



Requirements for Property Owners and Contractors (New Construction)

The Owner must deliver these requirements to the contractor before the start of construction and return to the ACC a signed copy verifying a commitment to abide by these requirements, the Guidelines and Procedures for Construction, and the Falling Water Covenants, Conditions, and Restrictions (CCR's). Include Contractor's checks for The Road Fee and Performance Deposit with signed copy. The contractor is responsible for activities of all subcontractors.

1. Owner must secure ACC approval of any exterior changes to previously approved plans before such changes are applied. The ACC may require that unauthorized construction be returned to the previously approved design at Owner's expense.
2. No scraping, digging or tree felling on lot is to occur prior to issuance of Building Permit.
3. A dumpster must be on site at the start of construction. Empty and return or exchange promptly when full. The dumpster must be removed prior to the issuance of the Occupancy Permit unless the Owner requests and the ACC grant a 7 day maximum extension for the Owner's convenience. The Builder is responsible for retrieval of all wind-blown trash. If this becomes a problem, a tarp must be used.
4. A portable toilet must be on site throughout construction.
5. Permanent power must be available before a Building Permit will be issued. No generators are to be used at any time during the build.
6. Water supply from Aqua Texas and at least 100 feet of hose must be on site and connected for fire protection before a Building Permit will be issued, unless otherwise stipulated.
7. For fire safety, no parking in tall grass is allowed at any time.
8. Builder must require workers to discard smoking materials only in approved receptacles.

Owner's Initials _____

Contractor's Initials _____

Falling Water Property Owners Association
P.O. Box 582
Comfort, TX 78013

6/26/18

9. No construction is permitted before sunrise or after sunset at any time, or before noon on Sundays. Construction conducted after 5 pm and before dark, and construction conducted Saturdays and Sunday afternoons shall be limited in scope. These limitations shall be, but not restricted to: no rock drills, jack hammers, generators, outside music, grading by large machinery, or any other noxious or offensive activity as referenced in the Conditions, Constraints and Restrictions (CCR's), Article XVI, Nuisances.
10. No radios, tape players, nor any other audio sources playing outside the house are allowed at any time. Neighbors must not be impacted by any audio device.
11. Builder may display one sign. No subcontractor signs are allowed.
12. Builder must confine all construction activity to the permitted lot. No parking, picnicking, storage, dumping, or access on or within 25 feet of any other lot is permitted.
13. No equipment or materials may be unloaded, stored, or dumped on roads, common areas, or on or within 25 feet of other lots.
14. All construction-related traffic is restricted to the approved direct route which is part of the Building Permit. The builder and/or owner will be financially responsible for any damage caused to roads not on the approved direct route and any extraordinary damage along the direct route.
15. No open fires are allowed at any time.
16. No asphalt or concrete batching or washing on or within 50 feet of roads or common areas, nor on or within 25 feet of any other lot, is allowed.
17. All property scars must be returned to natural condition.
18. Observe the 25 MPH maximum speed limit on subdivision roads.
19. No littering is allowed.
20. No temporary parking/loitering at entrance gates or on subdivision roads is allowed.
21. Contractor must issue a **non-refundable** check payable to Falling Water POA for the Road Maintenance Fee of \$3,000 with this document.

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22. Contractor must issue a check payable to Falling Water POA for the **refundable** Performance Deposit of \$5,000 with this document. The refund of the Performance Deposit will be initiated when the ACC issues the Occupancy Permit and issuance is subject to the following conditions. The project must have complied with the Falling Water CCRs for the duration of the project. The contractor must have followed the direction of these Guidelines and Procedures for Construction, and this document.
23. A maximum time of nine months will be allowed to complete the construction unless otherwise approved by the ACC in advance. Failure by the contractor to complete the project within this timeframe will result in a \$50/day forfeiture of the Performance Deposit. If the ACC withholds any portion of the Performance Deposit for any reason, it is the Contractor's responsibility to seek recovery of those funds from other parties, if warranted.
24. Major landscape work must be completed within three months following issuance of the Occupancy Permit. The ACC recognizes that landscape may be accomplished by a different contractor and a deposit is not typically collected for this work. Failure to complete the landscape project within the specified timeframe may result in a \$50/day fine levied against the owner and may result in an additional Road Maintenance Fee.
25. Builder will provide a current timeline with this document showing major milestones in the construction process with an expected completion date for each milestone. Milestones may include, as applicable, such things as excavation and site prep, forms and slab, framing, siding, roofing, electrical, plumbing and HVAC, walks, drives, septic, utility hookup, and finish grade.
26. Permanent outside utility work must be completed prior to occupancy.
27. It is in the best interest of all parties to work together to complete the project on time and within the Guidelines and CCRs, and the builder should notify the ACC as soon as it is apparent that any extension or variance will be required.
28. A Conditional Occupancy Permit may be issued by the ACC. The function of this permit is to allow the owner to move into the residence having a minimal number of outstanding items to complete. It will state any conditions that must be met along with deadlines for completion. The owner may not move in without this permit or the Occupancy Permit.

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29. Failure to comply with any of the above stipulations may prevent approval of builder for future permits.

30. Unless otherwise stipulated, the builder must furnish the following:

- a) The builder's name, address, phone number, and contact person.
- b) The builder's qualifications, a portfolio of past projects, two client references and one bank reference.

Property Owner _____
(Printed Name)

Property Owner _____ Date _____
(Signature)

Builder _____
(Printed Name)

Builder _____ Date _____
(Signature)

Owner's Initials _____

Contractor's Initials _____