

Ashbrook Condominiums Owners Association

Resolution Number 6 - Control of Animals Creating a Nuisance or Disturbance

WHEREAS various Articles, including Article 3, Section 3.6 Powers and Duties, and Article 7, Section 7.5(d), Restrictions and Requirements Respecting Use of Condominium Property: Animals, of the Bylaws for Ashbrook Condominiums Owners Association, a nonprofit corporation formed under the laws of the State of Oregon, provides for the Association to have authority to manage the affairs of the community and authorizes the Board of Directors of the Association to establish and promulgate rules and regulations;

AND WHEREAS, it is the intent of the Association to have rules that provide for a good neighbor policy, maintenance of a clean, healthy, and attractive community along with promoting harmony among all members, guests, and pets and adherence to all state and local laws;

AND WHEREAS, it is the intent of the Board of Directors to:

- (A) Ensure that owners who enjoy the privilege of keeping pets also accept the responsibility of preventing their pets from infringing on a neighbor's right of peaceful enjoyment, and
- (B) Ensure that owners understand that the Board of Directors is not a judicial body, and therefore not capable of "deciding" the validity of one owner's complaint against another's animal;

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures will be followed:

1. Acceptable pets are domestic household pets, such as dogs, cats, birds or fish.
2. Pets must be on a leash or carried in all common areas and must be kept under control at all times.
3. Kitty litter and other pet waste is to be placed in sealed heavy duty (or double) plastic bags for disposal.
4. Each pet owner is responsible for any necessary cleaning or damage caused by his/her pet.
5. Pet owners must ensure that their pets do not disturb the neighbors.

NOW, THEREFORE, BE IT ALSO RESOLVED THAT the procedure to follow for an owner who is annoyed by a neighbor's legitimate animal is:

1. Contact the owner directly, expressing your concern, thus providing the animal's owner an opportunity to take immediate action to prevent any further disturbance.

2. If the preceding procedure does not bring about lasting results, contact the Association in writing and submit documentation¹ detailing what contacts have been made, with whom, when, what was said and done, and what resulted from those contacts.
3. Upon receipt of a written complaint, the Association will notify the owner of the property, where the pet resides, to encourage the property owner to take action to resolve the complainant's concerns.
4. If after 10 days, a second written complaint is received, the Association will warn the owner of the property with the offending animal that serious action will be taken.
5. If after a second 10 days, a third written complaint² is received, the Association will direct the owner to **permanently** remove the offending animal from the community within 10 days.
7. If the owner does not report the animal's removal, or if the animal is observed on the property at any time after the third and final 10 days has elapsed, the offending owner will be fined \$ 35.00 per day until they show that the animal has been permanently removed. **THIS FINE WILL BE ASSESSED AGAINST THE PROPERTY OWNER AND COLLECTED THROUGH THE ASSESSMENT AND PAYMENT POLICY PROCEDURES.**
8. Request for Review: In cases where there is a request for a personal appearance before the Association to review the removal of a pet, the Association has the authority to determine if the appearance is warranted. In most cases, the written submittal from the property owner will be sufficient to make a ruling. In either case, the purpose of the Association's review is NOT to determine the validity of the complaints filed against the pet. That is a matter that requires responsible discussion and negotiation between the owning and complaining parties. **THE PURPOSE OF THE ASSOCIATION'S REVIEW IS TO PROVIDE THE PROPERTY OWNER AN OPPORTUNITY TO SHOW WHY THE ESTABLISHED PROCEDURE DOES NOT APPLY TO THEM.** As a result of the review, the Association will determine if a modification to the established procedure is appropriate in the specific case.

BE IT FURTHER RESOLVED THAT costs related to the administration of this resolution will be payable by the property owner who is found to be in non-compliance with this policy. After the first notice, the property owner will be responsible for paying any and all administrative charges relating to the carrying out of this policy.

AND BE IT FURTHER RESOLVED THAT, should the property owner elect to retain the animal, the Association's normal policy will be to assess and collect the fines rather than take steps

¹ "Documentation" about an animal creating a nuisance or disturbance means a signed complaint submitted to the Association in writing. A copy of the complaint will be provided to the property owner if he or she requests it.

² To reduce the possibility of a personal "vendetta" against a property owner by a single resident, the order to permanently remove an animal will not be sent unless signed complaints have been received from residents of at least two different properties.

to remove the animal. Nothing in these procedures, however, will prevent the Association from taking immediate, appropriate action to permanently remove any animal they determine to be a danger or a hazard to the health and safety of the community.

Approved by the Board of Directors June 27, 2006