

Rock Creek Master Homeowners Association

Architectural Control Committee (ACC)

Guidelines and Requirements:

**Fence Damage, Repair and Replacement Policy**

**ACC PRE-APPROVAL REQUIRED.** As with any change or improvement to the dwelling exterior or lot, written permission must be obtained in advance by following the ACC request process, subject to the following requirement. **Failure to do so may subject the homeowner to fines, and/or the homeowner may be required to change or remove any non-HOA compliant work performed - or to restore the lot or dwelling to its original condition - entirely at the homeowner's expense, which may include any legal costs incurred by the Association.** The ACC convenes monthly (twice monthly May through August). The review and approval process generally takes 20 to 30 days, but can take as long as 45 days if your request is not typical. We will make every effort to expedite approvals for rebuilds when feasible. Please build adequate time for ACC review approval into your project planning. In special situations and where possible, we will try to accommodate requests to expedite the approval process. Such requests can be made to the management company. Read all requirements in full below, as well as the applicable Association Covenants and Policies, carefully.

**Your ACC Request Form Must Include:**

**For Cedar:**

- If you are repairing or replacing **less than 30 linear feet of fencing** with no changes, additions, or subtractions to the fence, you do not need to submit anything to the ACC: notification and approval are not required. If the fence borders a neighbor, you must notify the neighbor of your plans. It is common that neighbors share the responsibility and cost of fencing along shared property lines.
- If you are repairing or replacing **more than 30 linear feet of fence** with no changes, additions, or subtractions to the fence, the only requirement is that you notify the HOA by email and receive email acknowledgement of your notification. If the fence borders a neighbor, you must notify the neighbor of your plans. This requirement is different for Steel Fencing (see below).
  - Instructions (more than 30 feet, no changes): Please send an email to [manager@rockcreekhoa.com](mailto:manager@rockcreekhoa.com). Make sure your house number and street are in the subject line along with the words “fence repair application”. You must state that no changes to the fence are being made. You must receive acknowledgement back by email before proceeding with repairs or replacement.
  - **Fences Bordering Town of Superior Open Space**  
In addition to the above HOA requirements, if your fence borders Town Open Space or Town maintained common areas, you are advised to contact the Town of Superior at [pros@superiorcolorado.gov](mailto:pros@superiorcolorado.gov). The Town considers the property owner to be responsible for structural repairs such as the posts and railings, while the Town maintains the slats,

battens (strips between the slats) and the stain on the outside (slat side – but not the inside).

The Town's fence policy can be found here:

<https://www.superiorcolorado.gov/home/showdocument?id=22797&t=638378898796984135>.

### **For Steel:**

In an effort to be more firewise, homeowners are allowed to choose from the following steel alternatives:

**Privacy Fences** - Colorbond/Colormax 6' fence - <https://colorbond.com/products/fencing>. Something substantially similar may be submitted for consideration but it is not guaranteed for approval. Color shall be Dune Grey or a match for Dune Grey.

**Split Rail Fences** - Buckley Fence 3 rail - [www.buckleyfence.com](http://www.buckleyfence.com). Color shall be Dune Grey.

- Choosing one of the above steel options (including gates), or removal of any part of the fence, requires **a full ACC Request to be submitted and written approval received**. The ACC Request form is available at [www.rockcreekhoa.com](http://www.rockcreekhoa.com) on the ACC page.
  - A plot plan must be included with all fencing indicated on the plan. A Plot Plan (also called an Improvement Location Certificate; or ILC) can be obtained from the Town of Superior.
  - If the fence borders a neighbor, you must have a written agreement from your neighbor and provide such agreement with your application. The agreement must be to the type, style, materials, and lineal footage to be replaced, including maintenance costs of the shared fence. It is common that neighbors share the responsibility and cost of fencing along shared property lines.
  - Type of existing fencing being replaced: Privacy or Split Rail
  - Type of fencing to be used as a replacement.
  - If a gate is part of the change, you must submit details about the gate including style, material and pictures.
  - Color
  - If split rail, are you using hog wire on top of the fence, if so type.

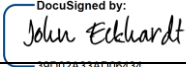
### **ACC Fence Requirements**

- All fencing must be harmonious with the neighborhood as determined by the ACC.
- The fence guidelines and specifications attached to this policy must be followed.
- **Style Choice**
  - You may choose to use Cedar or the Steel alternatives for your fencing.
- **Use of Style**
  - Except for perimeter fencing shared with neighbors, i.e., backyard and side yard fencing between neighbors, homeowners are required to replace a fence in the style that was previously existing.

- For example, if split rail is being replaced, it must be replaced with split rail.
- **Perimeter or Wing Fence**
  - If using the steel alternative, you may choose to change the whole fence perimeter or just the wing fences.
    - Wing fences are the fences that attach directly to your house and face the street.
    - Except for wing fencing, no other partial fence change may be made.
- **Installation**
  - When installing a privacy fence, the fence when installed must be within two inches of the ground.
  - If only a wing fencing is being changed, there must be no gap between where the wing fence and perimeter fence meet. This may require resetting old corner posts in the same hole as the end post of the new fence.
  - Fencing must be installed in a “Raked” manner if ground is not level. See fence guidelines.
  - When installing split rail fencing, approved hog wire may be applied to prevent animals from entering or leaving the property.
  - No additional ornamental features may be added to the top of the fence or gates.
  - Gates must be of the same material and style as the fence it is on.
  - The installer of the fence must be qualified to install the fence. You can get recommendations from the distributor of the fence. You can contact the manufacturer for approved installers.
    - Faulty installation will be the responsibility of the homeowner and may require the homeowner to fix any installation issues.
- **Parallel Fences**
  - Parallel fences, defined as two fences of any material that run along the same property border or putting the planks or panels of the fence on both sides of the rails, are not allowed.
- **Shared Boundary Fences**
  - Shared boundary fences, i.e., perimeter fencing shared with neighbors are the shared responsibility of the owners of the two properties in the absence of any other agreement between the owners. You are responsible for notifying your neighbor of your plans to repair or replace your original fence, and for any arrangements between you and your neighbor for sharing cost under this shared responsibility.
  - To replace shared perimeter fencing with steel, you must have a written agreement with your neighbors prior to installation, including the type, style, materials, and lineal footage to be replaced, and including maintenance costs of the shared fence. An exception to this written agreement requirement may be allowed if the perimeter fence is shared with a lot that is not being rebuilt or a lot being sold. However, you must submit proof to claim this exception. While the HOA cannot assume this responsibility for any fence agreements, we may be able to facilitate this cooperative process between neighbors, but for us to do so you must submit an ACC Request application.
- **Finishes:**

1. All finishes must be in Dune Gray or a matched color.
2. As finishes -original or steel - fade or fracture over time, painting and other maintenance will be required, and enforced through standard inspection processes.

Date of adoption: 5/18/2023

Signed:  \_\_\_\_\_  
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John Eckhardt  
Print: \_\_\_\_\_

Title: President