

6.0 RULES & REGULATIONS GOVERNING CONSTRUCTION & MAINTENANCE

6.1 INTRODUCTION

6.1.1 Contractor Documents and Insurance

All contractors and subcontractors must carry and must provide the ARB with proof of coverage as follows: (a) Comprehensive General Liability Insurance of no less than \$500,000 and (b) Workers Compensation Coverage must be carried by the general contractor.

No DeBordieu Colony Building Permits will be issued without this coverage so documented. Conducting business within DeBordieu Colony without meeting this requirement will result in a stop work order and be subject to a fine.

6.1.2 General

All contractors, subcontractors, suppliers, service companies and their employees, delivery staff and any other personnel and agents shall abide by all applicable regulations and requirements in the ARB Manual. The general contractor and the property owner shall be responsible for all personnel on the job site for compliance with these rules.

Contractors are liable for damage to road, utility infrastructure, and the landscape on both private and common property including road rights-of-way.

DeBordieu Colony Community Association, its Board of Directors, Security Department and all other employees, assume no liability for the loss or destruction of any contractor's vehicle(s), trailer(s), construction equipment, or materials on or from any property within DeBordieu Colony.

6.2 CONSTRUCTION HOURS

1. Working hours are limited to 7am – 6pm on any workday, Monday through Friday. All workers must leave DeBordieu by 6pm. DeBordieu Management must authorize exceptions by 4pm for that day.
2. A request must be made by 4pm the previous workday for permission to work on a non-workday, such as Saturdays or Holidays. Entrance to DeBordieu is limited to the hours of 9am to 6pm on these days. Any such work must be interior or non-noise work.
3. No contractors, including lawn maintenance and landscaping crews, will be allowed to enter DeBordieu Colony on Sunday. Emergency work for repairs will be allowed.

6.3 TRAFFIC LAWS, ACCESS, PARKING and WORKER CONDUCT

1. Posted speed limits and safe driving practices are strictly enforced within DeBordieu Colony by the Security Department.
2. The parking of vehicles and trailers shall be limited to the job-site property wherever possible.
3. The road right-of-way may be used for parking only when on-site space is not available. The road right-of-way in front of improved properties shall not be used.
4. Caution shall be exercised to avoid damage to the road right-of-ways.
5. Any damage to the road right-of-ways shall be restored to the original condition at the completion of the project.



6. Under no circumstance shall parking interfere with the flow of traffic or cause hazardous traffic conditions.
7. Contractors may not leave heavy construction equipment at a jobsite overnight, unless:
 - a) it is a project permitted through the ARB
 - b) special permission has been granted by the ARB Administration

6.3.1 Gate Access

1. All vehicles entering DeBordieu must obtain a pass from DeBordieu Security. Vehicle Passes are to be authorized by the general contractor or property owner
 - a. The following documents are **required** to purchase a daily pass, swipe card, or bar code and decal
 - i. Valid Driver's License
 - ii. Current Registration (of the vehicle entering the community)
 - iii. Current Proof of Insurance (of the vehicle entering the community)
2. Any person requesting a pass without authorization from the general contractor or property owner will be refused.
3. All persons issued a pass will have their job site listed on the pass and will be limited to that job site.
4. Passes are assigned to and for an individual's exclusive use and are valid only for the vehicle to which it is assigned. Guests accompanying workers will not be allowed.
5. Passes must be visible on the dash of the vehicle at all times while in DeBordieu.
6. The general contractor shall be responsible for notifying DeBordieu Security whenever they terminate an employee or subcontractor and shall return the pass to DeBordieu Security.
7. The general contractor shall supply workers names, location of job, and job phone number to DeBordieu Security for emergency notification purposes.
8. All annual fleet passes must be registered in the Company name and the registration presented to security.
9. A contractor and/or a subcontractor may not use a pass assigned to any person or vehicle not assigned to them. The person or persons responsible will be fined and may be restricted from future entry to DeBordieu Colony.
10. All vehicles used by Contractors or Sub-Contractors for construction work must be identified as commercial vehicles and will be required to have a commercial pass, swipe card, or commercial decal and bar code.
11. Daily and Weekly passes are to be purchased at the Security Gate.

6.3.2 Conduct of Workers

The general contractor shall be responsible for the acts of all their personnel while in DeBordieu Colony, including but not limited to employees, sub-contractors, or suppliers:

1. Workers are not allowed to bring any animals in to DeBordieu.
2. Children under sixteen (16) years of age and pets are not permitted on any construction site.
3. Fishing, hunting, swimming, drinking or possession of open containers of alcoholic beverages, or activities unrelated to the job is strictly prohibited, even if the property owner has granted permission to the worker.
4. Workers must drive directly to and from the authorized job site only.



5. Firearms or other weapons are prohibited within DeBordieu.
6. All vehicles shall be subject to periodic searches by DeBordieu Security.
7. Persons walking, jogging, riding bicycles, or golf carts within DeBordieu have the right-of-way.
8. Drivers must avoid endangering their safety by reducing speed or stopping if necessary.
9. Speed limits are strictly enforced. Offenders are subject to South Carolina State Summons, and can be called to appear before the DeBordieu Security Director.
10. The DCCA shall not be liable for any loss, injury to persons, or damage to property while workers are traveling within DeBordieu or working on the site.
11. Loud radios or offensive language will not be permitted. Offending persons may be removed from DeBordieu Colony.
12. Contractors or workers will not be permitted entrance on Sundays.

6.4 PERMITTING

Prior to Issuance of DeBordieu Building Permit, the following items must be completed:

1. A completed construction sign must be securely positioned on the property. Sign must include the lot number, nameplates of the owner, architect and contractor. Construction signs can be rented from DeBordieu Colony ARB for a fee, currently \$100.00 for the duration of construction. Contractors must obtain name and lot number plates.
2. Side property lines strung
3. Portable toilet properly screened and a trash receptacle or dumpster to be on site unless request is made and approved for delay. In any event, both devices must be on site prior to starting construction and be emptied frequently to prevent overflow and offensive odors.
4. Gravel or stone at entrance.
5. Fill or Top Soil is available from DeBordieu Colony for a fee as established by the DCCA, is delivered to the job site and is suggested for use.

6.5 SITE ACCESS AND PROTECTION OF COMMUNITY PROPERTY

1. Whenever possible, the access to the construction site between the edge of the road pavement and the front property line shall be no more than twenty feet (20') wide and is limited to one (1) entrance only.
2. Whenever possible, the site access shall be in the same general location as the permanent driveway entry.
3. The edge of the road pavement shall be protected from damage by construction vehicles. Heavy wood planks, gravel, or any other effective means to make the transition between the pavement and the road shoulder shall be used.
4. In the case of ditches or swales, the grade elevations must be maintained to prevent any blockage of the drainage system. The installation of a culvert may be required. If a permanent culvert is to be installed, the permanent culvert shall be in place prior to any site preparation.
5. Any damage to the road pavement, curbing, or the road right-of-way caused by construction activity must be restored to the original condition before the project will be considered complete. Final compliance will not be approved until all damaged areas are satisfactorily restored.



6.6 SITE PREPARATION

1. No lot can be cleared, no site prepared, or any other construction activity started without both a Georgetown County Building Permit and a DeBordieu Colony Building Permit having been posted.
2. Where required, silt fences, culvert and fill, and road shoulder protection must be in place prior to site clearing.
3. Water and electric services must be installed on-site prior to the need for these services. The water meter must have a hose bib connection. The temporary electric meter must feed receptacles adequate for the use of all power tools.
4. The use of water and electric services from adjacent residences is prohibited.

6.7 DRAINAGE CONTROL, EROSION CONTROL & ENVIRONMENTAL PROTECTION

6.7.1 Areas of Responsibility

Prior to and during all construction activity, including the clearing and filling of the lot, the following protective actions must be taken and maintained:

1. Water Drainage Control
2. Soil Erosion Control
3. Road Pavement and Curb Protection
4. Road Right-of-Way Protection
5. Tree Protection

6.7.2 Responsibilities during Construction

1. There will be no digging in any road right-of- ways or easement areas before information is obtained concerning utility lines from the appropriate utility company and DCA.
2. The general contractor is responsible for repairing, at his cost and to the satisfaction of DCA, any damages to utilities, roadways, access areas, bike paths or adjoining properties.
3. Absolutely no dumping or disposal of litter, waste material, or debris (including paint) is permitted within DeBordieu. Anyone violating this rule is subject to a fine and will be required to clean the area.
4. No dumping of material in lakes or lagoons.
5. No feeding of alligators or other wild animals anywhere in DeBordieu.
6. Repeated violations will result in the revocation of the offender's work permit.
7. Fires of any size are prohibited in DeBordieu. Burning of construction debris or open warming fires is prohibited.

6.8 PROTECTION OF TREES AND NATURAL VEGETATION

1. Compliance with the DeBordieu Tree Policy (see Section 4.2.1 et seq.) will be strictly enforced.
2. Only those trees indicated for removal on the approved Site Plan can be removed.
3. Caution should be exercised to protect all other trees and natural vegetation from equipment damage and/or fill dirt cover.
4. Protective barriers and tree wells should be installed wherever necessary.



6.9 TRESPASSING

All access areas, parking, storage of materials, location of dumpsters, and portable toilets must be confined to the permitted lot. The use of private properties, common property, or open space is prohibited.

6.10 SANITARY FACILITIES

A portable sanitary facility must be in place on each new construction site prior to or upon issuance of the Lot Clearing Permit and the commencement of any work. The portable sanitary facility must have wood or vinyl lattice on both sides and the rear and be located in an inconspicuous area hidden by trees when possible, and be within the lot property lines, as far away as is feasible from the street and adjacent properties, and as near to the structure as possible. The door must face away from the street and neighboring houses. Clean and sanitary conditions must be maintained at all times.

6.11 DUMPSTERS

For any project that generates more debris than can be removed daily by the contractor, the contractor must provide a commercial dumpster at all times. It must be located within the lot property lines and cannot be placed on the road right-of-way or on any adjacent private or common property. It must be emptied prior to exceeding capacity. The dumping of construction debris is prohibited within DeBordieu Colony.

6.12 SITE MAINTENANCE

Materials must be stored in an orderly manner on site. Contractors are required to make frequent clean-ups of construction materials, trash, litter, etc. always leaving the area neat and clean at the end of each workday. When the Community is placed under **Hurricane Watch** contractors will begin preparation to secure all job sites. Be prepared to remove dumpsters and portable toilets. By the time the DeBordieu Colony is placed under a **Hurricane Warning** all dumpsters will be out of DeBordieu Colony or covered tightly with tarpaulins, the portable toilets will have been removed or been strapped to a substantial tree and all materials will be bundled so as not to fly around and cause damage to neighboring properties.

6.12.1 Spills

Should any spill occur, the contractor involved is responsible for the clean-up of the street and other affected areas immediately after the spill. Should this not be feasible, contact must be made to DCCA Security to advise of the spill and an approximate time for clean-up. In the event the DCCA cleans up the spill due to the contractor's failure to comply the contractor shall reimburse all costs incurred by the Association for clean-up of the spill.

The clean-up of concrete trucks and equipment after concrete delivery may be done only on the construction site. Road right-of-ways and other property must not be used for this purpose.

Any concrete, gypsum, mortar, tar, asphalt, oil, or any other petroleum product spilled on roads, road right-of-ways, or any property other than the construction site must be removed immediately. Roads must be washed so that no residue remains.

6.13 SIGNAGE

The only sign permitted at a construction site is the approved standard sign (see Section 6.4.1) not intended to advertise, but rather to identify the owner, architect and contractor.



Every construction job site must contain a sign identifying the architect, contractor, the property owner and lot number. The front of the sign (architect and contractor information) shall face the street. The rear of the sign is to be used for posting permits and other applicable information. No signs shall be nailed or attached to trees. All signs will be located on the boundary between the DCA road right-of-way and the property being developed and, if possible, be positioned against a backdrop of vegetation for softening of appearance. The job sign must be removed from the property before a Final

Compliance Inspection can be requested. The job sign must conform to community requirements. Failure to provide a jobsite sign will subject the contractor to an appropriate enforcement fee.

The DCCA reserves the right to remove any sign that is not in compliance with the above regulations. Such signs will be held at the DCCA Administration Building. A sign not reclaimed within two (2) weeks may be disposed of. The DCCA and ARB assume no responsibility for damage to or loss of any sign.

6.14 EXTERIOR LIGHTING

It is the contractor's responsibility on all unoccupied structures to turn off all exterior lights except when work is being done and at any time work is not allowed.

6.15 DEMOLITIONS

1. An application for demolition must be submitted to the ARB for Administrative approval. There is no fee.
2. An ARB Permit is required to be posted prior to Demolition.
3. All construction rules shall be in effect as applicable.
4. Barricade Protection shall be erected around trees, natural growth and other locations as directed by the ARB.
5. Removal of trees or natural growth is subject to the Tree Policy and must be approved by the ARB.
6. In the case of total demolition, all utilities shall be terminated at the entry onto the property prior to demolition.
7. Air-borne dust must be minimized by means of wetting-down the area.
8. All debris must be removed from DeBordieu Colony. Loads must be covered.
9. All vertical and horizontal construction shall be removed from the site as may be required by the ARB.
10. In the case of total demolition, the lot must be restored within thirty days (30) after the completion of demolition to unimproved condition by means of grading and ground cover. No bare earth areas shall remain.
11. If a partial demolition is proposed, a site plan or drawings must be submitted clearly showing the area (s) which will be demolished.

6.16 ENFORCEMENT FEE SCHEDULE

The following is a schedule of fines that may be levied when a property owner or a prime contractor or subcontractor violates the covenants or ARB Rules. When applicable such fines will be deducted from the owner escrow deposit or prime contractor compliance deposit as appropriate. A stop order or other actions may also be taken for serious and/or repetitive violations.

1. Nonconforming Job Sign (after one warning).....\$100.00 per day



2. Severe Damage (health/viability of tree is severely threatened) to a Protected Tree (8" or greater DBH, see Section 3.2.3.2.1); expense of assessment of damage and replacement of tree as necessary will also be assessed and deducted \$500.00 per tree
3. Unauthorized Tree Removal during Site Clearing or construction (fee and replacement):
 - a. Unprotected tree (4" DBH or greater, see Section 4.2.1.6, but less than 8" DBH, see Section 3.2.3.2.1) or Protected Tree (8" DBH or greater, but less than 16" DBH, see Section 3.2.3.2.1) \$300.00 per tree
 - b. Significant Tree (16" DBH or greater, see Section 3.2.3.2.1) \$1,000.00 per tree
 - c. Landmark Tree (24" DBH or greater, see Section 3.2.3.2.1) \$1,500.00 per tree
4. Damage to Community Property Natural Areas (if not repaired) up to \$500.00 per occurrence
5. Vehicles Parked on Adjacent Property (after one prior warning)\$100.00 per day
6. Unauthorized Burning on Lot..... \$1,000.00 per occurrence
7. Unauthorized Site Plan/Building Change of up to a total of 500 sq. ft. to be determined by the ARB up to a maximum of \$500.00
8. Unauthorized Site Plan/Building Change exceeding a total of 500 sq. ft. to be determined by the ARB up to a maximum of \$2,500.00
(siting of house, total height, roof and wall changes or other major changes)
9. Building without proper permitting up to \$2,500.00
10. Poorly Maintained Improved Property
 - a. Exterior of Building (first 90 days) \$500.00
 - b. Lawn, landscaping & natural areas (first 90 days) \$500.00
11. Damage to roadways not repaired within 10 Days after warningup to \$500.00 per day
12. Other miscellaneous construction violations after prior warning: (Improper location of temporary sanitary facilities, littered construction site, Dumpster or Materials on Right of Way, Materials on adjacent Property, Overflowing Dumpster, Failure to use gravel at curb cut, Contractor and subcontractor misconduct) up to \$100.00 per day or occurrence
13. Other miscellaneous parking violations after prior warning (Improper storage and parking. Including but not limited to: boat, trailer, vehicle, recreational vehicle) up to \$100.00 per day or occurrence.
14. Other violations of Requirements and Procedures after warning: \$100.00 a week

The above applies to both additional and replacement work. The scope of the change and its impact on the surroundings will be taken into consideration in determining the actual amount of fine within the specified limits.

The ARB may also require the removal of any unapproved work and the restoration to the original condition(s) or other mitigation.

The ARB, in its sole discretion, has the authority to assess a fine or in recognition of any mitigating circumstances to adjust the amount of or to waive fine.

After the ARB has assessed a fine, the matter shall be referred to the DeBordieu Colony General Manager for collection.



6.17 APPEALS RELATED TO ENFORCEMENT FEES

A dispute concerning the imposition of an enforcement fee (violation fine) must be submitted for resolution through the Appeals Process as provided in Section 3.4 of this Manual.

