

### **5.3 Acknowledgment of Construction Regulations, Construction Site Management Plan, and Allowed Construction Activities**

Because construction activity will most likely occur in close proximity to existing resort facilities and residential properties, the type of construction equipment and machinery utilized, and the manner in which such activities are conducted, shall be critical in maintaining the character of a high quality resort. **In the event of any conflict between these rules, regulations and guidelines and those of any individual subassociation, the stricter of the rules shall prevail.**

Prior to the commencement of construction, the Owner and Owner's Contractor shall execute a written acknowledgement confirming receipt of all CDC Construction Regulations and designated No Work Days/Periods. A detailed Construction Site Management Plan shall also be submitted to the CDC for review and approval:

- Construction Site Management Plans shall include, at a minimum, a site map designating the location(s) of: temporary construction trailers, any construction signage (signage must be submitted to the CDC in advance for separate review and approval), material storage, portable toilets, refuse and trash receptacles, fire-fighting equipment, parking areas, ingress and egress points, irrigation sleeving to protect common area irrigation, utility trenching and the limits of excavation areas. Plans shall also include the name of the designated contact and their on-site telephone number and email address. A mitigation plan shall also accompany the Construction Site Manage Plan and clearly identify the methods and measures that will be employed to appropriately protect adjacent properties from, among other things, construction noise and vibration, fugitive dust, paint overspray, and other possible pollutants and/or nuisances.

**During construction, the following provisions shall be strictly adhered to:**

- To further minimize disturbances, following are examples of construction equipment and machinery which are **not permitted** in residential subdivisions without the prior written approval of the CDC:
  1. Vibrating compaction rollers in excess of 10 tons gross vehicle weight.
  2. Tracked backhoes with buckets in excess of 18 inches wide. (Approved backhoes shall be equipped with rubber tires and a front loader bucket; small tracked, Bobcat type, backhoes are allowed.)
  3. Self-propelled concrete batch plants. (Concrete generation is limited to small trailer mixer or ready-mix truck delivery only.)
  4. Any proposed on-site rock crushing activity.

- Construction activities are permitted from Monday through Friday between the hours of 7:00 a.m. and 5:00 p.m. each day; daily mobilization and shutdown of project must be completed within the established hours (i.e., workers shall not enter upon the site before 7:00 a.m., and the project site shall be cleaned, secured and vacated by 5:00 p.m.);
- Limited construction activities, not requiring the use of powered machinery or equipment and not emitting any noise, (“quiet work only”) are permitted on Saturdays between the hours of 8:00 a.m. and 4:00 p.m.; daily mobilization and shutdown of project must be completed within the established hours (i.e., workers shall not enter upon the site before 8:00 a.m., and the project site shall be cleaned, secured and vacated by 4:00 p.m.);
- Construction activities are prohibited on Sundays, Federal Holidays, and during the designated Festive Period during the December/January holiday season;
- Any activity which would require a noise permit under Chapter 342F of the Hawaii Revised Statutes, as amended, or under the Community Noise Code established by the State of Hawaii Department of Health, (Chapter 46 of Title 11, Hawaii Administrative Rules, as amended), is strictly prohibited on Saturdays, Sundays, Federal Holidays, and the designated Festive Period during the December/January holiday season;
- Contractor shall provide temporary toilets, water service and power;
- Portable toilets shall be located a minimum of 20 feet away from any neighboring property lines;
- Litter must be strictly controlled at all times;
- Radios must be kept at a reasonable volume so they do not impact neighboring lots;
- Contractor shall protect the health and safety of the public and Contractor’s employees from construction activity;
- On-site burning shall not be allowed;
- Construction debris shall not be allowed to accumulate on the site;
- All temporary structures and trailers shall be removed from the lot at project completion. Cleanup shall be completed within ten (10) days after completion of construction.

On a case-by-case basis, and as determined appropriate by the CDC, the construction site shall be screened off from adjoining properties with fencing, planting, or other material, which creates a visual separation between the two areas; temporary screens and/or fences shall be of earth tone colors, preferably black or dark brown; brightly colored screens and/or fences are not permitted unless specifically required by governmental authority;

Additional restrictions may be imposed by the CDC if construction activities pose an on-going or extraordinary nuisance to neighboring properties or the community. The CDC’s Construction Regulations and Schedule of No Work days may be revised or amended, from

time to time, at the CDC's sole discretion. (Work outside of the established hours is only allowed by written permit of the CDC to overcome a demonstrated bona fide hardship.)

Projects are required to be completed, including landscaping, within the time frame established and approved by the CDC or DRB.

Construction shall be warranted by a performance and payment bond, equal to the constructed value of the project, issued by a surety. The bond shall be payable to MLRA upon owner's failure to complete the proposed improvements.

All construction activities shall be compliant with all County, State and Federal rules and regulations.