

EDGEMONT & WEST EDGEMONT CIVIC ASSOCIATION, Houston, TX

ATTENTION: Contractors, Builders, Foremen, Tradesmen, Drivers, Yard crews and Landscapers, etc.

*“We thank you in advance
for demonstrating your professionalism
by following these reasonable rules.”*

EXCERPTS from the Deed Restrictions, beginning on page 19, concern new construction, remodeling of exteriors and hardscapes, etc.

(These are helpful excerpts, however the Deed Restrictions themselves prevail)

A. and B. are purposely omitted from these excerpts.

C. Before any Property Owner begins a repair, remodeling, maintenance or any other type of construction project, such Property Owner shall cause all of its contractors, subcontractors, agents and workmen to protect street trees (trees between the street and sidewalk), esplanade grass, esplanade trees, esplanade sprinkler systems, curbs and street paving, alley structures, alley paving, trees or other ornamental vegetation growing near streets, alleys, sidewalks, driveways, drainage structures and street lights during the period of construction. Such Property Owner will be responsible for all damage to the items named in this paragraph occurring during the construction period on public or private areas adjacent to the Property Owner’s property, on the alley serving the Property Owner’s property and on the esplanade across the street from the Property Owner’s property. It will not be necessary for the Association to prove that any such damage resulted from the Property Owner’s contractors. Any damage occurring during the construction period will be presumed to have been caused as a result of the construction and the Property Owner will have the burden of proof that such Property Owner or his contractor was not responsible for the damage. The esplanade across from the Homesite must be protected with an appropriate temporary construction fence and esplanade space shall not be used for any purpose related to private construction, with the exception of construction as

necessary for the provision of any necessary private water, gas or electric line connections. Any damage done to the curb, electric lines, water lines, gas lines, irrigation system, or street or alley paving in connection with such construction must be restored to its original condition, or, if applicable, to City of Houston standards at the Property Owner's expense. Any excavations in streets or alleys must be filled with appropriate material such as cement stabilized shell and paving must match the surrounding material both as to composition, strength, color, and thickness. Trimming, cutting limbs from, or removal of any trees, bushes or other vegetation growing into an alley on property not owned by the Property Owner for construction access in an alley may not be undertaken without the prior written consent of the Association. Failure to obtain written consent of the Association prior to cutting such vegetation will subject the Property Owner to liability for damages for the destroyed vegetation and restoration thereof.

Esplanade Protection – The installation of brightly colored a net-barrier) along the esplanade across from the affected home is strongly suggested. The barrier's posts should be positioned adjacent to the inside of the curb to avoid damaging the underground irrigation pipes

D. Is purposely omitted from these excerpts

E. Any construction on a Homesite, in addition to the other requirements addressed in these Restrictions, shall be undertaken in accordance with the following:

- (i) **No outdoor construction producing noise is permitted before 7 a.m. Central Time or after 6 p.m. Central Time for the days Monday through Saturday (other than holidays); no outdoor construction producing noise is permitted at any time on Sundays or holidays** without the prior written consent of the Association. For purposes hereof, "holiday" means any holiday recognized as such by the City of Houston.
- (ii) **No construction office, dumpster, portable toilet or trailer shall be moved onto any Homesite without the prior written consent of the Association as to size, color and location.**

- (iii) Other than as required by City ordinances or other applicable laws, no signage is permitted on a construction office, dumpster, portable toilet, trailer, or any other part of a Homesite if in relation to a construction project.**
- (iv) No radio or sound player of any kind projecting sound is permitted outdoors on a construction project. This does not prohibit sound players audible solely through earphones.**
- (v) A construction office, dumpster, portable toilet or trailer must be removed from the Homesite within thirty (30) days of the date of substantial completion of the Residential Dwelling or other improvement for which the construction office, dumpster, portable toilet or trailer was moved onto the Homesite.
- (vi) For purposes hereof, the date of substantial completion of a Residential Dwelling or other improvement shall be deemed to be the earlier of either (i) the date substantial completion of the Residential Dwelling or other improvement is achieved as defined by the American Institute of Architects or (ii) the date such Residential Dwelling or improvement is capable of being used for its intended purpose.
- (vii) For purposes hereof, construction of a Residential Dwelling or other improvement is deemed to commence on the date that any clearing of existing improvements, removal of all or parts of walls or roofs of existing improvements, or excavation on the Homesite occurs or any construction equipment and/or materials are moved onto or delivered to the Homesite, whichever is earlier.
- (viii) One (1) portable toilet is permitted on a Homesite during the construction of a Residential Dwelling or other improvement on a Homesite. The portable toilet must be located as far from the front**

property line of the Homesite as possible and must be regularly serviced. The portable toilet must be screened from view in a reasonable manner determined to be appropriate by the Association. A portable toilet shall not be moved onto a Homesite more than seven (7) days prior to the date that construction commences.

- (ix) During the construction of a Residential Dwelling or other improvement on a Homesite, the Property Owner of such Homesite shall place, or cause such Property Owner's contractor to place, at least one trash receptacle on the Homesite. All trash and debris shall be placed in the receptacle by the Property Owner or his contractor, so that trash and debris is not scattered on the Homesite or onto a street or another Homesite and is not visible from a street adjoining the Homesite. No trash or debris may be discarded into storm sewers. The Property Owner of such Homesite and such Property Owner's contractor are also required to regularly empty and maintain the trash receptacle and to assure that trash and debris never rise above the rim of the trash receptacle. The trash receptacle shall be located on the Homesite at the least visible location that still enables the trash receptacle to be regularly emptied. No concrete, chemical or paint washing is permitted into storm sewers or in tree root zones.

- (x) **The Property Owner shall direct that (i) all deliveries related to construction activities on the Property Owner's Homesite shall be made in the smallest vehicle(s) possible, (ii) construction activities shall utilize as few parking spaces on the streets as reasonably necessary to conduct construction activities and (iii) all contractors and subcontractors shall refrain from entering and/or using the real and personal property (including without limitation water and electricity) of other Property Owners. Property Owners are responsible for assuring that their contractors and all subcontractors comply with the requirements of this Section (16).**