

APPENDIX 7.7

CONSTRUCTION ACTIVITIES AND COMPLIANCE DEPOSIT REGULATIONS

In order to ensure that property is not irreparably damaged from Construction Activity and to protect the lifestyle of Arrowhead residents, the following construction regulations will be strictly enforced by Arrowhead Public Safety and the DRC. Failure to comply with any or all regulations will result in penalty fines and/or an order by the Arrowhead at Vail Association and agreement by the Owner of the property to cease construction until the violation is corrected. These regulations shall be a part of the construction contract document specifications for each building, and all contractors and Owners shall abide by these regulations. Contractors and Owners are also responsible for abiding by all applicable construction regulations of Eagle County and the State of Colorado.

7.7.1 Pre-Construction Approvals and Process

The Applicant must complete the following items before any site work or Construction Activity may occur. In no event shall an Owner request a building permit from the Eagle County Building Department prior to the DRC's approval of the proposed Construction Activity. Nor shall the Owner commence any Construction Activity before obtaining the DRC's approval for construction or obtaining an Eagle County building permit.

- a Submit final working drawings to DRC staff for review and approval (if required);
- b The Owner must submit a Compliance Deposit to the DRC in accordance with Section 6.2.
- c The Contractor must submit a Construction Management Plan to the DRC office indicating the locations of the following:
 - 1) Construction fence confining all Construction Activity;
 - 2) The size and location of construction material storage;
 - 3) The limits of disturbance;
 - 4) Parking;
 - 5) Chemical toilet;
 - 6) Temporary Structure(s);
 - 7) Dumpster and food trash container;
 - 8) Utility trenching; and
 - 9) Construction sign

Pre-Construction meeting – The Applicant must arrange for a meeting with the DRC staff and Arrowhead Public Safety. The Applicant must coordinate the onsite staking of the footprint of all improvements to be constructed on the site, relative to the platted building envelope and limits of construction.

- d Arrowhead Design Guidelines 2 Any Owner who commences a Construction Activity prior to completing the preconstruction process will be fined \$500 for each offense. The payment of a fine does not release the Owner from obligations set forth in these Regulations.

7.7.2 Compliance Deposit

Prior to commencing any Construction Activity on a lot, the Owner shall deliver a Compliance Deposit to the DRC, on behalf of the Association, as security for the Owner's full and faithful performance of its Construction Activity in accordance with its approved final plans and this Regulation. Reference Appendix D for further information regarding the Compliance Deposit.

7.7.3 Construction Inspections

In addition to any inspections required by the Eagle County Building Department, the District and any other governmental or quasi-governmental entity with jurisdiction over the Construction Site, an Owner must schedule the following inspections with the DRC:

- a **Foundation Inspection**
Upon completion of the foundation, the Owner shall request a Foundation Inspection from the DRC and submit to the DRC an Improvement Location Certificate (ILC) for the Construction Site. The ILC stamped and signed by an engineer or surveyor registered in the State of Colorado must show the location of all permanent improvements located on the site. Thereafter, the DRC will inspect the foundation to ensure that the Construction Activity is being performed in compliance with the approved final working drawings and these regulations.
- b **Framing Inspection**
After the framing is complete, the Owner shall request a Framing Inspection from the DRC and submit to the DRC an ILC for the Construction Site. The ILC stamped and signed by an engineer or surveyor registered in the State of Colorado must show the location of all permanent improvements and indicate the highest roof ridge of the improvement. Thereafter, the DRC will inspect the framing to ensure that the Construction Activity is being performed in compliance with the approved final working drawings and these regulations.
- c **Temporary Certificate of Compliance Inspection**
Upon substantial completion of the Construction Activity, the Owner may request a Temporary Certificate of Compliance (TCOC) inspection from the DRC. Thereafter, the DRC shall inspect the Construction Site to ensure that the Construction Activity is substantially complete and has been performed in compliance with the approved final working drawings and the Guidelines.

d Final Inspection -Certificate of Compliance

Upon final completion of all portions of the Construction Activity, including all landscaping required in connection therewith and all remedial work that the DRC required the Owner to perform following the Temporary Certificate of Compliance inspection, the Owner shall request a final inspection from the DRC. The DRC shall inspect the Construction Site to ensure that all portions of the Construction Activity, including all such landscaping and remedial work are fully complete and have been performed in compliance with the approved final working drawings and the Guidelines Regulation. Should the Construction Activity be determined to be complete and in compliance with the approved final working drawings and this Regulation, a Certificate of Compliance shall be issued.

The DRC may enter upon a Construction Site at any reasonable time to inspect the progress of a Construction Activity and ensure compliance with approved final plans and the Guidelines.

7.7.4 Certificate of Compliance and Certificate of Occupancy

“Certificates of Compliance” are issued by the DRC. The Eagle County Building Department issues Certificates of Occupancy. **An Owner may not occupy or otherwise use any improvement constructed on a Construction Site until it has received a Certificate of Compliance or Temporary Certificate of Compliance from the DRC, and a Certificate of Occupancy or a Temporary Certificate of Occupancy from the Eagle County Building Department.**

If an Owner has performed the Construction Activity in compliance with the approved final plans and this section, but certain insubstantial details of construction or landscaping remain to be completed, the DRC may, but is not required to, issue a Temporary Certificate of Compliance. If the Owner has failed to perform the Construction Activity in compliance with its approved final plans and this Regulation, the Owner shall promptly perform such remedial work as the DRC shall require. The DRC may condition its issuance of a Temporary Certificate of Compliance upon an increase in the amount of the Owner’s Compliance Deposit as described in Appendix D.

If an Owner has completed the Construction Activity in compliance with the approved final plans and these regulations, the DRC will issue a **Certificate of Compliance**.

In no event should an Owner apply for a Temporary Certificate of Occupancy from the Eagle County Building Department without first having obtained a Temporary Certificate of Compliance from the DRC. Similarly, in no event should an Owner apply for a Certificate of Occupancy from the Eagle County Building Department without first having obtained a Certificate of Compliance from the DRC.

7.7.5 Construction Site Management

The following regulations will be strictly enforced during all phases of Construction Activity. Failure to comply with any of the construction regulations below can, and may result in the issuance of a written warning, notification of a fine, and the levy of a fine.

a Erosion and Sediment Control

An Erosion Control Plan and a permanent Revegetation Plan must be approved by the DRC prior to construction. The Owner shall ensure that all Construction Activity is performed in compliance with these plans. In addition, the Owner shall ensure that trees not authorized for removal are not damaged; brush, surplus soil, and other excavated debris are promptly removed from the Construction Site.

During construction, erosion shall be minimized through proper soil stabilization, water control and timely revegetation. The contractor shall implement all control techniques outlined in the approved Erosion Control and Revegetation Plan.

b Construction Access

Construction access and parking limitations for each Construction Site will be established by Arrowhead Public Safety and the DRC during the pre-construction meeting and set forth in the Construction Management Plan.

c Construction Trailers or Temporary Structures

Temporary Structures may be maintained on a Construction Site; however, temporary living quarters are not permitted on a Construction Site. All Temporary Structures erected on a Construction Site shall be screened to minimize the visual impact to other Owners and Guests and shall be removed within thirty days after completion of the Construction Activity.

d Storage of Construction Material and Equipment

Storage areas shall be designated and fenced according to the approved Construction Management Plan. The contractor will be responsible for the maintenance of these areas.

e Daily Operation

CONSTRUCTION HOURS

MONDAY - FRIDAY	7:30 AM	6:30 PM
SATURDAY	8:00 AM	5:00 PM

Extended working hours from 6:30 p.m. to 9:00 p.m. as well as any work on Sundays and holidays must be approved by Arrowhead Public Safety and shall be limited to a fully enclosed structure with no extended hours allowed Saturday, Sunday and holidays. Absolutely no work will be allowed between the hours of 9:00 p.m. and 7:00 a.m.

f Dust

Every effort should be made to control dust emitted from a construction area. The contractor is responsible for controlling excessive dust by an approved dust abatement method. During all Construction Activity, all driveway, parking, and laydown areas must be either covered with at least two inches of three/quarter inch screened rock or be treated with an approved dust control method. In addition, watering must be used to control dust created by any Construction Activity.

g Noise

Each Owner shall use all reasonable efforts to minimize external noise resulting from its Construction Activity. Radios or other amplified devices are limited to use within structures, which are fully enclosed and must be kept at a volume that contains the sound within the structure.

h Blasting

No blasting shall be performed on any Construction Site without the Public Safety Department's prior consent. Blasting may be subject to certain restrictions, which will be determined by the Public Safety Department in its sole and absolute discretion and which may vary from Construction Site to Construction Site. Twenty-four (24) hours notice is required in order to inform Owners and guests of the projected blasting.

i Excavation

Extreme care shall be taken during excavation to insure that brush, surplus soil, and other excavated debris be properly removed from the building site. Excess excavation material shall be removed from Arrowhead unless other arrangements have been made with Arrowhead Public Safety. The material shall not be placed in common areas, roads, or other lots. Excavation, except for utility trenching, shall be done on the Construction Site only.

j Protection of Property and Fencing

An Owner's Construction Activity shall be limited to its Construction Site, unless the DRC or Public Safety Department provides specific written authorization to the contrary. Access to the lot shall be only from the approved road adjoining the Construction Site. An Owner shall restore promptly any adjacent lots or roads damaged during its Construction Activity to the DRC's satisfaction. The contractor shall ensure that a temporary visual screen or temporary fence of not less than six (6) feet in height is constructed and maintained along the limits of disturbance line. The fence shall be a chain-link with privacy screening. Plastic fencing is not allowed. The fence must be installed before any Construction Activity is to occur.

k Debris and Trash Removal

Proper disposal of refuse and storage of material is the Owner's and the contractor's responsibility. If necessary, any dumpsters must be located on-site. Construction areas shall always be kept free of unnecessary debris and litter. Once a trash dumpster is one-half (1/2) full, it shall be covered with a cover supplied by the Owner of the dumpster, or with a cover that has been approved by Public Safety, until emptied or removed from the Construction Site. Debris and trash shall be removed on a weekly basis, or as needed and be hauled to a designated municipal landfill outside Arrowhead. All food trash must be placed in an animal resistant container. Should it be necessary for Arrowhead Public Safety to pick-up trash coming from the Construction Site or to remove trash from the Construction Site due to the contractor's failure to do so, the cost of said trash pick-up removal will be billed to the contractor. The project completion review and construction deposit will not be issued or refunded by the Design Review Committee until said bill is paid in full.

l Vehicles and Parking

Construction Vehicles shall gain access to Construction Sites only from existing roads adjacent to the Construction Sites. Construction vehicles and equipment shall be parked within a Construction Site or within the Site on which the Construction Activity occurs. No Construction vehicle shall be parked on or along roads within Arrowhead nor upon or within Arrowhead Metropolitan District right-of-ways. The Owner of a Construction Site shall submit a written Parking and Transportation Plan to the Public Safety Department for the Public Safety Department's review and approval. Each such Parking and Transportation Plan must describe the following:

1. Where Construction Vehicles will be parked at the Construction Site during the Construction Activity;
2. The maximum number of Construction Vehicles that will be parked at or adjacent to the Construction Site at any one time; and
3. The manner in which construction workers will be transported to and from the Construction Site during the Construction Activity.

No Construction Activity shall commence at a Construction Site until the Public Safety Department has approved in writing a Parking and Transportation Plan. The Public Safety Department may require modifications to any proposed Parking and Transportation Plan. Such modifications may include, without limitation, modifications that alter designated Construction Vehicle parking areas; limit the maximum number of Construction Vehicles that may be parked at or adjacent to a Construction Site; and alter the manner in which construction workers will be transported to and from the Construction Site.

- m Toilets**
Chemical toilets shall be screened from view and shall be located so as to minimize any adverse impacts on adjacent properties. A wood screen shall be erected around all chemical toilets. Chemical toilets shall be located away from the neighboring properties in an approved location as shown on the Construction Management Plan.
- n Water Connection**
A temporary water connection must be available at all times when Construction Activity is taking place on a Construction Site.
- o Signage**
Temporary construction signs shall be limited to one sign per structure, not to exceed sixteen (16) square feet total area. The sign will be freestanding and constructed in a standardized format as provided by the DRC. The location of such sign shall be designated by Arrowhead Public Safety. Construction signage will be allowed for the duration of the construction or eighteen (18) months, whichever is less.
- p Fire Extinguisher**
A minimum of one serviceable 1016 ABC-rated dry chemical fire extinguisher shall be located on each Construction Site in a conspicuous location.
- q Flammable Items**
Careless use or storage of flammable items will not be allowed.
- r Pets**
Contractors, subcontractors and their employees are prohibited from bringing pets to the Construction Site.
- s Firearms**
Firearms are prohibited.
- t Continuity of Construction**
Unless otherwise approved by the DRC, all Construction Activity must commence within one (1) year after the DRC's approval of final plans. Once a Construction Activity commences the Owner must actively pursue completion of construction. Construction must be substantially complete within eighteen (18) months. All Construction Activity must be fully and finally complete; including all required landscaping, within twenty four (24) months after commencement. If additional time for completion of landscaping is necessary due to completing construction during the months of November through May, the Owner shall request an extension from the DRC.
- u Completion of Construction**
The DRC, at its sole discretion, may impose a fine if Construction Activity, including

all required landscaping, is not fully and finally complete within twenty-four (24) months after commencement. See Section D in Appendix D.

v Restoration of Property

Construction Activity shall be limited to the Construction Site, unless specific written approval is given by the Owner of the adjacent property. Any damage, including damage done by cleaning out concrete trucks, must be restored. If any common ground, adjacent lots or roads is damaged during Construction Activity, it must be promptly restored to DRC or AVA satisfaction within thirty (30) days after such damage occurs. If restoration is not accomplished by the end of the growing season following completion of construction, all required repairs will be performed by Arrowhead with all costs thereof charged to the person in whose name the building permit was issued.

w Trees

No trees shall be removed from the property without prior approval of the DRC.

x Roadway Maintenance

An Owner shall repair any damage to roads within AVA caused by Construction Vehicles used in connection with such Owner's Construction Activity. No road cuts, deletions or additions shall be made without the consent of the Arrowhead Metro District and twenty-four (24) hour notice to Public Safety.

At all times, an Owner shall keep roads free and clear of materials, rubbish and debris resulting from Construction Activity. It is the responsibility of the contractor to clean and maintain the roadway areas leading to and from the Construction Site that are disturbed by the construction process. This includes cleaning of dirt and mud off the Arrowhead roads caused by vehicles servicing the Construction Site. Said clean-up can be implemented by each contractor or by a cooperative cost sharing agreement with Arrowhead or other contractors.

y Deliveries

Deliveries shall occur between 7:30 a.m. and 6:30 p.m. Deliveries at any other time shall be approved in writing by Arrowhead Public Safety.

7.7.6 Meeting of Contractors

From time to time Arrowhead may call a meeting of all contractors to discuss pertinent information regarding construction at Arrowhead. Each general contractor is required to have a representative at each meeting.

7.7.7 Compliance with Laws and Regulations

Each Owner shall, at its own expense, comply with all terms and conditions of this Section, the Declaration and all other regulations promulgated from time to time by DRC that are applicable to its Construction Activities.

Each Owner shall, at its own expense, comply with all federal, state and local laws, ordinances, orders, rules, regulations and other governmental requirements relating to its Construction Activities.

7.7.8 Enforcement

If an Owner or any Owner Representative violates any term or condition set forth herein, DRC shall have the following rights and remedies.

a Right to Cure

DRC may, but is not obligated to, enter upon the Construction Site and cure such violation at the Owner's cost and expense. If DRC cures any such violation, the Owner shall pay to DRC the amount of all costs incurred by DRC in connection therewith, plus an administrative fee equal to 15 percent of all of such costs, within five days after the Owner receives a written invoice therefore from DRC.

b Right to Fine

The DRC may impose fines for the violation of any term or condition of these Guidelines. The DRC may impose a fine of \$500 against the Owner for the first violation of any term or condition of this Section. For each subsequent violation of that same term or condition, the DRC may impose a fine in an amount equal to twice the amount of the fine imposed against the Owner for the Owner's last violation of that same term or condition.

c Right to Sue for Injunctive Relief

The DRC may sue the Owner to enjoin such violation.

d Right to Sue for Damages

The DRC may sue the Owner for all damages, losses, costs and expenses, including, without limitation, reasonable attorneys' fees and disbursements incurred by DRC as a result of the violation.

e Lien

The DRC shall have a lien against the Construction Site and all of the Owner's other properties within AVA to secure payment for (i) any fee, charge, fine or other amount due from the Owner to DRC under this regulation, (ii) interest on any unpaid amounts at the rate of 18% per annum from the date due until paid, and (iii) all costs and expenses of collecting any unpaid amounts,

including, without limitation, reasonable attorneys' fees and disbursements. Any such lien may be foreclosed as a mortgage under the laws of the State of Colorado.

f Other Rights and Remedies

The DRC shall have all other rights and remedies available to it at law or in equity. All rights and remedies of DRC shall be cumulative and the exercise of one right or remedy shall not preclude the exercise of any other right of remedy.

7.7.9 Appeal of Fines

An Owner may appeal any fine imposed against the Owner by the DRC to the Arrowhead at Vail Association Board of Directors ("Association").

Within five business days after receiving written notice that a fine is imposed against the Owner, the Owner must file a written appeal with the Association. If the Owner fails to file a written appeal within such five-day period, the Owner shall have no further right to appeal the fine.

The Association shall review the appeal at its next scheduled meeting and within 45 days of that meeting deliver a written decision to the Owner and to the DRC. If the Association decides in favor of the Owner, the DRC shall revoke its notice imposing the fine. If the Association decides in favor of the DRC, as the case may be, the Owner shall pay such fine within five (5) days after its receipt of the decision or have monies withdrawn from the Compliance Deposit.

7.7.10

Section 1. Title

This regulation shall be known as the "Construction Activities and Compliance Deposit Regulation."

Section 2. Purpose

The purpose of this regulation is to regulate Construction Activity (as such term is defined below) within Arrowhead to minimize the impacts of Construction Activity (as such term is defined below) within Arrowhead to minimize the impacts of Construction Activity on Guests and Owners. The Arrowhead Design Review Committee (DRC) has the power to amend this Regulation from time to time, without notice.