

## Rules & Regulations Animals

### **I. Introduction**

Article IX, Section 9 of the Fairwood Greens' CC&Rs prohibits the raising, breeding, or keeping of animals, livestock or poultry of any kind, but allows owners to keep and have dogs, cats or other common household pets provided that no homeowner shall keep animals under conditions reasonably objectionable in a closely built residential community. The Association considers it important that animals be reasonably controlled and kept under conditions which will not adversely effect the quiet enjoyment of owners of their properties and the streets and common areas of the community.

These rules are intended to supplement the CC&R which address animals, not supplant or amend them, and in the event of an inconsistency or conflict between these Rules and the CC&Rs, the CC&Rs shall supersede and apply.

### **II. Excessive Noise**

Repeated and/or regular excessive barking by a homeowner's dog(s) may be considered to be reasonably objectionable by neighbors. Dog owners will take all necessary steps to limit excessive noise generated by their pets, especially between the hours of 10 P.M. and 8 A.M. Failure of a homeowner to comply may result in the imposition of fine(s) listed in Section VII.

### **III. Leashes**

Consistent with King County ordinances and these Rules all dogs, within Fairwood Greens, must be leashed while not on the owner's property. It is the responsibility of each homeowner to ensure that their dog does not run free within Fairwood Greens. Unleashed dogs will be reported to the Humane Society and their owners may be fined as listed in Section VII.

### **IV. Scooping**

It is the responsibility of each Fairwood Greens' homeowner to properly dispose of the fecal waste generated by their dog.

- A. While the dog is on the homeowner's property, the homeowner must collect and dispose of any fecal waste generated by the dog in a timely manner so that neither the aroma nor the appearance is offensive to other Fairwood Greens' residents.
- B. While the dog is off of the homeowner's property and within the Fairwood Greens residential area, the homeowner is responsible for the immediate clean up of their dog's fecal droppings. To that end, each homeowner will carry with them, some type of device (plastic bags, pooper-scooper, shovel, etc.) for cleaning up after their dog. Leaving the site of the dropping without collecting the fecal matter is a

violation of this rule whether on another homeowner's property, park, or on a Fairwood Greens sidewalk.

Failure to comply with Subsection A or B of the Section is a violation of the rule and the homeowner may be fined as listed in Section VII.

#### **V. Overly Aggressive Animals**

Homeowners shall control their animals for the safety of the HOA community. Overly aggressive animals and/or animals that snarl, bark, growl, strike, charge, nip, or otherwise demonstrate behaviors that would cause a reasonable person to fear for his or her safety or not compatible with the close confines of the HOA community. If such an animal escapes control of the homeowner or the homeowner's lot and causes damage, injury, or a reasonable person to fear for his or her safety, then fines may be imposed as listed in Section VII. The third time that a fine is imposed under Section V of these R&Rs, the animals shall no longer be permitted within the Association Community.

#### **VI. Infractions**

Once a possible excessive noise, leash, scooping or overly aggressive animal violation has been reported by homeowners and/or by the Fairwood Greens' Security Patrol, the violating homeowner will be notified in writing, and, if the violation is not corrected in a timely manner, fines may be assessed according to Section VII.

If the owner sent notice of a violation has a subsequent (second or more) violation under these R&Rs, without timely complying and correcting the violation within the notice deadline, the Association may assess fines against him/her and the lot according to the Fine Schedule as set forth below in Section VII. In the Board's discretion, legal action may be taken against the violating homeowner at any point once a violation has been confirmed. Fines will continue to be assessed and accrue while any enforcement or other legal action is in process, if the homeowner continues to violate these rules. All attorneys' fees and costs associated with the enforcement of these R&Rs shall be recoverable from the violating homeowner.

The opportunity to appeal the Board's decision is available under the Rules and Regulations on "Appeal Process".

## **VII. Schedule of Fines**

Failure of a homeowner to comply in any regard with the letter and spirit and requirement of these Rules may result in the imposition of fines pursuant to this Section.

Fine(s) for excessive noise, leash, or scoop violations under Sections II, III, and IV, may be imposed in the following amounts:

- A. First Offense – Written Warning Only (when homeowner corrects violation immediately).
- B. Second Offense – Final Warning Letter
- C. Third Offense - \$25
- D. Fourth Offenses - \$50
- E. Fifth and all Subsequent Offenses - \$100

Fines for overly aggressive animals, under Section V, may be imposed, in the following amounts:

- A. First Offense – Written Warning
- B. Second Offense - \$500
- C. Third Offense - Removal from HOA Community

## **VIII. Collection of Fines**

The Association will bill the offending homeowner the applicable fines at such time and for such periods as the Association considers reasonable. If, after the fines accrue they remain unpaid and outstanding for more than 60 days from date of the first such billing, interest shall commence and apply to the unpaid fines at the rate of one-half percent (1/2%) per month or six percent (6%) per year on the unpaid balance.

Furthermore, all fines imposed by the Association upon an owner or owners which remain unpaid for 60 days shall constitute a lien on the Lot and all its improvements, and may be handled and foreclosed upon in the same fashion as if it were a lien for unpaid assessments under the Association's CC&Rs and the laws of the State of Washington. The Association may file a formal lien with the county in order to further protect its interests regarding the unpaid fine(s). The amount of the lien shall include interest, and all costs and expenses, including attorneys' fees, incurred by the Association in the collection of such unpaid fine(s).

## **IX. Rule Enforceability**

If any portion of this rule is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions of the rule.

Revised February 21, 2011

**Dated and Enacted by the Board on February 22, 2011**