



## **RIVER VALLEY RANCH**

### **RIVER VALLEY RANCH MASTER ASSOCIATION (RVRMA) Fence Policy**

Pursuant to Section 9.9 of the Amended and Restated Master Declaration of Protective Covenants (“Declaration”) and in compliance with the Procedure for Development Adoption and Amendment of Policies, Procedures and Rules, the River Valley Ranch Master Association (“RVRMA”), acting the Executive Board, has the power to adopt, amend, repeal, and enforce Master Rules and Regulations as the Executive Board may consider necessary, desirable, or appropriate with respect to the operation of RVRMA, use and enjoyment of the Master Common Areas, and the use of other property within the Common Interest Community, including Lots and Units.

The Executive Board has received numerous questions, complaints, and inquiries associated with fences located throughout the Common Interest Community, including, without limitation, maintenance obligations, repair obligations, and improvement obligations. The Common Interest Community contains an abundance of fences, some of which are located on Owners’ Lots or Units and some of which are located in the Master Common Areas. Given the outward facing nature of fences, fences have a direct and acute impact on the aesthetic of the Common Interest Community. The Executive Board therefore deems it desirable and appropriate to adopt this policy, which is intended to clarify issues related to fences and preserve the aesthetic of the Common Interest Community.

Pursuant to Section 2.25 of the Declaration, “fences” are included within the definition of “Improvements.” Section 3.3(a) of the Declaration requires that all fences, whether the responsibility of an Owner or RVRMA, must be “kept and maintained in a clean and attractive condition and in good order, condition, and repair.” Section 3.3(a) also imposes an obligation on all Owners and the Executive Board to use “a reasonable standard of care in providing for the repair, management, and maintenance of the fences for which they are responsible so that the entire Common Interest Community will reflect a pride of ownership.

Pursuant to Section 4.18 of the Declaration, no fence may be commenced, constructed, placed, located, or removed within the Common Interest Community (including on Lots) without approval from the Development Review Committee (“DRC”) and in compliance with the Master Development Guidelines (“DRC Guidelines”). Pursuant to Section 3.1 of the Declaration, any addition, change, or alteration to a fence is subject to the prior written approval of the Development Review Committee (“DRC”).

There are generally two types of fence types permitted in the Common Interest Community under the DRC Guidelines, primarily consisting of corral fences and, in limited circumstances, vertical plank fences. The requirements and guidelines for fences are addressed in the Ninth Amendment to the DRC Guidelines.

To provide further clarity to the Owners and RVRMA, the Board adopts the following policy and procedure with respect to fences in the Common Interest Community:

1. **New Fences.** Any new fence must be installed and constructed in accordance with the DRC Guidelines and be approved by the DRC. When a Lot or Unit Owner wishes to install a new fence along its property line, the Lot or Unit Owner must, at its sole cost and expense:
  - a. have the Owners' Lot or Unit surveyed and staked by a surveyor licensed in Colorado;
  - b. obtain approval from the DRC, in writing; and
  - c. ensure that posts and horizontal components of the new fence are located inside the Lot or Unit Owner's property line.
  
2. **Modification of Fences.** Consistent with the Declaration, any modification, alteration or change to an existing fence must be approved by the DRC, in writing.
  
3. **Maintenance Obligations.** With respect to any fence located on an Owner's Lot or Unit and/or any fence that serves to enclose an Owner's Lot or Unit, repair, replacement, management, maintenance and all costs incidental thereto (collectively, "Maintenance Obligations") for such fence are the Lot or Unit Owner's responsibility. With respect to any fence located in a Master Common Area (excepting a fence on the Master Common Areas that serves to enclose an Owner's Lot or Unit), Maintenance Obligations for such fence are RVRMA's responsibility.
  
4. **Standard of Care.** At all times, Owners must exercise their Maintenance Obligations in accordance with the Declaration, DRC Guidelines, the Bylaws, applicable laws, rules, regulations, and polices. This includes, without limitation, ensuring that Owners obtain approval from the DRC for replacement and repair of existing fences. In exercising their respective Maintenance Obligations, the Owners and RVRMA will employ a reasonable standard of care so that the entire Common Interest Community will reflect a pride of ownership, including, without limitation, ensuring that fences are attractive, fences are clean, fences are in good order, fences are functional, fences are intact, fences are whole, fences are not broken, fences are not unreasonably disintegrating, and fences are not unreasonably worn.
  
5. **Property Line Fences.** When a Lot or Unit Owner ("Owner 1") wants to remove or replace an existing fence along its property line, Owner 1 may do so without the approval of the Owner of the Lot or Unit on the other side of the fence ("Owner 2") only if the fence is entirely within Owner 1's Lot or Unit (as demonstrated by a survey from a surveyor licensed in Colorado).

If the existing fence straddles the property line of Owner 1 and Owner 2, Owner 1 must obtain written approval of Owner 2 before removing or replacing the existing fence. If an existing fence straddles the property line of Owner 1 and Owner 2, Maintenance Obligations for such fence are the joint and several responsibilities of Owner 1 and Owner 2.

6. **Vertical Plank Fence.** Any new or replacement vertical plank fence must be the same height as the vertical plank fence being replaced or adjacent to the vertical plank fence. An Owner may not remove a vertical plank fence without replacing that fence with a vertical plank fence of matching size and style, subject to approval from the DRC. For existing vertical plank fences, the Owner of a Lot or Unit on the other side of the existing vertical plank fence has the right to install new vertical planks matching size and style to the existing vertical planks.

7. **No Staining or Painting.** Unless otherwise authorized by the DRC Guidelines or the DRC, Owners are prohibited from painting or staining fences.

8. **Public Facing Fences.** Notwithstanding anything herein to the contrary and in the interest of maintaining the aesthetic of the Common Interest Community, with respect to any fence that borders Master Common Areas, a public street, the golf course or that RVRMA determines to have a public facing component, RVRMA may, in its sole discretion and at its expense, stain the public facing aspect of such fence.

9. **Enforcement.** The Executive Board may exercise its enforcement powers for an Owners failure to comply with this policy, consistent with the RVRMA's policy concerning Enforcement of Covenants and Rules.

10. **Deviations.** The Executive Board may deviate from the procedures set forth in this policy if, in its sole discretion, such deviation is reasonable under the circumstances.

11. **Supplement to Law.** The provisions of this policy shall be in addition to and in supplement of the terms and provisions of the Declaration and the law and the State of Colorado governing RVRMA. The above shall not preclude RVRMA or any Owner from pursuing any other remedy it or they may have at law or in equity including, but not limited to, injunction and specific performance.

12. **Replacement.** This policy supersedes and replaces prior policies adopted by the Executive Board dealing with the subject matter herein.

13. **Definitions.** Unless otherwise defined in this policy, capitalized terms shall have the same meaning ascribed by the Declaration.

14. **Amendment.** This policy may be amended at any time by the Executive Board, pursuant to its policies and procedures.

**PRESIDENT'S CERTIFICATION:**

The undersigned, being the President of the RVRMA certifies that the foregoing policy was adopted by the Board of Directors of the RVRMA at a duly called and noticed meeting of the Board of Directors held on this 27<sup>th</sup> day of July, in the year 2022 and in witness thereof, the undersigned has subscribed his/her name.

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**RVRMA President**

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**Date adopted**