

Pet Fencing and Cover Details

Name: _____
Address: _____
Lot #: _____ Phone number _____

Requirements: 5.05 Fencing and 5.05.4 Pet Fencing:

Following information must be included:

- Purpose letter -
- Plot map, **including placement with measurements and distance to property lines.**
- Replacement of existing Fence? Y / N
- 400 square feet maximum for dog fencing.
- Fencing must be Black, brown, or dark green.
- Drawing details including materials
- Distance to side property line _____ (Minimum 5')
- Distance to rear property line _____ (Minimum 10')
- Pet fencing must be attached to the home.
- Height may not exceed 6' _____
- Post Material? _____ (T-Post, 4x4, lodge pole, etc.)
- Spacing of Posts? _____ (6', 8', etc.)
- Will Fence be framed? Top _____, bottom _____
- Number of gates? _____, Size? _____
- Fence material? _____ (welded wire, wood, steel framed, etc.)
- Color of Fence? _____, if wood will it be painted or natural _____
- Invisible fencing? Yes _____ No _____, minimum to side property line.

_____ Right of Entry to review project location, and agree to allow EC and ECC to view site with prior notice (if necessary).

I/we have read and initialed the above and agree to abide by **ALL** requirements as stated.

_____ Date _____ Date _____

OFFICE USE ONLY: Variance required : Yes _____ No _____ Variance form completed? Yes _____ No _____
Meets setbacks: Yes _____ No _____
Meets square footage: Yes _____ No _____ Meets guidelines: Yes _____ No _____

Overview

The following items are required when submitting plans to the ECC. Failure to supply required information will delay the approval process. All plans must be submitted by the lot owner or have written authorization from the owner. **Please review and initial the Environmental Standards for detailed requirements for this specific project prior to submitting plans.**

5.05 Fencing (Environmental Standards)

In order to preserve the natural quality and aesthetic appearance within Lake of the Pines, all property lines shall be kept free and open one to another. No fences (as defined in Article V, section 1(b)), shall be permitted within any lot or along (or adjacent to) any lot line, except where in the opinion of the ECC, a fence or other enclosure: (a) is consistent with the external design and aesthetic features of other improvements on the lot, and (b) the fence will either benefit neighboring lots by screening uses or activities that may cause visual blight or by confining pets (such as a dog run) or provide for the safety of individuals (such as pool enclosure). In reviewing fence improvement proposals the ECC shall consider the general policy of this declaration to keep property lines open and the possible adverse impacts resulting to neighboring lots.

All fencing must receive ECC approval. This includes vines, shrubs, and trees when they are placed close enough together that they form a visual barrier. When appropriate, natural vegetation is encouraged in place of other fencing materials.

- (a) Fence plans submitted to the ECC for approval must include a plot plan denoting the property dimensions. The plan shall indicate the footprint size of all structures and the position of the fencing in regards to those structures and property lines. The plans must also show the type of fence materials, length, height, and color. Fencing must meet the individual requirements for its type as listed below and in any case may not be closer than twelve (12) inches from any side property line, ten (10) feet from any front or rear property line, and fifteen (15) feet from any common area such as golf course, park, street, etc. Maximum height for any fence is six (6) feet unless County regulations specifically require a different height. All fencing is to have minimal visual impact and therefore must blend in with the surroundings. Chicken wire, and lattice (except as used for privacy screening) are not appropriate fencing materials. When lattice is used as privacy screening it must be framed with top and bottom rails. All fencing must be constructed and maintained in a workmanlike manner.
- (b) ***All fencing is considered temporary*** and removal may be required at the owner's expense upon change of use, sale of property, deterioration of appearance, or the need for easement access. New owners may re-apply to the ECC for continued use of temporary fence.

5.05.4 PET FENCING

Pets are not allowed to run or roam outside of the control of their owner. Therefore all pets must be on a leash, or totally confined within an area that prevents them from escaping. Animals exhibiting any type of aggressive behavior such as aggressive barking or violent charging of the "fence", may be required at the discretion of the Public Safety Department or ECC, to be restrained by whatever means they deem appropriate. All methods of fencing or confinement of a pet must be submitted to and approved by the ECC prior to installation. If a system is approved and that system fails to control the animal, the permit for that system is automatically voided and the owner must design and submit an improved plan to the ECC. In all cases, the owner is solely responsible for all actions of their pets. Any containment system used to house or restrain a pet must be maintained in a neat and sanitary manner and kept free of pests, vermin, or noxious odors

(a) Pet run fences (excluding invisible fences) must be attached to the house in an area that is not offensive to the neighbors, and must not exceed 400 square feet. Pet runs may be no closer than five (5) feet from any side property line, ten (10) feet from any front or rear property line, and fifteen (15) feet from any common area such as golf course, park, street, etc. The height of the fence may not exceed six (6) feet unless otherwise required by County regulations. All pet runs must meet the requirements listed in the above section 5.05.

(b) Invisible fencing includes any control system that is intended to restrain a pet or limit its ability to leave a specified area, such as an electrically triggered restraint, and other means that are not normally visible to the average naked eye. Areas contained by invisible fencing may not include the front yard or areas that visitors would normally use to enter the property. Although in concept such systems seem highly desirable because of lack of visual obstruction, there are several other considerations.

- (1) Invisible fences do not exclude other animals or people from entering the confinement area.
- (2) Once a pet escapes the limited boundary of the invisible fence, the pet is free to roam at will and is without restraint, and in fact, the same restraint that was keeping him in, may now keep him out.
- (3) Since the restraint is by definition, invisible, any passerby will be unaware the pet is restrained.

(c) Invisible fence systems must meet the following criteria before they can be approved by the ECC.

1. Signage must be placed conspicuously at the "fence line" to alert passersby of a pet restrained by an invisible fence.
2. Neither the invisible fence nor the extreme limit of the pet's range may be closer than five (5) feet from any property line.
3. As stated in 5.05.4 above, any pet that displays aggressive behavior, as determined by the Public Safety Department or ECC, will not be allowed to use an "invisible fence" system.
4. Any pet, which escapes its "invisible fence" system, will not be allowed to continue using it and must be physically restrained by other approved means.
5. Any overhead line or tether must be at least seven (7) feet above the ground so as to avoid presenting a hazard to a person walking below.
6. Any electronic cable designed to be on, or under the ground, must be placed in a manner so that it does not pose a hazard to people walking over it.

_____ Please initial you have read and understand the above requirements.

CC&R's Article V Section 1b & Article VI Section 20

(b)Definition of "Improvement", The term "Improvement" as used herein includes, without limitation, the construction, installation, alteration or remodeling of any buildings, walls, decks, fences, swimming pools, landscape structures, solar heating equipment, spas, antennas, television satellite reception dishes, docks, piers, utility lines or any other structure of any kind. With the exception of any proposed Improvement projects involving garage modifications, in no event shall the term "improvement" be interpreted to include Improvement projects which are restricted to the interior of any building structure. Whenever reference is made in the Declaration or in the Environmental Standards to a "fence", the term shall mean and include any hedge, structure or partition of any kind erected for the purpose of enclosing a Lot or parcel, or to divide a Lot or parcel into distinct areas or enclosures, or to separate two contiguous Lots or parcels, regardless of whether the fence is comprised of wood, wire, iron, living plant materials or trees or other materials that are intended to prevent intrusion from without, straying from within or to create a visual barrier or screen.

Section 20. Fences, in order to preserve the natural quality and aesthetic appearance of the existing geographic areas within Lake of the Pines, all property lines shall be kept free and open one to another. No fences (as defined in Article V, section 1(b)) shall be permitted within an Lot or along (or adjacent to) any Lot line, except where, in the opinion of

Environmental Control Committee, a fence or other enclosure (a) is consistent with the external design and aesthetic features of other improvements on the Lot and (b) the fence will either benefit neighboring Lots by screening uses or activities that may cause visual blight or by confining pets (such as a dog run) or provide for the safety of individuals (such as a pool enclosure). In reviewing fence Improvement proposals the Environmental Control Committee shall consider the general policy of this Declaration to keep property lines open and the possible adverse impacts resulting to neighboring Lots.

_____ Please initial you have read and understand the above information.

CC&Rs Article V **Architectural and Environmental Control:**

Section 15. Limitation on Liability. Neither the Association, nor the Board or the Environmental Control Committee or any member thereof, shall be liable to any Owner for any damage, loss or prejudice suffered or claimed on account of any mistakes in judgment, negligence or nonfeasance arising out of (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective; (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings or specifications; (c) the development of any Lot within Lake of the Pines; or (d) the execution and filing of a Notice of Noncompliance pursuant to section 13, above, or a Compliance Certificate pursuant to section 14, above, whether or not the facts therein.