

SECTION V

SPECIAL RULES FOR BUILDERS

The Architectural Review Board expects the builder (general contractor) associated with each approved project to complete the construction work in a timely, continuous, orderly and neat manner so as to minimize visual and acoustic disturbances to nearby residents. **A builder will be held responsible not only for his own employees, but for the actions of all his subcontractors and suppliers** as well. In all cases, however, **the property owner will ultimately be held accountable by the ARB for the actions of his/her builder.**

The following rules and regulations are designed to enhance the Plantation's overall appearance to residents and visitors. These regulations are to be used as guidelines and are not intended to restrict, penalize or impede construction firms who adhere to these regulations while performing their duties in Sea Pines Plantation. Repeated violation of these regulations could result in the suspension of the building permit for that residence until corrective action has been taken by the builder. Additionally, a builder who repeatedly violates either the letter or "spirit" of these guidelines may be required to post a larger construction deposit or, in the extreme, be prohibited from working in Sea Pines.

- A. No work, including lot clearing, may be started until both a Sea Pines Building Permit and a Town of Hilton Head Island Building Permit have been issued and posted by the builder at the job site.

- B. Construction work, both exterior and interior, must be limited to the hours of 7:00 A.M. to 7:00 P.M., Monday through Saturday only. Workers and their vehicles should not arrive before 6:45 A.M., and should depart from the job site before 7:15 P.M., without exception.

No work will be permitted on Sundays, Thanksgiving Day, or Christmas Day.

For all projects on job sites which abut the Harbour Town Golf Course, no work of any nature will be allowed on Thursday, Friday or Saturday of the week during which the MCI Heritage Classic Golf Tournament is held (normally in early-to-mid April of each year).

- C. No trees larger than six (6) inches in diameter may be removed unless indicated for removal on the ARB-approved site plan.

All trees on the lot not approved for removal, must be maintained in an undamaged condition. The Owners and the Builder are jointly and severally responsible for providing and maintaining **throughout construction** necessary tree protection as outlined in Appendix D, pages A-9 & A-10 of the Building Permit Agreement.

Any tree damaged during construction or damaged as a result of such construction, shall be repaired to the satisfaction of the Administrator according to accepted International Society of Arboriculture practices. See Appendix D, pages A-16 & A-17 for tree penalty requirements and schedule.

- D. A portable toilet must be placed on a job site, for use by all workers on that project, prior to the start of any work. The only exception to this requirement is in the case of building additions or alterations where full-time access to working interior toilets is granted, and is available to all workers, by the owner of the existing residence being modified.

The required "portable toilet" is defined as an upright, enclosed unit which must be placed outdoors (i.e., outside of any building footprint) on the job site -- as far back on the lot as possible (but no less than 25 feet from the street) with the door facing away from the street and adjoining houses. The use of camping-style portable toilets is strictly prohibited within Sea Pines Plantation.

All portable toilets must be emptied, cleaned and chemically treated regularly (not less than once per week) to prevent offensive odors or appearance.

- E. Construction shall be in strict accordance with the drawings, site plans, materials and colors submitted to and approved by the Architectural Review Board. **NO EXTERIOR CHANGES MAY BE MADE WITHOUT PRIOR WRITTEN APPROVAL FROM THE ARB.** This includes exterior materials or colors, or doors and windows (number, location, style or size).
- F. All motor vehicles -- including those belonging to the builder, his subcontractors or suppliers, and workers' personal vehicles -- must be parked off-street and only on the project property. Where conditions do not allow such to occur, the builder must arrange in advance for an alternative jointly with Sea Pines Security and neighboring property owners. The builder and property owner are responsible for seeing that all construction workers and suppliers obey all traffic and security regulations of Sea Pines Plantation.

- G.** Maintenance of a clean and orderly building site is imperative throughout the term of the project. The builder must provide at least one suitably sized trash receptacle at the job site prior to starting any work. Trash shall be placed directly into these containers, and at the end of each day the builder shall assure that any loose litter/trash is placed in the containers. The containers must be emptied as often as necessary to assure that trash does not spill or blow out. All trash, debris and litter shall be removed from the Plantation. No dumping of any kind is allowed within the Plantation.

All vehicles used to haul trash, fill dirt, debris, building materials, etc., must be equipped with a net or cover to contain loose material and configured/loaded so as to prevent any spilling. If any spillage does occur within the Plantation, it shall be promptly removed by the builder.

All construction materials must be kept within the property lines, maintaining a clear street right-of-way. Burning of trash and unused building materials is not allowed.

Failure of the builder to properly maintain site cleanliness may, after notice from the ARB, result in assessment of established penalties and/or clean-up being done by others designated by ARB with the cost of such deducted from escrow funds deposited by the builder.

- H.** All builders are required to use the design for construction site signs that was approved by the Board in October, 2005 (a copy of the design approved by Board can be emailed or visit the ARB office to see the actual sign). All existing builders signs must be removed by January 31, 2005. This requirement, including the following, will be strictly enforced: **(Revised 11/2005)**
1. Only one sign each may be erected at the construction job site by the builder (general contractor) and by the architect/designer, if different. Subcontractor, pool contractor and landscape contractor signs are not allowed.
 2. No signs may be placed at the job location until after both building permits (one by the Town of Hilton Head Island and one by the ARB) are issued. Then, both such permits are to be posted simultaneous with and in close proximity to the placement of the builder's sign.
 3. The single allowable builder's (and architect's) sign is to be located only at and facing the front street of the house being constructed or altered.

In no event is any sign to be placed on the golf course side of the lot or on a side street for better "advertising" purposes.

4. All signs and building permits posted at the job site must be removed prior to the earliest of: (1) building occupancy by any persons, even temporarily; (2) exterior completion including landscaping; or (3) final inspection by an ARB representative. In no event may a builder's (or architect's) sign remain after one year from the date of Building Permit issuance.
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- I. The builder is responsible for providing water and electrical service at the job site **prior to starting any work that requires their use**. Obtaining water or electricity from neighboring properties is prohibited. Temporary utilities should be installed in a neat manner. The temporary power pole must be installed plumb and will not be utilized for the placement of signs or permits.
 - J. Loud extraneous noises are not permissible. Thus, no loud playing radios or musical devices or loud, profane language will be tolerated. All workers, including subcontractor and supplier personnel, shall be informed by the builder about this requirement.
 - K. Final grading shall include drainage swales, berms, culverts or other appropriate provisions whenever the construction adversely affects the drainage of the natural watershed or causes runoff to adjacent properties.
 - L. Any damage done to roadways, walkways, bicycle or golf cart paths, or to adjacent properties during the course of a project -- and no matter whether caused by the builder's employees or equipment or by those of subcontractors or suppliers -- must be repaired by the builder prior to construction completion.
 - M. A building or building addition may not be occupied by any persons, even on a temporary basis, until after the builder or owner has obtained a Certificate of Occupancy from the Town of Hilton Head Island and has delivered a photocopy thereof to the ARB. For new houses, a photocopy of the first floor elevation certificate provided to the Town must also be provided to the ARB by the builder.

N. The ARB has the right to enter and inspect the premises from time to time at its sole discretion and without prior notice, in order to verify that work is proceeding in accordance with approved plans. An ARB inspector may enter and inspect the construction when it is safe to do so and without interference to work in progress. The ARB Administrator has the authority to issue a "stop work" order if construction is observed to be non-compliant with ARB-approved plans or ARB policies. Prior to any Board action, the Builder will have 10 days to appeal this action to the Board. After this 10 day period, the Board may halt construction until the unauthorized changes have been addressed and resolved. Penalties for changes without approval will be reviewed on a case by case basis in terms of the number of changes, the aesthetic impact of the changes, the number of building elevations affected by the changes and the views of the changed elevations. For builders who repeatedly make changes without ARB approval, the Board may require higher escrow deposits for compliance and deposit of additional escrow funds during construction when unauthorized changes have been discovered. The Board may also require the builder to keep a set of ARB approved stamped drawings on site at all times for any ARB staff member or Board member to review the construction for changes at any time. Following a hearing by the ARB, the Board may suspend the Builder's ability to perform work in Sea Pines Plantation if infractions are persistent and/or serious. (Revised 6/17/2003)

O. Unless an extension is approved in writing by the ARB, all residences must be completed and a Certificate of Occupancy issued by the Town of Hilton Head Island within one (1) year from the date construction has commenced on a lot. The date of construction commencement shall be the date a valid Sea Pines Building Permit was issued to the builder (general contractor) responsible for construction. Any delays which prevent the construction being completed within the Covenant mandated maximum of one year will be reviewed on a case by case basis. These delays may include extraordinary measures as required by local building requirements or delays in delivery of specialty materials and supplies when such delays are caused by building code changes which affect availability. Failure of the owner to provide timely decisions for finish materials or failure of the builder to order materials and supplies in a timely manner will not constitute a valid reason to extend more time for completion. The owner or builder will be required to supply the ARB with a construction schedule and staging schedule at the beginning of any project for which a time extension is anticipated. The schedule will be reviewed by the ARB staff as well as any qualified consultant deemed necessary by the ARB to evaluate the schedule and make a report to the Board regarding the appropriate action which should be taken in terms of time extensions. If conditions arise during construction which may cause delays and which are not under the control of the owner or

builder, the ARB must be immediately notified in writing with such request for additional time. This request must be professionally documented as to the nature of the delay and any remedies which may be available to avoid or expedite such delays. (Revised 6/17/2003)

- P.** The builder is not allowed to use or trespass upon neighboring lots or Sea Pines Plantation Common Property, except for the property between the public road pavement and the residential property boundary.

If it is not possible to perform the construction work without using other Common Property for access, the applicant may request permission to do so from the CSA. If permission is granted, it shall be included in the Building Permit Agreement. Permission to use privately owned property must be obtained by the builder in writing from the owner of such property.

- Q.** Storage trailers or other temporary structures may not be placed upon the lot during construction except with the written consent of the ARB. The Board's consent will be based upon the applicant's proof of the need for the structure and the acceptability of its configuration. Authorized temporary structures shall at no time be used for living quarters, and they shall be removed prior to occupancy of the building.

- R.** No fishing or hunting by construction workers is permitted within Sea Pines. All construction workers and their equipment are to remain on the project site or on public roadways at all times when they are within the Plantation. No animals or pets of construction workers or of any persons associated with the job shall be allowed within the Plantation.

(Revised 6/17/2003)