



Builder/Contractor Rules & Regulations

Reference: Starling Development, LLC (SD)
Starling Community Association, Inc. (SCA)
Starling Community (SC)

1. Builder/Contractor Responsibilities

- The builder/contractor is responsible for ensuring that all of their employees and subcontractors obey these Builder/Contractor Rules & Regulations.
- Upon request, builder/contractor shall promptly provide to SCA the names and contact information for any subcontractor performing work on the Lot and a description of the services being performed by such subcontractor(s).
- All permits must be obtained and displayed before clearing any Lot or beginning construction on any Lot.
- The builder/contractor must make sure that any assessed fine is paid within the designated time period and any violation has been corrected.

2. Builder Insurance Requirements

- The builder/contractor shall purchase and maintain the following insurance for the duration of all construction performed on the Lot:
 - A. General Liability Insurance with limits of at least \$1,000,000 per claim/\$2,000,000 aggregate, and naming the SCA as an additional insured;
 - B. Worker's Compensation with limits meeting the requirements of the State of Montana and Employer's Liability Insurance of at least \$1,000,000 per claim/\$2,000,000 aggregate;
 - C. Automobile Liability Insurance with limits of at least \$1,000,000 per claim/\$2,000,000 aggregate.

The builder/contractor will provide insurance certificates for these coverages to the Seller.

- The insurance companies providing all policies shall be rated no less than A(-):VIII as shown in the most current edition of A.M. Best's Key Rating Guide.
- The policies described in these Builder/Contractor Rules & Regulations shall be endorsed to afford an unqualified thirty (30) days' notice of cancellation to the SCA in the event of cancellation, non-renewal, or material reduction in coverage and ten (10) days' notice of cancellation for nonpayment of premium.
- All policies carried and maintained by the builder/contractor shall contain endorsements stating that the policies are primary to, and shall receive no contribution from, any insurance policies or self-insurance programs afforded to or available to SC or SCA. Any other insurance or self-insurance maintained by SC or the SCA shall be excess of the builder/contractor's insurance.
- The builder/contractor agrees to ensure that all of its subcontractors shall also obtain the same types and amounts of insurance coverage listed in these Builder/Contractor Rules & Regulations. The builder/contractor acknowledges that its failure to do so will result in the builder/contractor assuming responsibility for any losses or damages that would otherwise have been covered by the insurance required under these Builder/Contractor Rules & Regulations.

- If the insurance required herein is not obtained and/or maintained, in addition to any other remedy the SCA may have the SCA may require that the builder/contractor immediately cease and desist all construction on the Lot until evidence of such insurance is provided to the SCA.

3. Construction Hours.

- Construction hours are 7:00 a.m. to 9:00 p.m. or until dark, whichever comes first.
- Construction work, with the exception of interior alterations, may not be performed on the following days: New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day.

4. Posting of Permits and Signs

- The builder/contractor must place a construction sign before clearing/construction on a Lot begins. Sign must include builder/contractor's name and phone number for emergency contact.
- No advertisement signs are to be placed on the Lot, other than the builder/contractor and one real estate sales sign, which signs shall be no larger than 4 square feet and must be professionally painted, stained, sandblasted or carved. Subcontractors may not post signs.

5. Use of Common Property

- Builder/contractor and subcontractors shall not use any SC Common Areas, Parks, Open Spaces, Trails, or other common property or City of Kalispell Parks/Recreation property for parking, equipment storage, construction supply storage, dumpsters, portable toilets, or for any other reason unless first requesting and receiving written permission from SCA or the City of Kalispell.
- Builder/contractor shall be responsible for timely repairing and/or replacing any damaged or destroyed SC or City of Kalispell property (including without limitation sidewalks, landscaping, signs, etc.), equipment, and supplies caused by its employees or subcontractors, and/or shall promptly reimburse SCA for any costs incurred by SCA to repair or replace any such damaged or destroyed property, equipment, or supplies. Costs include without limitation the costs of labor, equipment, and materials to repair or replace damaged or destroyed property, equipment, or supplies.
- All SC Common Areas, Parks, Open Spaces, Trails, or other common property or City of Kalispell Parks/Recreation property shall be restored by builder/contractor to the same or better condition that existed before the clearing or construction commenced.

6. Use of Private Property

- Except for the Lot on which builder/contractor is contracted to improve, builders/contractor and its subcontractors shall not access or use any private property for parking, equipment storage, construction supply storage, dumpsters, portable toilets, or for any other reason unless first receiving written permission from the private property owner.
- Builder/contractor and its subcontractors shall not use the facilities, electricity or water from another Lot unless first receiving written permission from the owner of the other Lot.
- All private property shall be restored by builder/contractor to the same or better condition that existed before the use of such property began, unless written permission from the property owner has been obtained stating that returning the property to such condition is not required.

7. Equipment Storage

- Equipment that is needed on a construction site may be left on the Lot until no longer needed. For purposes of this rule and regulation, "equipment" does not include cars, trucks, campers, vans, or similar items.
- Equipment will be placed in a garage (when available).
- Equipment that is no longer required at a construction site must be promptly removed. This includes trailers, forklifts, backhoes, mixers, and other similar equipment.

8. Maintenance of Construction Sites

- Builders/contractors are required to maintain construction sites in a neat, orderly, and safe condition. Before completing work for the day, the builder/contractor shall ensure that the site is cleaned and safe. All trash and construction garbage, debris, and waste (collectively, “Debris”) is to be placed in a dumpster or trashcan at the conclusion of each work day.
- Builder/contractor shall not permit Debris to blow off the construction site. Any Debris that leaves the construction site must be cleaned up immediately.
- Builders/contractor shall place debris fences around all catch basins, to prevent Debris from entering the storm sewer system.
- Builder/contractor shall take all necessary precautions to prevent run-off water, sand, dirt or other materials onto roadways or other properties.
- With regards to silt fences, hay bales or other erosion-control structures, such structures shall be regularly maintained and any sediment which may form behind such structures shall be inspected for and removed on at least a weekly basis.
- All equipment that is left on a construction site must be secured.
- Construction supplies shall be stacked and stored in a neat and orderly fashion.
- If a construction site is not properly maintained, SCA may, but is not obligated to, maintain the construction site charge builder/contractor \$20.00 per hour for each person employed or retained by SCA to maintain .

9. Placement and Use of Dumpsters

- A dumpster is a requirement for each active builder/contractor. Builders/contractors must obtain a dumpster that is large enough to handle the expected Debris during construction.
- The dumpster must be emptied or replaced when the full line is reached.
- Any Debris that is left on the ground resulting from a full dumpster must be placed in one pile. The Debris shall be immediately placed in a dumpster when a dumpster is returned. Debris may not be left on the ground for an extended period of time.
- Dumpster shall be tarped and lashed at the end of each work day and on weekends.

10. Placement of Portable Toilets

- Builders/contractors shall place at least one portable toilet during construction.
- The portable toilet is to be placed on an active construction site.
- The portable toilets shall be emptied on a regular basis, depending on size of work crew. They must be emptied more frequently during summer months.

11. Miscellaneous

- The SCA assumes no liability for equipment and supplies left on job sites.
- Power cords may not be laid across a roadway, unless prior approval has been given by the SCA. Cords must be covered with a material that prevents the cords from being damaged or cut. All work must be performed on the construction site, unless prior approval to work at another location has been given by the SCA, or the property owner.
- Builders/contractors must immediately report to SCA and the utility owner any broken water line(s) or cut power line(s).
- Music must be played at a level so it does not disturb nearby residents.
- Workers may not bring or possess any weapon on SC or SCA property at any time.
- Workers must discard all personal trash in appropriate containers on the job site.
- Builders/contractors and subcontractors are responsible to comply with all OSHA safety regulations.

- These Builder/Contractor Rules and Regulations are not intended to limit any conditions the SCA or City of Kalispell may impose and shall be construed to be in addition and complementary to any conditions imposed by the SCA or City of Kalispell in granting site plan approval or construction approval.

12.Fines

- For any violation of these Builder/Contractor Rules and Regulations, in addition to any other remedy the SCA may have the SCA may fine builder/contractor an amount no less than \$50.00 per violation. Fines are based on the seriousness of the violation, the number of violations that have occurred, and the costs to cure the violation.