

## **White Water Estates Board of Directors Interpretation of the Covenants, Conditions, and Restrictions pertaining to Fencing**

**1. PURPOSE:** The White Water Estates Board of Directors (BOD) is responsible for enforcing the community Covenants, Conditions, and Restrictions (CCR). It has been recognized for some time that there are vague sections of the CCR, which can be legitimately interpreted in many ways. One of those vague components of the CCR is Article III, Section 7 (starting on page 5 of the CCR), dealing with fencing. There have been recent complaints over homeowner fencing based upon individual interpretation of the CCR. In an attempt to set a clear standard and provide the BOD's interpretation of the CCR on fencing the following information is provided as a complete stand-alone document on the issue:

**2. APPLICABLE DEFINITIONS:** Fencing described in Article III, Section 7 of the CCR fall into three categories, Boundary, Pasture, and Interior. The following terms are used to describe the BOD's interpretation of the CCR as it pertains to fencing and therefore, has applied the following definitions:

- a) **Livestock** – Refers to authorized domestic animals, which include: Cattle, Horses, Sheep, and Llama. The following animals are specifically prohibited: Pigs, Chickens, Ducks, Geese, and Goats.
- b) **Household Pets** – Any animal that could reasonably be kept inside a house as a pet (excluding any of the above mentioned prohibited animals).
- c) **Confine Livestock** – To keep livestock **inside** an enclosed fence perimeter.
- d) **Restrain Livestock** – To keep livestock **outside** an enclosed fence perimeter.
- e) **Barrier Material** – The material used between vertical posts of a fence line.
- f) **Boundary Fence** – Any fence situated on or near a homeowner's perimeter property line, generally paralleling the property line. A boundary fence may or may not fully enclose the homeowner's property and it may or may not be used to confine livestock.
- g) **Pasture Fence** – Any fence situated in a pasture (open field, not on or in close proximity, nor paralleling the homeowner's perimeter property line) and used to confine livestock. A fence used in conjunction with all or a portion of a Boundary Fence for the express purpose of confining livestock is a pasture fence.
- h) **Interior Fence** - All other permanent fencing, but normally constructed around or about a structure. An interior fence can be used to restrain livestock and/or confine household pets. Pasture cross-fencing (used to sub-divide an enclosed pasture), fenced riding arenas, dog runs, garden fences, yard fences, and privacy fences all fall in the category of interior fence. Interior fencing does not have to create a fully enclosed fence line.
- i) **Temporary Interior Fence** – This type fence is only applicable to interior fencing. If the homeowner intends for the interior fence to remain in place for a

year or longer, it is a permanent fence and must meet the construction requirements for a permanent fence. Under no circumstances can a Boundary or Pasture fence be temporary. Examples of authorized temporary fencing include, but are not limited to: pasture cross fencing used to control grazing patterns within an enclosed pasture, seasonal garden fences, and fences to protect young plants or trees.

- j) **Riding Arena** – Used to train or ride livestock. Livestock are always attended by a person(s). Fenced riding arenas must meet the building requirements of an Interior Fence. If the fenced arena is also used to confine unattended livestock, then it is considered an enclosed pasture and must meet the building requirements of a pasture fence.
- k) **Wall** – Is a permanent above ground level structure normally made of Stone or concrete, and usually constructed on a foundation or base footing. Walls are not fences, and as such, not addressed in this document. Homeowners wishing to construct a wall must submit building plans to the White Water Architecture Committee. Landscaping retaining walls (normally used to terrace land or create a raised or sunken garden or lawn) are excluded from the requirement of Architecture Committee approval.

**3. CONSTRUCTION REQUIREMENTS FOR FENCES:** The following requirements are identified for the construction of fences in White Water Estates:

- a) **Material used for Boundary and Pasture fencing.** No form of temporary fencing material will be allowed for boundary or pasture fencing. Wood products must be pressure treated with CCA salts without toner. Penta, creosote, or other heavy or dark oils will not be allowed.
  - (1) **Vertical Posts** – Three choices of material are authorized: 1 - Six inch (6”) diameter round wood posts, 2 - Four by six inch (4”X6”) rectangular wood posts, or 3 - Five inch (5”) square vinyl posts.
  - (2) **Horizontal Boards** – Must be either wood or vinyl two inch by six inch (2” x 6”) boards.
  - (3) **Horizontal Round Rails** – Four inch (4”) wood round rails. These rails can be imbedded into the side of six inch (6”) round vertical fence posts.
  - (4) **Barrier Material** – Barbed wire (authorized by the CCR, however the BOD strongly recommends not using. To-date no barbed wire has been used in White Water), electrical wire or tape, horizontal 2”x6” boards, horizontal round rails, grapestake, or woven and welded wire meshes.
  - (5) **Gates** - Can either be constructed of the same material and in the same pattern as the fence line being gated, or commercially available standard metal gates may be used. Tapes, ropes, strung wire, or other temporary measures are unauthorized substitutions for an approved permanent gate.
- b) **Boundary fencing adjacent to White Water Estates (WWE) private roads.** This fence must be set-back off the edge of the paved road by at least ten (10) feet. It must be constructed with three (3) - two inch by six inch (2” X 6”) horizontal wood or vinyl boards attached to vertical posts. Round horizontal

wood rails are not authorized. The horizontal boards are evenly spaced from top to bottom with the only variant being the horizontal board closest to the ground, which varies with uneven terrain. Horizontal boards may follow the contour of sloping terrain. The upper edge of the top horizontal board must be at least four (4) feet above ground level. Wood vertical posts (4"x 6" or 6" rounds) must be facing inward towards the homeowner's lot and spaced eight to ten feet (8' to 10') apart (similar to the WWE vinyl fencing on either side of the WWE gated main vehicle entrance). Vinyl fences may have the horizontal (2" x 6") vinyl boards embedded into the side of the vinyl vertical posts.

- c) **Boundary fencing not adjacent to WWE private roads and pasture fencing.** Vertical posts may not exceed twenty (20) feet between vertical posts if barbed wire or electrical wire are the sole material used to create the barrier between the vertical posts. No more than ten (10) feet separation between vertical posts is allowed with the other authorized barrier material (horizontal 2x6" boards, round horizontal rails, grapestake, or woven and welded wire meshes). The top edge of the barrier material must be at least four (4) feet above ground level.
- d) **Interior Fencing.** Material used for vertical posts and horizontal boards or rails should be either wood or vinyl for permanent interior fences. Barrier material can be wood, vinyl, wire, grapestake, or woven and welded wire meshes. Dimensions of the material used are at the homeowner's discretion, but the fence must be built solidly to prevent sagging. Additionally, the fence must maintain orderly vertical and horizontal lines. Only temporary interior fences may be constructed with temporary building material, such as T-Posts, ropes, and tapes (exception as stated in the above paragraph for electrical wire or tape). Homeowner's are also cautioned in the construction of an interior fence. If at some point in the future the homeowner decides to use all or a portion of an interior fence to confine livestock, then that fence must meet the construction requirements of a pasture fence.

#### **4. Additional Considerations:**

- a) The outer most fence (closest to the homeowner's property line) must be constructed with the vertical posts facing inward (exception as stated above for vinyl fences). Other fences between the outer most fence and the center of the homeowner's property are not required to be build with the vertical posts facing inward towards the center of the property.
- b) No fencing shall be permitted closer than fifty (50) feet from the river bank. No barbed wire fences will be allowed on river front property. Any fence within 200 feet of the river must not exceed four (4) feet in height. No livestock may be pastured within 200 feet of the water line.

- c) Authorized colors for any permanent fence (boundary, pasture, or interior) vertical posts and horizontal boards or rails shall be natural (tans or grays), weathered wood, or white.
- d) Homeowners are expected to keep all fencing in a good state of repair. Damaged or deteriorated fences must be repaired by the owner in a reasonable amount of time.
- e) Homeowners who currently have fencing in non-compliance with this interpretation will not be required to come into compliance with the above interpretation (with the exception of non-compliant temporary fencing). However, if a non-compliant fence is replaced with a new fence, the new fence must meet the above requirements.

This interpretation will remain in effect until retracted or modified by the BOD, or until the current CCR have been revised and properly ratified by the community. If there are any questions or concerns with this document, please do not hesitate to contact a BOD member.

Sincerely,

Buryl E. Dooley  
President  
Board of Directors  
White Water Estates