



December 2023

## Town modifies fence maintenance for private fences

Contact the Parks, Recreation and Open Space Department for questions at [tospros@superiorcolorado.gov](mailto:tospros@superiorcolorado.gov) or (303) 554-9005

For many years the Town has painted and provided minor maintenance to the exterior of private fences that face Town open space and right-of-way. This policy is a carry-over from the Rock Creek Metropolitan Districts 2 & 3 prior to their dissolution in 2004. This maintenance was never a formal obligation of the Town. The Town is stepping back from this service going forward after completing the final round of fence painting this year. This decision is the result of Town Board direction after consideration of several issues, including liability for the Town to provide maintenance on private property and an inequitable publicly-funded benefit extended to only residents bordering Town-owned property.

The Town understands that some residents may not be aware they owned the fencing on their property and have relied on the Town to provide this minor maintenance service over the years. This has created confusion and misunderstanding surrounding fences and further clouded the discussion on fence responsibility. Some background information is provided below to help clarify how we arrived at the current determination:

- Fencing standards in the Rock Creek Ranch subdivision were outlined in the Rock Creek Development Plans. Fences were constructed by the developer on the homeowner's property line and were to be maintained by the property owner. Depending on the location in Superior, fence regulations may vary considerably. Many subdivisions, including Rock Creek Ranch, Sagamore, and Downtown Superior, have Planned Development (PD) regulations that dictate what fence types, materials, and color finishes are permitted. In addition, HOA organizations have addressed fencing color and type as part of their covenants.
- The Town has previously provided painting and minor maintenance on the exterior of fences that border Town open space and right-of-way areas. Prior to the Districts being dissolved in 2004, the Districts and homeowners shared maintenance for fences, and it is understood that this was the origin of the interior/exterior delineation of maintenance tasks where the homeowner maintained the interior of the fence, including posts and stringers and the Districts maintained the exterior of the fences that faced open space or District property. The Town Board at that time electively continued the unique policy of providing painting and maintenance of the exterior of privately owned fences because it was the Districts' informal policy at the time they were dissolved.

The typical policy of other municipalities across the State is that the entire fence (interior and exterior) on private property is the responsibility of the homeowner. This is recommended practice due to private property ownership, liability, and complications in coordinating individual fence preferences of homeowners or changes to fence design, material and management by HOAs. It also is more equitable as homeowners without a fence bordering open space or Town rights-of-way are responsible for all of their fence maintenance and do not have the benefit of the Town covering a portion of the cost.

The Board has determined that now is the appropriate time to address the Town's fence maintenance policy and return this responsibility to the homeowner. The Town fence painting vendor completed applying the Dune Cabot Grey paint to all Town fences this year, finishing their 4-year rotation. Fence replacement is a topic that homeowners, HOA organizations and the Town will need to work together on as Superior rebuilds and moves forward.