

Beech Mountain Lakes Association Policies			
Section:	3.0 Homeowner Property Upkeep	Effective Date:	October 1, 2020
Policy:	3.4 Fencing Policy	Supersedes:	Jan 22, 2015
Approved by:	6 of 6 Board Members		

If applicable, the exact amount of the fee, fine or deposit that may be referenced in the below Policy can be found in the Schedule for Fees and Fines (found by following this link).

If permits are required for this policy:

- 1. Beech Mountain has 30 days from the date of submission to approve the permit.***
- 2. It is your responsibility to check with Butler Township for any permits needed to ensure you are in compliance with their policies.***

Recitals:

- A. Whereas, the Beech Mountain Lakes Protective Covenants, Declarations and Rules & Regulations, from hereon referred to as the 'Policies,' describe how a property may be used, developed, and maintained within the community.
- B. Whereas, the Board of Directors, under section 13, of the Beech Mountain Lakes protective Covenants has the power to implement general use restrictions including section 1.4.
- C. Whereas, the property owner, under section 13 of the Covenants, is charged with certain responsibilities regarding the care, maintenance, service and preservation of property within Beech Mountain Lakes Association in Drums, Pennsylvania.
- D. Whereas, property owners who received written permission from the Board prior to the adoption of this policy, to the extent possible, shall comply with all terms of this policy, but shall not be required to separately apply for a hearing before the Board.
- E. Whereas the Board of Directors wishes to update a uniform policy for the use of fencing as a barrier or an enclosure.

Now, therefore, let it be resolved as follows, the Board of Directors updates the following policy regulating fences:

- 1) Written permission as required by the Covenants:

No fence shall be placed, constructed, erected, or permitted on any property in the Beech Mountain Lakes Development without proper application by the homeowner, and expressed written permission of the ACC or BOD.

- 2) Fencing as an enclosure:

Fencing may be permitted in the rear of the property.

The fencing may not extend beyond the footprint of the dwelling. To do so requires a variance from BML.

3) Fencing as a barrier:

Fencing may be permitted as a barrier where there is a steep embankment with at least a (3') foot drop off with a grade of 30% or more.

4) Fencing to protect landscaping:

- a. Individual trees, shrubs and/or flower beds may be screened with an ACC or BOD approved material.
- b. A sample of the desired material must be included with the plot plan showing areas to be protected.
- c. Split rail as defined in #5 is NOT approved for this purpose.

5) Materials and location:

Any and all fences allowed by the ACC or BOD shall comply with the following material and location requirements:

- a) A wood, unpainted three rail split is the only acceptable material. A non-refundable fence variance application fee is required for any other material. If the variance is not approved by the administration, an appeal may be made to the Board of Directors. A non-refundable fee must be paid at the time the appeal is filed. The resident will be notified of the date & time to appear before the Board of Directors.
- b) Chicken wire, or other pre-approved wire material, only may be used to line the inside of the fence.
- c) Fencing may not exceed four feet (4') in height without Board approval.
- d) Fencing may only be erected/constructed in the rear yard of the property. The rear yard is defined as the side of the house with the forty-foot (40') setback.
- e) Fencing shall follow the line of the house on each side and must be no less than ten feet (10') from the rear of the property line.

6) Aesthetics:

Any and all fences to be located in the Beech Mountain Lakes Development shall be aesthetically pleasing and shall not detract from the natural beauty of the surrounding properties, open spaces, green spaces, nor shall they be allowed where such fence would impede the ingress or egress of any property owner in the development from gaining access to/from any open space, green space, roadway, common area, common facility or other areas which owners have a right to travel.

7) Separability:

- a) Nothing in this policy shall be interpreted to negate or limit any other portions of the Covenants, the powers of the ACC or the BOD or the Association.
- b) All provisions of the BML Board Variance Policy shall be followed including fees, applications and forms.
- c) A copy of the policy shall be available at the Association Office and the Beech Mountain Lakes website.

Effective date

In witness whereof, the undersigned have executed this resolution on the 1st day of October, 2020.

Signature on file in Admin office

President

Signature on file in Admin office

Secretary