

**ORANGE HUNT SQUARE HOMEOWNERS ASSOCIATION, INC.  
POLICY RESOLUTION NO. 8.5**

**Rules and Regulations  
When using Common Areas  
With Pets**

**WHEREAS**, Chapter 26 of Title 55 of the Code of Virginia specifies that “the board of directors shall have the power to establish, adopt, and enforce rules and regulations with respect to use of the common areas and with respect to such other areas of responsibility assigned to the association by the declaration”; and

**WHEREAS**, Fairfax County Code Section 41-1 address animal control and care; and

**WHEREAS**, Article VII, Section 1 of the Bylaws states that "The Board of Directors shall have all of the powers necessary for the administration of the affairs of the Association" which includes “adopt and publish rules and regulations governing the use of the Common Area and facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof; and

**WHEREAS**, for the health, safety, welfare, comfort, and convenience of all Owners, their family, guests and tenants when using common areas the Board wishes to establish uniform regulations for the use of common areas with pets; and

**WHEREAS**: The Board of Directors, in accordance with Policy Resolution No. 1, Procedures to adopt, modify policy resolutions, published a draft of this resolution and held a hearing of the general membership on October 27, 2016 to discuss this resolution;

**NOW, THEREFORE BE IT RESOLVED THAT**: The Board of Directors duly adopts the following rules and regulations:

**This policy clarifies and establishes rules and regulations when using the common areas with pets**

**General policies regarding pets on individual lots are established under Policy Resolution 8.**

## ARTICLE I

### DEFINITIONS

For the purpose of this Policy, the following words and phrases have the following meanings unless otherwise defined within this Policy:

**Section 1** “**CC&Rs**” – means the Declaration of Covenants, Conditions and Restrictions of Orange Hunt Square Homeowners Association.

**Section 2** “**Leash**” - is a strap or cord for restraining, leading and guiding a dog or other animal. An electronic device does not qualify as a leash.

**Section 3** “**Member**” - means every person or entity who holds membership in the Association

**Section 4** “**Owner**” – refers to the principal owner of pet

**Section 5** “**Responsible Person**” – means the owner of the pet or any individual who has assumed responsibility for the pet with the permission of the owner.

**Section 6** “**Tether**” – includes a rope, cord, chain or other device that is used to tie an animal to a post, wall, etc., so that it will stay in a particular area

**Section 7** “**Unattended**” – refers to an animal that does not have a responsible person physically present. e.g. the animal is outside and the responsible person is inside.

## ARTICLE II

### General Guidelines

**Section 1** **Responsibility** - Members remain responsible for any actions or inaction of their family members, guests or tenants even, in accordance with Article V section 2 of the CC&Rs, when they have delegated their use of common areas to their family, guests or tenants.

**Section 2** **Compliance with County Code** - All household pets are to be in compliance with Fairfax County Code

**Section 3** **Damage** – Members are responsible for any property damage their pet, their tenants pet or their guests pet may cause.

## ARTICLE III

### **Rules for Using Common Areas with Pets**

The following rules must be complied with when members, the members' family, guests or tenants are using common areas with their pets:

**Section 1** **Waste Removal** - In accordance with Fairfax County Code, the responsible person of any dog must remove the excreta deposited by such dog on common areas of the Association and properly dispose of same.

**Section 2** **Leash Requirement** – In accordance with Fairfax County Code, pets on the Common Areas are to be walked on a leash by a responsible person or be carried.

**Section 3** **Tethering** - No pet may be tethered to any stationary object on the common areas and left unattended.

**Section 4** **Muzzling** – Animals deemed dangerous by any State, County or Municipality must wear a muzzle when on the common area.

**Section 5** **Confinement** – No pet may be confined within a vehicle upon the common roadway or parking areas of Orange Hunt Square and left unattended.

## ARTICLE IV

### **GENRAL ENFORCEMENT**

**Section 1** Permission is hereby extended, and the Director of Animal Control and the Fairfax County Animal Wardens have been instructed, to enforce any and all applicable animal control ordinances of Fairfax County Code on the Common Areas of Orange Hunt Square.

**Section 2** The Board of Directors, in accordance with Article IX of the CC&Rs, has the right to assess a Member for any extraordinary costs of maintaining the Common Area or the Community Facilities caused by a pet.

**Section 3** The Board of Directors, in accordance with Chapter 26 of Title 55 of the Code of Virginia, Article VII of the Bylaws and Policy Resolution 5, has the right to assess monetary charges for violations of this policy.

**Section 4** Violations of this policy that are also a violation of applicable County ordinances may be enforced by the Association without regard to any remedies pursued by the County.

## **ARTICLE V**

### **PROCEDURES FOR SOLVING AND REPORTING PET PROBLEMS**

**Section 1** **Informal Attempt** - Any individual concerned with a pet-related problem should first attempt to arrive at a solution to the problem directly with the pet owner in a courteous and helpful manner. If the individual is concerned about approaching the owner of the pet directly, they may forego this section.

**Section 2** **Reporting the incident to the Association** - If the initial attempt to resolve the issue fails, or if the individual is concerned about approaching the pet owner directly, the individual:

- A) Is encouraged to file a complaint with Fairfax County Animal Control for violations of County Animal regulations. These regulations include, but are not limited to, animal bites, animals running at large, injured or stray animals, cruel treatment of an animal, vicious animals, or wild animal problems.
- B) May file a written complaint with the Association. The complaint should document this problem as thoroughly as possible

The written complaint to the Association should include the date, approximate time and location of the reported violation along with a description of the animal and, if possible, the address where the animal is kept and a brief description of informal attempts (if any) to resolve the problem. A copy of any report to Fairfax County officials should also be included.

**Section 3** **Actions by the Association for violation of Article III of this policy** – In addition to any action taken by Fairfax County, the Association may take the following actions after receiving a report as outlined in Section 2, above:

- A) First reported violation – the Association will send a formal warning letter.
- B) Second reported violation – if received within 6 months of the first reported violation and after following procedures outlined in policy resolution 5, the Association may charge an assessment of \$25 to the homeowner of where the pet is kept or visiting.

- C) Third and subsequent reported violation – if received within 6 months of the last reported violation, the Association may take the same action as in section 3, B.

## **ARTICLE VI**

### **MISCELLENOUS**

**Section 1** **Responsibility to inform** - Members are responsible for informing their tenants and guests regarding the adoption of this Policy Resolution. The Association accepts no responsibility for the failure of Members to inform their tenants about this or any other provision of the Association's governing documents.

**Section 2** **Amendments** – The Board of Directors may amend this resolution, in whole or in part, under the procedures set forth in Policy Resolution 2

ORANGE HUNT SQUARE HOMEOWNERS ASSOCIATION, INC.

RESOLUTIONS ACTION RECORD

Resolution Type: **Policy**

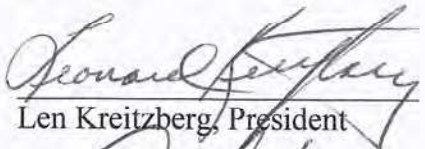
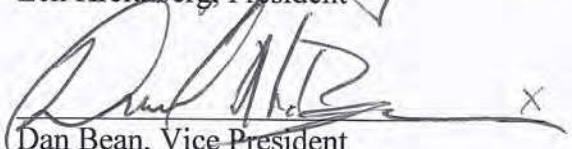

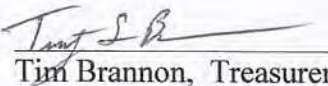
Resolution Number: **8.5**

Pertaining to: **Rules and Regulations when using Common Areas with Pets**

Duly adopted at a meeting of the Board of Directors of the Orange Hunt Square Homeowners Association, held on:

Motion by: Tim Brannon

Seconded by: Dan Bean

OFFICER	VOTE			
	Yea	Nay	Abstain	Absent
 Len Kreitzberg, President	<u>X</u>	—	—	—
 Dan Bean, Vice President	<u>X</u>	—	—	—
 Cliff Harbourt, Secretary	<u>X</u>	—	—	—
 Tim Brannon, Treasurer	<u>X</u>	—	—	—
_____ VACANT, Director	—	—	—	—

**ATTEST:**

  
Cliff Harbourt, Secretary

11-29-16  
Date

File:

Book of Resolutions

Minutes of Meeting

Resolution Effective: **1 January 2017**