

*TRAPPER'S POND*  
*RULES AND REGULATIONS*  
*AND*  
*DESIGN AND ARCHITECTURAL STANDARDS*  
*(as amended February, 2004)*

## **SECTION 1 -- INTRODUCTION**

### **A. Purpose and Intent.**

The following Rules and Regulations ("R&R") and Design and Architectural Standards ("DAS") have been prepared to ensure that the goals and vision are realized for those portions of the subdivision known as David's Place as are included in the Planned Community known as Trapper's Pond.

Each Rule and Regulation contained herein is an extension of the recorded documents of the Association. Members must refer back to the Association's: Articles of Incorporation, By-Laws, the Final Planned Unit Development Plan, and the Declaration of Covenants, Conditions and Restrictions, for a clear understanding of what is expected of each Owner in Trapper's Pond. When appropriate, the Rules and Regulations contained herein pertain to Tenants of Site/Homeowners.

The strict application of the following limitations and restrictions in any specific case may be modified or waived, in whole or in part, by the Executive Board or by an appropriate committee (subject to review by the Executive Board) if such strict application would be unreasonable or unduly harsh under the circumstances. Any such modification or waiver must be in writing or must be contained in written guidelines or rules.

The purpose of the DAS is to provide specific design criteria for the subsequent improvement or modification of individual homes and for the development and subsequent improvement or modification of landscapes within the community. The DAS are designed to establish and maintain a quality community appearance, assure compatibility, direct character and form, and enhance value.

The DAS also allow individual identity, yet complement an overall community theme. While the DAS ensure that each home relates to the overall community image, they do not inhibit innovative design. They provide clear direction and specific criteria for evolving an overall sense of community.

To this end, homeowners are encouraged to review this entire document to better understand the relationship of each building site to the total design goals of the community.

All residential development within Trapper's Pond is to abide by the applicable criteria established by these DAS in addition to the development standards established by the approval of the David's Place plat by Jefferson County, Colorado, standard building codes, the recorded Declaration, and other requirements governing the development of residential communities.

**B. Community Concept and Character.**

The community design concept for Trapper's Pond provides for single-family detached homes to be linked by public roadways and pedestrian walks. An extensively landscaped perimeter treatment is punctuated by entry to the community and project signage. Visual and aesthetic continuity is provided by a uniformity of architectural design throughout the community. While promoting individual design within the parameters of the project concept, extremes of architectural expression are not encouraged. Complementing the architectural treatment is a hierarchy of fencing and landscape development which transitions from the perimeter of the community to the individual residential lot.

**C. Relationship of the Rules and Regulations and Design and Architectural Standards to Other Regulations.**

The R&R and DAS are not intended to supersede applicable federal, Colorado, or Jefferson County codes or ordinances. In case of conflict or discrepancy, or for subjects not addressed in the R&R or DAS, the more restrictive R&R, DAS, governing agencies, codes and/or regulations shall take precedence.

The DAS are to be used by homeowners when modifying or upgrading homes or landscaping on individual lots within Trapper's Pond.

The DAS will also be used by the Trapper's Pond Design Review Committee ("DRC") in reviewing proposals to determine their relative conformance to the overall design objectives and criteria.

The DAS are intended to cover each site-specific or lot-specific issue, and community issues such as edge treatments and relationships to adjacent land uses. The DAS are to be used in conjunction with the recorded Declaration.

**D. How to Use the Rules and Regulations and Design and Architectural Standards.**

The R&R and DAS are organized into major elements such as Site Planning and Design, Architectural Design and Landscape Design and procedural sections such as Submittal Requirements and Homeowner Construction Period Regulations. Each element is introduced with a description of intent followed by specific items within each element.

There are no established "number" of design criteria that must be met in each proposal. The relationship between design variables is dynamic, and each combination of elements is perceived differently. The DAS identify those elements that should be considered, and define performance characteristics the elements should have — but there is no "standard formula" for an "appropriate" design solution. In all instances, the DRC will consider the interrelationship of the design variables, and the specific criteria.

## **SECTION 2 – ENFORCEMENT OF REQUIREMENTS, RULES AND REGULATIONS**

The Management Company will follow the enforcement policy as outlined below, when they are notified of non-compliance of homeowners within the Trappers Pond Homeowners Association, either through: a) non-payment of any dues and fines by such homeowners, b) inspections of homeowners' properties, or c) through written and/or verbal complaints from homeowners regarding other homeowners' sites or the use of such sites.

### **A. Enforcement**

Enforcement will be through written notification and monetary fines. In instances of continued infractions, enforcement will be to the full extent provided by the Declaration, Jefferson County and the State of Colorado ordinances/laws where appropriate. The Association will not hesitate to bring legal action against flagrant or habitual violators.

### **B. Hearings**

When a homeowner receives a written notice of offense, they may and are encouraged to attend a regularly scheduled Board Meeting to discuss the offense and the Community's actions. To ensure that homeowners' hearings appear as an agenda item for a scheduled Board Meeting, such homeowners must provide two-weeks prior notice of their intent to be present at a Board Meeting for this purpose, via the Management Company.

### **C. Schedule of Fines -**

1. First Offense, written notice from the Board via the Management Company, demanding that the infraction be immediately stopped. This notice and all other notices that follow must contain: a) the nature of the violation, citing applicable Requirements, Rules and Regulations, and Declarations, etc., b) consequences associated with non-compliance, and/or failure respond to this and subsequent notices, and c) an invitation to attend a regularly scheduled Board Meeting to discuss the offense and the Community's actions (see "Hearings" above).
2. Second Offense of Similar Nature or Intent or Failure to Respond to First Notice - \$50 dollar fine, added to Association fee. Homeowners are responsible for all fees, including those caused by their tenants.
3. Third Offense of Similar Nature or Intent or Failure to Respond to Second Notice - \$100 dollar fine, added to Association fee. If notice of a third offense regarding a delinquency is sent to any homeowner, that notice shall be sent certified mail, and inform the homeowner that a lien will be filed if dues and fines owed are not paid within 30 days. If the fees are not paid within the 30 days, the Management Company will follow the steps necessary to impose a lien on the property, and refer the matter to collections.
4. Other available legal remedies will be sought beyond third offense.

#### D. Suspension of Voting Rights

The voting rights of any homeowner who is in breach of any provision in the recorded documents of the Association, and/or these Rules and Regulations, are suspended during that breach.

1. Failure to respond to a first notice of offense will result in the suspension of voting rights for an additional thirty days after the breach is cured.
2. Failure to respond to a second notice of offense shall result in the suspension of voting rights for an additional sixty days after the breach is cured.

### **SECTION 3 – RESTRICTIONS ON USE, ALIENATION AND OCCUPANCY**

#### A. Vehicular Parking, Storage, Garages and Garage Doors.

1. No oversized vehicles, trailers, camping trailer, boat trailer, hauling trailer, boat, or accessories thereto, truck, self-contained motorized recreational vehicle, or other oversized type of vehicle or equipment, may be parked or stored within the Community unless such parking or storage is within a garage; except that any such oversized vehicle may be otherwise parked as a temporary expedience for loading, delivery of goods or services, or emergency.
2. No abandoned or inoperable automobiles or vehicles of any kind shall be stored or parked within the driveways of the Lots in the Community.
3. No activity such as, but not limited to, maintenance, repair, rebuilding, dismantling, repainting, or servicing of any kind of vehicle, trailer or boat, may be performed or conducted on driveways of the Units, except for car/vehicle washing.
4. Garages, carports, and designated parking spaces (designated as a part of a Unit) are restricted to primary use as a parking space for vehicles.
5. Each homeowner shall keep any garage door of their Residence closed as frequently as possible, such that the visual effect of open garage doors are avoided and the contents therein are concealed from view from other Lots and the streets, all for the purpose of preserving the value and appearance of the Community.

#### B. Restriction on Garbage and Trash

In order to minimize the impact that Garbage/Trash removal has on the Community, each homeowner will participate in the trash service contracted for the Community, and be assessed for trash removal via monthly homeowner fees.

C. No Noxious or Offensive Activity

No nuisance shall be permitted within the Community, nor any use, activity or practice which is the source of unreasonable annoyance, or embarrassment to, or which unreasonably offends or disturbs, any homeowner or which may unreasonably interfere with the peaceful enjoyment or possession of the proper use of a Unit or Common Element, or any portion of the Common Interest Community by Unit Owners. Further no immoral, improper, offensive or unlawful use shall be permitted within the Community or any portion thereof.

D. No Annoying Lights, Sounds or Odors

No light shall be emitted from any portion of the Community which is unreasonably bright or causes unreasonable glare, and homeowners shall not emit sounds which are offensive by nature or volume. This means that such things as: loud audio/stereo, revving engines, and barking dogs will not be allowed in the Community - see Declaration for further information.

E. No Unsightliness

Homeowners shall not maintain or store, outside of their garage, vehicles which leak visible quantities of fluid on driveways or streets. Any other unsightly conditions, structures, facilities or objects shall be enclosed within an approved structure.

F. Restriction on Signs and Advertising Devices

No sign, poster, billboard, advertising device or display of any kind shall be erected or maintained anywhere within the Common Interest Community except such sign or signs as may be approved in writing by the Design Review Committee.

G. Clotheslines and Storage

No clotheslines, drying yards, service yards, wood piles, equipment or storage areas shall be so located on any Lot/Unit as to be visible from a street and/or public view.

H. No Hazardous Activities

All Members of the Community must obey speed limits and traffic signs within the Community. Each member is encouraged to use caution as a first line of defense in order to protect all other members.

Firearms must not be discharged in the Community Area. BB Guns and Air Rifles are considered firearms.

Fireworks prohibited by State and Local law shall not be used on any home site or Common Area within the Community.

Storage of hazardous materials, beyond those types and amounts commonly associated with normal household use, is strictly prohibited.

I. Animals

"Other small domestic animals" does not include: Potbelly Pigs, Wolf Hybrids, animals that appear on the County's list of "undesirable animals," and other exotic animals.

All pet feces must be picked up immediately and disposed of properly by the homeowners/homeowners' representative. This applies to all Common Areas, individual homeowners' Sites and the front yard of the pet owner. Backyards of pet owners may temporarily accumulate small amounts of feces, but must remain neat and odor free.

J. Playground Equipment

Only basketball backboards that are portable will be allowed on a homeowner's Site. However, backboards shall not be left on the sidewalk or in the street when not in use.

All playground equipment must be set 5 feet within the property line from all sides. This does not apply to portable basketball backboards when in use.

K. Air Conditioning/Cooling Equipment.

DRC approval is required. Air conditioning equipment, including swamp coolers, should not be immediately visible and must be screened from view. It should be installed in such a way that any noise to adjacent property homeowners is minimized. Installation of air conditioning equipment, including swamp coolers, on the roof of the house or in a window of the house will not be permitted. It is required that homeowners notify and receive neighbors signature approval prior to submitting forms for Air Conditioning Equipment.

L. Snow Removal.

Adjacent sidewalks to homeowner's property must be cleared within twenty four hours after each snow fall. Neglecting to remove snow can lead to dangerous sidewalks and unnecessary hazards in the Community.

## **SECTION 4 - SITE PLANNING AND DESIGN**

A. Purpose and Intent.

The Site Planning and Design criteria are intended to establish a harmonious character through the following items:

B. Accessory Structures.

Accessory structures, i.e., "storage sheds, awnings" are not allowed on any property without specific approval of the DRC. Homebuilders and homeowners are encouraged to provide for storage space in the garage.

Storage Sheds/Outbuildings must meet the following requirements:

1. Only one storage shed per site will be allowed.
2. Storage sheds shall be no larger than 100 square feet in floor space, no taller than 10 feet, and no single wall shall exceed 12 feet in length.
3. Roofing for storage sheds must match the house in style and color.
4. Storage sheds must be sided and painted to compliment the house.
5. Metal and plastic sheds are not allowed.
6. Smaller plastic storage units that do not exceed 5 feet in width, 3 feet in depth, and 6 and 1/2 feet in height, and cannot be seen from over the fence line, may be considered. Guidelines for approval are:
  - a. The unit must be of a neutral color that compliment the paint color(s) of the home.
  - b. Quality materials must be used (i.e. - Rubbermaid).
  - c. Units must be anchored to the side of the house directly behind the wing fence, or to the back of the 3<sup>rd</sup> car garage.
  - d. Worn, Broken, or Faded units must be removed.
7. Shed location is a strong consideration for approvals. Acceptable location will be determined by Codes, Community impact, and common sense.

Awnings must meet the following requirements:

1. Only retractable Patio Awnings made of fabric will be permitted. The fabric must compliment or match the house. No other awnings will be approved.
2. Dirty, torn and faded awnings must be cleaned, removed or replaced.

C. Concrete Driveways.

Concrete driveways and parking areas are not to be expanded without the prior written approval of the DRC.

D. Dog Runs.

Dog runs will be allowed if they can be reasonably isolated and screened from adjacent lots. Local ordinances regarding noise, odors and other nuisances will be in effect.

E. Gardens.

Vegetable gardens will be allowed in the rear yard. Flower gardens are encouraged in the front or side yards as a complement to the landscape installed by the Builder.

## SECTION 5 - ARCHITECTURAL DESIGN

### A. Purpose and Intent.

The architectural character of the residential component of Trapper's Pond is intended to reflect regional character with a variety of interesting and compatible relationships of form, texture and style. Additionally, economic factors, environmental concerns, and construction practices prevalent in the industry are important influences. These DAS are intended to promote a high level of design quality, assure compatibility between residential products within the community, and guide character and form. Together, these key components comprise an essential part of the Trapper's Pond image.

The architectural theme for Trapper's Pond has been established by the Builder and the Declarant and is best characterized by a commitment to regional design styles that demonstrate form elements with shadow-lines, building materials with strong textures, and exterior colors complimentary to the natural environment.

There is no single "correct" architectural style for homes in Trapper's Pond, yet all design elements are expected to relate clearly to the established design theme.

This identification and compatibility with the established architectural theme is expected to be achieved at all levels of design identification, including individual dwellings, "streetscenes," and the total community.

### B. Color.

The color of exterior materials will generally be subdued to blend with the colors of the natural landscape. Generally muted color tones are recommended, although occasionally accent colors used judiciously and with restraint may be allowed. Use of highly chromatic or "bright" colors is to be avoided.

1. Homeowners must paint the exterior of their homes in order to maintain the appearance of the home and the neighborhood. This includes all siding, trim, and gutters.
2. Paint schemes and colors must be submitted to the DRC for approval, before painting commences.

### C. Materials.

Exterior surfaces shall be of natural and such other materials that blend and are compatible with the community and the landscape. The use of each material shall be a truthful and appropriate expression of the characteristics of that particular material. Use of brick, wood, stucco and stone is preferred. Exposed concrete blocks, painted concrete, multi-colored masonry, mirrored glass, metal siding, prefabricated metal buildings, simulated brick, unnatural brick tones, and silver finish aluminum doors and windows shall not be acceptable. Architectural "add-ons," appliques or obviously simulated materials shall not be acceptable.



D. Roofs.

All roofs shall be of a material, color and texture approved by the DRC. Replacement material shall be the same quality or better and the shingle shall match the original texture and color. The general appearance of the dwelling is an important consideration. Shake roofs will not be allowed. Concrete tile roofs of a natural color (grays, beige) will be considered. Spanish style/red tiles will not be approved.

E. Building Projections — Massing of Components.

All projections including, but not limited to, chimney flues, vents, gutters, downspouts, porches, railings and exterior stairways, shall match the color of the surface from which they project or shall be of an approved color. Vents shall be painted to blend with the roofing.

F. Garages.

Garage doors shall be painted the same color as most of the dwelling, not a contrasting color.

G. Antennas - Satellite Dishes -- Solar Panels.

One satellite dish is allowed per home pursuant to the terms of the Declaration, as approved by the DRC. Large satellite dishes will be prohibited in favor of the smaller (18") varieties unless otherwise approved by the DRC. Solar panels shall be ground mounted or laid flat on the same plane as the roof. Solar panels shall not be built on stilts.

H. Building Code.

All structures will conform to all applicable building codes and ordinances. Approval by the DRC does not constitute or imply compliance with such codes and ordinances.

I. Storm Doors and Security Doors

Storm, Screen, and Security Doors shall be of high quality construction. Any cross pieces must be attractive, and compliment the house and the Community. The door color must also compliment the paint color of the house, and must be submitted to the DRC with the Request. Mill finish and clear anodized aluminum doors will not be approved.

## SECTION 6 -- LANDSCAPE DESIGN

### A. Purpose and Intent.

The Landscape Design criteria are intended to supplement the Site Planning and Architecture Design criteria to integrate structures into the community. Additionally, the landscape of each residential lot should have compatibility with adjacent lots, the project's streetscape, and ultimately transition into perimeter landscaping. The DRC reserves the right to require landscape components as a part of the architectural approval, if in the opinion of the DRC, the architectural design needs specific assistance to meet the intent of the design guidelines.

### B. Fencing.

Fencing at Trapper's Pond shall consist of a six (6) foot solid perimeter fence along West Bellevue Avenue and South Simms Street and is intended to separate Trapper's Pond from visual intrusion by the public on the exterior boundary of the project. Interior fencing shall be a five (5) foot solid type, and of a similar design as the perimeter fence, or if wanted, other than near the front of each building line, a two or three rail fence used on individual properties, with a wire mesh of rectangular design applied to this fence for containment of pets. Fencing is allowed to provide a sense of security, provide confinement for family activity, yet avoid complete physical and visual enclosure. It is intended that plant material integrate the fencing into the community to enhance desired visual enclosure. Privacy fences for the enclosure of decks or patios may be solid. When used, these fences should be considered architectural extensions or be a part of a deck. In each case, the privacy fence should not appear as a separate, unrelated element and should not extend beyond the primary area being screened. "Invisible" fencing is allowed for animal control. Fencing, should be complemented by foundation plantings so that the fence "disappears" into the landscape. Fencing is prohibited in the front yard of homes. A fence should not be closer than one foot (1') to the building front elevation.

### C. Site Drainage and Grading.

All structures and landscape elements shall be placed on the property so that the existing topography shall be disturbed as little as possible. Finish grading shall be such maintained as to prevent ponding or washing of water on the site and on adjacent property while providing for a rolling lawn area. Drainage shall be maintained away from structures. Newly graded areas shall be protected against erosion. Location of topsoil stockpiles, barrow pits on site, and excess material disposal areas are subject to DRC approval.

### D. Plant Materials.

All plant materials used in the landscape should be native or naturalized to the area. Plant material selection should be made from locally available nursery or garden center stock. The Colorado Nurserymen's Association's Rocky Mountain Plant Guide lists acceptable materials. The landscape for the side and rear lot of each home should have a variety of deciduous and coniferous plant materials.

E. Lawn and Yard Maintenance.

Lawn areas should be kept at least six (6) feet away from the foundation of the home or as recommended by a professional soils engineer or landscape professional, to ensure proper drainage is maintained.

Yards shall be mowed regularly, clippings shall not accumulate into piles, yards shall be managed to minimize weeds, and trash and debris shall be removed promptly. Edging shall be done along driveways and sidewalks.

Bushes and trees shall be pruned appropriately.

Homeowners shall not dispose of grass clippings, landscape materials, or other refuse of any type into Community Common Areas.

F. Foundation Plantings.

Planting beds should surround the foundation of each structure and provide a minimum of six (6) feet of planting area from the homes' foundation to the lawn areas and as provided for above to ensure proper drainage. In all instances, watering near the foundation should be minimal (e.g., drip systems) to avoid possible structural damage to the dwelling unit.

G. Front Yards and Edging.

All landscaping in the front yards of single-family homes shall be maintained by the homeowner in a condition at least as good as or better than the condition at the time of installation. Concrete curb-type edges are discouraged. Vegetation must be trimmed along fence lines.

H. Rock and Mulch.

Planting beds visible from an internal public right of way or private street may utilize a woody mulch or rock. Woody mulch provides a favorable environment for plants, reduces irrigation requirements and minimizes long-term maintenance costs. Rock must be light grey in color (i.e., river rock). Multi-colored rock (i.e., pink granite, dark red lava rock, or other colors) is not allowed. Large (six inches (6") in diameter or greater) river rock, moss rock, or other "feature" rock may be used as part of the landscape.

All mulch and rock should be placed over a weed barrier fabric and be kept in place with a steel, plastic or brick edger. All edging should be installed to prevent damming of water near the foundation. Concrete curb-type edges are discouraged.

I. Weeds.

Weeds must not accumulate at or around a homeowner's Site, and it is the homeowner's responsibility to manage those areas to eliminate the weed.

Homeowners must also remove vegetation from cracks along their sidewalk and driveways. This includes the seam between the concrete gutter and the asphalt street.

When using chemicals to control weeds, homeowners must not allow an "over spray" on to an adjoining Site.

J. Lighting.

No exterior lighting other than that provided by the builder shall be allowed on any lot except with the written approval of the DRC. Subdued exterior lighting whose light source is not visible from adjoining dwellings may be allowed by the DRC for such purposes as illuminating entrances, decks, driveways, landscaping and parking areas, and other approved purposes such as seasonal decoration.

K. Landscape Components Not Allowed.

No artificial plants of any type are to be used in the landscape. Any area visible from a public right of way shall not have yard decorations such as plastic, fiberglass, concrete or iron animals, birds or human replicas, free-standing water features, windmills, or other agricultural equipment, wagon wheels, mechanical equipment incorporated into mailboxes or other unnatural landscape element. Artificial lawn material must be submitted for approval by the DRC.

## **SECTION 7 - DESIGN REVIEW AND APPROVAL PROCEDURE**

A. Submission of Plans by Homeowners.

Plans and specifications of homeowners will be submitted for landscaping, additions to homes or other improvements requiring the prior approval of the DRC as specified in the Declaration and in accordance with the following submittal and review procedures and according to the following submittal and review procedures. The DRC shall conduct a review during a meeting and is to respond no later than sixty (60) days after submittal, provided that the plans are according to the requirements outlined below. Should the plans be approved, the homeowner may apply for the appropriate building permit(s), and when approved, begin construction. In case of disapproval, the resubmittal of plans shall follow the resubmittal procedure. If a review fee is required, plans will not be reviewed until the review fee is paid. Plan review fees may be paid at the time of submittal. The review fee schedule, if any, shall be determined by the DRC.

A member of the DRC will be available as needed and an appointment should be made at least one (1) week in advance by calling the management agent.

Four (4) copies of the plans and specifications of a homeowner are to be submitted for approval. Submitted plans shall include:

1. An approximate time schedule indicating starting and completion dates.
2. If the plans are confusing or difficult to read or review, the DRC may require a site plan with designation of all elements (at no smaller than one inch (1") = thirty feet (30') showing building location, including accessory improvements.
3. Complete rear and side yard landscaping plan, including areas to be irrigated, and a description of landscaping materials shall be provided to the DRC.

Approval by the DRC shall be issued in writing. However, at least five (5) days before commencement of construction, the owner shall notify the DRC so that it may make a visual inspection of the lot.

Construction shall not commence until all of the above requirements are satisfied.

Additional construction to a dwelling and/or changes after completion of an approved structure must be submitted to the DRC for approval before initiating such changes and/or additions.

**B. Resubmittal of Plans.**

In the case of disapproval of any submission, any resubmission of plans will follow the same procedure as an original submittal. In the event a decision by the DRC is felt to be unjust, a request may be submitted in writing to the DRC within seven (7) days of the date of notification of the decision for a special hearing. This request shall contain the reasons why the decision is felt to be unjust and any other explanatory material that would be helpful to the DRC in reviewing the situation. A meeting of all parties concerned may be arranged when warranted and the decision of the DRC at any such meeting or after reviewing this material will be final.

**C. Accuracy of Plans.**

Any owner submitting plans for approval to the DRC shall be responsible for the verification and accuracy of all lot dimensions, grade, elevations and the location of the key features of the natural terrain. Each owner shall certify to the accuracy of that before the DRC will undertake its review.

**D. Work in Progress.**

The DRC may inspect all work in progress and give notice of non-compliance. Absence of such inspection and notification during the construction period does not constitute either approval of the DRC of work in progress or compliance with these DAS or the Declaration.

If, during construction, changes occur to an improvement which cause it to be significantly different from the approved documents, a request for approval of these changes shall be submitted to the DRC by furnishing four (4) copies in the following manner:

1. A written statement giving the reason such changes are desired.
2. A complete description of the change, including drawings, specifications and any other descriptive material required by the DRC.
3. The DRC may charge a fee for review of the changed plans as determined by the DRC.

In case of disapproval of the changes, resubmission of plans or request for a special hearing shall be in accordance with paragraph 2 above.

E. Completed Work by Homeowners.

Upon completion of any improvement by a homeowner for which approval was given by the DRC, the owner shall furnish a notice of completion to the DRC.

Within such reasonable time as the DRC may determine, but never exceeding ten (10) days from receipt of such written notice of completion from the owner or its duly authorized representative, the DRC may inspect the improvements (dwelling). If it is found that such work was not done in strict compliance with the plan submitted or required to be submitted for its prior approval, it shall notify the owner in writing of such non-compliance, specifying in reasonable detail the particulars of non-compliance, and shall require the owner to remedy the same.

F. Right of Waiver.

The DRC reserves the right to waive or vary any of the procedures or standards set forth in these DAS at its discretion for good cause shown.

G. Non-liability of the DRC and Declarant.

Neither the DRC nor the Declarant, or their respective successors or assigns, shall be liable in damages to anyone submitting plans. This exemption from liability shall be for any reason, including because of mistake in judgment, negligence or nonfeasance. Every owner or other person who submits plans to the DRC for approval agrees, by submission of such plans and specifications, that he will not bring any action or suit against the DRC or Declarant to recover damages.

H. Enforcement.

These DAS may be enforced by the DRC or the Association or the Declarant as provided in the Declaration.

## SECTION 8 - HOMEOWNER CONSTRUCTION PERIOD REGULATIONS

In the interest of all homeowners, the following regulations shall be enforced during the construction period of any improvements on a lot. These regulations shall be a part of the construction documents and contract for each home, and all homeowners shall abide by these regulations.

### A. Construction Hours/Holidays.

Construction work on any structure or building site shall not commence before 7:00 a.m. or continue after 7:00 p.m. Monday through Saturday. No construction is allowed on holidays without the written permission of the DRC.

### B. Construction Limits.

The DRC may require a homeowner to provide a detailed plan of construction limits before construction, to be done with snowfencing, rope barricades, or like material before construction. The plan shall include size and location for construction material storage areas, limits of excavation, access areas, parking, chemical toilet location, dumpster, fire extinguisher, utility trenching, and a construction sign.

### C. Excavation.

Excess excavation material may be required to be removed from the property. Excavation, except utility trenching, shall be on the homeowner's site only. Contractors are expressly prohibited, during back fill and final grading operations, from spreading excess debris and material over the remainder of the homeowner's tract.

### D. Utilities.

Contractors will use only the utilities provided on the site on which they are working. Accessing utilities from any other site without written permission of the owner of that site is trespassing and violators may be charged.

### E. Debris and Trash Removal.

Periodic clean-up of construction sites of homeowners is mandatory. All trash and debris shall be stored in a fenced or other appropriate trash disposal area and shall be removed from the trash disposal area on a periodic basis. All street(s) and open space shall be kept free of debris or soil from construction on a homeowner's lot.

### F. Vehicles and Parking.

Construction vehicles shall not damage any improvements or public streets, including damage from dripping oil.

G. Restoration of Property.

Upon completion of construction, each homeowner shall clean the construction site and repair all damaged property. Repairs shall include, but shall not be limited to, restoring grades, planting shrubs and trees as approved or required by the DRC, repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

In addition, the owner and general contractor shall be held financially responsible for the cost of site restoration/revegetation and refuse removal required on all adjacent properties because of trespass or negligence by their employees or subcontracted agents.

H. Noise and Odor.

Reasonable efforts shall be made to control noise, and odor emitted from construction areas. The homeowner will be responsible for excessive noise or offensive odors. Loud radios, stereos or other noise or music is prohibited.

**SECTION 9 - AMENDMENTS**

The Executive Board and DRC shall have the right to amend and modify these R&R and DAS any time in its sole discretion as allowed for in the Declaration. Copies of all modifications or amendments may be sent to each owner of record within thirty (30) days after their adoption, or may be held by the Executive Board or DRC or the Association for distribution upon request.

**SECTION 10 - ADOPTION OF RULES AND REGULATIONS AND DESIGN AND ARCHITECTURAL STANDARDS**

These Rules and Regulations and Design and Architectural Standards are adopted by the Executive Board Design Review Committee of Trapper's Pond Owners Association, Inc. this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Signature of President of Executive Board

\_\_\_\_\_  
Signature of Chair of Design Review Committee