformity with the above list of governing documents. If there is any conflict between the Community Rules and the above listed governing documents, the above listed governing documents shall control.

SECTION II:

DEFINITIONS

The definitions contained in the *Master Restriction*; Article I are incorporated herein by reference. Unless the content otherwise specifies or requires, the capitalized terms used herein for the purpose of these *Community Rules* have the meanings as follows:

- A. **Association:** The Tanoan Community Association, Inc. (Association), a non-profit New Mexico corporation, and any predecessor or successor incorporated or unincorporated association, as set forth in *Master Restrictions*.
- B. **Bicycle:** Every pedal-powered device propelled by human power upon which one or more persons may ride.
- C. **Careless Driving:** Any person operating a Motorized Vehicle on a roadway shall give their full and undivided attention to the operation of that vehicle. Any person who operates a Motorized Vehicle in a careless, inattentive, or imprudent manner without due regard for the condition of traffic, weather, roadway, grade, corners, width of roadway, posted speed limits, and all other attendant circumstances so as to endanger life, limb, or property of any person shall be guilty of "careless driving."
- D. **Citation:** A notification issued by any Association employee for violation of these *Community Rules* by any Member-Owner, Resident or Guest.
- E. **Community Relations Manager:** Manages the Security Service (as defined in Section 1.19 of the Master Restrictions), including day-to-day operations of the Gate/Patrol staff.
- F. **Community Roadway:** Any area including any roadway, street, alley, or sidewalk, owned by the Association over which there is granted the right of vehicular or pedestrian access.
- G. **Delinquent Payment:**
 - a. Maintenance Assessments: Considered delinquent if not received by 5:00 PM on the 15th day of the 1st month of each quarter.
 - b. Penalty Assessments: Considered delinquent if not received by 5:00 PM on the 30th day after the date the violation notice letter is mailed.
- H. **Driver-Operator:** Every person who drives a Motorized Vehicle or is in the actual, physical control of a Motorized Vehicle. Any person operating a Motorized Vehicle required to be registered by a state must be duly licensed by the State of New Mexico or some other legal jurisdiction.

- I. **Excessive Speed:** No person shall drive a Motorized Vehicle on a community street or roadway more than the speed limit of 20 miles per hour or such limit as may be displayed by posted signs.
- J. **General Manager:** Manages the day-to-day operations of the Association.
- K. **Guests:** Any family member, guest or invitee entering the Tanoan Community at the request or with the permission or knowledge of a Member-Owner or a Resident for any purpose.
- L. **Intersection:** An area where roadways cross.
- M. **Late Charge:** A surcharge equal to the greater of 10 percent (10%) of the amount due to the Association which shall be applicable to each delinquent assessment or any other amount due to the Association if not paid in a timely manner.
- N. **Maintenance Assessments:** Each Member-Owner's (proportionate to the voting rights) pro-rata share of the normal costs and operating expenses incurred by the Association during each fiscal year. Maintenance assessments shall be a charge against the land and shall be a continuing lien upon the lot or project against which each such assessment is made and shall also be the personal obligation of the Member-Owner of such property on the assessment due date.
- O. **Member-Owner:** Any person or entity listed in the land records of Bernalillo County, New Mexico as owning a lot in the Tanoan Community, and any person or entity holding beneficial ownership of such lot.
- P. **Motorist:** Any person who operates or is in actual physical control of a Motorized Vehicle.
- Q. **Motorized Vehicle:** Every vehicle which is self-propelled by an internal combustion engine or electric motor power, including but not limited to automobiles, motorcycles, golf carts, scooters, skates, wheelchairs, dirt bikes, go-carts, all-terrain vehicles, etc.
- R. **Reckless Driving:** Any person who drives a Motorized Vehicle carelessly and heedlessly in disregard of the rights or safety of others, and without due caution and circumspection, and at a speed, or in a manner to endanger or likely to endanger any person or property is guilty of reckless driving.
- S. **Nuisance:** The unwarranted and/or unlawful use of property, which causes inconvenience or damage to others, either to individuals and/or to the general public. Under the common law, persons in possession of real property are entitled to the quiet enjoyment of their lands. A public nuisance is an unreasonable interference with the public's right to property. It includes conduct that interferes with public health, safety, peace, or convenience. The unreasonableness may be evidenced by statute, or by the nature of the act, including how long, and how injurious or intrusive, the effects of the activity may be.
- T. **Park or Parking:** A stopped Motorized Vehicle, whether occupied or not, except for the purpose of loading or unloading.

- U. **Pedestrian:** Any person afoot.

- V. **Penalty Assessment:** Assessments imposed for violation of these *Community Rules*, or of any other governing document of the Association, pursuant to the procedures established by the Board of Directors. Such assessments shall be punitive in nature and may be imposed whether or not monies have been expended by the Association because of such violation.

- W. **Residents:** Any person (other than a Member-Owner) residing, permanently or temporarily, within the Tanoan Community pursuant to agreement with a Member-Owner. Any Resident is subject to these *Community Rules*.

- X. **Member-Owner in Good Standing:** Any Member-Owner whose financial obligations to the Association are fully paid and up to date. This includes, but is not limited to, the absence of Citations and delinquent assessments (as authorized by the Master Restrictions).

- Y. **Right-of-Way:** In traffic law, a driver is entitled to the “right of way” or priority ahead of other Motorized Vehicles or pedestrians, depending on certain rules of the road, such as the first to reach an intersection. However, “right of way” is not an absolute right. It must be exercised in a reasonable manner with due care for oneself and for the care of others who are involved.

- Z. **Sidewalk:** The concrete walkway parallel to the roadway and the adjacent property, intended for the use of pedestrians.

- AA. **Traffic Control Devices:** All signs, signals, markings, and devices placed or erected by authority of the Association for the purpose of regulating, controlling, warning, or guiding traffic.

- BB. **Traffic Control Signal:** Any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and then to proceed.

- CC. **Unattended Vehicle:** Any vehicle which is unoccupied.

SECTION III:

ASSOCIATION AUTHORITY

Except where the jurisdiction over the community roadways has been pre-empted by the City of Albuquerque, the Association shall have the following authority:

- A. To place and maintain traffic control signs, signals, and devices.
- B. To determine speed limits and post signs with respect thereto.
- C. To mark traffic lanes.
- D. To establish no-lane-changing zones.
- E. To place turning markers.
- F. To place restricted turn signs.
- G. To place load restrictions, prohibit commercial vehicles or through traffic, and restrict the movement of traffic to one way on certain roadways.
- H. To designate intersections where a stop or stopping is required.
- I. To erect "stop" and/or "yield" signs.
- J. To designate school crossings.
- K. To designate crosswalks.
- L. To designate foot, bicycle, and golf cart paths; lanes; and streets.
- M. To restrict or prohibit stopping, standing, loading/unloading, or parking, and to monitor use of all types of Motorized Vehicles.
- N. To erect signs on one-way roadways.
- O. To retain staff for enforcement of rules.
- P. To use and maintain speed monitoring equipment.
- Q. To do anything, within the guidelines of the *Master Restrictions* that is legally necessary or appropriate to protect the health and welfare of the community and its Member-Owners.

- R. To issue assessments/citations/penalties for violations of *Community Rules*.
- S. To establish appropriate monetary fines for violations of *Community Rules*.
- T. To control, operate and maintain the automated gate access system.

SECTION IV:

MAINTENANCE ASSESSMENTS and PENALTIES FOR DELINQUENT/OVERDUE PAYMENTS

- A. The Tanoan Community Association Maintenance Assessments are billed quarterly (as determined by the Board of Directors) and are required to be paid in advance. They are due and payable on the first day of each quarter: (January, April, July, and October), and are late or delinquent if not paid by the due date. The Association shall assess a late charge (see Section C below) on any assessment payment not received in the Association office by 5:00 PM on the fifteenth (15th) day of the month in which it is due. If the fifteenth (15th) falls on a weekend day, then payment must be in the office by 5:00 PM on the following regular business (work) day.
- B. All documents, correspondence and notices relating to the charges shall be posted in the U.S. Mail to the Member-Owner either at the Lot within the subdivision owned by the Member-Owner or at such other address given by the Member-Owner to the Association.

NOTE: Non-receipt of a billing invoice or notice shall not, in any way, relieve the Member-Owner of the responsibility for payment or the obligation to pay the amount due. By legal precedence, any correspondence posted in the U.S. Mail is presumed to have been delivered to the addressee within 72 hours. See *Master Restrictions*, Article/Section 13.08 – Notices; Documents; Delivery.

- C. If any assessment is not paid in full within fifteen (15) days after its due date, the Association shall assess a ten percent (10%) late charge on the balance due. See *Master Restrictions*, Article/Section 8.12 - Delinquency.
- D. Upon the maintenance assessment being delinquent for thirty (30) calendar days past the due date, this assessment shall bear interest at the rate of one and one-half percent (1-1/2%) per month. See *Master Restrictions*, Article/Section 8.12 - Delinquency.
- E. If any delinquent assessment has not been paid by the thirtieth (30th) day following its due date, the Association may post to the Member-Owner, by First Class Mail or by Certified Mail, a notice of intent to file a lien against the owner's property if the delinquent assessment has not been paid by the forty-fifth (45th) day following its due date. See *Master Restrictions*, Article/Section 8.11 – Notice of Lien.
- F. Additionally, on the thirtieth (30th) day following the due date of the delinquent assessment, all remote gate opener and/or gate access card devices the resident holds may be deactivated by the Association. These devices shall not be reactivated until all obligations to the Association have been paid. See Section V – Association Citation/Penalty Procedures.

- G. On or after the forty-fifth (45th) calendar day following the due date of the assessment, the Association may file a lien with the Bernalillo County Real Estate Records to recover the amount of the maintenance assessment, late charges, interest, filing fees, and attorney's fees, all of which shall accrue from the date of delinquency until the actual date of full payment. Additionally, the Association may formally notify one or more national credit bureaus of the delinquency.
- H. All Late Charges, fines and accumulated interest amounts shall be added to the amount of any delinquency.
- I. Payments for the assessments can be made by direct payment authorization via a bank or other financial institution. Payments, as well as penalties for delinquent/overdue payments, reimbursements may also be made via personal check, cashier check, money order and credit or debit cards – processing fees apply. The Association will not accept cash payments for any reason.
- J. An additional \$35.00 service charge may be assessed for every returned check (or in an amount consistent with current charges set by local financial institutions).

SECTION V:

ASSOCIATION CITATION / PENALTY PROCEDURES

Once the Member-Owner, its Resident or Guest, has received a citation or penalty assessment for a specific violation of these *Community Rules*, or any other governing document of the Association, the following procedures will be followed:

- A. The Member-Owner, its Resident or Guest, will receive a copy of a citation or penalty assessment by U.S. Mail only. According to Section 13.08 of the Declaration, it is deemed to have been delivered seventy-two (72) hours after a copy of the citation or penalty assessment has been deposited in the U.S. Mail.
- B. Motorized Vehicles violating these *Community Rules* WILL NOT be stopped for a Citation or Penalty Assessment to be issued, but such violation must be observed by an Association employee.
- C. A letter notifying the Member-Owner of the violation of these *Community Rules* (whether by the Member-Owner, its Resident or Guest) and the resulting Citation or Penalty Assessment shall be delivered to Member-Owner in the manner prescribed by these *Community Rules*. This notification shall contain a copy of the actual Citation, the Penalty Assessment in connection therewith, and information as to the right of the Member-Owner to be heard by the Board of Directors before the Penalty Assessment is imposed, to include:
 1. The Member-Owner shall have fourteen (14) calendar days after receipt of the notification in which to request a hearing before the Board of Directors or to provide a written statement to the Board of Directors. **Only Member-Owners are authorized to request such a hearing.** A Member-Owner's Tenant or Guest may not request a hearing. The Member-Owner or their representative (including the Tenant or Guest) may however, present their case, along with witnesses they wish to present and any supporting facts and evidence they want to share.
 2. If no hearing has been requested or no written statement is provided within the above noted fourteen (14) day period, the Member-Owner will have waived this right, and the Penalty Assessment may be imposed, calculated from the date of the violation.
 3. The Penalty Assessment specified in the Citation is due and payable no later than thirty (30) calendar days after it is charged by the Association.
 4. If payment is not received in the Association office by the due date, the Penalty Assessment is considered delinquent, and the enforcement remedies specified in Section IV -

Maintenance Assessments and Penalties for Delinquent/Overdue Payment shall be available to and pursued by the Association.

- D. Further, the Association may levy a Penalty Assessment for violation of these *Community Rules*, or any other governing document of the Association, pursuant to the procedures established from time to time by the Board of Directors. Such assessments may be imposed without regard to whether or not monies have been expended by the Association because of such violation. Notice of the intent of the Board of Directors to impose such assessments, as well as provisions for an appeal, shall be established by resolution of the Board of Directors.
- E. Further, the Association shall levy a special assessment against any Member-Owner in the amount of any monies spent from the Association's operating fund (i.e., on attorney fees, court costs, expert witnesses, etc.) because of the acts of the Member-Owner, its Residents and Guests, or their failure or refusal to act in compliance with the *Master Restrictions* and/or these *Community Rules*.
- F. An additional service charge will be assessed for every returned check, in the amount of \$35.00 or such greater amount consistent with current charges set by local financial institutions.

NOTE: Payments for fines, and Penalty Assessments may be made via personal check, cashier check, money order and credit or debit cards – processing fees apply. The Association will not accept cash payments for any reason.

SECTION VI:

COMMUNITY ACCESS

The Tanoan Community Association is a gated, controlled, and limited-access community. The following procedures will be adhered to in granting access to any person desiring to enter the community.

A. All Member-Owners and Residents:

1. **Vehicle Registration:** All Tanoan Member-Owners and Residents must register all their Motorized Vehicles with the Association Community Relations Manager and, in turn, will be issued a Tanoan decal for each Motorized Vehicle owned by a Member-Owner or Resident. Tanoan decals must be displayed on every such vehicle either permanently affixed to the front windshield in the lower left corner or positioned on the dashboard to be readily visible to any Association employee. These decals are non-transferable between Motorized Vehicles owned by a Member-Owner or Resident.
2. **Resident and Guest Registration:** The Tanoan gate access system is a computer-based system which allows storage of Residents' and Guests' names by each Member-Owner in the Member-Owner's approved Guest access list. Although Member-Owners are not required to use this capability, they are strongly encouraged to take advantage of this important feature, as it directly benefits their Residents and Guests by minimizing their waiting time for community access.

NOTE: For security reasons and accuracy, all Member-Owners are asked to contact the Community Relations Manager to make additions or deletions to their individual lists.

B. Member-Owners in Good Standing:

All Member-Owners are required to pay a usage fee to obtain a remote gate opener and/or gate access card device. These devices remain the exclusive property of the Association and are provided for the convenience and benefit of only Member-Owners in good standing.

1. Fees:
 - i. Remote Gate Opener: \$50.00 each, of which \$20.00 will be refunded if it is returned to the Association in clean, good, operating condition. If damaged or inoperable, no refund will be given.
 - ii. Gate Access Card: \$25.00 each. No refund will be provided. If a card becomes damaged or inoperable, a new card can be purchased for a charge of \$25.00.

- iii. Ventura Pedestrian Gate Key: A \$10.00 deposit is refundable upon return of the key.

2. Responsibilities of the Member-Owner:

- i. Agree to pay the applicable fees at the time any devices are issued.
- ii. Agree to be solely responsible for all devices issued.
- iii. Agree that all issued devices will be used only by those individuals that the devices were issued to, and as recorded in the Association records at the time of purchase.
- iv. Fully understand that the benefits and privileges of using a device may be cancelled, deactivated, or suspended at any time for cause. Such cases may include, but are not limited to, violations of the Association *Master Restrictions*, these *Community Rules, By-Laws*, allowing unauthorized access; or failure to pay overdue obligations authorized under Section 8 of the Master Restrictions.
- v. Agree to immediately report the loss or theft of any issued device to the Community Relations Manager. Also agree that until such device is deactivated, the Member-Owner remains responsible for the device.
- vi. Fully understand that all issued devices are non-transferable between Member-Owners and are not permitted to be used by Guests but may be used by a Resident only if the Member-Owner disclosed such intended use to the Association in writing.
- vii. Fully understand that upon the sale of the associated property or physical move out of the Member-Owner from a Tanoan property, all issued devices for that property will be deactivated.

C. Member-Owners Not in Good Standing:

- 1. Such Member-Owners will not be issued any remote gate opener or gate access card devices until they are returned to a status of good standing.
- 2. All such Member-Owners are required to use the visitors only (west) entrance lane at the Academy gate and not enter through the Ventura Gate.

D. Non-Commercial Guests:

1. All such Guests will enter and be stopped at the main entrance (Academy Gate) and must clearly identify themselves and specify their precise destination. **NOTE:** The Ventura Gate may not be used by any Guest at any time.
2. If the Guest is listed on a Member-Owner's approved Guest access list, then the Guest will be allowed to proceed into the community. Any person listed on a Member-Owner's approved Guest access list will be granted access to the community at any time. Between midnight and 6:00 AM, all entering Guests are required to be authorized by applicable Member-Owners prior to arrival, or by the gate attendant contacting the Member-Owner or Resident for authority.

NOTE: By authorizing access of a Guest into the community (either via an approved Guest access list or verbally by telephone), the Member-Owner assumes full and complete responsibility for the conduct and actions of that Guest (with respect to compliance with these *Community Rules*) while he/she is within the community boundaries.

3. If the Guest is not listed on a Member-Owner's approved access list, the gate attendant intends to call the applicable Member-Owner's home and request permission for the Guest to enter the community.
4. If the Member-Owner or Resident does not answer the telephone or if they do not grant access to the Guest, then access into the community will be denied and the Guest will be asked to depart.

E. Contractors:

1. All contractors and workmen will enter and be stopped at the Academy Gate to determine authorization for entry.
NOTE: No contractor can work on Sunday is allowed unless in an emergency.
2. Each Member-Owner is cautioned that if he/she is expecting workmen, repairmen, cleaning persons, etc. at their residence, it will expedite the access process and minimize the inconvenience to these individuals if the Member-Owner calls ahead to the Academy Gate and informs the gate attendant whom they are expecting and authorizes their access into the community in advance of their arrival.

NOTE: The Ventura Gate may not be used by any Contractor at any time.

- F. Emergency Vehicles:** Emergency vehicles will not be stopped or challenged upon entering the community. Special arrangements have been made with all appropriate emergency service organizations through the City of Albuquerque that permits unimpeded access through either the Academy or Ventura Gate.

SECTION VII:
RULES AND APPLICATION FORM FOR
ESTATE SALES

The following guidelines shall be applied when handling estate sales of Member-Owners.

- A. The Member-Owner or, if the Member-Owner is deceased, the Member-Owner's representative, must submit a completed Estate Sale Request Form to the Community Relations Manager or General Manager at least ten (10) days prior to the desired sale date.
- B. If an Estate Sale Request Form has not been signed and submitted by the Member-Owner or if any of the conditions outlined in the form are violated, individuals arriving to attend the sale shall not be granted entry by Academy Gate personnel.
- C. The sale may not be held for more than two (2) consecutive days and cannot take place on a Sunday or National Holiday.
- D. Hours of operation for Estate Sales are limited to 9:00 AM to 2:00 PM.
- E. The sale must be limited to items in possession of the Member-Owner prior to the sale, e.g., it is not permitted to bring outside merchandise into the community for sale.
- F. All sale items are to be kept inside the home, back yard, or garage, and shall not be visible from the street.
- G. Garage doors are to remain closed except for brief periods to accommodate loading operations.
- H. No signs are permitted, except for one (1) sign in the front yard of the Estate Sale residence.
- I. Adjoining neighbors must be notified of the dates and times of the planned Estate Sale at least seven (7) calendar days before the sale takes place.
- J. Estate Sale patrons must use the Academy Gate entrance.
- K. The Member-Owner must provide traffic/parking control. All vehicles must be parked with the flow of traffic and may not block public streets, fire hydrants, sidewalks, driveways, or mailboxes of Member-Owners.
- L. The Member-Owner must provide Academy Gate attendants with maps for distribution.

- M. The Member-Owner is responsible for Estate Sale patrons' compliance with Association *Community Rules*, including damage to neighboring properties.
- N. The Member-Owner is responsible for clean-up of trash left outdoors following the Estate Sale.
- O. Yard/Garage sales are not permitted under any circumstances within the Tanoan Community Association, Inc.
- P. The Community Relations Manager and/or General Manager has the authority to close the Estate Sale operation for non-compliance of Association rules.

**TANOAN COMMUNITY ASSOCIATION
ESTATE SALE REQUEST**

Please Print Clearly:

Member-Owner Name _____ Date _____

Property Address _____ Subdivision _____

Home Phone _____ Work Phone _____ Cell Phone _____

Email Address _____

Estate Sale Start Date _____ Completion Date _____

Hours of Operation _____

Estate Sale Company (if applicable) _____

Estate Sale Company Contact Information _____

I/We Understand the following:

Initial each below.

_____ The Member-Owner must submit a completed Estate Sale Request Form to the Community Relations Manager or General Manager at least ten (10) days prior to the desired sale date.

_____ If an Estate Sale Request Form has not been signed and submitted by the Member-Owner, or if any of the conditions outlined in the form are violated, individuals arriving to attend the sale shall not be granted entry by Academy Gate personnel.

_____ The sale may not be held for more than two (2) consecutive days and cannot take place on a Sunday or National Holiday.

_____ Hours of operation for Estate Sales are limited to 9:00 AM to 2:00 PM

_____ The sale must limit items in possession of the Member-Owner prior to the sale, e.g., it is not permitted to bring outside merchandise into the community for sale.

_____ All sale items are to be kept inside the home, back yard, or garage, and shall not be visible from the street.

_____ Garage doors are to remain closed except for brief periods to accommodate loading operations.

_____ No signs are permitted, except for one (1) sign in the front yard of the estate Sale residence.

_____ Adjoining neighbors must be notified of the dates and times of the planned Estate Sale at least seven (7) days before the sale takes place.

_____ Estate sale patrons must use the Academy Gate entrance.

_____ The Member-Owner must provide traffic/parking control. All vehicles must be parked with the flow of traffic and may not block public streets, fire hydrants, sidewalks, driveways or mailboxes of neighboring Member-Owners.

_____ The Member-Owner must provide Academy Gate attendants with maps for distribution.

_____ The Member-Owner is responsible for Estate Sale patrons' compliance with Association *Community Rules*, including damage to neighboring properties.

_____ The Member-Owner is responsible for clean-up of trash left outdoors following the Estate Sale.

_____ Yard/Garage sales are not permitted under any circumstances within the confines of the Association.

_____ The Community Relations Manager and/or General Manager has the authority to close the Estate Sale operation for non-compliance of Association rules.

I have read the Estate Sale Rules above and acknowledge their receipt.

Member-Owner/ Signature _____ Date _____

Please complete this form at least ten (10) calendar days prior to the desired sale date and return to:

The Tanoan Community Association, Inc.
9820 Murifield Court, N.E.
Albuquerque, N.M., 87111
Office: 505-823-2307
Email: GeneralManager@TanoanCommunityAssociation.com

SECTION VIII:

LOT USE AND MAINTENANCE FOR ALL SUBDIVISIONS

1.0 Landscape Maintenance:

1.1 Each lot and all improvements located thereon, including landscaping “Southwestern Style” and xeric landscaping shall be maintained by the lot owner thereof in good condition and repair. Reference: Master Declaration – Article 3.03 (d).

1.2 All grass, mass plantings and other individual plantings shall be mowed, trimmed, and cut as necessary at regular intervals to maintain them in a neat and attractive manner. Reference: Master Declaration – Article 3.04 (d). All living plant materials including but not limited to trees, shrubs, and turf should appear healthy and maintained so as not to look overgrown.

1.3 All dead vegetation, including trees, shall be removed within thirty (30) days. Reference: Master Declaration 3.04 (d).

1.4 Landscaped areas, including xeric scape areas, flowerbeds, and vegetable gardens shall be kept free from weeds. Gravel areas should be free of plant debris and weeds; no weed barrier or dirt should be visible within the gravel areas.

1.5 Sidewalks, streets, and driveways should be kept free of gravel and rubbish.

1.6 The required minimum number and size of shrubs, trees and turf areas shall be maintained as outlined in the Planning Committee Rules for the individual subdivision in which the property is located.

2.0 Standards for Lawns:

2.1 The following rules are enacted to document standards for lawns that are visible from streets and/or public areas within the Tanoan Communities.

As stated in Master Restrictions 3.04 (d): “All lots and project areas shall be landscaped and open areas not covered by patios, swimming pools, porches, driveways and flower beds and other normal and customary improvement shall be planted in grass or other ground cover (including “Southwestern Style” landscaping) approved by the Planning and Architectural Committee. No yards visible from the street or golf course shall be covered with rock, gravel, or other non-growing ground cover unless specifically approved by the Planning and Architectural Committee. All dead vegetation, including trees, shall be removed within thirty (30) days. All grass, mass plantings and other plantings shall be mowed, trimmed and cut as necessary at regular intervals to maintain them in a neat and attractive manner.”

2.2 Turf lawns (lawns) shall be green, reflecting adequate watering, fertilization, and aeration with due regard to the seasons.

2.3 Lawns shall be mowed as needed to maintain an attractive appearance with due regard to the seasons.

a. Lawns will have minimal, or no weeds. Lawns shall not contain any patches of unwanted plants.

2.5 Lawns will have no bare or dead spots continuing for more than three (3) weeks. Owners must re-seed or re-sod any bare or dead spots with due regard to the seasons.

2.6 In the event of the failure of the owner to correct the situation, The Tanoan Community Association may take steps to correct the appearance of the property and assess the Member-Owner for any costs incurred.

3.0 Storage of Items:

3.1 Items including but not limited to toys, apparel, boxes, bins, bicycles, sports equipment, landscaping tools and supplies, furniture, camping equipment, etc. may not be stored in public view. Basketball hoops that are permanently installed must be approved by the Planning and Architectural Committee, prior to installation.

4.0 Structure Maintenance:

4.1 Homes and other structural improvements made to lots must be always maintained and shall not be in need of repair, cleaning, or paint. This includes but is not limited to address numbers, decks, patios, fascia and other trim, driveways, exterior doors, garage doors, light fixtures, mailboxes, roofs, screening, shutters, stucco/brick/siding, storm doors, security gates, windows, awnings, walls, fences (including wrought iron for those lots facing the golf course), etc.

5.0 Applicability:

5.1 These rules also apply to properties that have the appearance of abandonment, in which case the Member-Owner shall be liable. In cases whereby the Member-Owner cannot be readily located, the Tanoan Community Association may take steps to correct the appearance of the property and assess the Member-Owner, the custodian, or purchaser of the property to offset the costs incurred.

5.2 These rules are also applicable to rental properties and those properties that are placed for sale on the market, or under the control of a realtor.

5.3 The Planning and Architectural Committee shall have the authority to enforce these provisions as provided in Planning Committee Resolutions, the Association's Articles of Incorporation, the Association's By-Laws, the Master Restrictions, and the *Community Rules*.

6.0 Warnings/Citations:

6.1 Failure to comply with the guidelines outlined in Policy Resolution 28 will result in the following warnings and Citations:

First Notice: Warning letter and notice of pending Penalty Assessment with thirty (30) days to bring property into compliance.

Second Notice: Citation advising Member-Owner of One-hundred-dollar (\$100.00) Penalty Assessment to be imposed, subject to Member-Owner's right to request a hearing or provide a written statement to the Board within fourteen (14) days of the date of the notice. The notice and hearing process are set forth in Section V of the Community *Rules*. Penalty Assessments will double every thirty (30) days thereafter until the property is brought into compliance.

Note: In the event a Member/Owner brings the property into compliance but allows it to revert to the condition that resulted in the original Citation within a twelve (12) month timeframe, any Penalty Assessment imposed will be doubled from the amount of the last Penalty Assessment issued.

Note: A Penalty Assessment may be avoided by presenting a corrective action plan within timeline for completion to the Tanoan General Manager that is approved by the Tanoan General Manager. Planning Committee approval may be required in some instances.

Note: This Section VIII Lot Use and Maintenance for All Subdivisions, incorporates Policy Resolution 28, that was adopted by the Board of Directors and Planning Committee as Policy Resolution 28. Copies of the previous versions of Policy Resolution 28 are kept for record purposes in the Book of Resolutions Archive File.

SECTION IX:

PLANNING COMMITTEE RULES

The following briefly outlines the responsibilities, authority, and rules of the Tanoan Community Association Planning and Architectural Committee (hereinafter referred to in this Section as “The Planning Committee”). In turn, these Rules define the responsibilities of each Tanoan Community Association Member-Owner.

Please refer to the Association *Master Restrictions*, Articles 3, 4, 5, and 6, as well as the Association Book of Resolutions for a complete description of duties, responsibilities, and rules of compliance.

The General Manager maintains a current copy of the *Planning Committee Rules* (Reference: Association Book of Resolutions) in the Association Office. That book is available for review and inspection by any Member-Owner. Furthermore, the General Manager serves as the Secretary of the Planning Committee and can help in interpreting these *Planning Committee Rules*.

A. Planning Committee Duties, Responsibilities and Authority:

1. The Planning Committee is a permanent committee of The Tanoan Community Association. The members are appointed by and serve at the pleasure of the Association Board of Directors. Reference: Association Administrative Resolution No. 17 – “Planning Committee Membership”.
2. The Planning Committee is responsible for:
 - (a) Adopting, amending, and repealing all construction and landscaping rules, regulations, and standards for The Tanoan Community Association. These are known as the “*The Planning Committee Rules*.” The authority of the Planning Committee encompasses the entire Tanoan community, including all common areas, roadways, and all individual Member-Owner lots, whether developed, improved or vacant.
 - (b) Applying and enforcing the *Planning Committee Rules* upon the Association in general and upon all individual Tanoan Member-Owners.
 - (c) Reviewing and approving all proposed buildings, construction and landscaping project plans, drawings and specifications submitted by the Association and by individual Member-Owners, including but not limited to:
 - (1) Changes to Association common areas and roadways

- (2) Changes to Member-Owner lots: All new construction, or reconstruction of existing improvements or structures, to include the recoloring, refinishing, alteration, or landscaping of any part of the exterior of any modification and/or enhancements.
- (d) Inspecting and approving on-site “as-built” changes (i.e., after all construction, reconstruction, landscaping, re-landscaping, etc. has been completed), to insure full and final compliance of the *Planning Committee Rules*, including all plans, drawings and specifications originally approved by the Committee.
- (e) Formally notifying the Member-Owner of the Committee’s specific findings. For example, when the Committee inspects the job site after construction, reconstruction, etc., and determines that the project is, in whole or in part, unsatisfactory and not in compliance, the Committee shall precisely specify in writing to the Member-Owner the item or items of non-compliance. The minimum required remedies to bring the job site or project into full compliance shall be specified. Reference: Planning Committee Resolution (Rule) No. 6 – “Conforming Inspections after Project Completions”.

NOTE: The Committee must notify the Member-Owner within (60) sixty days of all conditions of non-compliance; otherwise, the Member-Owner shall assume that the improvement was completed in accordance with the *Planning Committee Rules* and the previously approved plans.

B. Responsibilities of Member-Owners:

- 1. Any Member-Owner considering or proposing to construct or reconstruct improvements of structures (including landscaping or re-landscaping of properties) or to recolor, refinish, or alter any part of the exterior of any home, building, driveway, fence, or improvement, or to perform any work specified in the *Planning Committee Rules* (Reference: *The Association Book of Resolutions*). Planning Committee Rules shall first apply to the Planning Committee for approval before initiation of any work at the job site.

NOTE: Any such Member-Owner should make every effort to: (a) consult the General Manager for advice and counsel, and (b) carefully review the *Planning Committee Rules* which are available in the Association management office in the *Book of Resolutions and Planning Committee Rules*.

- 2. The Member-Owner fully understands that the Planning Committee process is separate and distinct from the Member-Owner’s requirement to obtain all permits (if required) from the City of Albuquerque. Reference: Planning Committee Resolution (Rule) No. 9 – “Projects Which May Require Building Permits”.

3. The Member-Owner shall provide to the Planning Committee, for its review, the completed form" APPLICATION FOR MODIFICATION APPROVAL. Along with that application, the Member-Owner shall also provide at least one (1) copy of all plans, a notification of an estimated completion date, and drawings and specifications. Once approved by the Committee, one set bearing the official approval and endorsement of the Committee will be kept in a permanent lot file in the Association office. Reference: Planning Committee Resolution (Rule) No. 2 – "Planning and Architectural Committee Procedures".
4. Depending on the type and complexity of construction, the Member-Owner may also be required to provide one or more of the following items: (a) floor plans (b) samples of exterior materials and colors (c) precise specifications and dimensions (d) architectural engineering plans that are stamped and approved (e) wall sections (f) exterior elevations (g) roof plans (h) landscaping plans (i) graphics and exterior furnishings (j) proposed construction schedule and (k) drainage reports.
5. The Member-Owner agrees to fully comply with the "as-built" (after construction) findings of the Committee. If formally notified by the Committee that one or more items are not in full compliance with the approved plans and the *Planning Committee Rules*, the Member-Owner shall make all necessary remedies to bring all items into full compliance.

NOTE: Any Member-Owner who, knowingly or unknowingly, circumvents the Association *Master Restrictions* and/or these *Community Rules*, and/or the *Planning Committee Rules*, remains fully responsible and liable for their actions. If, for example, the Planning Committee "discovers" any project, during and after construction, and determines that the Member-Owner has proceeded and/or completed the project without the approval of the Committee (before and after construction), then the Member-Owner must fully and clearly understand that the project may have to be re-accomplished, in whole or in part, so that it fully satisfies all specified requirements of the *Master Restrictions*, these *Community Rules*, and the *Planning Committee Rules*.

Additionally, in accordance with Section XVII, Section D, a Penalty Assessment may be assessed by the Board of Directors to any Member-Owner for failure to get Planning Committee approvals prior to beginning a project or for making unauthorized changes to the project after construction has commenced.

Furthermore, if a Member-Owner is found to be in non-compliance with *any* Planning Committee Rule or Subdivision Rule, the Planning Committee may, at its discretion, recommend that the Board of Directors issue a Penalty Assessment to the Member-Owner for non-compliance, which may be imposed without regard to whether or not monies were expended by the Association because of such violation. Additionally, the Association may levy a Special Assessment against any owner/Member-Owner if monies

are spent from the Association's operating fund (i.e., on attorney fees, etc.) because of the acts of the Member-Owner, their family, invitees, or tenants, or their failure.

This includes refusals to act regarding compliance with the *Master Restrictions*, these *Community Rules*, and/or the *Planning Committee Rule*. See *Master Restrictions* Article 8.05 - Special Assessment.

SECTION X:

MOTORIZED VEHICLE TRAFFIC RULES

The following rules shall govern the use of all community roadways, bikeways, golf cart paths, pedestrian ways, and common areas on which Motorized Vehicle traffic is permitted:

- A. No person shall drive a licensed Motorized Vehicle within the confines of the Tanoan community without a valid driver's license.
- B. No unlicensed operation of a golf cart is allowed on the community roadways.
- C. No person shall drive, operate, or be in actual physical control of any Motorized Vehicle while such person is under the influence of intoxicating alcohol or of a drug to a degree which impairs one's ability, either mentally or physically or both, to operate such Motorized Vehicle.
- D. No person shall drive, operate, or be in actual physical control of a Motorized Vehicle, carelessly or negligently, in disregard of the rights or safety of others, and without due caution and circumspection, and at a speed or in a manner to endanger or be likely to endanger any person or property.
- E. No person shall drive, operate, or be in actual physical control of a Motorized Vehicle in a careless, negligent, inattentive, or imprudent manner, without due regard for conditions of traffic, weather and roadway, grade, corners, width of roadway, posted speed limits, and all other attendant circumstances, to endanger life, limb, or property of any person.
- F. The driver of a Motorized Vehicle approaching or entering an intersection shall yield the right of way to a Motorized Vehicle which has previously entered the intersection from a different roadway.
- G. The driver of a Motorized Vehicle approaching an intersection clearly marked with a stop sign shall bring their vehicle to a complete stop. "Rolling stops" shall be considered violations of this rule.
- H. Upon all roadways of sufficient width, Motorized Vehicles shall be driven upon the right half of the roadway.
- I. A Motorized Vehicle passing around a traffic island shall be driven only to the right of the island unless otherwise marked or blocked.
- J. No person shall drive a Motorized Vehicle upon or within a sidewalk area that will partially or fully block a driveway.

- K. No occupant of a moving Motorized Vehicle or a pedestrian, or any other person on a roadway or sidewalk, shall dispose of or discard litter or refuse on any roadway, sidewalk, common area or lot.
- L. No person shall place, abandon, or otherwise permit to remain on a roadway any machinery, equipment, material, or object which could obstruct or impede vehicular or pedestrian traffic.
- M. No person shall drive a Motorized Vehicle on a roadway at a speed more than 20 miles per hour or, if the posted speed is different, shall then drive the lawfully posted speed limit.
- N. All-terrain vehicles (3 & 4 wheeled), motorized scooters, go-carts and dirt bikes cannot be operated within the community. All other objects of transport may be restricted if operated in a careless or unsafe manner, as determined by Association employees.
- O. The driver of any vehicle shall obey the instructions of any traffic control device or signal applicable thereto and placed in accordance with these *Community Rules*. These traffic control devices and signals shall have the meaning as set forth in the Traffic Control Legend of the City of Albuquerque Traffic Code, as amended, which is incorporated herein by reference.
- P. No person, child, or adult shall create a nuisance for any Member-Owner, Resident or Guest due to unsafe, reckless and/or too-loud behavior as a motorist, pedestrian, golf cart driver, bicyclist, or while on self-propelled items such as skateboards and scooters. Any incident of this nature shall be reported to the Tanoan Community Association office immediately for action to be determined by the Manager, Community Relations Manager, or, if necessary, the Board of Directors.

SECTION XI:

MOTORIZED VEHICLE PARKING RULES

The following rules govern the parking or storage of Motorized Vehicles within the Tanoan community.

- A. No person shall stop, park, or store a Motorized Vehicle in any of the following locations, except: (a) when necessary to avoid conflict with other traffic, (b) to temporarily load or unload, (c) when necessary to comply with these *Community Rules*, or (d) at the direction of the Association Community Patrol or a traffic control device/sign or signal.
 - 1. Next to a curb which is painted either red or yellow.
 - 2. Blocking a sidewalk or preventing use of the sidewalk by pedestrians. At least two feet (2') of sidewalk shall remain passable for pedestrian traffic.
 - 3. Within three feet (3') of a public or private driveway.
 - 4. Within an intersection.
 - 5. Within fifteen feet (15') of a fire hydrant.
 - 6. Within fifteen feet (15') of an intersection or any stop sign, yield sign or traffic control device or signal located at the side of a roadway.
 - 7. On the roadway side of any vehicle stopped or parked at the edge of a roadway.
 - 8. Between the curb or edge of the roadway and the sidewalk.
 - 9. Where it is posted "No Parking".
 - 10. On a roadway other than parallel with the curb or edge of the roadway headed in the direction of lawful traffic movement (i.e., parking on the wrong side of a roadway is prohibited).
- B. No person shall park or store a vehicle at any time adjacent to a roadway circle.
- C. No person shall park or store a vehicle overnight next to the curb, on a circle, or on any roadway of the community. Community Patrol will consider violation enforcement at any time between 2:00 AM and 6:00 AM, unless prior arrangements have been made with the Academy Gate Attendant. NOTE: A Member-Owner may request a waiver for more than two days from the Community Relations Manager.
- D. There shall be no storage of boats, motor homes, trailers, mobile homes, campers, commercial vehicles over one (1) ton, or inoperative vehicles outside any structure on a lot.
- E. Off-street parking spaces designated for Guests shall not be used for long-term overnight parking by any Member-Owner, Resident or Guest (i.e., over 72 hours) without prior approval of the General Manager or Community Relations Manager. Off-street parking spaces not designated as Guest parking may be used by Member-Owners, but only for short-term parking

during the day and evening hours. They may never be used for overnight parking without prior approval of the Community Relations Manager.

- F. A Member-Owner may park a recreational vehicle (RV), motor home, or a boat, horse, or utility trailer on their own property for periods of up to 48 hours at a time, including Saturday and Sunday, for the purpose of servicing and/or loading or unloading the vehicle. If a Member-Owner cannot park their oversized vehicle on their own property due to limited driveway space, then the vehicle may be parked in the Association office parking lot for a period of up to 48 hours at a time, only after first securing permission from the Community Relations Manager to do so. Combining storage of such a vehicle on the Member-Owner's property and the Association office parking lot to extend the 48-hour rule is not allowed. The intent of this rule is to allow Member-Owners to park their vehicles on their own property for up to 48 hours (unless prevented by limited driveway space) for the purpose of loading, unloading, and servicing of the vehicle, and to allow Residents and Guests to do the same in the Association parking lot. (Any exception to the 48 hours parking limit in the community for oversized vehicles must be secured from the Community Relations Manager and will be given only at their discretion).

Any Member-Owner expecting Residents or Guests with a RV, motor home, trailer, or oversized truck of any kind (see above) shall notify the Community Relations Manager (or, if after hours, the gate attendant at the Academy Gate). Suitable arrangements for short-term parking (up to 48 hours) of such vehicles in the Association office parking lot may be made at their discretion. (Any exception to the 48-hour parking limit in the community for oversized vehicles must be secured from the Manager or the Community Relations Manager and will be given only at their discretion).

All such oversized vehicles as described above shall enter/exit the community through the Academy Gate. Upon entering, a permit will be issued to the driver of the vehicle by the Academy Gate attendant which will be good for a 48-hour period. The permit is to be always displayed on the windshield or dashboard of the vehicle.

- G. Dumpsters and trailers for the collection of construction and landscaping debris must be parked in a driveway, not on the street, unless street parking is authorized by the Community Relations Manager.
- H. The Association is authorized to remove, at the owner's expense, a Motorized Vehicle to a storage garage or an area designated by the Association, under the following circumstances:
 - 1. When a Motorized Vehicle upon a roadway is so disabled to constitute an obstruction or hazard to traffic, or the person or persons in charge of the Motorized Vehicle, by reason of physical injury or alcohol or drug intoxication, are incapacitated to such an extent as to be unable to provide for its custody and removal.
 - 2. When any Motorized Vehicle is left unattended upon a roadway and is parked illegally to constitute an obstruction or hazard to normal movement of traffic.

3. When a Motorized Vehicle is parked or stored in violation of any community rule.
 - I. Use of the Tanoan Association parking lot must be authorized by the Community Relations Manager. If it is after hours, the Academy Gate Attendant should be contacted for authorization.

SECTION XII:

COMMON AREA RULES

The following rules shall govern all Tanoan common areas:

- A. All plants, landscaping and topsoil are to be left undisturbed; cutting or digging up of plants, trees, or other landscaping materials is strictly prohibited.
- B. Firearms, BB guns, pellet guns, bows, and arrows, fireworks, or similar devices are not to be discharged on or within Tanoan common areas.
- C. No glass containers are permitted on common areas.
- D. Animals shall always be on a leash that is no longer than 8 feet in length.
- E. No Motorized Vehicles of any kind, except authorized maintenance vehicles, are permitted on common areas, except those common areas clearly designated as community roadways or those common areas expressly designated for vehicular use.
- F. Bicycles and any self-propelled vehicles of any kind, except for authorized maintenance vehicles, shall not be permitted on landscaped common areas.
- G. No fires shall be permitted on common areas.
- H. No signs, such as "For Sale" and "Open House", or those of a political nature, shall be permitted on common areas.
- I. Persons using the common areas shall refrain from loud and boisterous activities.
- J. Yard/garage sales are prohibited throughout the Tanoan community on private and common areas.

SECTION XIII:

OBJECTS OF TRANSPORT RULES

(Bicycles, Skateboards, Segway, Golfcarts, Rollerblades, Motorized Scooters and Go-Carts)

- A. No person shall ride said object of transport on a sidewalk when it is reasonably safe to ride in the roadway or when signs are posted prohibiting bicycles on a given sidewalk.
- B. No person shall operate said object of transport at a speed either greater than the lawful posted speed limit or than is reasonable and prudent under the existing conditions, whichever is the lesser.
- C. No person shall park, or ride said object of transport to impede vehicular or pedestrian traffic.
- D. No person shall operate said object of transport on landscaped common areas or on private property other than one's own without prior authorization.

SECTION XIV:

RULES FOR ANIMALS

The following rules shall govern the keeping of animals in Tanoan.

- A. All provisions of the Albuquerque Animal Control Ordinance as amended, shall apply in the Tanoan community, and are adopted by reference and incorporated herein in these *Community Rules* of The Tanoan Community Association.
- B. Subject to the limitations below, generally accepted household pets in reasonable number and size may be kept and maintained in a living unit, provided such pets are not kept or maintained for commercial purposes.
- C. The following are strictly prohibited within the Tanoan community: Any kind of livestock, horses, swine, insects (e.g., bees) or poultry, regardless of how domesticated they may be.
- D. Animals are not allowed to run free in the community at any time. Except when on its owner's lot, an animal must be carried or on a leash no more than 8 feet in length, and attended by a responsible person.
- E. No animal may be leashed to any stationary object on any common area.
- F. Animal owners are responsible for any property damage, injury, or disturbances their animal(s) may cause or inflict.
- G. Animal owners are responsible for removal of any waste their animals should happen to leave on their own property, neighbor's property, or common areas.
- H. Every female dog or cat, while in heat, shall be kept confined in a building or secure enclosure by its owner in such a manner that she will not be in contact with another dog (or, cat), except for intentional, non-commercial breeding purposes. Nor shall said animal create a nuisance by attracting other animals.
- I. No dog shall be permitted to persistently or continuously bark, howl, or make other loud noises, day, or night. Persistently or continuously is defined consistent with the Albuquerque Noise Ordinance as "a 10-minute period during which animal noise is discerned in each of the ten 1-minute intervals therein."
- J. All pet owners shall register their animals with the Community Relations Manager. Animals found running loose or not registered may be turned over to the City animal Control, without liability to the Association and at the owner's

expense. For Member-Owner complaints, Animal Control may be reached at 311 or 505-768-2000.

- K. HEART Ordinance is the “Humane and Ethical Animal Rules and Treatments”. All Albuquerque residents to include all Member-Owners in the Association, are required to adhere to this ordinance, which can be found at <http://www.cabq.gov/pets/rules-tools/heart-ordinance> Failure to do so can result in a penalty of up to \$500.00 and/or 90 days in jail as determined by a Metro Court Judge.

SECTION XV:

TRASH CONTAINER RULES

The following rules shall govern the placement of trash containers in the Tanoan community.

- A. The following rules are incorporated by reference from the Association *Master Restrictions*, Section 3.03(i) - Uses and Restrictions Applicable to Both Residential and Commercial Areas.
- B. All refuse receptacles or containers, either owned by a Member-Owner or furnished by the City of Albuquerque for Member-Owner use, shall be screened from public view (from any roadway or sidewalk) and protected from disturbance.
- C. Receptacles or containers shall not be placed in any unscreened area for collection more than sixteen (16) hours prior to the scheduled collection time without prior approval from the Community Relations Manager.
- D. Receptacles or containers shall not be left in any unscreened area after midnight on the scheduled day of collection without the approval and consent of the Community Relations Manager.

SECTION XVI:

RULES FOR SIGNS

Subject to review and changes of the rules established by formal resolutions (Reference: Tanoan Community Association (Association) *Book of Resolutions*) as issued by the Tanoan Community Planning and Architectural Committee, no signs may be erected upon or maintained on the Association common areas. Furthermore, signs that would be visible from neighboring lots or viewable from public roadways or the Tanoan Country Club Golf Course shall NOT be erected or maintained upon any lots or project areas. That includes all political/campaign signage. Conversely, the following exceptions to the foregoing statements hereby apply:

- A. Such signs as may be required or reasonably necessary by legal notices and/or proceedings may be sited as applicable.
- B. During the time of construction or remodel of structures (interior and/or exterior), one (1) job identification sign, having a maximum face area of seven (7) square feet per sign, may be applied upon those lots.
- C. Not more than one (1) "For Sale" or "For Rent" or "For Lease" sign may be placed on the property (applicable to both the front and the rear yards), having a maximum face area of not more than four (4) square feet.
- D. Identification signs of security systems may be located on the properties of homes which have those equipment/devices installed.
- E. Signs associated with Happy Birthday, Graduation, Anniversary, and other festive celebratory occasions are allowed for a timeframe of 48 hours and signs to be found offensive, hazardous, or otherwise objectionable will be required to be immediately removed upon notification from the Association.

Reference: See *Master Restrictions* Section 3.04 Paragraph f - Uses and Restrictions Applicable to Lots and Project Areas Within the Residential Area

**SECTION XVII:
PENALTY ASSESSMENTS FOR RULES VIOLATIONS / FINE SCHEDULE
AND DISPUTE RESOLUTION**

The Board of Directors, acting on behalf of the Association, may adopt and change from time-to-time, fines, Penalty Assessments, and other enforcement rights for violation of these *Community Rules*, and has adopted the following:

1. Any Member-Owner may contact the Association regarding an alleged violation of the Association's governing documents. Written complaints must clearly indicate the nature of the violation, the date, time and location of the violation and the name(s) or address of the accused. Neither the Board of Directors, Planning Committee or Association management will be obligated to consider or investigate verbal complaints.
2. After the receipt of a written complaint of an alleged violation of the Association's governing documents, a FIRST NOTICE OF NON-COMPLIANCE will be sent to the Member-Owner, which states the specific alleged violation that is occurring and the possibility that fines will be imposed. The Board Directors has the authority to determine if a complaint has a valid basis before a notice of alleged violation is sent.
3. Prior to the imposition of a fine or suspension, the Board Directors shall provide an opportunity to each Member-Owner to submit a written statement or request a hearing before the Board of Directors or a committee appointed by the Board of Directors.
4. If a Member-Owner wishes to dispute an alleged violation, they must request a hearing with the Board of Directors, in writing, within 14 calendar days of the date of the FIRST NOTICE OF NON-COMPLIANCE. If a Member-Owner against whom a violation has been alleged fails to request a hearing or submit a written statement, the fine or suspension may be imposed, calculated from the date of the violation. Failure to request a hearing will be construed as an admission of the violation and the right to a hearing will be deemed waived. If a request for a hearing is not received, the Board will determine, in its sole discretion, if a violation has occurred and may assess fines.
5. If a Member-Owner requests a hearing, the Member-Owner will be notified of the time, date, and place of the hearing, not less than five (5) days before the scheduled hearing date. The Board, in its sole discretion, may grant continuances for good cause.
6. At the start of the hearing, the Board of Directors will explain the procedure, rules, and guidelines by which the hearing will be conducted. Each party will be allowed to speak and present evidence, testimony, and witnesses if so desired. At the completion of the presentation of evidence, the Board of Directors will decide, for or against a Member-Owner, regarding the alleged violation. The decision will be based on the vote of a majority of the Board of Directors present at the hearing. The Board of Directors may also vote to impose a fine at this time. The

decision of the Board of Directors, along with a notice of a fine imposed, if applicable, will be sent to the Member-Owner within 14 calendar days of the date of the hearing.

7. Once a Member-Owner has waived the right to a hearing or the Board of Directors has determined, after a hearing, that a violation is occurring or has occurred, fines may be assessed according to the following Fine Schedule:

Fines may be levied upon observance of violation and may continue until violation is corrected. Payment of fine amounts does not grant a variance for the violation. All violations must be corrected to achieve compliance. If there is a subsequent violation of the same rule, the fine amount will double with each subsequent violation.

TRASH CONTAINER VIOLATIONS	AMOUNT OF FEE
1 st Violation	\$10.00
Any Violation Thereafter	\$15.00
LANDSCAPING AND PROPERTY MAINTENANCE VIOLATIONS	
<p>Landscaping Failure to comply with the guidelines outlined in Policy Resolution 28 will result in the following warnings and Citations:</p> <p>First Notice: Warning letter and notice of pending monetary fine with thirty (30) days to bring property into compliance.</p> <p>Second Notice: One-hundred-dollar (\$100.00) Citation issued. Citations will double every thirty (30) days thereafter until the property is brought into compliance.</p> <p>Note: In the event an owner brings the property into compliance but allows it to revert back to the condition that resulted in the original Citation within a twelve (12) month timeframe, any Citation issued will be doubled from the amount of the last penalty issued.</p>	<p>Courtesy Notice</p> <p>\$100.00</p>
MOTORIZED VEHICLE VIOLATIONS	
<p>Driving a Motorized Vehicle, including a golf cart, without a valid driver's license:</p> <p>1st Violation</p> <p>2nd Violation</p> <p>3rd Violation</p> <p>After the first violation, fines will double with each subsequent infraction.</p>	<p>\$50.00</p> <p>\$100.00</p> <p>\$200.00</p>

<p>Exceeding 20 mph Speed Limit <i>throughout</i> the Tanoan Community: 1st Violation 2nd Violation 3rd Violation After the first violation, fines will double with each subsequent infraction.</p>	<p>\$50.00 \$100.00 \$200.00</p>
<p>Overnight parking on the streets and off-street parking: 1st Violation - \$25.00 2nd Violation - \$50.00 3rd Violation - \$100.00 (and same thereafter)</p>	<p>\$25.00 \$50.00 \$100.00</p>
<p>Disregarding Stop Signs: 1st Violation 2nd Violation 3rd Violation After the first violation, fines will double with each subsequent infraction</p>	<p>\$50.00 \$100.00 \$200.00</p>
<p>Parking on Property of RV's/Trailers/Boats/Utility Trailers/Water Skis/ etc. in excess of 48 hours: 1st Violation - \$25.00 2nd Violation - \$50.00 3rd Violation - \$100.00 (and same thereafter)</p>	<p>\$25.00 \$50.00 \$100.00</p>
<p>Parking on Sidewalk: 1st Violation 2nd Violation 3rd Violation</p>	<p>\$25.00 \$50.00 \$100.00</p>
OTHER FEES	
<p>Operation of a Motorized Vehicle in a careless, negligent, or imprudent manner: Persons cited for any of these reasons may be called to appear before the Board of Directors for an investigation of the incident. The Board of Directors has the authority to establish the amount or Penalty Assessment and/or the suspension of specific rights and privileges on a case-by-case basis.</p>	
PLANNING COMMITTEE VIOLATIONS	
<p>Improvements Without Approval A Penalty Assessment shall be assessed to any Member-Owner for failure to get Planning Committee approval prior to beginning a project requiring such approval, as specified in any governing document of the Association.</p> <p>The minimum monetary fine for the Penalty Assessment as stated above shall be \$100 for each incident. The Board of Directors may exercise its own discretion</p>	<p>\$100.00</p>

about modifying the amount of the fine, depending on the circumstances of each individual case.	
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SECTION XVII:

ASSOCIATION CITATION/PENALTY ASSESSMENT HEARING PROCEDURES

Every Member-Owner has the right to a hearing before the Board of Directors when he/she is cited for a violation of any governing document of the Association (including but not limited to the *Master Restrictions, Community Rules, or Planning Committee Rules*). However, all requests for a hearing must be made to the Association Manger and/or Community Relations Manager within fourteen (14) calendar days of the date of the Citation notice. Requests for a hearing may be made in person or by letter or e-mail.

When a request for a hearing has been made, the following procedure will take place:

- A. A notice regarding the hearing will be mailed or e-mailed to the Member-Owner and shall contain the date, time, location, and procedure that will be used at the hearing before the Board of Directors. All hearings are held in the Association Office, 9820 Murifield Court, NE.
- B. All hearings are held in private before the Board of Directors or a committee appointed by the Board of Directors and are conducted according to the rules that follow. The Association Manager and/or Community Relations Manager may attend the appeal hearing if deemed advisable by the Board of Directors.
 1. A quorum of at least three (3) Board members must be present at the hearing. Proxies will not be used for absent Board members.
 2. Any party may waive their right to exercise any part of the hearing process. The Board, in its discretion, may vary from the hearing process set forth herein.
 3. The President of the Board of Directors (or the next highest-ranking Officer of the Board in the absence of the President) will serve as the Chairperson of the hearing.
 4. The Chairperson introduces the Board members and all parties present.
 5. The Chairperson reads the Citation.
 6. The Member-Owner or their representative presents their case, along with witnesses they wish present and any supporting facts and evidence they want to share. If the appellant's Citation was issued by an Association employee, that employee may be called to present their findings, any witnesses they may have, as well as additional supporting facts and evidence.
 7. Questions may be asked during the proceedings by anyone present.

8. The Chairperson will call for any discussion of the facts and evidence presented. The Chairperson may adjourn the hearing to an executive session (Board members only) for further deliberation.
 9. The Board members will vote in closed session.
- C. Only one of three (3) outcomes is possible following the hearing:
1. The Citation and Penalty Assessment is accepted.
 2. The Citation and Penalty Assessment is denied.
 3. The Citation is upheld but the Penalty Assessment modified.

SECTION XIX:

RESIDENT COMPLAINT/DISPUTE RESOLUTION PROCEDURES

The following procedures apply when there is a question of compliance with any Association governing document (including but not limited to the *Master Restrictions*, the *Community Rules*, the *By-Laws*, or the *Articles of Incorporation*) by a Member-Owner.

- A. Responsibility for Compliance:
 1. Every Member-Owner is ultimately and solely responsible for the actions of their Residents and Guests and may be charged Penalty Assessments for any violation of the *Community Rules* and Master Restrictions.
 2. Any Guest that violates any one or more parts of any Association governing document may be prohibited further access to the Tanoan Community.
 3. The violation history of the *Community Rules* for each Resident and Guest of a Member-Owner shall be considered independently.
- B. If a Member-Owner has a complaint of non-compliance with any Tanoan governing document (e.g., one Member-Owner lodges a complaint against another Member-Owner for an apparent or perceived rule violation), the complainant may make a written request to the Association management office to remedy the situation. Following receipt of the written request, the General Manager will attempt to resolve the alleged rule violation with or without disclosure of the complainant.
- C. If the complainant does not feel their complaint has been sufficiently resolved, then the Association intends to follow the following procedure, but may vary from this procedure at its discretion:
 1. The complainant must prepare and file a written and signed complaint to the Association.
 2. This complaint must include the following:
 - (a) A concise statement of the violation(s) with which the respondent, or defendant, is being accused and the specific rule which the respondent, or defendant, is alleged to have violated.
 - (b) Supporting facts and evidence, with as many specifics as are available regarding date, time, location, persons involved, witnesses, etc.
- D. Upon receipt of the written complaint, the General Manager will review the complaint to determine if it alleges violations of the *Community Rules*. If, after review of the complaint, the

General Manager does not believe the complaint alleges any violations of the *Community Rules*, the General Manager will so advise the complainant, and the matter will be closed.

- E. If the General Manager believes that the complaint alleges violations of the *Community Rules*, the General Manager will notify the respondent, or defendant, in writing of the complaint against him/her.
- F. The respondent, or defendant may elect to file a written objection, or defense, with the Board of Directors in response to the complaint.
- G. If a satisfactory resolution is not reached between the Association, complainant, and respondent (defendant), the Board of Directors will then set a hearing date that is agreeable to all parties, which will be held according to the following rules in the Association Management Office, 9820 Murifield Court NE. All hearings are held in Executive Session before the Board of Directors. However, the General Manager and/or Community Relations Manager may attend the hearing if the Board of Directors deems it advisable and/or necessary. The respondent (defendant) may file a written letter with the Board of Directors stating their decision not to attend the hearing as scheduled in their own defense, or they may attend the hearing as scheduled by the Board of Directors to present their defense in person.
- H. The hearing will be held in accordance with these rules:
 - 1. A quorum of at least three (3) Board members must be present to hear and to vote on the hearing. Proxies will not be used for absent Board members.
 - 2. Any party may waive their right to exercise any part of the hearing process. The Board is entitled to exercise its discretion as to the specific and final manner in which any hearing will be conducted.
 - 3. The President of the Board of Directors (or the next highest-ranking Officer of the Board in the absence of the President) will serve as the Chairperson of the hearing.
 - 4. The Chairperson introduces the Board members and all parties present.
 - 5. The Chairperson reads the written complaint and the written defense if one has been submitted to the Board.
 - 6. The complainant presents their case, along with witnesses and any supporting facts and evidence.
 - 7. The respondent (defendant) presents their case, along with witnesses and any supporting facts and evidence. If the respondent or defendant, elected not to attend the hearing in person, the Chairperson presents their case in their place.

8. Questions may be asked and/or evidence rebutted in an orderly manner during the proceedings by anyone present.
9. The Chairperson calls for any discussion of the facts and evidence presented.
10. After all testimony and evidence has been presented, the Board shall vote in private upon the matter, with a majority of the Board voting on the matter controlling the outcome.
11. The Board of Directors may make its decision at the conclusion of the hearing but has no obligation to do so. A decision must be made, however, no later than ten (10) calendar days following the hearing.
12. The Board shall prepare a written finding of fact following its decision. Such written finding of fact shall be maintained in the Association records and sent to both the complainant and the respondent no later than ten (10) calendar days following the hearing.

The above-described administrative procedures and remedies are available to all Member-Owners for use in their attempt to achieve a satisfactory resolution in any neighbor-to-neighbor complaint. Use of these administrative procedures is not a pre-condition to taking action in court; however, its use may avoid the need for costly court and legal proceedings.

These amended and restated *Community Rules* were adopted and approved by the Board of Directors of The Tanoan Community Association, Inc. on this 17th day of JUNE, 2021.



Walter Gibson
President, Board of Directors



Chauntal Andrews
Secretary, Board of Directors