

ELK STREAM RANCH

A Colorado Common Interest Community
Located in T36N R13W, T35N R13W, T36N R12W and T35N R12W, N.M.P.M
Montezuma County and La Plata County, Colorado

Elk Stream Ranch Property Owners Association, Inc.
A Colorado Non-Profit Corporation

POLICIES

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POLICY #10-2010: TEMPORARY / ELECTRIC FENCE POLICY

Adopted August 6, 2010

Amended April 24, 2014

The following policy has been adopted by the Elk Stream Ranch Property Owners Association, Inc., a Colorado Non-Profit Corporation ("Association") pursuant to the provisions of C.R.S. 38-33.3-209.5, in accordance with the Association's policy regarding adoption and amendment of policies.

Purpose: Temporary fences, both electric and non-electric, may be allowed by the DRC for the purposes of either containing or excluding livestock. Application must be made in accordance with the DRC Design Standards and Review Procedures and with the submittal of the appropriate review fee.

NOW, THEREFORE, IT IS RESOLVED that the Board of Directors does hereby adopt the following policy regarding temporary fences:

Temporary fences may be erected on a Parcel with DRC approval if the following conditions are met:

- 1. In Conjunction With Permanent Fencing.** Temporary fencing may be constructed inside the lines of DRC approved permanent fences. Temporary fencing is not to be installed in lieu of permanent fencing on any Parcel.
- 2. On Parcels Without Permanent Fencing, or Outside of Permanent Fencing.**
 - a. Setbacks.** In the absence of DRC approved permanent fences, or outside of the line of the permanent fence, temporary fences shall have a setback of one hundred feet (100') from Association road easements and a fifty foot (50') setback from all adjacent Parcel boundaries.
- 3. Materials.** Temporary fences shall not be constructed of high visibility materials. Dark-colored fence posts and dark green electric fence tape materials are encouraged. Dark colors will blend with the summer landscape, but will contrast with snow for winter safety.
- 4. Cross Fences.** Setback requirements do not apply to areas where the temporary

fencing is being used as an interior cross fence to an existing DRC approved permanent fence.

5. Maintenance. The temporary fencing shall be installed and kept in condition of neat appearance, with regularly spaced, plumb posts, and all materials shall be maintained in good condition.

6. Safety Considerations. The temporary fence must be operated in a safe manner. No "weed burner" electric fence chargers will be allowed.

7. Limitation of Liability. In granting an approval for a temporary fence, the Association and the DRC assume no liability for any injuries, damages or fires caused by approved temporary fences, and the Owner will indemnify and hold harmless the Association and the DRC from any liability for any such damage or fire. Inspection by the Association or the DRC shall NOT be construed to be an acceptance of liability for any damages or fires caused by an approved temporary fence or its operation.

8. Ignitable Materials. The Owner shall manage the temporary electric fence so that all ignitable materials (including but not limited to: grasses, leaves and weeds) are kept away from charged fence parts, and that the fence charger and its components are in safe operating condition.

9. Periodic Relocation. An approved temporary fence shall be periodically relocated and a DRC approval is not intended to act in the stead of an approved permanent fence. Temporary fences outside the bounds of a DRC approved permanent fence are to be dismantled and removed before winter for human and animal safety. If year-round exclusion or containment of livestock is needed, Parcel owner shall make application to the DRC to construct a permanent fence complying with *DRC Standards and Review Procedures Section 2.08 Fencing*.

10. Site Plan. A request by an Owner for approval of a temporary fence shall include a site plan identifying the area within which the temporary fencing may be constructed or relocated during the temporary approval period. The identified site plan area shall be approved by the DRC. During the approved temporary fence permit period, the Owner/applicant may move the fence within the approved area without further approval of the DRC.

11. Inspection. DRC representatives may enter the Parcel periodically to inspect the condition of temporary fencing to determine compliance with these requirements.


12. Expiration. Approval of temporary fencing shall expire twelve (12) months after the date of approval. The Owner may make a written request to the DRC prior to the expiration of the approval for a twelve (12) month extension. The DRC may review the request for extension administratively for successive twelve (12) month extensions without charging a review fee and as long as the temporary fence is properly maintained and operated by the Owner. If there is any change in the use area shown on the site plan or violation of the governing documents, a new full review by the DRC and application fee shall be required.

13. Enforcement. The Owner's failure to install, maintain, or operate an approved temporary fence in accordance with these conditions, any other conditions placed on the

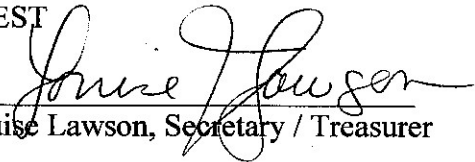
approval, or any other violation of the Governing Documents may result in the revocation of the DRC approval for the temporary fencing.

PRESIDENT'S CERTIFICATION: The undersigned, being the President of the Elk Stream Ranch Property Owners Association, Inc., a Colorado Non-Profit Corporation, certifies that the foregoing Resolution was approved and adopted by the Board, at a duly called and held meeting of the Board on (date) April 24, 2014 and in witness thereof, the undersigned has subscribed his name.

Elk Stream Ranch Property Owners Association, Inc.,
a Colorado Non-Profit Corporation

By: 
Gem Boone, President

ATTEST

By: 
Louise Lawson, Secretary / Treasurer