

October 16, 2015

TROON MOUNTAIN COMMUNITY ASSOCIATION (TMCA)* CONSTRUCTION, REMODELING & REPAIR RULES & REGULATIONS

*(*Includes Boulder Pass, Parcel C, Troon Mountain Estates, 25000 Troon Mountain and Windy Walk II)*

Revised and Effective as of October 16, 2015

(Note: Summarized Bullet-Style Format Purposely Used for Brevity)

Construction, remodeling and repairs (exterior and interior) in the Troon Mountain Community Association (TMCA) require that the Owner, General Contractor (GC) and its employees, and Sub-Contractor (SC) and Sub-Contractor's employees observe the following guidelines:

- GC and Owner are both responsible for compliance with all construction, remodeling and repair rules, restrictions, regulations and mandates of the City of Scottsdale, Troon Village Association (TVA) and TMCA
 - Owner is responsible for GC's compliance with these Rules
 - GC's responsibility to inform Sub-Contractors and employees of all rules and regulations
 - GC to provide names & contact numbers for all Sub-Contractors to TMCA Property Management Company
 - GC is responsible for conduct of all employees and workers on job-site (their own and Subs)
 - GC is responsible for all construction related damage to adjacent property, roadways and easement areas
 - Failure to comply with stated guidelines will result in fines (see Section 11 Fine Schedule)
 - "Job site" or "site" as referenced herein shall mean the Owner's Lot; all references in these guidelines to areas off the job site may include the Common Areas or other Lots, as applicable
1. **PLANS AND VARIANCES:** One copy of plans must be submitted to TVA Architectural Review Committee (ARC), which oversees architectural submittals and approvals for construction, alterations and modifications of Lots and homes within TMCA
 - Owner must inform TMCA of any variances of the TVA architectural rules obtained from TVA
 2. **CONSTRUCTION HOURS:**
 - Winter Hours:** October 1 through April 30, Monday through Friday, 7:00am to 5:00pm
 - Summer hours:** May 1 through September 30, Monday through Friday, 6:30am to 5:00pm
 - Year Round:** Saturday 8:00am to 4:00pm
 - Saturday: quiet, minor, interior, light construction related activities permitted; such work must not generate noise off job site. No concrete trucks, excavating vehicles, large material deliveries or construction activities requiring multiple vehicles permitted
 - Monday through Friday: Personnel and equipment must be off job site by 5:00pm
 - Saturday: Personnel and equipment must be off the job site by 4:00pm
 - No construction activities permitted on Sundays or holidays, including New Years Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day.
 3. **CONSTRUCTION ENTRANCE, EXIT & SPEED LIMITS:** Construction traffic must enter through 115th Street and Troon Mountain Drive gate *only*; and, exit either 115th Street gate or the Buckskin Trail gate *only*, whichever closest to the construction site; travel is restricted to the most direct route between the gate and job site
 - Access tags issued at entry guard gate; and, must be visible at all times
 - Access violations (e.g., failing to register with guard gate, using an unauthorized gate, tailgating or being "let in" at an exit gate, etc.) is not tolerated
 - Workers must remain on job site during breaks or non-working periods; driving or walking elsewhere in community prohibited
 - Workers must be aware of all posted speed limits; speed limits must be adhered to at all times

4. **PARKING:** Cars, trucks, trailers, construction equipment, machinery, & dumpsters restricted to job site
 - If job site parking not feasible, offsite parking permitted on side of street where job site located
 - If construction occurs on opposite sides of same street, two GC's must coordinate, restricting parking of both jobs to same side of the street
 - Overnight or weekend parking on the job site or on the street strictly prohibited with exception ...
 - ✓ **Exception:** With prior written Board approval, certain excavating or other equipment may be permitted on job site for a specific pre-arranged time period to be agreed upon between the TMCA Board and GC. Board decision shall be final. Even with variance, equipment must be removed on weekends unless otherwise approved by the Board
5. **DUMPSTERS AND CONSTRUCTION DEBRIS:** Dumpsters must be provided and placed on each site (including remodel and repair sites) and closed at the end of each work day
 - GC's responsible for maintaining a neat and orderly job site; including daily, end-of-day site clean-ups to pick up all trash, debris and material, including any that blow off site
6. **PORTABLE TOILETS:** Must be placed on site and maintained so as not to allow noticeable odor by adjoining property owners or from off site
 - Unit placement must take into consideration surrounding homes; not located near property line or next to driveway of a completed home
 - Unit must be level, access door must not face the street, and set back so it does not obstruct a motorist's line of sight
 - Color must be "muted" (beige or earth tones, no bright colors) and not display advertising or phone numbers
7. **CONSTRUCTION SITE, MATERIALS AND DRAINAGE:** All materials and equipment must be placed and securely stored on job site, never on the road; no construction sheds, trailers or similar facilities permitted
 - Equipment (trailers, mixers, etc.), construction debris or materials (including lumber, dirt, sand or gravel) restricted to job site
 - Vacant lots are not acceptable temporary or permanent storage alternatives
 - GC liable for all damage to Association property caused by water or debris washing off site
8. **EQUIPMENT CLEAN UP AND WASHOUTS:** All equipment clean up and washouts must be done and contained to job site or to appropriate cleaning area outside TMCA gates
 - Water, debris or construction materials leaving site must be cleaned up immediately so no staining or discoloration of road, curb, riprap or any offsite area occurs
 - Washouts include concrete trucks, drywall and painting equipment or any other applicable phase of construction
 - GC's responsibility to sweep streets where dirt tracked or washed off site by workers or rain
9. **RADIOS, TAPE PLAYERS, CDs & OTHER AUDIO SOUNDS:** Noise levels must be kept to a minimum and limited to job site
 - Under no circumstances should volume be audible on adjoining properties
10. **BLASTING, FIRES, BURNING:** Blasting (of any type), fires and burning trash or debris prohibited

11. FINES FOR COMPLIANCE: If violations occur, fines will be applied immediately (unless otherwise specified below); any fines unpaid 30 days from assessment will result in denial of the GC's and SC's access to the common area roads in TMCA to access the job site

SECTION	VIOLATION	FINE
2 & 3	Construction hours; work day; noise or access violations	<ul style="list-style-type: none"> \$500 per occurrence
4	Parking	<ul style="list-style-type: none"> 1st violation = warning issued 2nd for same job site or same CG or SC on different site = \$500 3+ violations = \$500/night for up to 3 nights & gate access denial
5	Dumpsters and debris	<ul style="list-style-type: none"> Larger of \$200 or actual cost of clean-up per occurrence
All Other Sections	All other violations	<ul style="list-style-type: none"> Start at minimum of \$200 each & escalate for multiple occurrences of same violation or failure to correct within 48 hours

12. APPEALS PROCESS: Disagreements with violation fee determination may be appealed to TMCA Board of Directors within 14 days after notice of the fine has been sent to the Owner

- Board shall review and advise of its decision within 14 days after reviewing the appeal
- Board decision shall be final; collection of fines will be enforced in accordance with Arizona law and the governing documents

13. SITE PATROLS: Patrols conducted nightly to record and report violations; and, to direct workers off job site after 5:00pm on weekdays; 4:00pm on Saturday

14. CONSTRUCTION TIME FRAME: New builds must be completed within 24 months and remodel projects must be completed within 12 months.

- Exception: Builds requiring a longer time frame (such as lots with difficult site preps) must be submitted for Board approval
- New builds and remodel projects not completed within the timeframes set forth herein shall be considered a nuisance

ONCE PAST SITE PREP STAGE, RULES TO BE POSTED ON JOB SITE

By signing below the General Contractor and homeowner ...

- Acknowledges receipt of the construction rules and regulations
- Agrees to abide by these rules
- Acknowledges that they are responsible for and willing to supervise all Sub-Contractors and workers

To avoid delays in construction access, both the Owner and General Contractor must review, sign and return the original signed copy of this document within 5 days from receipt to the TMCA management company:

Cornerstone Properties, Inc.
 ATTN: Mike Roberson
 P.O. Box 62073
 Phoenix, AZ 85082-2073
 Office: (602) 433-0331 Fax: (602)-244-9214

**Approved By Troon Mountain Community Association
 Board of Directors on October 16, 2015**

By: Theresa I. Gacek Date: 10/16/15
 Theresa I. Gacek, TMCA President

CONSTRUCTION RULES & REGULATIONS ACKNOWLEDGMENT

(Please file with the management company)

I have read and understand the Construction Rules and Regulations for the Troon Mountain Community Association. I agree to adhere to these conditions and will be responsible for all violations of the constructions rules and regulations that may be applicable. I am aware that I am responsible for all fines that may be assessed for failure to comply and that workers may be denied access to the Community if violations have not been corrected.

_____ Lot #	_____ Starting Date	_____ Lot Owner Signature	_____ Date
		_____ General Contractor's Signature	_____ Date

General Contractor Contact Information:

Company: _____
Contact Name: _____
Mailing Address: _____
Phone Number: _____ Mobile / Cell Number: _____
Fax Number: _____ Email: _____

Sub-Contractor Gate Access List:

Company or Name:	Phone Number:	Mobile / Cell Phone Number:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Attach List of Additional Sub-Contractors)

Once signed, keep a copy for your files and return signed original to:

Cornerstone Properties, Inc.
ATTN: Mike Roberson
P.O. Box 62073
Phoenix, AZ 85082-2073
Office: (602) 433-0331 Fax: (602)-244-9214