

Riverwalk at Edwards Property Owners

Association (REPOA)

Design Review Board (DRB)

Construction Rules and Regulations

Effective Date 08/01/2023

Project Designation

- 1) **Small Project:** A project contained within an existing building that has little to no impact on buildings or building occupants other than the building in which the project is occurring. These projects do not require a staging area or the use of a portable toilet for construction workers. These projects may require outside contractors. These contractors must comply with the established parking rules for the REPOA. (If the project is performed by the owner or tenant and does not pose a negative impact to adjacent owners or businesses through sound, smells, or contractor parking, no application is required)
- 2) **Medium Project:** A project contained within an existing building, or minor alterations to the exterior of a building, that may require the use of REPOA property, or REPOA managed property for material storage, construction dumpsters, staging, porta potties, scaffolding or manlift to complete the project.
- 3) **Large Project:** A project that is not contained to the inside of an existing building. This includes large scale exterior redesign or renovation as well as building redevelopment.

Hours of Allowed Construction Activity

- Certain Holidays are restricted from any work being performed.
- Each building may have its own construction hours. These REPOA hours do not take precedence over any existing construction hours established for work within a building.

Monday-Saturday:

Contractors may be onsite **7:00 a.m. to 7:00 p.m. but must adhere to the established parking regulations.**

Outside work or work that produces noise may occur **8:00 a.m. to 5:00 p.m.**

Sunday: Outside work is not allowed. Contractors may be onsite **7:00 a.m. to 7:00 p.m. but must adhere to the established parking regulations.**

Project Designation

1) Small Project: A project contained within an existing building that has little to no impact on buildings or building occupants within the building in which the project is occurring. These projects do not require a staging area or the use of a portable toilet for construction workers. These projects may require outside contractors. These contractors must comply with the established parking rules for the RPOA. If the project is performed by the owner or tenant and does not pose a negative impact to adjacent owners or businesses through sound, smells, or contractor parking, no application is required.

2) Medium Project: A project contained within an existing building or minor alterations to the exterior of a building. This may require the use of RPOA property or RPOA managed property for material storage, construction dumpsters, staging, porta potties, scaffolding or material to complete the project.

3) Large Project: A project that is not contained to the inside of an existing building. This includes large scale exterior redesign or renovation as well as building redevelopment.

Hours of Allowed Construction Activity

- Certain Holidays are restricted from any work being performed.
- Each building may have its own construction hours. These RPOA hours do not take precedence over any existing construction hours established for work within a building.

Requirements For Construction

All Projects, whether interior or exterior, must complete a Project Information Form*

***Emergency repairs do not require a project application or DRB approval**

Construction/Remodel Information Form

1) General Construction Definitions

1.1 Compliance Deposit: means a deposit that an owner is required to deliver to the REPOA prior to the commencement of any Construction Activity.

1.2 Construction Site: means the site on which Construction Activity is to take place.

1.3 Construction Activity: means any site preparation; landscaping; building construction; sign erection; exterior or interior change, modification, alteration or enlargement of any existing structure; paving; fencing; planting or other improvements; maintenance or repair to any site or other property or building or structure thereon.

1.4 Construction Management Plan: means a document generated by the Owner or Owner's Representative that lists in detail each component of the Construction Activity.

1.5 Construction Vehicle: means a car, truck, trailer or other vehicle used to perform any part of a Construction Activity or to transport equipment, supplies or workers to a Construction Site.

1.6 DRB: means the Design Review Board with authority as appointed by the REPOA. The REPOA Board of Directors may choose to act as the DRB.

1.7 Existing Improvement: means any man-made structure that currently exists within the Riverwalk at Edwards.

1.8 Owner: means any person(s) or entity that is listed on the title of the property.

1.9 Owner Representative: means any contractor, subcontractor, agent or employee hired or engaged by an Owner in connection with any Construction Activity.

1.10 Regulation: means this Construction Rules and Regulations document as well as any associated forms.

1.11 Substantially Complete: means that stage of a Construction Activity at which the work is sufficiently complete so as to allow the Owner to legally occupy or utilize the work for its intended use. Legal occupation means the Owner has obtained a temporary certificate of occupancy from the Eagle County Building Department.

1.12 Temporary Structure: means any structure erected or otherwise installed as a job office or for the purpose of storing materials in connection with a Construction Activity. "Temporary Structure" shall also include a portable toilet and trash dumpster used in connection with a Construction Activity.

2) Construction Process and Approvals

2.1 Construction Process. Prior to engaging in a Construction Activity, an Owner or Owner Representative shall arrange a preplanning meeting with the DRB. Owner or Owners Representative shall complete and submit the [Construction/Remodel Information Form](#) on the [REPOA Webpage](#).

2.2 Preconstruction Process. No Owner shall commence any Construction Activity until it has satisfied all applicable preconstruction requirements set forth in this Section 2.2

- (a) If as required by the REPOA Design Review Regulations or other applicable regulations, the Owner shall have received Final Plan approval from the DRB of the Construction Activity.
- (b) The Owner shall: (i) submit final drawings; (ii) prepare and submit a written Construction Management Plan which includes (A) Transportation and Parking Plan (B) storage and laydown areas; and (iii) deliver its Compliance Deposit to the DRB. If the DRB rejects such submittals to be unsatisfactory, the Owner shall make such changes as the DRB shall require and then resubmit such submittals to the DRB. If the DRB approves such submittals, and receives the Owner's Compliance Deposit, the DRB shall approve the Owner's proposed Construction Activity and the Owner shall proceed as described in subparagraph 2.2(d) or if applicable 2.2(g) below.
- (c) Subsequent to delivery of final working drawings and the Compliance Deposit to the DRB under subparagraph 2.2(b) above, the Owner may submit identical working drawings to the Eagle County Building Department for its plan check process. In no event shall an Owner (i) initiate the plan check process with the Eagle County Building Department prior to the DRB's approval of the Owner's plans, or (ii) submit final working drawings to the Eagle County Building Department that differ from those that the Owner submits to the DRB.
- (d) Except as provided in subparagraph (g) hereof, prior to requesting a building permit from Eagle County Building Department, the Owner shall provide the

DRB with a site plan which depicts the following: (i) the location of all areas to be disturbed by the Construction Activity; (ii) the location of all utilities to be constructed and used in connection with the project; (iii) the location of all laydown areas; (iv) the Transportation and Parking Plan (as described in paragraph 4.9 below); (v) the location of all fencing proposed for the project or to be used to screen the Construction Activity; (vi) the location of portable toilets to be used during the Construction Activity; (vii) the location of any trash dumpsters to be used in connection with the Construction Activity; and (ix) the location of any proposed snow storage areas for the project.

- (e) Prior to requesting a building permit from the Eagle County building department, the Owner shall obtain the approval of the site plan submitted the Riverwalk at Edwards Maintenance Supervisor.
- (f) After the DRB approves the construction activity contemplated by the Owner as described in subparagraph 2.2 (c) above and after the DRB approve the site plans or plan submitted pursuant to this paragraph, the Owner may request a building permit from the Eagle County Building Department and request any and all other necessary permits and approvals from Eagle County, Colorado, and any other government or quasi-governmental entity with jurisdiction over the Construction Site. In no event shall an Owner (i) Request a building permit from the Eagle County building department prior to the DRB's approval of the owners proposed construction activity as described in subparagraph 2.2 (b) above, or (ii) commence any Construction Activity prior to obtaining (A) the DRB's approval of such Construction Activity as described in subparagraph 2.2 (b) above, and (B) a building permit and all other necessary permits and approvals from Eagle County, Colorado and any other governmental or quasi-governmental entity with jurisdiction over the Construction Site.
- (g) Any part of the foregoing notwithstanding, prior to the requesting a building permit from the Eagle County Building Department for any Construction Activity that is designated as only a Small or Medium project, the Owner only needs to provide the Riverwalk at Edwards DRB with a work plan which shall include (i) a detailed description of all work to be performed; (ii) a construction staging plan; and (iii) the name, telephone number and e-mail address of the Owner. The construction staging plan shall include the timing of all Construction Activity, the location of all areas in which construction vehicles will be parked, and the location of any trash dumpsters to be used in connection with the Construction Activity. Prior to requesting a building permit from Eagle County Building Department, the owner shall obtain the approval of the DRB for any work plan submitted pursuant to this subparagraph.

3) Compliance Deposit. After the DRB approves an Owner's proposed construction activity as set forth in paragraph 2.2 (b) above, and prior to the commencing such Construction Activity, the Owner shall deliver a Compliance Deposit to the DRB, on behalf

of the REPOA, as security for the Owner's full and faithful performance of its construction activity in accordance with its approved final plans and this regulation.

3.1 Amount of Compliance Deposit.

- (a) for new construction or remodels which include the **ADDITION** of square footage, the amount of the Compliance Deposit shall be based upon the aggregate square footage, as measured from the outer dimension of the frame structure of all enclosed structures to be built, modified, altered or repaired on a Construction Site as follows:

<u>Square Footage</u>	<u>Deposit</u>
0-499	\$ 5,000
500-1,999	\$ 10,000
2,000-4,999	\$ 20,000
5,000-6,999	\$ 30,000
7,000-8,999	\$ 40,000
9,000 and greater	\$ 50,000

- (b) For all other Construction Activity, the amount of the Compliance Deposit shall be equal to two (2%) percent of the estimated cost of the Construction Activity as set forth in the building permit application submitted by the owner to the Eagle County Building Department for such activity.
- (c) If a building permit is not required for the work to be performed, a Compliance Deposit in the amount of \$500 shall be made.

3.2 Form of Compliance Deposit. The compliance deposit shall be delivered to the REPOA by personal, certified or cashier's check or by wire transfer.

- (a) If the Compliance Deposit payment is made by personal check, no work may commence prior to check clearing the bank.
- (b) If the Compliance Deposit payment is made by guaranteed funds (certified check, cashier's check, money order, or wire transfer) work can commence once the payment has been received by the Association.

3.3 Administration of Compliance Deposit. The DRB, on behalf of the REPOA, shall administer each compliance deposit as follows:

- (a) the DRB shall hold the Compliance Deposit as security for the Owners full and faithful performance of its Construction Activity in accordance with its approved final plans, this regulation, and all aspects of its Construction Management Plan.
- (b) Owner is required to request a final inspection by the DRB or it's appointed representative, to verify compliance prior to requesting a final Compliance Deposit refund.

- (c) Upon noncompliance the REPOA shall proceed pursuant to the Enforcement Policy and that if, after the Owner has had the opportunity to have a hearing, that fines will be taken out of the Compliance Deposit to the extent required to reimburse the REPOA for any costs which the REPOA may incur or may be required to incur by reason of an Owner's noncompliance in respect of any of the terms and conditions set forth herein. If the amount of the Compliance Deposit is not sufficient to cure any such noncompliance by an Owner, the REPOA may, apply the remaining balance to the Owner's account.
- (d) The REPOA's decision to use the compliance deposit as permitted here under shall be at the sole and absolute discretion of the REPOA.
- (e) If the REPOA uses part or all of the Compliance Deposit as set forth in subparagraph 3.3 (c) above, then the DRB shall provide on a quarterly basis, to both the Owner and the Owner's Representative, an accounting of the compliance deposit. If the REPOA uses part of the compliance deposit as set forth in paragraph 3.3 (c) above, and said use results in the diminution of the compliance deposit by ten percent (10%) or more of its original amount, then the owner shall, within 10 days after written demand to the Owner from the REPOA or the DRB, pay the REPOA the amount used so as to restore the Compliance Deposit to its original amount. Neither the Owner nor any other party shall have any rights of any kind or nature against the REPOA, it's officers, agents, employees, directors or attorneys arising out of the REPOA's use of the compliance deposit, unless the REPOA is grossly negligent, or intentionally acts in bad faith.
- (f) The REPOA shall be under no obligation of any kind or nature to take any action to complete any Construction Activity or cure any failure of the Owner to comply with all regulations pertaining to the Construction Activity.
- (g) Any part of the compliance deposit not used by the REPOA as permitted by subparagraph 3.3 (c) above shall be returned to the Owner within thirty (30) business days after a Construction Activity is Substantially Complete and a written request has been made. No portion of the Compliance Deposit shall be returned to an Owner prior to the DRB's confirmation of compliance.

4) Construction Requirements. Each Owner shall ensure that all Construction Activity that is performed on its Construction Site is performed in accordance with the following requirements.

4.1 Vegetation Protection.

- (a) The Owner shall submit a plan to the DRB showing all vegetation that may be affected by the Construction Activity. This plan must show all vegetation to be removed and provide information on replacement materials and plantings. If the DRB rejects any such plan submitted by the Owner, the Owner shall make such changes to the plan as the DRB shall require and resubmit the plan to the DRB. Once the DRB has approved such plans for a Construction Site, the Owner shall

ensure that all Construction Activity is performed in compliance with such plans. In addition, the Owner shall ensure that (a) trees not authorized for removal are not damaged; (b) brush, surplus soil and other excavated debris are promptly removed from the construction site; and (c) dust is controlled by an abatement method approved by the DRB.

4.2 Noise and Construction Days and Hours. Except as provided below, Construction Activity may occur on a Construction Site only during the following days and hours:

Monday through Saturday:

7:00 a.m. to 7:00 p.m. Contractors may be onsite.

8:00 a.m. to 5:00 p.m.

Outside work or any work that produces noise substantial enough to affect others outside of the building or inside of the building in which the work is being performed. The REPOA or DRB shall give final determination on noise levels which may be in dispute.

Sunday: No Outside construction is allowed.

Certain Holiday periods are restricted from any work being performed without prior written consent from the REPOA or the DRB. Those Holidays are as follows:

June 28th through July 11th

December 18th through January 8th

Any parking spaces used for lie down, material storage or portable toilets must be cleared during these periods.

4.3 Protection of Property. An Owner's Construction Activity shall be limited to it's Construction Site, unless the REPOA or the DRB provides specific written authority to the contrary. An Owner shall cause any common ground, adjacent lots or road damage during its Construction Activity to be restored to the REPOA's satisfaction promptly and, in any event, within thirty (30) days after such damage occurs. In order to protect neighboring properties, the Owner shall ensure that a temporary visual screen or temporary fence of not less than six feet in height be constructed and maintained along the front side and rear lot lines of the construction site as determined by the DRB. Said fence or visual screen shall be green in color.

4.4 Temporary Structures. Temporary Structures may be maintained on a Construction Site. Temporary living quarters shall not be permitted on a construction site. All Temporary Structures erected on a Construction Site shall be removed immediately

after completion of the Construction Activity. Temporary Structures shall be screened to minimize the visual impacts to other Owners and guests. Plans for the placement and screening of Temporary Structures must be approved by the REPOA or DRB prior to the erection of the Temporary Structures. Compliance Deposit will not be returned until all Temporary Structures are removed.

4.5 Water Connections and Portable Toilets. A water connection associated with the Construction Site on which the Construction Activity is being performed and on-site enclosed chemical toilets must be available at all times when Construction Activity is taking place on a Construction Site. Portable Toilets shall be located so as to minimize any adverse impacts on adjacent Sites.

4.6 Blasting Restrictions. No blasting shall be performed on any Construction Site without REPOA's prior consent. Blasting may be subject to certain restrictions, which shall be determined by REPOA and its sole and absolute discretion and which may vary from site to site.

4.7 Signs. Unless otherwise required by state or federal law, or allowed by CCIOA, no signs shall be displayed on a construction site without the prior written approval of the REPOA or the DRB. The Owner shall have the burden of establishing that a given sign is required by state, and federal law. This includes signs advertising a particular contractor.

4.8 Roadway/Sidewalk Maintenance. An Owner shall repair any damage to roads, sidewalks and or parking areas within the Riverwalk at Edwards caused by Construction Vehicles or equipment or materials used in connection with such Owners Construction Activity and shall keep all such roads, sidewalks and parking areas free and clean of all materials, rubbish, dirt, mud and debris resulting from such Owners Construction Activity. Any dirt, mud, rubbish, debris or material of any sort which is found on roads, sidewalks or parking areas within the Riverwalk at Edwards and which is caused by an Owner's construction activity shall be removed by said Owner within 24 hours of its occurrence. No road cuts, deletions or additions shall be made without the consent of the REPOA.

4.9 Transportation and Parking Plan.

(a) Construction Vehicles shall gain access to Construction Sites only from existing roads adjacent to the Construction Sites or, when such access is impractical, from adjacent property after receiving written approval of the REPOA.

Construction Vehicles shall be parked according to the Owner's submitted, and DRB approved, Transportation and Parking Plan.

(b) Prior to DRB approval an Owner of a Construction Site shall submit a written Parking and Transportation Plan to the DRB for review and approval.

Each such Parking and Transportation Plan shall describe (i) how and where Construction Vehicles will be parked at the Construction Site during Construction Activity; (ii) the maximum number of Construction Vehicles that will be parked at

the Construction Site at one time; and (iii) the manner in which construction workers will be transported to and from the Construction Activity.

(c) No Construction Activity shall commence at a Construction Site until the DRB has approved a Parking and Transportation Plan for that Construction Site in writing. The DRB may require modifications to any proposed Parking and Transportation Plan submitted by an Owner. Such modifications may include, without limitation, modifications that (i) alter designated construction vehicle parking areas; and (ii) alter the manner in which construction workers will be transported to and from the Construction Site.

(d) The written Parking and Transportation Plan shall identify all parking spaces to be used for lay down, material storage, staging, chemical toilets and any other uses that would render the parking space unusable by the REPOA Owners or guests. A fee to use these spaces will be charged in accordance with section 4.14. The REPOA or DRB has the sole discretion to determine the number of spaces allowed to be used.

4.10 Construction Lighting. No Construction Site or Construction Activity shall be lighted unless and until a construction lighting plan has been submitted to, and approved, by the DRB. All interior construction lighting, including lights within Temporary Structures such as construction offices, shall be turned off when not actually in use. The DRB shall not approve any construction lighting plan unless it determines that the proposed lighting will not cause unreasonable glare upon or the excessive lighting of property not owned by the Owner of the Construction Site.

4.11 Animals. No Owner, or Owner's Representative, may keep or maintain a dog or other pet on a construction site at any time without prior written consent from the REPOA.

4.12 Completion of Construction.

(a) Unless otherwise approved by the DRB, each Owner shall ensure that each construction activity it performs (1) commences within one (1) year after the DRB's approval of final plans; thereof, (2) is substantially complete within sixteen (16) months after commencement thereof; and (3) is full and finally complete, including all required landscaping, within twenty-four (24) months after commencement thereof.

(b) Notwithstanding the foregoing, any commercial project shall (1) commence within one (1) year after the DRB's approval of final plans thereof, (2) be substantially complete within thirty (30) months after commencement thereof and (3) be fully and finally complete, including all landscaping, within thirty-six (36) months after commencement thereof.

(c) For purposes of this section, a "commercial project" shall be on any construction project other than a single residential project. The DRB may, upon application by an Owner, and a showing of good cause, extend the period herein provided for Substantial Completion or Final Completion for a period not to exceed eight (8) months with respect to Substantial

Completion and six (6) months with respect to Final Completion. For purposes of this section "good cause" shall not include financial constraints or any other constraint which may reasonably be attributed to an action or failure to act of the Owner.

4.13 Compliance with Laws and Regulations.

- (a) Each Owner shall, at its own expense, comply with all terms and conditions of this regulation, the Declaration and all other regulations from promulgated from time to time by the REPOA.
- (b) 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.
- (c) Each Owner shall, at its own expense, ensure that its Owner Representatives comply with the terms and conditions of subparagraphs 4.13 (a) and (b) above.

4.14. Parking Space Rental. Each Owner, in performance of their Construction Activity, will be required to pay a rental fee on any parking spaces used for lay down, staging, material storage, trash dumpster storage, chemical toilet location, or any other use that renders the parking space unusable by other Riverwalk at Edwards Property Owners or guests. This fee will be \$100 per space per week. Parking Spaces intended for this use must be shown on the Owner's submitted Parking and Transportation Plan and approved by the DRB. This fee may not be taken from the Compliance Deposit unless otherwise approved by the REPOA. **All rented parking spaces must be cleared and clean during the restricted holiday periods outlined in 4.2**

4.15. Insurance. Owners must have all insurance as required by federal, state, and local laws including, but not limited to, general liability coverage. Owner shall provide REPOA with a blanket additional insured endorsement form that names the REPOA as an additional insured. The additional insured endorsement must be attached to the general liability certificate of insurance.

5) Enforcement. If an Owner or any Owner's Representative violates any term or condition set forth herein, the REPOA shall have the following rights and remedies:

5.1 Right to Cure. The REPOA, or the DRB, may within fifteen (15) days' notice to an Owner or Owners Representative, but is not obligated to, enter upon the Construction Site and cure such violation at the Owner's cost and expense. If the REPOA or DRB cures any such violation, the Owner shall pay the REPOA the amount of all costs incurred by the REPOA or DRB in connection therewith, plus an administrative fee equal to fifteen (15%) percent of all such costs, within fifteen (15) days after the Owner receives a written invoice therefore from the REPOA.

5.2 Right to Fine. Upon noncompliance, the REPOA shall proceed pursuant to the Covenant and Rule Enforcement Policy.

5.3 Right to Sue for Injunctive Relief. The REPOA may sue the Owner pursuant to the Covenant and Rule Enforcement Policy, to enjoin such violation.

5.4 Right to Sue for Damages. Pursuant to the Covenant and Rule Enforcement Policy, the REPOA may sue the Owner for all damages, losses, cost and expenses, including, without limitation, reasonable attorneys' fees and disbursement incurred by the REPOA as a result of the violation.

5.5 Lien. The REPOA shall have a lien against the site of of the Owner's property on which the violation occurred within the Riverwalk at Edwards to secure payment of (a) any fee, charge, fine or other amount due from the Owner to the REPOA under this Regulation, (b) interest on any unpaid amounts at the rate of eight (8%) per annum from the date due until paid, and (c) 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.

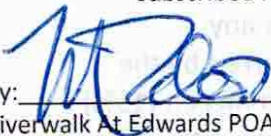
5.6 Other Rights and Remedies. The REPOA shall have all other rights and remedies available to it at law or in equity. All rights and remedies of the REPOA shall be cumulative and the exercise of one right or remedy shall not preclude the exercise of any other right or remedy.

6) Appeal of Fines.

Pursuant to the Covenant and Rule Enforcement Policy, an Owner shall have the right to appeal any fine against the Owner by requesting hearing in front of the REPOA Board of Directors. No fine/monetary penalty may be applied to the Owner's account prior to such hearing. The Owner must within ten (10) days of the initial or second written notice from the REPOA, request a hearing. Owner's may also request an appeal from a hearing conclusion of a violation.

President's

Certification: The undersigned, being the President of the Riverwalk at Edwards Property Owners Association, Inc. a Colorado nonprofit corporation, certifies that the foregoing Construction Rules and Regulations were adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on July 26, 2023, and in witness thereof, the undersigned has subscribed his name.

By: 
Riverwalk At Edwards POA Inc.,
a Colorado nonprofit corporation
Matthew Tabor, President

DATE 7/26/23