

LAKE FOREST - SUMMIT OWNERS ASSOCIATION

OWNER & BUILDING CONTRACTOR AGREEMENT TO FOLLOW CONSTRUCTION RULES

As a condition of Architectural Control Committee (ACC) approval, the Owner and Building Contractor agree to comply with the following rules and further warrant that they will ensure compliance by all sub-contractors. Notwithstanding other remedies, non-compliance of contractors and sub-contractors will result in fines. The Owner agrees that all fines assessed by the Board of Directors for violations of the rule will be deducted from any deposits being held by the Association manager to the extent that sufficient deposits remain. The Owner further agrees to pay all fines in excess of the available deposits within thirty (30) days. The Owner further agrees to pay the Association's costs, including attorney and collection agent fees, associated with the efforts to collect fines that are not paid within thirty (30) days. There will be no exception to these rules without the prior written consent of the Lake Forest Summit Board of Directors or the Chair of the ACC.

1. WORK HOURS

- 1.1. On weekdays (Mondays through Fridays) that are not federally designated holidays, no workers shall enter The Summit before 7:00 A.M. or remain at the job site after 7:00 P.M. or sunset (whichever is earlier).
- 1.2. On Saturdays, no workers shall enter The Summit before 9:00 A.M. or remain at the job site after 5:00 P.M. Saturday work is limited to interior work (once the house has been completely enclosed) which does not produce any noise that can be heard on adjacent lots. Grading, excavation, use of heavy equipment, framing, roofing and foundation work are specifically prohibited from occurring on weekends.
- 1.3. Construction may not occur on Sundays or on New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.
- 1.4. The restrictions on work hours do not apply to owners or the general contractor when they are on the job site for purposes other than the performance of actual construction work. However, any activity by owners or general contractors are subject to all other provisions of these rules including the creation of noise that can be heard on other properties outside of the allowed work hours on weekdays.

2. ALCOHOL AND DRUGS

- 2.1. Alcohol and illegal drugs (controlled substances) are prohibited at construction sites within The Summit.

3. ENCROACHMENT ON ADJACENT LOTS

- 3.1. Encroachment on adjacent lots is prohibited without contiguous lot owner's prior written authorization. This includes parking vehicles, driving across adjacent property to get to and from the construction site, storing construction material, dumping debris and destroying the natural setting. If approval is obtained, a written statement from the owner of the adjacent lot must be submitted to the Association manager before any encroachment occurs.

4. ENCROACHMENT ON COMMON AREAS

- 4.1. Encroachment of any type on the Association common area is prohibited. This includes storing construction material on streets, parking dumpsters and portable toilets on streets and parking construction equipment on streets for extended periods of time.

5. FIRES/HUNTING/COMMON FACILITY USE

- 5.1. Burning of scrap lumber, building materials or any other form of refuse is prohibited. No fires of any type, at any time, are allowed including tree stumps, regardless if there is a County Bum Permit.
- 5.2. Hunting or shooting is prohibited.
- 5.3. Use of common facilities is prohibited. These facilities are private property.

6. EXCAVATION, GRADING, CONSTRUCTION AND ALTERATION WITHOUT APPROVAL

- 6.1. There shall be no excavation, grading, construction or alteration of any lot, which is inconsistent with approved plans, without submission, review and advanced approval by the ACC. Any excavation, grading, construction or alteration made without approval of the Association is subject to fines under the "construction without approval" section of the Association's fine schedule.

7. MAINTENANCE OF JOB SITE

- 7.1. Contractors must place an ACC-approved debris enclosure (dumpster, box, enclosure or container) to dispose of excess building materials, paper, cans bottles and all construction debris. The enclosure must be placed on the lot, not on the street, at least fifteen (15) feet set back if possible from the street and fifteen (15) feet from the property line of any existing dwelling. Contractors must do whatever is necessary to keep debris from blowing onto adjoining property, streets and common area and if it occurs it must be picked-up. Construction site must be maintained in a clean and sanitary condition with trash and debris (including tree stumps) cleaned up daily. Trash not removed will be removed by TThe Summit and billed to the responsible contractor, sub-contractor or property owner. If spillage of a load occurs, operators are responsible for clean-up. Cleanup done by Summit personnel will be billed to the responsible party, contractor or property owner.
- 7.2. When necessary or when directed by the Association manager, because of muddy or dusty conditions, contractor must place sufficient gravel in driveway or wherever construction workers will be parking cars and trucks or unloading materials to minimize the spreading of mud and dust to the roadway and adjacent properties.
- Before the end of each workday, or no later than 7:00 P.M. the contractor must clean the road area in front of the property and adjacent affected properties by brushing and/or washing down the street and removing all debris and dirt. Brushing and wash down shall completely remove solid and debris rather than relocating it to another property. Cement, concrete residues, and dirt must be disposed of by containment and removal or burial on the same lot from which it is generated. Neither cement, petrochemical products nor any other toxic substances shall not be allowed to flow into storm drains or into any creek, waterway or lake.
- 7.3. Stockpiles, enclosures, and/or vehicle staging; areas shall be located as far as it is practical from existing dwelling in the area. In any event, these items must be set back a minimum of fifteen (15) feet from the street and the property line of any existing dwelling.
- 7.4. Any damage to streets and curbs, drainage inlets, streetlights, street markers, mailboxes, walls, etc., will be repaired by the responsible contractor.

8. EROSION CONTROL

- 8.1. When construction occurs between October 15th and May 15th, erosion control measures must be followed, including installation of silt fencing or straw bales to prevent erosion from taking place. This regulation is strictly enforced by the County E.O.D. as well as by the Lake Forest - Summit Owners Association.

9. NOISE NUISANCE

- 9.1. Radios and other devices that amplify sound shall not be heard from adjoining properties.
- 9.2. Car telephones cannot be attached to vehicle horns, unless deactivated.
- 9.3. Unnecessary yelling and/or profane language is not allowed.

10. PETS AND CHILDREN

- 10.1. Construction workers may not bring children under the age of sixteen or pets into The Summit.

11. PORTABLE SANITARY FACILITIES

- 11.1. The construction site must contain a portable sanitary facility for personnel working on the site. The portable sanitary facility must be located on the job site, at least 15 feet from the street, unless terrain requires a location closer to the street. If possible, the facility should be situated nearest to any adjacent undeveloped lot or at least fifteen (15) feet from an adjacent developed lot. Portable sanitary facilities must be serviced at least once every two weeks to prevent odors from fouling the neighborhood.

12. SPEED LIMITS AND PARKING

- 12.1. The speed limit on all roads with The Summit is 25 miles per hour. Exceeding the speed limit is not permitted. Violators will receive a warning for the first offense; the second offense can result in the violator being barred from The Summit and may result in a fine being levied against the employing Owner.

13. SIGNS

- 13.1. Two signs, of The Summit's design (contact the Association's manager regarding sign specifications), must be placed at the construction site. The first must identify the Contractor's name and phone number, the lot number, the street address, and the Owner's name. The second must provide notice of construction rules. The sign identifying the name of the contractor shall be placed not less than 3 feet and not more than 10 feet from the curb and so that it is plainly visible from the street. The notice of the construction rules must be on a separate sign facing the street, placed to the side of the sign identifying the name of the contractor, and set back from the curb by the same distance. No other signs, including - but not limited to - subcontractors, financial institutions, landscapers, fence installers, pool contractors or other commercial enterprises are allowed.

14. VEHICLE ADMISSION/TEMPORARY FACILITIES

- 14.1. No construction vehicles (trucks, vans, cars, etc.) or trailers may be left in The Summit overnight, except that excavation equipment or other construction equipment may be left on site provided that use of such equipment is continuing. Any other parking of vehicles or erecting of storage sheds or construction offices will only be allowed in such location designated by the ACC in writing. Driving of vehicles is only allowed upon designated access roads. Construction vehicles may not cross property not owned by the Owner without that other owner's written permission. Any construction equipment left overnight must not be parked on the street.

15. TREES

15.1 Native oak trees not approved by the ACC for removal must be protected before grading commences by the placement of fencing (such as orange plastic netting) to the extent of the trees' drip line. Such protective fencing must remain in place throughout completion of construction.

16. IMPROPER BEHAVIOR

16.1 Sexual harassment of residents or visitors to The Summit including – but not limited to - sexually suggestive behavior and/or statements and cat calls – is prohibited. Owners are subject to fines for violations of this section committed by contractors and subcontractors.

AGREED TO BY:

Lot Address: _____ Lot No.: _____

Property Owner Date

Property Owner

Contractor Date

Contractor's License No.

WITNESSED BY:

Association Manager Date