

The Cliffs at Crystal Mesa Homeowner Association Rules

The Cliffs at Crystal Mesa has established certain standards for use and occupancy of the community. In addition to the CC&Rs and Design Guidelines, the following Homeowner Association Rules support and protect this rare enclave of properties and help define its exclusive nature and identity.

SECTION I: USE OF PROPERTY

1.1 Non-Residential Use. In-home business operations may be conducted in or from a Lot if the business activity (i) complies with applicable zoning requirements, and (ii) is consistent with the residential character of the Community and does not constitute a nuisance, or a hazardous, offensive or illegal use, or threaten the security or safety of others within the Community, as determined by the HOA Board's sole discretion.

1.2 Rental of Homes. An Owner may rent or lease such Owner's Home or a portion thereof, provided that the following conditions are met:

- a. Written Rental Agreements Required. The Owner and the Tenant enter into a written rental or lease agreement specifying that (i) the Tenant shall be subject to all provisions of the Governing Documents, and (ii) a failure to comply with any provision of the Governing Documents shall constitute a default under the rental or lease agreement; Copy of lease to be submitted to HOA.
- b. Tenant Must be Given Documents. The Owner gives each tenant a copy of the Governing Documents. Such documents are not required to be provided in connection with a short term (less than 30-day term) or vacation rental;
- c. Short Term (Vacation) Rentals. Short term vacation rentals are allowed so long as the Owner uses a reputable rental platform for vetting guests, follows all current county guidelines for vacation rentals, and notifies the HOA of the names and contact information of paying guests. Both Owner and Occupants (renting or otherwise) are jointly and severally responsible for any violation to the CC&Rs, Design Guidelines, Homeowner Association Rules, HOA Bylaws, and any other governing documents now or in future existence.

1.3 Leases of Lots. An Owner who leases or otherwise grants occupancy rights to her/his Lot to any person shall be responsible for assuring compliance by the Occupant with all of the provisions of the Governing Documents and Owners and Occupants shall be jointly and severally responsible for any violations by the Occupant thereof.

1.4 No Further Subdivision; Compound Lots. No Lot may be divided or subdivided after it is purchased by an Owner. An Owner may own more than one Lot which, if contiguous, may

be combined as one resulting in a Compound Lot by written notification delivered to the Homeowners Association and compliance with applicable Santa Fe County Lot consolidation requirements. The Owner of a Compound Lot will be entitled to pay dues for one Lot and will be granted only one membership vote in the Homeowners Association for each such Compound Lot. If second lot is sold, the new owner would be required to pay annual dues.

- 1.5 **Violation of Law or Insurance.** No Owner shall permit anything to be done or kept in or upon the Lot which will result in the cancellation, or increase in premium, or reduction in coverage of insurance carried by the Homeowners Association or which would be in violation of any law or other applicable requirement of any governmental authority.
- 1.6 **Camping.** Temporary camping by an Owner on their Lot is allowed for a period of less than 30 days but must be approved in writing by both the HOA Board and DRC, and must meet certain safety, environmental, siting and aesthetics and be located within the building envelope, screened by natural vegetation and/or topography that shields the view from neighboring home sites. Owners who choose to install utility hookups at their campsite require additional written approval from the DRC. Lot Owners must have property insurance and are liable for all activities on their Lot prior to construction. Lot Owners who choose to camp per above stipulations shall comply with all Governing Documents including the Design Guidelines and HOA Rules.
- 1.7 **Fires.** Other than barbecues in properly constructed barbecue pits or grills or outdoor fireplaces (any of which require a working fire extinguisher available and accessible at all times), no open fires shall be allowed on the Property at any time without express written permission on a case-by-case basis from the HOA Board.
- 1.8 **Clearing, Dumping and Incinerators.** To maintain safety and aesthetic standards, there shall be no dumping of trash or rubbish of any kind anywhere on the property, the roads, Common Areas, or on any other Lots. No incinerators or outdoor kilns shall be kept or used on a Lot. Organics such as trees, brush, dirt, rock and other natural materials removed during landscape or building site clearing can be buried on the Owners Lot so long as the disturbed area is reseeded with native grasses and wildflowers.
- 1.9 **Mining, Drilling and Resource Harvesting.** Owners can harvest rock and timber for personal use from Owners Lot, but not for commercial use including but not limited to reselling of rock, wood, or other materials. There shall be no mining, quarrying, drilling, boring, exploring for or removing oil, gas, other hydrocarbons, or minerals of any kind.

SECTION II: OCCUPANCY OF PROPERTY

- 2.1 **Safe and Respectful Occupancy.** Each Owner shall maintain the Lot at all times in a safe, sound and sanitary condition and shall correct any condition or refrain from any activity

which might interfere with the reasonable enjoyment by other Owners and Occupants. No activity or action shall occur on the Property that results in unreasonable noise, odor, vibration, light or visual aesthetics.

2.2 Aesthetic Integrity. Owners shall maintain Lots in an aesthetically pleasing manner keeping with the natural character of the terrain and neighborhood. No junk or debris (including mechanical or vehicular) shall accumulate on any Lot. Tool storage, drying clothes, etc shall be appropriately located in buildings or screened from view in accordance with the Design Guidelines. Any improvements to a Lot, including signage, lighting, antennas, fencing, landscaping, etc must be in accordance with the Design Guidelines.

2.3 Nuisance & Hazardous Activities. No noxious, harmful, hazardous or offensive activities shall be carried out on any Lot or Common Area. Nor shall anything be done or placed on any Lot or Common Area that interferes with or jeopardizes the enjoyment of, or that is a source of annoyance to other Owners and Occupants. No firearms or fireworks shall be discharged upon any Lot or Common Area. No hunting or target practice shall be permitted within the Community.

2.4 Animals. No animals shall be kept, bred or raised within the Property for commercial purposes. In no event shall any animal be allowed to roam free away from its Owner's Lot without a leash or other form of proper physical restraint, or conduct itself so as to create an unreasonable auditory or olfactory annoyance. All animals on the Property shall be documented and have proof of appropriate immunization, compliant with State and County Licensing requirements. No exotic animals, livestock, reptiles, or domestic farm animals may be kept, bred or maintained on any Lot except a reasonable number of commonly accepted household pets (or with the express written permission from the HOA Board). The Homeowners Association reserves the right to review and enforce on a case-by-case basis the definition of "a reasonable number of commonly accepted household pets" kept on any Lot.

2.5 Vehicles. Gas powered ATV's, dirt bikes, minibikes, go-carts and the like, may not be ridden on the hiking (Common Trails), or the Community Roads (except for entering or exiting the property and may not be ridden in an unsafe manner when doing so). The only vehicles allowed on the Common Trails are bicycles, electric mountain bikes, electric ATVs and those specifically permitted by the HOA for maintenance and surveying purposes. Recreational vehicles, boats etc. should be stored in a garage or be otherwise appropriately screened (per the Design Guidelines) from Neighboring Lots and Common Areas and Common Roads. Vehicles in a state of disrepair must be removed from the Property or otherwise stored in a garage for appropriate maintenance.