

## **Rules Regarding Fences Piper Glen Subdivision Association**

A closed fence is defined as a fence that, when viewed from the outside or inside, has 25% or more of its surface area comprised of fencing material and is not transparent. Structural support posts and structural components of gates are excluded from any such determination.

An open fence is defined as a fence that, when viewed from the outside or inside, has less than 25% of its surface area comprised of fencing material and more than 75% of the surface area is not comprised of fencing material and is transparent. Structural support posts and structural components of gates are excluded from any such determination.

All fences must comply with all restrictions and requirements, including building permits imposed by the City of Springfield, Illinois. All fences must comply with the provisions of, and must be approved by the Architectural Control Committee (hereinafter "ACC") pursuant to, the Piper Glen Subdivision Association Protective Covenants and the Piper Glen Subdivision Association By-laws. ACC and/or the Board of Directors of Piper Glen Subdivision Association shall have the final say for all determinations on any application to the ACC for approval.

The following guidelines shall govern ACC's and/or the Board of Directors' approval or denial of an application for constructing a fence.

1. In no event shall any open fence or closed fence exceed six feet in height.
2. Except as provided in these rules, no closed fence shall be constructed on a lot adjacent to the Piper Glen Golf Course.
3. In no event shall transparent material be used to construct a fence.
4. In no event shall a "cyclone" or similar type of wire fence be erected.
5. In no event shall a wire fence of the type normally used to restrict movement of livestock or wildlife be erected.
6. For lots not adjacent to the Piper Glen Golf Course, closed fences that do not exceed four feet in height are permissible.
7. For lots not adjacent to the Piper Glen Golf Course that are either (i) directly adjacent to commercially zoned property, or (ii) directly adjacent to Illinois State Route 4, closed fences that do not exceed six feet in height are permissible only along that part of the property adjacent to the commercial property or Illinois State Route 4.
8. For lots not adjacent to the Piper Glen Golf Course and that have an in-ground swimming pool, closed fences that do not exceed five feet in height are permissible, provided that any such closed fence is set back from the property line by ten feet on at least two sides of the property.

9. For lots on which a condominium, consisting of two residences, is constructed, a six foot tall section of closed fence on the property line between the two residences is permissible provided such six foot tall section of fence does not extend more than sixteen feet from the residence.

ACC shall have the final determination for all applications submitted for the construction of a fence; if ACC determines to deny approval of a fence application in compliance with above rules, ACC shall state, in writing, its reasoning for denial.

If a fence is constructed without ACC approval or constructed in a manner that does not conform to the plans submitted to the ACC, the homeowner shall be required to immediately remove said fence upon written order of ACC and/or the Board of Directors. ACC shall maintain the right to remove a fence despite any lapse in time between construction of said fence and sending the order to remove to the homeowner.

If a home owner does not remove said fence within sixty (60) days of receipt of said written order, the ACC and/or the Board of Directors shall be entitled to remove said fence. Any cost incurred by the ACC or Board of Directors shall be assessed to the defaulting homeowner. This remedy is in addition to and does not exclude any remedies available to the Board of Directors in Article XII, Section 5, of the Piper Glen Subdivision Association By-Laws.

In accordance with the Piper Glen Subdivision Protective Covenants and Piper Glen Subdivision Association By-Laws, the ACC and/or the Board of Directors shall have the right to enforce these Rules and receive injunctive relief in a court of law with appropriate jurisdiction and shall recover attorney fees and costs associated with said action.

These rules shall be effective the date of adoption by the Board of Directors and all fences currently erected as of the date of adoption shall be considered to be in compliance with the above-stated rules and are deemed to have the ACC's approval.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2008.