



Property Owners Association

May 1, 2009 (Revision)

Community Construction Regulations

General Overview

The construction of a new home or the remodel/renovation of parts of an existing home can be an exciting time for the property owner, and for nearby residents of the community. However, too often, construction or remodeling projects become times of damage and dismay for others in the community.

These construction regulations have been crafted to fulfill Colorado Senate Bill 100, which was signed into law in 2005. The state bill became fully effective in 2006. The first version of this document was prepared and adopted by the Sage Creek Canyon Property Owners Association Board of Directors in 2006, and was distributed to all members at the Annual meeting held in 2006.

At its essence, Senate Bill 100, as adopted and thereafter amended by the Colorado Legislature, requires Property Owners Associations and Homeowners Associations be clear about all policies and regulations of the community, and to fully inform all interested parties in the community of those policies and regulations.

This document has been created to clarify the expectations of the Sage Creek Canyon Property Owners Association (POA) concerning significant building projects undertaken in the community. It is the intention of the Property Owners Association and its Board of Directors (Board) to make clear the expectations of the community with regard to protection of community interests and the interests of individual property owners within the community. It is hoped that a better informed constituency will improve communication, understanding, and adherence to these policies. While punitive action is not the intention of the POA or its Board, failure to meet the regulations set forth in this document may result in fines and/or legal actions if appropriate.

Perhaps more importantly, this document seeks to avoid some of the nightmares which have accompanied building projects in Sage Creek Canyon in the past. With a high degree of frequency, community interests, such as roadways and the fresh water

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delivery infrastructure, have been damaged during the course of individual construction projects. With similar frequency, the interests of uninvolved neighboring property owners have been negatively impacted by a significant construction project. It is the hope of the Board that these regulations can minimize such unfortunate occurrences in the future.

Scope of the Regulations

While these regulations apply to ALL construction that might take place in the community, they most often and most specifically apply to construction projects that could be termed “significant”. The scope of a project will be determined by the Board of Directors, in cooperation with a property owner, as the Architectural Approval Application process is pursued.

A “significant project” is defined as a new construction build, or a renovation where the total cost of the work is anticipated to (or actually does) exceed \$50,000.00; or, where excavation (of any scope) will be required during the project. A work project not requiring significant exterior construction, and not requiring large construction and excavation vehicles to traverse community roadways, does not meet the threshold of “significant project”. A “significant” building project would include the construction of a new primary residence. It would also define the addition of a garage or other outbuilding to an existing home. Further, it would also define the major remodel or reconstruction of an existing home.

Major exterior construction involving heavy duty excavation, like the emergency repair of a septic system, would be considered a “significant” project. The heavy use of community roadways by construction vehicles and/or other heavy equipment is a major concern, and may trigger the definition of “significant”.

In contrast, painting the exterior of a structure, replacing an existing roof or deck, or other maintenance type replacement, are generally NOT considered “significant”. Smaller projects, especially interior projects such as the renovation of a kitchen or bedroom, likely will not rise to the threshold of a “significant” project. Projects that do not require the review by the Architectural Review Committee and the Board of Directors may fall outside of the scope of these regulations.

Authority to Build

It is the responsibility of the property owner initiating a new construction build or causing ANY exterior alterations to an existing home or property to seek approval for the project from the Board of Directors. The Architectural Review Committee will assist any property owner in completing the Architectural Review Application, and preparing to

personally present the project to the Board for consideration. The community covenants are clear about redress should construction take place without appropriate approvals.

■ **Acknowledgement of Regulations**

No construction will commence prior to the issuance of above referenced authority from the Board of Directors. In addition, construction may commence only after the dated signatures of the property owner(s), and the contractor in charge of the project have been affixed to a copy of this document in the presence of a member of the Board of Directors for the Association (see below). There will be no exceptions to this regulation, and verbal conversations, discussions, or consent are not an acceptable substitute.

“Best Practices”

The Sage Creek Canyon Property Owners Association and its Board of Directors expects that all construction personnel will adhere to the commonly accepted rule of “Best Practice”. These rules span the full scope of the construction project and are intended to assure a professionally operated, supervised, and safe construction site. Such practices assure that the environment is protected, and that all persons within the community, including construction and delivery personnel, are treated in the most professional and safe manner.

It is expected that all aspects of the construction site will be monitored by the General Contractor, or his/her designee for strict compliance to OSHA regulations. In the final analysis, the property owner is responsible for all actions occurring on his/her property.

It is expected that all vegetation on/near the site will be protected. Obviously, removal of trees and vegetation which must be disturbed or destroyed for the actual construction envelope is permitted. Every effort must be undertaken to preserve all vegetation not slated to be disturbed by the actual excavation. Within twelve months from the end of construction, the site must be appropriately landscaped or restored according to the plans approved by the Board. This would include the removal of ALL construction equipment, construction spoils, left-over construction materials, etc. Failure to restore the natural vegetation and or landscaping on the lot may result in the imposition of other penalties as appropriate. [The “end” of construction is defined as at point in time where human occupancy is permitted by the County of Summit, signified by the issuance of a Certificate of Occupancy].

Liability and Enforcement

Once initial project approval is received from Summit County and from the POA the project may get underway. At least one member of the Architectural Review Committee and/or the Board of Directors will be the primary liaison with the property owner. Members of the Board and/or Architectural Review Committee will make regular visits to the work site to assure community interests are being protected.

Any violation of the Community Covenants, the Construction Regulations, or other related regulations or guidelines by an Owner's Agent, representative, General Contractor, Sub-Contractor, or supplier shall be deemed a violation by the property owner, whether the violation takes place on the job site or elsewhere in the community.

Construction Insurance Requirements

All contractors must provide proof of insurance to the property owner and also to the Board of Directors for the Association before entering the construction site or beginning any onsite construction or excavation work. The certificates of insurance must name the property owner and "Sage Creek Canyon Property Owners Association" as certificate holders. The required insurance must provide coverage not less than the applicable minimums for coverage related to comprehensive general liability, automotive liability and worker's compensation (or an exemption there from).

The minimum limits of liability shall not be less than \$1,000,000.00 each for general liability and automobile liability. General Liability coverage shall contain provisions for contractual liability and broad form property damage. The certificate holders shall be notified in the event of cancellation or a material change in the limits of coverage.

■ Construction Fee

A Construction Fee shall be provided to the Association, through the Board of Directors, prior to the commencement of any construction activities on a "significant" project. The amount of the non-refundable fee shall be set as follows:

<u>Contracted Cost of Build/Renovation</u>	<u>Construction Fee</u>
Maintenance – no heavy equipment	No fee
Maintenance - requiring heavy equipment	\$ 500.00
Construction costing up to \$ 50,000.00	No Fee
Construction needing heavy equipment Up to \$ 50,000.00	\$ 500.00
\$ 50,000.00 - \$ 100,000.00	\$ 2,000.00
\$ 100,000.01 - \$ 500,000.00	\$ 5,000.00

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Contracted Cost of Build/Renovation

\$ 500,000.00 - \$ 999,999.99
\$ 1,000,000.00 or above

Construction Fee

\$ 7,500.00
\$ 10,000.00

The purpose of the Construction Fee is to assure that all community interests are protected during all phases of the project. Prior to any construction activities, a clear written and photographic record will be established by the Board and/or the property owner concerning the building site, the surrounding environs, the community roadways, and other community infrastructure. Those records, along with the approved architectural building and site plans will become the “historical reference” for the building project. Determination of adherence to these construction regulations will, in part, rely on said “historical reference”.

The Board of Directors will closely monitor all construction activities on the site. The construction fees may be used to remediate any/all impacts to the community caused by the building project. Particular attention will be given to the items listed below. The Board of Directors and/or the Association Roads Committee will use any construction fees to repair the road and/or water infrastructure which will be damaged by the extraordinary use of the roadway system by heavy equipment and other delivery and excavation equipment. The Association, through the Board of Directors, may, in extraordinary circumstances, refund a portion of the Construction Fee if the construction project has been demonstrably trouble free, and there have been NO documented violations of Community Covenants or these Construction Regulations.

Site Requirements

■ Signage

The community will allow one temporary construction sign to be placed on the site. The sign may be no larger than six (6) total square feet of surface area. The primary purpose of the sign is for site identification. Appropriate information on the sign may include: the name, address, telephone number, license number of the General Contractor and/or the architect. Appropriate information identifying the property owner and job site may be included. The sign may only be located on the site during the time of active construction.

■ Protection of Neighboring Properties

The integrity, privacy, and protection of all neighboring home sites and all community interests must be maintained. There can be no ingress or egress to the construction site over neighboring properties. There may be no parking of vehicles in any place other than the construction site as described elsewhere in these regulations. No construction trash or debris of any kind should encroach on neighboring properties. Should inadvertent trash or debris become located on any other property, it is the

responsibility of the property owner of the construction site (or his/her agents) to assure it is quickly removed and properly disposed of.

■ **Construction Trailer**

Construction Field Offices, such as those housed in vehicles or trailers are not permitted in Sage Creek Canyon.

Community Roadways, Vehicles

■ **Care of Roadways**

All roadways, and associated swales, diversions, drainages, drainage culverts or pipes, and signs are under the sole control of the POA and its Board of Directors. No individual property owner or agent thereof may cause any repairs, changes, excavations, or other alterations to be made to community roadways under any circumstances. The Board will provide all supervision and care for all community roadways, road easements, swales, drainage structures, signs, etc.

Should approved site plans indicate a swale, culvert, or other water diversion system be installed as part of the construction project, said construction must adhere to those site plans. Should circumstances change during the course of the project, the property owner may petition the Board in writing for a “change” to the previously approved plans. The Board of Directors shall have up to 20 work days in which to respond to such a “change” request. Failure to install storm water control systems, as indicated on approved site plans, will result in penalties, and will force the Association to cause the installation of said water control systems at the expense of the property owner.

■ **Speed Limits, Road Regulations**

All vehicles associated with the construction project must drive prudently within the community, and obey all speed limits and traffic regulations. The speed limit within the community is 17 MPH. Failure to obey traffic speeds and regulations may result in an offending vehicle and driver being banned from the community, and the application of appropriate fines by the Board. In extreme cases, violators may be subject to law enforcement activities from local authorities.

■ **Vehicles**

No tracked vehicles may be operated on community roadways at any time. Tracks are defined as the metal mobility devices that move large excavation and other heavy equipment. Only rubber tired vehicles may be operated on community roadways. All other service vehicles must be brought to and from the site by trailer.

Only emergency vehicle repairs may be accomplished on the construction site. Such emergency repairs may be needed to restore a truck, tractor, or other construction

vehicle to service. Normal maintenance, such as oil changes on trucks, loaders, “bobcats”, or passenger vehicles, etc. may not be undertaken. In all cases extreme care must be exercised to avoid the spillage of any petrochemical or its derivative (oil, gasoline, lubrication greases, etc.)

■ **Bridge Damage**

The Sage Creek Canyon community is accessed by a vehicular bridge which spans the Blue River. During construction projects in the community, the bridge frequently suffers damage from vehicles servicing the construction site. With great regularity, no one will admit to creating the damage, and the community as a whole must pay to have the bridge repaired. It is the responsibility of the Property Owner to assure that persons traveling to the construction site do so in a safe manner. Should a construction or other vehicle damage the bridge, and not accept responsibility for the damage, legal remedy and community punitive action will be brought against the property owner and the General Contractor. (This assumes that the damage was witnessed.) The scope of the punitive action is set forth in the community “Rules, Regulations, and Policies”.

■ **Community Water Taps**

The Sage Creek Canyon POA operates its own municipal fresh water supply. The operation of this water system is state supervised, monitored, and licensed. It is imperative that the integrity of that system be safeguarded at all costs.

All construction activities should take place in such a manner that the integrity of the fresh water infrastructure is not damaged. It is the responsibility of the property owner to assure that the location of such water lines is clearly marked, and that all excavation and construction activities avoid these lines.

Should the construction/renovation activities involve tapping into a Sage Creek Canyon water supply line, a member of the Board of Directors **must be physically present** and must observe all such connections to the community system. No tap into the fresh water system may be accomplished until the appropriate tap fee has been provided to the Association. All taps into the community fresh water system must be “wet”. Appropriate drawings and photographs must be created to establish the connections and their locations. Each residence in the community receiving water from the community fresh water supply system must have a “curb stop” valve which isolates their local water connection from the community system. The location of this “curb stop” must be identified to the Board in writing.

All curb stops must be painted light blue in color, and must have an identifying stake that rises at least one foot above ground immediately adjacent to the curb stop location.

■ **Temporary Occupancy**

At no time shall ANY persons be allowed to reside on the property, or inside the structure under construction. This includes sleeping in vehicles of any kind. There shall

be no parking of trailers, campers, recreational vehicles, or any similar vehicle on the property at any time. There shall be no overnight occupancy of any covered truck bed, tent, or other temporary structure.

■ **Excavation**

During the entire construction period, NO excavation shall be permitted on the site, or on any other community or private property (to include community roadways and easements), without prior written permission from the Board of Directors. This includes the placement of all basement/crawl spaces, utility line installation, sewage/septic facilities, or any other activity that requires digging in the ground in any manner. (The use of a hand shovel for minor excavation may be provided exemption by the Board of Directors.) The excavation policy is also specifically directed at utility personnel, their contractors, sub-contractors, agents, or representatives who may not be directly employed or contracted by the general contractor for the project. This requirement is included to protect community and other interests which may not be a matter of record or available to “locates” personnel.

The Board of Directors will be responsive to bona fide emergency requests to excavate, which must be made in writing to a member of the Board of Directors. A member of the Board of Directors, or their designee, must be present at the time of excavation. A photographic record of any excavation will be secured and maintained by the Board of Directors.

At no time shall an excavation project completely close a community roadway. It is expected that emergency fire, medical, law enforcement and other emergency services have unimpeded and immediate access to all locations in the community at all times. Should partial closure of any roadway be required, the Board of Directors must be provided written notification at least 14 calendar days in advance. In the case of an emergency need, the Board may be telephonically notified, with written confirmation to follow.

Should excavation of a roadway be required, the safe and appropriate display of cones, traffic control devices (signs), or flaggers shall be conspicuously employed. Such signage or other devices shall conform to Colorado Department of Transportation and Summit County standards. Such signage will be placed, at a minimum, at 100’ and 500’ distances from the site of the roadway excavation – in both directions.

Any excavation site which must be left open overnight shall be clearly and appropriately marked so as to insure the safety of all persons.

Any violation of the excavation policy shall be subject to an immediate “cease and desist” order from the Association, and a mandatory minimum fine of \$ 1,000.00. The property owner shall be directly responsible for adherence to this policy. Such authority may NOT be conveyed to any other party or contractor. Permission to resume

excavation activities may be provided by the Board of Directors, in writing, upon the remediation of all violations of the construction policies.

■ **Parking**

Within reasonable standards, all construction parking ought to be accommodated on the construction site. Whenever this is not reasonable or feasible, temporary parking is allowed on the side of the community roadway nearest the construction site. Parking is allowed on one side of the street only. Under no circumstances will any parking situations be allowed to block clear and immediate access to any part of the community by emergency vehicles. (Remember that a full sized fire vehicle needs a minimum width of 10 feet of access space!)

■ **Trash and Disposal**

Contractors and/or property owners will assure that all trash and debris is cleaned at the end of each work day. A covered commercial dumpster must be situated on site at all times during the construction cycle for the purpose of containment of all construction waste and packaging materials. The trash receptacle must be emptied on a timely basis. All contractors, their subs and or agents, and the property owner are prohibited from dumping, burying, or burning anywhere in the community. All heavy debris, such as broken stone or wood scraps must be similarly removed from the site. No concrete wash may be caused to exist in any other place than the construction site. Before the end of the construction cycle the concrete waste/wash must be disposed of in a public waste site as well. Should the construction site not be maintained in a professional and clean manner, the Property Owners Association may cause the site to be brought into compliance, with all associated costs borne by the property owner or his agent.

■ **Sanitary Facilities**

The General Contractor, his/her agents, and the property owner are responsible for assuring that adequate sanitary facilities are available for the use of all jobsite personnel for the entire period of the construction cycle. If a portable toilet is used, it must be located in a secluded and unobtrusive area of the construction site. It should be as minimally visible as possible. Each portable toilet must be serviced as often as necessary to assure it does not attract insects or other animals, and does not omit objectionable odors.

■ **Firearms**

The possession or discharge of any firearm within the community is strictly prohibited.

■ **Pets on site**

It is recommended that pets not be brought to the construction site by any construction personnel. Should it be necessary to have a pet (other than the property owners pet) on the site, said pet must be leashed at all times. At no time should barking, whining, or other pet sounds disturb the community in any way. Remedies for violations

of this regulation may be community related, and/or through the Sheriff's Office, and may include seizure of the offending animal.

Hours of Construction

Construction activity which may generate noise that would be audible beyond the property boundary (hammering, sawing, excavation work, the running of compressors or heavy equipment) may be conducted only during the following hours. These hours also apply to concrete or materials delivery:

Monday through Friday: 7:00 AM to 7:00 PM

Saturday: 8:00 AM to 6:00 PM

Sunday: 9:00 AM to 6:00 PM

The playing of radios or other entertainment devices is governed by these hours. During hours of construction, the sound from such devices must not be audible beyond the construction property perimeter.

Enforcement and Fines

It is the hope of the POA and its Board of Directors that these construction regulations will help to assure a safe working environment for construction personnel, and also assure that the interests of all others persons in the community (as well as the interests of the community as a whole) are respected. However, these construction regulations are not simply suggestions. It is the strong desire of the Board not to have to bring punitive action in any case. However, if it becomes necessary to protect the community from willful and continuing violations of these regulations, the Board will, as a matter of last resort, employ the use of fines and/or legal action to encourage compliance. Should such enforcement become necessary, the procedures and possible fine schedule promulgated in the Community Rules, Regulations, and Policies will be used.

Summit County will not issue a property owner a Certificate of Occupancy (CO) for any dwelling until the Sage Creek Canyon Property Owners Association, through its Board of Directors, has provide written agreement that the project has been successfully completed, and has complied with all applicable community building regulations.

Appropriate legal actions may include the placement of a lien against the property should fine amounts not be available under the bond. Should any legal costs be incurred on behalf of the community in assuring compliance with these regulations, such costs are the responsibility of the property owner as set forth in the community Bylaws.

Signature and Acknowledgement Page follows.

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Signatures of Acknowledgement

Signature of Property Owner(s)

Property Owner Signature

Property Owner Signature

Printed Name

Printed Name

Physical Street Address

PO Box (if Appropriate)

Town, State, Zip

Telephone Numbers

Signature of the General Contractor

Contractor Signature

Company Name

Company Address, Phone

License Number