

Sterling Hills Townhome Association Fencing Policy

This policy has been created in order to assist homeowners of Sterling Hills Townhome Association (Corporation) and explain criteria used by the Corporation in reviewing fencing applications submitted by titleholders of the townhome properties. As elected officials of the Corporation, the Acting Board of Directors (BOD) is authorized to manage this policy for the Corporation. The BOD will make these guidelines available to all home owners by way of publishing it in newsletters and/or meeting minutes and as a part of the Sterling Hills New Owner Packet.

This policy is not meant to replace specifics outlined in the Covenants concerning fencing. Please note that fencing is addressed in a number of different sections within the body of the Covenants.

This policy is not meant to “shortcut” the approval process. All fencing applications must be submitted for review to the acting BOD of the Corporation and receive written approval prior to commencement of any construction. The BOD will respond within 10 business days from the date they received the application.

Section I – Grandfather Clause

All existing fencing which was installed prior to July 10, 2012 is grandfathered in. All fencing applications received after April 1, 2014 are subject to this policy. Any replacement of or addition to grandfathered fencing is subject to the most current fencing policy and an application must be submitted.

Section II - Style/Color/Height

Fencing will be white vinyl and similar to the existing privacy panel dividers. Style and height of fence is to be determined by the homeowner and must comply with city and county ordinances. It is the responsibility of the townhome owner to be informed of current city and county ordinances.

Section III – Fencing Location

Fencing will extend no farther than 12 inches/1 foot forward of the privacy panel divider. In order to maintain the aesthetics of the property an exception will be made for connecting properties with existing fences. If a townhome lot has a property adjoining it with an existing fence, the proposed fence may be extended to be even with the existing fence. In order to maintain maintenance access to the common areas, fencing shall not extend into the side yard of end units.

Section IV – Common Fence

Each fencing wall which lies on the dividing line between two adjoining lots shall constitute a common fence. The cost of reasonable repair and maintenance of this common fence shall be shared by the titleholders of the properties who make use of this fence. A titleholder who by their negligence or willful acts or omissions causes this common fence to be destroyed and/or damaged shall bear the whole cost of restoration.

Section V - Gates

All titleholders of new fencing must install a maintenance gate on the side of the fencing opposite the rear of the townhome unit. The gate must be no less than three feet (3') wide, no greater than four feet (4') wide, match fencing and be hinged to swing inside. This gate will allow egress for the townhome owner as well as access for lawn care and sprinkler maintenance, utility service, and emergency personnel if needed. If providers are unable to gain access during

scheduled maintenance or for a service call, the townhome owner will be billed for the subsequent service call as outlined under paragraph 23, sub-paragraph b. of the Covenants.

Section VI – Invisible Fencing

Invisible fencing is permissible if it follows the fencing application and installation process in this policy.

Section VII – Fencing Application

Fencing applications may be requested by the titleholder of the property by contacting the Corporate Office or acting BOD member. All applications will include:

1. A signed and dated application form.
2. Drawing of design with dimensions including a description of color and material.
3. Property survey or scaled dimensioned drawing showing location of the house, property lines, easements and proposed location of the fence and gate. Pictures of similar fences may be included.
4. Fencing shall not be in conflict with utilities, easements or drainage right-of-ways.

Section VIII – Fencing Installation

After BOD approval, it is the titleholder's responsibility to have property corners located, obtain permits, pay fees and contact Diggers Hotline and request flagging of public utilities before digging. Sprinkler heads in conflict with or restricted by the fencing shall be relocated at the titleholders expense by a licensed and insured sprinkler company. Repairs caused by damage to existing sprinkler lines or utilities by installation of the fencing is at the titleholder's expense. Any future utility repairs which come in conflict with the fencing, causing it to be removed or relocated shall be at the titleholder's expense.

This policy may be modified by the majority approval of the Sterling Hills Townhome Association Board of Directors. Said approval would require a meeting of the Board of Directors, open to all members of the Association to discuss the modifications.

Therefore it shall be the POLICY that the Sterling Hills Townhome Association (SHTHA) Board of Directors shall follow the above reference fence policy.

Passed by the SHTHA Board of Directors on Aug. 28, 2014.

BY: Richard J. Carnevali Date: 8/28/2014
President

ATTEST: Paula Dweira Date: 8-28-2014
Secretary & Treasurer