

# Rules and Regulations on Fences

*(Amended January, 2013)*

WHEREAS the Declaration of Covenants, Conditions and Restrictions ("CC&Rs") for Plat 1 of Newburg Village Subdivision, recorded in Boone County on July 16, 2002 as Document # 02 R07909, for Plat 2 of Newburg Village Subdivision, recorded in Boone County on February 13, 2004 as Document # 04 R01573, and Plat 3 of Newburg Village Subdivision, recorded in Boone County on October 19, 2005 as Document #2005R12247 authorizes the Newburg Village Homeowner's Association to create Bylaws for the Association, and for the Board of Directors (Bylaws Section 11) to further create and amend certain rules and regulations from time to time; and

WHEREAS Section 4, paragraph (p), of the CC&Rs addresses the construction of fences in the subdivision stating in part that "any fence shall be constructed of an approved high quality material, and a height of not greater than five (5) feet." Such paragraph further states that "no fences shall be erected until and unless plans and specifications have been submitted and approved in writing by the Declarant or its successors or assignees"; and

WHEREAS the Association and lot owners making up the Subdivision agree that Paragraph (p) of Section 4 of the CC&Rs has been amended to provide that fences may be constructed in a substantial and workmanlike manner, and made of materials which are durable, non reflective, color impregnated or stained or painted on both sides; and

WHEREAS the Association believes that rules and requirements related to architectural control help support the highest market values for the entire subdivision and help ensure that any planned improvement conforms to the Association's Declaration, maintains architectural harmony, enhances the beauty of the community, and in no way inconveniences fellow lot owners or the golf course; and

WHEREAS, in recognition of the small lot size and open nature of our golf course community, in general, fences are discouraged and may be approved only for specific limited purposes;

LET IT BE RESOLVED THAT the following restrictions relating to fences are amended as hereby set forth:

1. All fences must comply with Cherry Valley Ordinances where not otherwise specified herein.
2. The term "fence" shall mean any linear structure used to enclose or prevent access or prevent visual transference to a portion of the lot.
3. All applications for fence projects shall include a complete description of the

fence, height, color, material used, placement and location. Lot owners shall identify the location of property pins or monuments, and lot boundaries, easements and setbacks when constructing fences.

4. Fences shall not be placed on or near lot boundaries, in easements, in the front yard, nor infringe on lot setbacks, nor be closer to the lot boundaries than the outermost side and rear walls of the house/garage and deck. Fences may not be used to define the perimeter of the yard.
5. Placement of all fences shall provide and allow for repair and maintenance activities on all sides (for the fence itself, as well as grass and landscape plantings) within the particular lot's boundaries.
6. Fences shall not be constructed of any material fabricated as link, wire, woven wire, webbing, barbed wire, corrugated or flat sheeting or panels, nor of reed or straw like or similar materials, nor temporary or non-permanent.
7. Fences must be of an approved color on all sides and compliment the colors of the home.
8. Fences shall be aesthetically appropriate, and considerate toward all neighboring properties in the subdivision and public areas.
9. Fences shall be regularly maintained by the lot owner and kept in good repair, and where appropriate, painted or stained so as to maintain and enhance the appearance of the property.
10. Lot owners who are considering having an in-ground pool installed are required to meet the safety requirements for pools, which includes a fence-like enclosure. These requirements are available from the local municipal code enforcement agency. However, the lot owner is required to restrict the "foot-print" of the pool enclosure, so as not to extend beyond the "foot-print" of the actual pool and the associated concrete pool deck.