



Country Village Townhouse Association

Fence Resolution

I. Introduction

The Country Village Townhouse Association Fence Resolution was developed in order to provide a uniform and consistent guidance to property owners when considering a variety of different options to install, maintain and replace their fence. The adoption of this Fence Resolution will assist in maintaining a cohesive and positive appearance to our community.

II. Authority

WHEREAS, the Board of Directors of the Country Village Townhouse Association, Inc. is empowered to govern the affairs of the Townhouse Association pursuant to Article II, Section 2.0 of the Bylaws.

WHEREAS, the Article V, Section 9.0 of the By-Laws states that:

"In order to provide for the congenial occupancy of the LAND and for the protection of property values of the LOTS, the use of the LAND shall be restricted to and shall be in accordance with the RULES AND REGULATIONS concerning the use of the LOTS and the DECLARATION PROPERTY may be promulgated and amended from time to time by the BOARD OF DIRECTORS provided that copies of such RULES AND REGULATIONS are furnished to each OWNER not less than five (5) days prior to the time they become effective."

WHEREAS, the Article Fifth of the Declaration of Covenants, Easements and Restrictions of the Country Village Townhouse Association, Inc. (hereinafter referred to as the "Declaration") states: "No dwelling, building, fence, garage or other structure shall be erected, altered, constructed, reconstructed or moved on the LOTS until the design and location thereof and accompanying landscaping shall be approved in writing by... the Association."

WHEREAS, the Article V, Section 8.0 of the By-Laws states that:

"All maintenance, repairs and replacements to any LOT, whether structural or non-structural, ordinary or extraordinary, shall be made by the OWNER of such LOT..."

WHEREAS, the Article FIFTEENTH of the Declaration states that:

The Association shall have the duty and obligation to enforce provisions of the covenants, restrictions and easements... for the benefit of the Association and the Owners..."

WHEREAS, the Article V, Section 7.0 of the By-Laws states that:

"In the event that any OWNER shall violate or breach any of the provisions of the DECLARATION or these BYLAWS on his part to be observed or performed, the BOARD OF DIRECTORS shall have the right to enjoin, abate or remedy the continuance or repetition of any such violation or breach..."



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WHEREAS, there is a need to establish standards relating to the installation and maintenance of fences in Country Village Townhouse Association community and shall be applicable to all owners, tenants, guests and invitees and shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board of Directors.

NOW, THEREFORE BE IT RESOLVED THAT all existing and newly installed fences shall conform to the following:

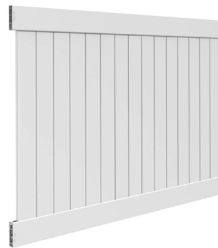
III. New and Replacement Fences

A. Vinyl 6'x8' Privacy Fence.

- **Colors**
Vinyl fence colors can either be White or Tan, no other colors are permitted. Mixing of colors is not permitted.
- **Sections (Panels)**
All sections are required to be 6' high x 8' wide vinyl. The sections will consist of 6" tongue and groove slats with top and bottom rails that have a minimum width of 5" and a maximum width of 7".
- **Posts and Tops**
Posts must be 5"x5"x108" pre-routed vinyl. The post will be concreted in place as per the manufactures recommendations for maximum safety and wind resistance. All posts must have post tops. The post top styles are up to the discretion of the homeowner as long as they are the same color of the posts. The post color must match the color of the sections. No mixing of colors.
- **Examples:** Veranda Linden white vinyl fence from Home Depot
Freedom Emblem white vinyl fence from Lowes



Pre-routed Post



Vinyl Section



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B. Wood 6'x8' Privacy Fence

- **Colors**

Wood fences can either be left in the wood's natural state with or without a clear (non-tinted) preservative or can be painted or stained White or Cedar color. No other colors are permitted. The paint or stain you choose must be approved for exterior fences by the manufacturer. If a color is to be applied to the fence, both sides and posts must be painted or stained.

- **Sections (Panels)**

All sections are required to be Dog Ear style 6' high x 8' wide cedar or pressure treated wood. The sections will consist of slats with a minimum width of 4" and a maximum width of 6". The sections can be installed between the posts (see post top requirements) or attached to the face of the posts. Sections must be installed with "Finished" or "Good" side facing out.

- **Posts and Tops**

Posts must be 4"x4" cedar or pressure treated wood. The post will be concreted in place and installed to a minimum depth of 2.0' (24") or as per the manufactures recommendations for maximum safety and wind resistance. If posts are going to be exposed or are extending above the fence section (panel) then a decorative wooden post cap or a post with a decorative top is required.

- **Examples:**



Dog Ear Fence



Decorative Post



Decorative Post Cap

*****No chain link, wire mesh or other fence material types are permitted.**

IV. Maintenance of Existing Fences

All fences shall be given such attention so as to present a reasonably acceptable visual appearance and condition, as qualified by the Association or its designated representative, and shall meet the following standards:

- Slats shall be intact, not broken, loose, missing or severely warped.
- Posts shall be solid, plumb and erect, not broken, loose, missing or severely warped.



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- Sections shall be solid, intact and securely fastened to posts, not leaning or missing.
- Cross arms shall be sturdy, intact and securely fastened to posts, not exhibit deterioration.
- Gates shall be operational and upright, not leaning or in disrepair.
- Painted or stained surfaces shall be kept in good appearance.
- Vinyl fences shall be kept clean, free of dirt and mold.
- All existing fence colors and styles will be grandfathered in until replacement is needed then they must comply with this resolution. Repairs can be made with like kind.

V. Submission, Permissible Location & Other Criteria

- A. All Newly installed fences, Repairs, Replacements, Painting or Staining will require an ECR. Each ECR shall include and/or specify the appropriate details including:
 - Property survey, when applicable
 - Design/location layout
 - Gate location, etc.
 - Materials description
 - Color
 - Paint or stain type and manufacturer
- B. All fencing shall be installed in the rear yard so that no section(s) shall be forward of the (extended) rear house line of the dwelling. Fencing shall follow the slope of the ground and be no higher than the stated height at any point.
- C. End units of each complex will not be allowed to restrict, with fencing, the middle units of their complex from being able to access the rear of their units. This is required for maintenance and emergency services. Also, at the time of replacement, all end units in a complex that currently restrict their middle units rear access with fencing, will be required to make the necessary adjustments to the fencing to allow middle units the required access.
- D. Any Association approval granted will be in writing. All approvals are valid for a maximum period of 6 months and shall thereafter expire and be null and void.
- E. NOW, THEREFORE BE IT RESOLVED THAT in the event of any non-conformance with the standards as set forth above, or as may be amended by the Board of Directors, the Association shall reserve unto itself the following authority, in addition to other remedies which may be provided for in the governing documents, Association policy or applicable statute.



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- The Association, after giving the Owner written notice and allowing a reasonable timeframe to take corrective action, may make the necessary repair, replacement (in whole or part), removal/disposal or initiate other appropriate action(s) to ensure that the fence(s) conforms to Association standards as set forth herein, all in a responsible and workmanlike manner, at the sole expense of the violating Owner, including any and all collection expenses and fees, if required.
- In addition or as an alternative to the preceding, the Association at its option, after giving the Owner written notice and allowing a reasonable timeframe to take corrective action and impose monetary penalties, whether a one time and/or per diem charge, the amount and severity of which shall be reasonably related to the violation and to the aim of curing the non-conformance and deterring similar future reoccurrences, if applicable. Monetary penalties shall be imposed against a Unit Owner and shall be deemed an assessment against the Unit or such Owner and, as such, shall be a charge and continuing lien upon such Unit, and shall constitute a personal obligation of the Unit owner and shall be collectible in the same manner as Association charges.

VI. Conclusion

The Country Village Townhouse Association Board of Directors reserves all rights to thoroughly review each Exterior Change Request based on its ability to impact the appearance and property value of the individual's property and the community as a whole.

It is the sole responsibility of the homeowner to acquire all of the necessary permits/certifications to perform the work set forth in this document.

Country Village Board of Directors
Adopted this day of October 17, 2023

Attest:

Michael A. Bush, Acting President