

**ORANGE HUNT SQUARE HOMEOWNERS ASSOCIATION, INC.
POLICY RESOLUTION NO. 8**

GENERAL PET POLICIES

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, the Board desires to update and restate uniform regulations for the keeping of pets upon their lot and within their living unit; 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 general policies regarding pets on individual lots.

Additional rules and regulations when using the common areas with pets are established under Policy Resolution 8.5

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

Section 2 “**Member**” - shall mean and refer to every person or entity who holds membership in the Association.

Section 3 “**Ordinary House Pets**” - shall include dogs, cats, caged domesticated birds, hamsters, gerbils, and guinea pigs, aquarium fish, small turtles and tortoises, domesticated rabbits, rats, and mice, and creatures normally maintained in a terrarium or aquarium.

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**” – shall include 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**” – shall mean when a responsible person is not physically present with the animal; the animal is outside and the responsible person is inside.

Section 8 “**Unusual House Pets**” - shall include, without limitation, those animals not generally maintained as pets including, anthropoids, felines other than domesticated cats, canines other than domesticated dogs, rodents, mammals, birds, and other creatures other than those listed in Subsection 3 above, or not maintained in a terrarium or aquarium.

ARTICLE II

General Pet Guidelines

- Section 1** Ordinary house pets, as defined in this resolution, are permitted.
- Section 2** Unusual house pets, as defined in this resolution, are prohibited.
- Section 3** All pets shall be registered and inoculated as required by law.
- Section 4** Display of registration shall be required as specified within the Fairfax County Code.
- Section 5** All pets, when not within the home or enclosed rear yard, are to be on a leash as required by County Code and Article X, Section 7 of the Declaration of Covenants, Conditions and Restrictions.
- Section 6** Pets may not be tethered in the front or side of any Lot and left unattended.
- Section 7** The owner of any animal or animals may not keep pets in such a manner as to cause unsanitary conditions.

ARTICLE III

NUISANCES

The following shall be grounds for complaint and finding of a community nuisance as outlined within Article X, Section 6 of the Declaration of Covenants Conditions and Restrictions when pets are involved:

- Section 1** **Noise** - Complaints to the Board, and to the Board determination, about animal noise of sufficient volume or at an inappropriate time to interfere with other residents' rest or peaceful enjoyment of the Property.
- Section 2** **Threatening Animals, Attacks or Bites** - Causing or allowing any pet to molest, attack, or otherwise interfere with the freedom of movement of persons or other pets on common areas.
- Section 3** **Breeding** – In accordance with Article X, Section 7 of the Declaration of Covenants, Conditions and Restrictions, Commercial breeding of pets is prohibited.

Additionally, every female animal, while in heat, shall be kept confined in the home or enclosed rear yard by its Owner in such a manner that she will not be in contact with another dog nor create a nuisance by attracting other animals.

Section 4 **Animals causing unsanitary conditions** – Failing to remove, or failure of a responsible person to remove, excreta deposited by such dog on their own property or the property of another within the Association.

ARTICLE IV

GENERAL 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 shall have the right to assess monetary charges for violations of this Policy as more fully described in Policy Resolution 5 and Chapter 26 of Title 55 of the Code of Virginia.

Section 3 Violations of this policy that are also violations 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 resident 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 resident 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 resident is concerned about approaching the pet owner directly, the resident may:

- A) File a complaint with Fairfax County Animal Control for violations of County Animal regulations, animal bites, dogs running at large, injured or stray animals, cruel treatment of an animal, vicious animals, or wild animal problems.
- B) File a written complaint with the Association, including a copy of the complaint made to the appropriate Fairfax County Authority when applicable. 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 resides and a brief description of informal attempts (if any) to resolve the problem.

- C) **Actions by the Association for violation of this policy** – In addition to any action taken by Fairfax County, the Association shall follow established procedures to enforce all restrictions, conditions, covenants, reservations, liens and charges as imposed by the Declaration of Covenants, Conditions and Restrictions.

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

Section 3 **Repeals** – Policy Resolution No. 8, Pet Policies, adopted October, 6, 1992, is repealed.

Section 4 **Policy Resolution 6 addendum** – Policy Resolution 6 addendum, adopted October 10, 2010, is hereby amended to remove the section on PETS.

ORANGE HUNT SQUARE HOMEOWNERS ASSOCIATION, INC.

RESOLUTIONS ACTION RECORD

Resolution Type: **Policy**

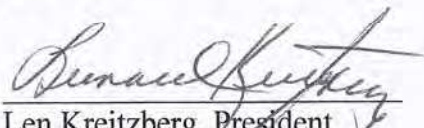
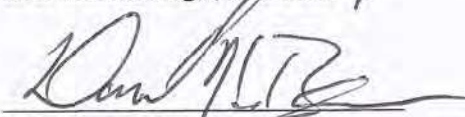

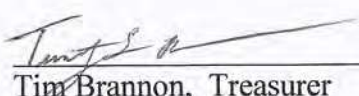
Resolution Number: **8**

Pertaining to: **General Pet Policies**

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: Len Kreitzberg

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**