

ALTO LAKES GOLF & COUNTRY CLUB, INC. ARCHITECTURAL CONTROL COMMISSION

Rules, Policies, and Design Guidelines

Adopted May 2017 by
Alto Lakes Golf & Country Club Board of Directors

These Guidelines are intended to provide guidance and establish standards for the members of the Board, the Architectural Control Commission (ACC) and its staff, property owners and their builders, agents, and designees in the construction of their residence or other exterior improvements within the Community, as well as govern other elements which affect and impact the aesthetics, integrity, and safety of the Community.

Adopted by Alto Lakes Golf & Country Club, Inc. (Club) in accordance with the respective covenants of the subdivisions of Alto Village. These Policy and Design Guidelines may be amended from time to time by the ACC and ratified by the Club Board of Directors. *Revised November 6, 2019*

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Contact and Submission Information

All notifications, correspondence, appointments, or information required to be submitted to the ACC under this Policy and Design Guideline shall be submitted to the ACC Administrator in the Club Administration office. The ACC Administrator is not empowered to provide advice beyond documentation and procedures.

#1 Country Club
PO Box 168, Alto, NM 88312
Phone: (575) 336-3115
Fax: (575) 336-7094
acc@altolakesgolf.com

Meeting Times, Place, and Application Deadline

The ACC meets on the first and third Thursdays of each month at 9:00am in the Alto Clubhouse at the address listed above to review any plans submitted. (Room may vary, check with ACC Administrator prior to meeting date for room location.)

Deadline for Application submittal is Thursday at 3:00pm before scheduled meeting. Applications submitted after deadline may not be placed on the agenda but be held for the next available meeting. Plans may not be approved out of scheduled meetings.

Verification of Member and Builder Obligations

The Club office must verify that the country club bills and dues of the member of record and/or builder are in good standing. No permit will be issued, plan approved, or deposit refunded unless this information is verified, nor if builder or member has current violations of restrictive covenants or Club Policies.

ACC Authority and Jurisdiction

The covenants of the subdivisions of Alto Village grant to the Board of Directors (Board), “full authority to regulate and to enforce these covenants,” and to the ACC the authority, “to enforce and carry out the architectural control provisions of these covenants,” acting on behalf of and in accordance with the directions and instructions of the Board. (Article IV, Sections 1-2) (Article II, Section 2)

The following subdivisions have a separate Home Owners Association (HOA) to carry out the provisions of their respective covenants and issue their own permit approvals:

- Alto Village Site A, Condos
- Alto Village Site C, Condos
- Country Club Condominiums
- Alto Village Deer Park Wood Townhomes Units 1-4, & 6
- Lincoln Hills/Alto Golf Estates

The following properties are within the contiguous Alto Village area but do not fall under Alto Lakes covenants:

- Alto Lakes Water & Sanitation District lots
- Kokopelli Subdivisions
- Certain lots north and east of Kokopelli subdivisions on the north side of High Mesa.

Architectural Review

The ACC may withhold its approval of any plans for any of the following reasons:

- a. Noncompliance with any of the specific conditions and restrictions contained in these Restrictive Covenants:
- b. or Reasonable dissatisfaction of the ACC with the location of the structure on the building site, or with the appearance of the proposed structure, landscaping plan or with the lot grading plan, (having in mind the character of the neighborhood in which it is proposed to be erected) the materials of which it is to be built, the harmony thereof with the surroundings and the effect of the building or other structures as planned on the outlook from the adjacent or neighboring properties. (Article V, Section 26)

Enforcement

The ACC has the authority to: (Article IV, Sections 1-2)

- Withhold approval of any plans.
- Charge a fee for plan review.
- Red-Tag any project in violation of the Covenants or ACC Policy.
- Recommend suspension of membership to the Board of Directors.
- File suit for injunctive of both the Board of Directors and the ACC.
- Impose fines for continuing violations of Covenants and ACC Policy.
- Impose sanctions on contractors for persistent non-compliance.
- Cure a covenant violation and bill the property owner for the work.

The Board approved the imposition of fines to be assessed to the Member's account for non-compliance of the Covenants and ACC Policy. See [Procedure for Covenant & Policy Violations](#) and [Fee Schedule](#) below.

Grievance Policy

If a Member has a grievance regarding any decision of the ACC, the applicant has the option to either:

1. Submit a written request for a re-hearing with the ACC within 30 days or,
2. Make a written appeal to the Board within 30 days for a further review.

The Member may appeal to the Board for grievance at the regular monthly Board Meeting held in the Spencer Room toward the end of every month. (Check for specific date and time.)

In reviewing decisions made by the ACC, the Board may only overturn the decision of the ACC if it believes that the decision was not reasonable based on the facts as presented to the ACC, or if new evidence clearly requires that the ACC's decision be overturned.

Responsibility for Compliance

The Owner is responsible for ensuring that they and all their representatives are aware of the Covenants, Bylaws, and all policies imposed by the ACC as a condition of approval.

Every effort is made to make the information provided as factual and complete as possible. However, it is the applicant's sole responsibility to comply with all requirements of the Restrictive Covenants, ALG&CC Bylaws, Club and ACC Policies.

The ACC will not be liable to any owner or to any other person for any loss, damage or injury arising out of the performance of the ACC's duties under this covenant.

No Waiver of Future Approvals

The approval of the ACC to any plans or specifications for any work done or proposed in connection with any matter requiring the approval or consent of the ACC will not be deemed to

constitute a waiver of any right to withhold approval or consent as to any plans and specifications on any other matter, subsequently or additionally submitted for approval by the same or a different person, nor will such approval or consent be deemed to establish a precedent for future approvals by the ACC.

Other Governmental Requirements

It is the responsibility of each Owner to obtain all necessary governmental or regulatory permits and inspections. Neither the Club nor the ACC has any responsibility for ensuring plans submitted to the ACC comply with applicable building codes, zoning, other government or regulatory requirements.

Plan Submittals

A completed Permit Application is required for all projects, with addendums as applicable, and all supporting documentation provided. Multiple projects may be included in one application. Incomplete applications and applications lacking the required documentation may not be added to the agenda. Supporting documentation includes, where applicable, a plat with property lines, setbacks, grade, scale footprint of structures and drawings of all proposed work, including excavation, and color samples.

- A copy of any Village Permit is required for release of ACC permit where a Village permit is required for a project.
- **Where a project requires a survey showing the setbacks and location of a structure to be built the survey may be no more than five years old.**
- Dimensional or working drawings must be sufficient to depict all of the project construction including accurate measurements and adequate representation of all pertinent details for approval.

The following permit application forms are available in the ACC office and on the Club website:

ACC Permit Application Forms:

- Permit Application Form
- New Construction Addendum
- Landscaping Addendum
- Variance Request Form

Permits

A permit application must be submitted to the ACC in writing for its approval in writing for any construction, alterations, or additions made to the exterior of the property. (Article V)

Permits issued by the ACC must be posted in a prominent place, easily visible from the road, during all phases of construction or landscaping. (Article V)

Fees are billed to the member's account and are billed when permits are approved. See [*Fee Schedule*](#) section below.

Deposits

A deposit of \$500 for new construction and \$250 for all other projects will be charged to the member's account and forfeited upon failure to clean entire lot after inspection and notification or refunded at project completion if lot is clean upon inspection of entire lot.

Inspections to be initiated by reports from members as well as inspections in the normal course of duties (see [Inspections](#) below). Upon the first inspection, if cleanup is required, the owner will be notified. Upon all subsequent inspections, if cleanup is required, the owner will be notified and \$50 will be deducted from the deposit. Cleanup must be performed within one business day (not including holidays or weekends).

Duration of Plan Approval

- Permits for New Home Construction and Additions will be valid for one year.
- Permits for all other projects will be valid for a period of six months.

Any exterior change from the approved plans must be re-submitted in writing to and approved by the ACC, in writing, prior to commencing work.

If construction of approved plans are not commenced and diligently prosecuted to completion before the expiration date, permit approval will expire. To continue work the Owner is required to resubmit project plans to the ACC. The ACC may consider any change in circumstances since the time of the original approval. An additional permit fee may be assessed. See [Fee Schedule](#) section below. Also see [Permit Extensions](#) below.

Permit Extensions

If completion of construction is likely to extend beyond the duration of plan approval, a request for continuance must be presented to and approved by the ACC prior to the date of expiration. If an extension request is submitted and approved, another Permit Fee may be required for each permit extension. See [Fee Schedule](#) section below.

Permits Issued Across the Desk

A permit may be issued across the desk with no deposit or fee for repainting, re-stucco or residing exterior with no change in color scheme (application and color sample to be provided). (Article V, Section 9)

Other permits may also be issued across the desk for a fee. These include but may not be limited to: small landscaping projects with no change in irrigation, re-asphalt, re-gravel, or re-seal driveway with no change in coverage, reroofs with no change in coverage (must comply with reflectivity and materials requirements), replace decking with no change in coverage, and limited replacements with no change in coverage or color. See [Fee Schedule](#) section below.

Emergency Permits

Emergency Permits (EP) are issued by the ACC Inspector or his designee. EP's are only to authorize the work necessary to prevent further damage to the residence or property. Permit expires seven days after issuance. EP's are brought to the ACC for review and ratification.

Any continuing work beyond seven days requires a normal permit approved by the ACC with a permit application and supporting documentation. This includes extended work, full replacement or repair, and work repairing damage and damage control measures. Any continuing work without regular permit from ACC may be red tagged and stopped.

Inspections

The ACC may inspect the work at any time to verify conformance with the approved submittals. Upon completion of all approved work, it is the Owner's responsibility to notify the ACC. This can be done by returning the permit to request a final inspection or requesting a Final Inspection in writing. A Re-inspection fee may be imposed on the property owner for properties that do not pass

final inspection (includes final cleanup of construction debris and job site) and properties that are inspected for work done without permit. See [Fee Schedule](#) below.

Permitted Uses

- All lots and tracts are residential unless otherwise designated below. (Article III, Section 1)
- Only one (1) single private family dwelling allowed on each R1 zoned lot with necessary and appurtenant attached buildings. (Article III, Section 1)
- No lots or tracts with the exception of designated lots or tracts shall be subdivided into smaller lots or parcels of land except as shown on the recorded plat of Alto Village. (Article III, Section 2)
- No business or profession, manufacturing operation, commercial enterprise, or public or commercial amusement enterprise shall be conducted, operated or maintained on any lots, unless designated below as commercial/light commercial and unless the approval of the ACC is granted. (Article III, Section 1)

The following parcels can be used for other than residential purposes as listed and noted: (Article III, Section 2)

Multi-Family Use, Condominiums, Townhouses and Apartments

- | | |
|--|--|
| <ul style="list-style-type: none">▪ AL 2 7 1-17▪ AL 3 11 4▪ AL 4 14 1-7▪ AL 5 14 29-43▪ AL 5 16 1-8▪ DPV 2 68 (Dedicated Park)▪ DPW 5 TRACTS | <ul style="list-style-type: none">▪ SB 1 1 53, 54, 55▪ SB 1 2 1-8
In addition to the above this lot may be used for Motel Sites or other commercial and utility usage.▪ SB 3 10 1-20
10 UNITS/ACRE, this lot may be used for higher density of up to 10 units per acre for multi-family condos or cluster housing with green belts and apartments. |
|--|--|

Condos, Townhomes, Apartments, Motel and or Convenience Store

- | | |
|---|--|
| <ul style="list-style-type: none">▪ DPM 6 3A
10 Units/Acre, May have as many as four stories. | <ul style="list-style-type: none">▪ DPV 7 174, 175, & 176
Can be Up to 100 Units |
|---|--|

Light Commercial Development

- AL 4 12 45-52
- HM 3 12 18
- SB 2 7 4-15

Commercial Purposes

- SB 1 2 1-8
- SB 2 4 33, 34
- SB 2 7 1, 2, 3, & 28

Equestrian Estate Lots

Must be a residence on lot, lot must be at least two acres, limit two horses per lot, four horses per tract. Riding on premises.

- | | |
|--|---|
| <ul style="list-style-type: none">▪ DPW 2 Tracts▪ DPW Tracts, Lot 23▪ DPW 4 Tract, Lot 24A | <ul style="list-style-type: none">▪ HM 3 6-89▪ HM 3 12-19, 21, 22▪ HM 3 13-1▪ HM 3 Equestrian Trails |
|--|---|

Alto Lakes Water & Sanitation District

- DPM 1 1A

Construction Standards

Construction Site Rules

The following rules must be followed during the construction process. Fines may be imposed for violations. See [Fee Schedule](#) below.

- No construction, tree cutting, fill-dirt or grading, etc. is to commence before written approval is received and permits are posted.
- Approved plans and all permits shall be posted and readily visible during the construction process.
- No work shall begin on New Home Construction prior to the placement of a sanitary, chemical, portable toilet.
- Construction may take place only from 7:00am until 7:00pm. Monday through Saturday. No loud noises on Sundays.
- Adjoining property must be respected. Access over property belonging to others is prohibited.
- Each construction site shall be kept neat and shall be properly policed. No mud, gravel, concrete or other construction materials allowed on streets.
- A 'track off' construction drive approximately 12' wide and a minimum of 20' in length consisting of coarse rock must be placed on the construction site sufficient to eliminate tracking of mud and dirt onto the roads with the ingress and egress of vehicles and must be maintained sufficient to continue its function throughout the construction.
- No dumping of excavated dirt, parking of automobiles or trucks, or anything else which changes the character of ground in any form of neighboring lots will be allowed.
- All deliveries and storage of construction materials shall be made only upon the property on which the construction is taking place.
- A 'debris fence' is required to be placed around the construction site of all new construction projects. . The fencing should be placed a minimum of 30' from the structure to be built and 3' from the lot line subject to the size and topography of the lot.
- No loud radios allowed on job sites. Dogs must be secured.
- Neither the Club, nor the ACC will be responsible for the security of job sites during construction. If theft or vandalism occurs contact the Lincoln County Sheriff's Department.
- Owners and builders shall provide a commercial dumpster or container for trash and debris.
- Trash and debris shall be removed from each construction site on a daily basis.
- Dumping, burying or burning of trash is not permitted anywhere within the Alto Village Community.
- The ACC shall have the right to impose additional requirements on Owners or builders in its sole and absolute discretion.

Structures

- No appurtenant buildings of any kind are permitted prior to construction of a principal dwelling. (Article V, Section 1)
- No appurtenant buildings shall be used for temporary or permanent residence. (Article V, Section 1)
- Appurtenant buildings must be attached to primary residence. See [Permitted Uses](#) above.

- Single family dwellings, must have a minimum heated living area of not less than 1,500 square feet on the ground floor (exclusive of garage, carport, patios, terraces and porches).
- No pre-built or major pre-built or modular portion residence permitted. (Other than roof or floor joists.)
- No old or second-hand building or secondhand materials shall be used in the construction of any building.
- No exposed concrete block is allowed. Must be stuccoed and painted to blend with existing structure.
- Each lot/tract owner is required to provide all underground connection to utilities. A variance may be granted at the sole discretion of the Committee. (Article V, Section 16)
- If a sewer line is available, it shall be incumbent upon the then lot owner to establish connection with said sewer system and thereafter to make use of the same to the exclusion of any other sewage disposal system.
- No outdoor-type toilet shall be erected or maintained in the subdivision (other than a chemical toilet to be used during construction).
- All toilets shall be located inside the principal buildings and shall be connected with proper septic tanks or a sewage disposal system
- All new residences shall be equipped with a fire detection alarm system which must be kept in working order at all times and a 10-pound multi-purpose dry chemical fire extinguisher shall be mounted in the garage and a 2-pound multipurpose dry chemical fire extinguisher mounted in the kitchen or easily accessible location.
- Fire alarm system must connect to an outside white or white and red strobe light and audible sound noticeable and audible from nearest public road.
- All plans and specifications for a residence or other building or other permitted structures shall be prepared by a draftsman, licensed architect or registered engineer or submitted and approved by the ACC.
- ACC Approval to be endorsed on all sets of plans with one set to be on site until project finished and one set of plans retained by ACC.
- A garage shall be used for residential purposes only by the owner or occupants of the lot upon which the garage is located.
- No windmills or wind chargers shall be erected upon any lot.
- No outside laundry, laundry poles or lines shall be permitted.
- The design of any mailbox or newspaper box erected or maintained upon any lot shall be subject to the approval of the ACC. (Article VII, Section 6, Item F)
- No radio or television signals shall be permitted to originate from any lot or street. (Article VII, Section 6, Item B)

Roofs

- Roofing material must meet current ACC standards including weight and be fire rated. (In Deer Park Meadows Units 1-6, Deer Park Woods Unit 1-8, Wood Shake must be fire rated.)

- Roofs shall not have a light-reflecting value (LRV) higher than thirty percent (30%). (LRV of a roof is available from the manufacturer. Board re-instated use of painted flat metal roofs March 25, 2002.)
- Rain gutters, air vents, roof and chimney vents, exposed flashing and roof edging shall be primed and painted in a color approved by the ACC.
- In Deer Park Meadows Units 1-6, Deer Park Valley 1-9, Deer Park Woods Units 1-8 neighboring property owners shall not obstruct mechanical or passive solar systems.
- Metal roofs with rough or textured finishes which do not reflect the sunlight will be taken into consideration by the ACC.

Height and Views

The ACC has the authority to withhold approval of a structure's height, (see [Architectural Review](#) section above), in any case, views are neither guaranteed, preserved, nor protected.

Materials and Colors

- No reflective building materials.
- Silver color, natural un-anodized or natural anodized aluminum window and door frames shall not be permitted.
- No vivid or inappropriate colors (Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural mountain setting to avoid high contrast.
- Exterior lighting unless it is low scale, directed downward, recessed or shielded so that the light source is minimized when viewed from adjacent residential areas.
- Exposed wood surfaces shall not be left untreated and shall be treated with translucent or semi-pigmented paint in subdued colors.
- Samples of proposed treatments must be submitted to the ACC and any changes made after approval must be submitted to the ACC.

Exterior Lighting

- No offensive lighting or directional glare from lighting is permitted. Lot or property Owners and builders shall utilize exterior light fixtures, light bulbs and lighting which minimize ambient light in order to preserve views of the night sky, and avoid excessive glare to neighbors, pedestrian or vehicular traffic.

Setbacks

No structure shall be erected, constructed, placed or maintained on any lot nearer than the designated setbacks (measured from that portion of the structure closest to the property line including deck, overhang and approved dog runs) described below, except that upon written application to the ACC, if in the opinion of the ACC and the configurations and topography permit, a variance may be considered from said setbacks. No construction shall be allowed within any easement, including drainage easements. (Article VI)

(See table on next page)

SUBDIV	UNIT	BLOCK	NOTES/LOT	FRONT	BACK	SIDE
AL	1	1,2,3		30ft	15ft	5ft
AL	1	4	EXCEPT AS NOTED	5ft	40ft	5ft
AL	1	4	18,20,21,22	5ft	30ft	5ft
AL	1	4	5,19	5ft	15ft	5ft
AL	2	ALL		15ft	30ft	15ft
AL	3	ALL		25ft	30ft	15ft
AL	4	ALL		15ft	30ft	15ft
AL	5	ALL		20ft	30ft	20ft
AL	6	ALL		20ft	30ft	20ft
AL	7	ALL		30ft	30ft	20ft
DPM	1-6	ALL		30ft	30ft	20ft
DPM	7-15		EXCEPT AS NOTED	30ft	30ft	20ft
DPM	7	1 & 2		30ft	15ft	20ft
DPM	11	12		30ft	15ft	20ft
DPM	13	8,9,10		30ft	15ft	20ft
DPV	1-9	ALL		30ft	30ft	20ft
DPW	1-5	ALL		50ft	30ft	20ft
DPW	6	ALL		30ft	30ft	20ft
DPW	7	ALL		50ft	30ft	20ft
DPW	8	ALL		50ft	30ft	20ft
HM	1	ALL		30ft	30ft	20ft
HM	2	ALL		30ft	30ft	20ft
HM	3	ALL		30ft	30ft	20ft
HM	4		EXCEPT AS NOTED	20ft	15ft	15ft
HM	4		12, 13, 14, 15, 31, 32, 36, 37, 38, 39, 40, 41, 42, 45, 46, 47, 48, 52, 53, 54	10ft	15ft	15ft
HM	4		17, 18, 19, 27, 28, 29, 30	10ft	15ft	10ft
LS	1	ALL		50ft	15ft	15ft
LS	2	ALL		30ft	15ft	15ft
SB	1	ALL		5ft	15ft	5ft
SB	2	ALL		5ft	15ft	5ft
SB	3	ALL		20ft	30ft	20ft

- Where a lot has double frontage, the required front yard setback shall be provided on both streets. (BOD 2018-05-22)

Building Pad Location

The setbacks noted above are minimums and may only be amended by approval of the ACC. However, notwithstanding the setbacks noted herein, the ACC shall review and approve the proposed location or building pad for any improvement to be constructed on any Lot. See [Architectural Review](#) above.

Fences, Dog Runs, Courtyards

The ACC wants aesthetically and architecturally pleasing enclosures and/or walls using time lasting methods of construction that are the same or compatible material as the finish and color of the residence. Many of the existing structures in our community would not meet our current standards.

Fenced Enclosures will be a two-step meeting approval process by the ACC.

- **1st Meeting** – Presentation of initial design and layout on an updated survey plot plan including proposed materials. Actual sample of material or manufactures brochure required. At least 2 ACC representatives will then visit the residence within 5 business days to look at the proposed location, checking on topography and incorporation of the homes current design elements and color scheme.
- **2nd Meeting** – These ACC members will report back to the full committee with recommendations for any changes or requirements for approval.

Minimum Expectations (Fenced Enclosures, Dog Runs, Courtyards)

- No wire fencing, such as chain-link, barbed wire, etc. will be allowed.
- No structure will be allowed into the front, back or side setbacks.
- Attached to the home structure at both ends.
- Maximum height of 5 feet (Courtyard gate (s) may be higher.
- Fenced enclosures and courtyards not to exceed 2000 sq. ft. and dog runs 500 sq. ft.
- No fence material to exceed 8 ft. in length without a 4 x 4 or 6 x 6 or metal support post/pillar.
- All support posts/pillars to be set in concrete at least 18 inches deep.
- Posts/Pillars to remain perpendicular to home foundation at all times.
- Top of fence may slope with topography, but the fence material must remain perpendicular.
- Dog run surface material must be solid.

Minimum Additional Expectations (Courtyards)

- Surface material inside the courtyard must be at least 50% non-growing material.
- Wrought iron inserts may be used in place of stucco between solid pillars but shall
- not exceed 8 ft. in length, shall not exceed 60% of the vertical height, the remainder
- shall be solid, and the total area of these inserts shall not exceed 30% of the area
- (length x width) of entire courtyard wall.

Driveways and Parking

- A County Road permit is required from Lincoln County for platted access roads.
- Culverts for driveways must meet road design standards and be installed according to County standards.
- Driveways must be minimum width of fourteen (14) feet and be constructed to prevent materials from washing down onto the street.
- All driveways to be surfaced with crushed rock, asphalt, concrete, brick or comparable material.
- A minimum six inches of compacted base course is required under crushed rock, double oil penetration asphalt and hot mixed asphalt surface driveways. Suggested for concrete driveways but not required.

- Parking space for three (3) standard size automobiles must be provided on each lot by the property owner.
- No on-street parking.
- No camper, RV, trailer, mobile home or boat shall be kept on a lot except within an enclosed building which is part of and attached to the main building.
- Visitor RV parking, off-street, on any lot may be for no more than seven (7) days.
- Property owner shall not permanently park nor cause, nor permit to remain in view for more than twenty-four (24) hours any personal recreational mobile vehicle, boat or trailers.
- No recreational vehicle be occupied or lived in while parked on a lot.

Landscaping

- Landscaping Addendum Form must be filled out and signed. (Also see Landscape Addendum above.)
- A drawn to scale landscaping plan must be submitted before any planting or landscaping plan will be considered for approval by the ACC
- Native ground cover shall not harmed, destroyed, or removed except as necessary for the construction and maintenance of roads, driveways, appropriate buildings and approved landscaping.
- No grass lawns, other grasses, plants, vegetable gardens, shrubs or trees may be planted unless specific permission is granted in writing.
- Maximum 1,200 square feet of cool-season sod/lawn allowed or as approved by the ACC.
- No limit to warm-season native grass square footage.
- The use of or installation, including replacement, of railroad ties is prohibited due to the environmental and fire concerns regarding creosote. Creosote is highly combustible, can leach into the soil, killing plants, insects, and small animals, and can pollute the local watershed.

Forest Health and Lot Maintenance

To protect the health, safety, and property of residents, their families and guests, lots must be properly maintained. In the event of a wildfire accumulation of fuels constitutes a nuisance and fire danger to the community, raising insurance costs, and potentially endangering lives and property.

Dead Trees, Thistles and Invasive plants

- No permit required for removal of dead trees or removal of accumulation of forest or yard waste.
- Dead trees must be cut down and removed (unless used on a slope for erosion control).
- Trees which do not have bark beetle infestation may be lain down on a slope for erosion control in accordance with common forestry practices. Limbs must be removed.
- All slash and limbs must be removed from lot. If chipped must be spread out in accordance with common forestry practices.

- Up to a cord and a half of firewood may be kept on a lot with a residence, neatly stacked, cannot be stored under decks and must be away from exterior walls, and covered by an approved fire retardant cover.
- No permit required for removal of thistles or invasive plants.
- Thistle, mistletoe, and non-native grasses and weeds must be cleared using approved abatement methods.

Natural Growth

The native ground cover and growth on each lot shall not be harmed, destroyed or removed from any of the lots in said subdivisions, except as may be necessary for fire safety, the construction and maintenance of roads, driveways, residences, garages and other buildings. (Article V, Section 12)

Lot Maintenance

- No clear cutting lots.
- No brush, trash or other materials shall be burned. No bonfires or incinerators are permitted.
- No garbage, refuse, junk, trash or obnoxious or offensive material shall be permitted to accumulate on any lot.
- Garbage shall be disposed of in accordance with the regulations of the State of New Mexico or by arrangements with Alto Lakes Water & Sanitation District.
- No obnoxious or offensive activity shall be carried on or allowed to exist or be operated upon any lot, nor shall anything be done on any lot which may be or become an annoyance or a nuisance to the neighborhood.
- No work or exploration for any minerals, drilling for water or any minerals, mining or quarrying of any rock minerals soil or material of any nature shall be conducted on any lot or portion thereof,
- No excavation of any nature except incident to the installation of utility services, drainage lines, excavations incident to the grading and preparation of building site, the construction of dwellings and or swimming pools, and the grading of roads and streets, and except for Alto Lakes Water & Sanitation District, which may drill for water as approved by the Office of the State Engineer, land owner and with proper permits.
- No deed, conveyance, agreement or other document shall be executed where there is attempted to be made a conveyance or separation of the surface rights or any lot or lots.

Animals and Livestock

- No animal or fowl of any description shall be raised, housed or kept on any lot, unless as designated below, except that two (2) dogs, two (2) cats or other household pets that are of such a nature as not to interfere with the safety and comfort of adjoining lot owners may be kept on a lot, provided that they are not bred or maintained thereon for any commercial purposes. (Article VII, Section 6H)
- All dogs must be accompanied and leashed when off owner's premises. (Article VII, Section 6H)

- Horses may be kept on Equestrian estate lots, but there must be a residence on the lot, lot must be at least two acres, and not more than two horses per lot, four horses per tract. Riding on premises. (Article III)

Signs

No signs, advertising or bill boards of any kind shall be erected and/or exhibited in any manner on or above the lots in any subdivisions unless otherwise designated or without prior written approval of the ACC. The issuance of approval shall be within the sole discretion of the ACC. The ACC reserves the right to remove any signs posted without the written approvals required herein. (Article VII, Section 5)

- One sign by owner for identification purposes is permitted for each lot. (*No setback requirement.*)
- Permitted signs designated below may not exceed the maximum size of two hundred, sixteen (216) square inches and must be placed at least ten (10') feet back from the front property line of the lot.
- No small triangular flags or advertising banners or small flags attached to rope, wire, string or flag pole may be exhibited upon any lot at any time.

Real Estate Signs

The following policies setting forth standards and requirements for real estate sign usage and display in the Alto Lakes subdivisions have been adopted by the ACC effective August 1, 2013.

1. *Size of Real Estate Signs ("Realty Signs"):* A maximum size of 216 square inches. The size specification is a restatement of the provisions of the Unified Covenants, Section VII 5. (B).
2. *Attachments to Realty Signs:* Nothing may be attached to, or hung from, the permitted 216 square inch Realty Sign in any manner that increases the square inch maximum of the Realty Sign. Any type of attachment which provides additional information, such as a magnetic sign stating "Price Reduced," or, "Contract Pending," must not be positioned such that it laps outside or above, or hangs under, the 216 square inch Realty Sign. One standard sized brochure box (to hold approximately sized 9x12 inch paper advertisements) may be attached to the supporting structure's framework.
3. *Supporting Structures:* No supporting structure, whether frame, post, or surrounding of any kind, or T-shaped, which is used to position and display the Realty Sign may exceed the following measurements: Height: no greater than 4 feet (54 inches), in total, including any fennels, dowels, or decorative ornaments, from ground level. Width: no greater than 3 feet (36 inches), in total, including any fennels, dowels or decorative ornaments.
4. *Material for Supporting Structure:* Supporting structures may be manufactured only from metal or polyvinyl pipe. Wood supporting structures are specifically prohibited.
5. *Color of Supporting Structure:* The color of any supporting structure may be either gray metal or black or white. All other colors are specifically prohibited.
6. *Permitted signs must be placed at least ten (10') feet back from the front property line.* The ACC recognizes the difficulty of strict compliance with this section, whether because of the platting of certain lots, the materials used for driveways and in culverts, the sitting of residences, or the packed conditions of the surrounding terrain.

In the event any realtor who lists properties for sale in the Alto Lakes Subdivisions wishes to alter the structure or color of signs such realtor is currently using for display in the

Alto area, (as of August 1, 2013), it may be required that such realtor make an appointment with the ACC to discuss proposed alterations.

Garage Sale and Open House Signs

Garage Sale and Open House signs require a permit indicating the location of the sign(s) requested. Sign may not to exceed 216 square inches on the property with one directional sign (if needed) to indicate a garage sale or open house present on a secondary road or cul-de-sac, also not to exceed 216 square inches. The owner must be on the premises during the Garage Sale, a real estate agent on premises during the open house, and a copy of the stamped and signed permit must be on the premises for the duration of both.

Political and Temporary Signs

Political and temporary signs which advocate political candidates or positions and temporary signs are prohibited.

Residence Signs

Decorative signs located on a lot identifying the owner, the address, providing similar information, or identifying allegiance with sports or athletic teams shall be subject to the prior written approval of the ACC.

Contractor Signs

Signs advertising or indicating the names of contractors, subcontractors or other providers of services to or for the benefit of any home or other improvement shall be removed within thirty (30) days after the completion of the services provided by such provider. For the purposes hereof, the installation of landscaping shall be considered the completion of such services, ongoing lawn or landscape maintenance shall not be considered an extension of such services.

Variances

The ACC may grant variances from compliance with any of the provisions of the Design Guidelines or the Covenants, when, in the opinion of the ACC, in its sole and absolute discretion, such variance is justified based upon adverse circumstances. Variances granted by the ACC for encroachments into the setbacks must be ratified by the Board of Directors.

Owner must give notice to neighbors at least two weeks before the meeting and public notice in a newspaper. See [*Fee Schedule*](#) below for Variance Filing Fees.

Procedure for Covenant & Policy Violations

Notification and Assessment Procedure

1. A property owner notifies the Inspector or ACC Administrator that a Covenant or Policy Violation may exist, or the Inspector sees a violation in the course of his duties.
2. The ACC Representative confirms whether a violation exists and the location of the violation within two (2) workdays.
3. If a violation exists a certified letter and notification email with a digital picture of said violation will be sent to the property owner giving thirty (30) days to respond to the notification with a plan to correct the violation(s). Note: All lot maintenance of tall grasses, thistles, and weeds are to be addressed within two workdays of notification. If

no response by owner within the two workdays, the Club will address these violations and Property owner will be billed in lieu of fines.

4. If the property owner does not respond to the notification after thirty (30) days the ACC Administrator is authorized to assess the property owner's account the appropriate cost of remedy as described below.
5. Property owners will have a maximum of (30) days to cure all other violations (other than tall grasses, thistles, and weeds) after notification. If Property owner does not cure the violation within (30) days besides being fined, the ACC will direct the Club to cure the violation, and charge the cost to the property owner.
6. Property owner may appeal to the ACC by first coming to a regularly scheduled meeting to dispute the violation or assessment of fines. Only after appeal to the ACC may a Property owner also appeal to the Board of Directors for grievance.

Lot Combination, Splits, and Swaps

Lot Combinations, Splits & Combinations, and Membership Swaps require ACC approval and are then forwarded to the Board of Directors for review and signature by the Board President or General Manager. Once a combination has been completed it is a permanent transaction and cannot be reversed. Annual membership dues are not prorated. Fees are found in the current year *Dues Fee Schedule* available from the Admin Office.

Lot Combinations

The combining of one or more contiguous adjacent lots, all with common ownership, into a single lot such that only one larger lot will remain. The new combined lot will have a new legal description and possibly a new rural route address. (Article III, Section 2)

There are two options for lot combinations. (Selection made at the time of combination.)

7. Combine two or more lots for building purposes but not membership. *No combination fee. Owner and successors in interest continue to pay multiple memberships.*
8. Combine two or more lots for building and membership. *Combination fee per membership eliminated. Pay one membership from then on.*

Lot Splits

A Split involves elimination of one Club membership associated with the Split lot. The combining of a lot split between two adjacent lots with the lot divided in any proportion that equals one hundred percent between the respective lot owners, with the adjacent lot owners' lots to form two larger lots. A single fee plus tax is payable to the Club to combine two lots. Additional lots require additional fees.

Lot Swaps

A Lot Swap is an agreement to swap the memberships between two lots, one with a REGULAR membership and one with a SOCIAL membership. A single fee plus tax is payable to the Club to swap two lot memberships. Additional lots require additional fees.

Fee Schedule Addendum

New Mexico Gross Receipts Tax (NMGRT) is required to be collected for all Non-Refundable fees.

Permit Fees

- Plan Review Fees for Remodel and Additions by sqft
 - 50 to 400 sqft \$100
 - 401 to 1,000 sqft \$150
 - 1,001 to 3,000+ sqft \$250
- Plan Review Fees for New Home Construction \$250
 - First 6 month Permit Extension \$250
- Plan Review Fees Over the Desk
 - Repaint, restucco same color as existing \$50
 - Limited Landscaping (No irrigation) \$50
 - Re-Asphalt, Re-gravel, Re-seal Driveway \$50
 - Replacement with no change in coverage or color (copy VOR) \$50
 - Reroof, no change in coverage (copy VOR) \$50
 - Replace decking no change in deck footprint (copy VOR) \$50
- Requires ACC Meeting
 - Plan Review Fees for all other projects \$50
 - First 6 month extension \$50
- Approved Variance Fee
 - Structural \$500
 - Non-structural \$250

Deposits

A deposit is to be charged to the member's account for all construction projects, to be forfeited upon failure to clean entire lot after inspection notification and refunded at project completion if lot is clean upon inspection of entire lot.

- New Construction \$500
- All other projects \$250

Fines

- Construction without ACC Approval \$500
- Failure to respond to Violation Notification \$250 + \$25/day
- Violations of CCR's or Design Guidelines \$250 + \$25/day
- Inspection fee for work done without permit \$100
- Re-Inspection Fee \$50
- Failure to pick up permit \$50
- Failure to display permit during construction \$50
- Failure to request final inspection \$50
- Failure to return permit before expiration \$50
- Failure to request extension prior to expiration \$50