

Policy Resolution 13 – Control of Dogs

WHEREAS, Article VI Section 6.14 of the “Declaration” states: Animals. No animals, reptiles, rodents, birds, livestock or poultry shall be kept in any Lot or elsewhere within the Development except that domestic dogs (except pit bulls or pit bull mixtures) and domestic cats, fish and birds inside bird cages may be kept as household pets within any Lot, if they are not kept, bred or raised for commercial purposes or in unreasonable quantities as determined by the Board. The Association may prohibit the keeping of any animal that in the sole and exclusive opinion of the Board constitutes a nuisance to any other Owner. Pets shall be controlled at all times. Each person bringing or keeping a pet into the Development shall be liable to other Owners, their family members, guests, invitees, tenants and contract purchasers, and their respective family members, guests and invitees for any damages to persons or property proximately caused by any pet brought upon or kept upon the Development by that person or by members of his or her family, his or her guests or invitees.

WHEREAS, Article VI Section 6.23 of the Declaration states: Enforcement: Legal Remedies. The Board shall have the power to make such rules and regulations as may be necessary to carry out the intent of these restrictions and shall have the right to bring lawsuits to enforce the rules and regulations adopted by it. **The Board shall further have the right to levy fines for violations of these Rules or the CCR’s and any such fine shall be considered an assessment to be levied against the particular Owner involved.** Fines may be levied against an Owner's tenant, and the Owner shall be jointly and severally liable with the tenant for payment of any fines. In the event the Board institutes legal action for collection of any fines, the defendant shall be liable for reasonable attorney's fees and legal costs and disbursements. The failure of any Owner to comply with any provision of this Declaration, the Articles, Bylaws, or the Association Rules, and failure to correct any such noncompliance shall give rise to a cause of action by the Association and any aggrieved Owner for the recovery of damages or for injunctive relief, or both.

NOW THEREFORE BE IT RESOLVED THAT the following guidelines shall be observed regarding Control of dogs within Royal Oak Estates. This resolution applies to Owners and any of their family, invitees or guests that own the dog. We, the Board, ask that residents maintain Control of their dogs as is stated in our existing Declaration. The Board, with input from our residents, has defined Control as keeping your dog(s) fenced or in an enclosure while on their own property if they are not being accompanied by their owner. Furthermore, Owners who walk or

run their dog(s) must use a physical leash or electronic leash on each dog when not on their own property to prevent the unwanted behaviors of their dog(s) as listed below. Physical leashes are preferred, but electronic leashes will be allowed for Owners who can demonstrate Control of their dog(s) while using an electronic leash.

Please note that some dog owners have permission to run their dogs on property other than their own; therefore, just seeing a dog(s) on someone else's property does not necessarily constitute a Violation. The following activities may be considered Violations and are subject to penalty.

- allowing dog(s) to run loose without proper supervision
- a dog injures a person
- allowing dogs to relieve themselves on any property other than the dog owner's property without cleaning up after them
- dog(s) destroying or damaging a neighbor's personal property
- dog(s) running into the street in front of cars or chasing people on foot, on bicycles, golf carts motorcycles, etc.
- other activities not listed above that constitute a danger or nuisance to our community

COMPLAINTS

The following complaint system is hereby implemented in order to address issues with dogs.

The Board will not act on verbal complaints. If an Owner feels a Violation is egregious enough to warrant a fine, they should be willing to submit a written complaint.

Written complaints should be accompanied by pictures, if possible. While pictures are not always possible or practical, they help to prove a Violation has occurred.

An interview will be held with both parties in attendance together to express their side of the alleged Violation. A minimum of two Board members will be present at the interview.

If the dog owner admits to a Violation or chooses not to participate in the interview, the Board will view the complaint as uncontested and will proceed to issue a warning or fine.

If the person filing the complaint fails to attend the interview, the complaint will be dropped

and the record cleared.

After hearing the evidence, the Board members in attendance, shall, in their sole discretion, either determine that the dog owner has committed a Violation and issue the appropriate warning, levy the applicable fine or dismiss the complaint for lack of sufficient evidence.

PENALTIES

The first two Violations for an incident will generate written warnings. (Two or more Owners filing a complaint for the same incident constitutes only one complaint.)

After two (2) written warnings, a 3rd Violation will trigger a penalty of a \$100 fine. Fines will be assessed for each subsequent Violation.

In addition to warnings and fines, the dog owner could be liable for damages or injuries.

Once the penalty phase has been entered, if a dog owner achieves 12 months without any additional Violations, a new warning period will begin, consisting of a single warning before being subject to a new penalty phase. Once a dog owner has entered the penalty phase, a reset of the warning period will occur every consecutive 12 months that there have been no additional Violations.

ELECTRONIC LEASHES

Please note: Just having your dog wear an electronic collar does not constitute Control.

If an Owner chooses to use an electronic leash and does not maintain Control of their dog(s) while off their property, they may lose the option of using an electronic leash.

After two (2) Violations involving electronic leashes, a 3rd will generate a \$100 fine. In addition the Owner will also be required to use a physical leash on any dog that has not been properly controlled with an electronic leash, until such time that the Owner can demonstrate to the Board that Control can be achieved with an electronic leash.

ATTEST:

2-10-21

(Date)

Tim Praznik

President of the Association