

MARKUP #1 ->

7.3 Maintenance by Owners. Each Owner or Occupant shall keep the Lot and the Structures on the Lot in a good state of repair and cleanliness. Owners are solely responsible for taking care to minimize the flowering seed heads of invasive and noxious weed species on their lots and dispose of these in accordance with community guidelines.

7.4 Peaceful Enjoyment. No activity shall be allowed that interferes unduly or unreasonably with the peaceful possession, safety, and proper use of the Subdivision by the Owners, nor shall any fire hazard or unsightly accumulation of refuse be allowed. No devices shall be permitted outdoors on any Property that emit unreasonably continuous and ongoing audible sounds.

7.5 Animals. Animals are welcome and encouraged as having a pet is understood to provide companionship, reduce stress, lower blood pressure, and increase social interaction and physical activity. No animals may be kept or maintained on any Lot in a manner or number that the Association (acting through its Board) determines to constitute a nuisance or to unreasonably disrupt and disturb quiet enjoyment of the Property, whether by reason of noise, habits, odors, or otherwise, notwithstanding anything to the contrary above. Each Lot may have a maximum of three (3) dogs or cats or any combination thereof (a maximum of three animals), exclusive of litters of such pets which must be relocated outside the Subdivision within four (4) months of birth. All permitted animals shall be confined to the Owner’s Lot when on the Property unless on leash and under human control. Enclosures for animals shall be constructed in accordance with this Declaration. Large animals, such as horses, pigs, sheep, cows or goats, wild animals, or any other agricultural animals shall not be maintained on any Lot. The Board of Directors shall have the right to order the removal of any animals which are kept in violation of this Declaration. See Article 15 (enforcement, hearing, and appeal provisions). The Association may adopt further rules regarding animals.

ISSUE #1

7.6 Signs. No billboards or advertising signs are permitted on any Lot or on any building except a name plate of the occupant of any Residence located on such Residence. No sign or name plate is allowed to exceed one (1) square foot in size. House numbers should be clearly visible to emergency responders and delivery drivers. Temporary signs for gatherings, garage sales, open houses and similar events, and for elections, are permitted provided such signs are each no more than six square feet in size and are removed within twenty-four (24) hours after the end of the event. ~~If not removed, these temporary signs may be removed by the Board or its agents without notice to any Owner.~~ Temporary construction signs are restricted as provided in §11.15. This restriction shall not apply to a single open-house sign, advertising the sale of a Residence, which may be posted directly in front of a Lot only during actual open-house hours. An Owner shall be permitted to install a standard real estate sign on her Lot for any re-sale of that Lot. Temporary political campaign signs shall be permitted up to a total of six (6) square feet per Lot. Such signs may be erected no earlier than sixty (60) days prior to any primary or general election and they shall be removed within three (3) days after the election to which the sign pertains. No other signs are allowed to be posted on a Lot or on the Common Property.

7.7 Lighting. Lighting should conform to the Town of Taos Outdoor Lighting Ordinance, which follows and enhances the New Mexico Night Sky Protection Act. All exterior lights must be downlit and located so as not to be directed toward or illuminating surrounding Lots or the Common Property. All exterior lighting must be shown on the Development Plan and approved

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 7.6 (p. 20): Covenant prohibits the display of U.S./State flags or political signs on an owner's property in violation of federal and New Mexico common-interest community protections.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & NMSA 1978, §§ 47-16-1 to 47-16-19 (New Mexico Homeowners Association Act) & 16.61.32 NMAC (NMREC HOA Disclosure Rules)

Statutory Comparison: Under the Freedom to Display the American Flag Act (4 U.S.C. § 5) and New Mexico Homeowners Association Act principles (NMSA 1978, §§ 47-16-1 et seq.), an association may not prohibit a lot or unit owner from respectfully displaying the flag of the United States or displaying political/election signs on the owner's exclusive-use property, subject only to reasonable, content-neutral size and placement rules.

CURRENT WORDING IN DOCUMENT:

Signs. No billboards or advertising signs are permitted on any Lot or on any building except a name plate of the occupant of any Residence located on such Residence. No sign or name plate is allowed to exceed one (1) square foot in size. House numbers should be clearly visible to emergency responders and delivery drivers. Temporary signs for gatherings, garage sales, open houses and similar events, and for elections, are permitted provided such signs are each no more than six square feet in size and are removed within twenty-four (24)

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Consistent with 4 U.S.C. § 5 and the New Mexico Homeowners Association Act (NMSA 1978, §§ 47-16-1 et seq.), nothing in the community documents shall prohibit the respectful display of the flag of the United States or the State of New Mexico, or the display of political election signs on an owner's lot or unit, subject to reasonable size and placement guidelines.