

**WESTVIEW ESTATES HOMEOWNERS' ASSOCIATION  
EXECUTIVE BOARD**

**RESOLUTION C-2 Animal Control**

WHEREAS, section 6, Article XI of the Association Bylaws empower the Executive Board to adopt administrative rules, policies and regulations governing the enforcement of the Association's Covenants, Conditions and Restrictions ("CC&R's"), and to adopt regulations governing potential fines and assessments for violations thereof; and,

WHEREAS, such rules, policies and regulations are subject only to amendment by a simple majority of the voting members present, including absentee ballots and proxies, at an annual meeting; and

WHEREAS, Section 2.1 of the CC&R's entitled Animals provides that no animals or fowl shall be raised, kept or permitted upon a property or any part thereof excepting domestic pets, and domestic pets may not be kept, bred or raised for commercial purposes or in unreasonable numbers on the property; now, therefore,

BE IT RESOLVED BY THE EXECUTIVE BOARD:

A. In the enforcement of the CC&R's, Section 2.1 entitled Animals, the Board deems:

(1) Any number of a specific species of animals in excess of the number permitted under state or local law or ordinance to be unreasonable.

(2) Prohibits the keeping of any animal that is not currently licensed when state, county or city law or ordinance requires it to be licensed, and to prohibit the keeping of any animal that is prohibited under federal, state or local law or ordinance.

(3) All pets that are not caged should be registered on forms available on the HOA website or from any Board member, to aid identification if a pet is found loose.

(4) Animals commonly raised on farms (such as geese, chickens, goats, etc) are not deemed as domestic pets.

(5) Dogs shall be properly vaccinated, licensed, and shall be controlled in number and other respects by Polk County dog ordinances. Cats shall be limited to not more than four and must be kept indoors, properly vaccinated, spayed or neutered.

(6) No pet shall be permitted to be a nuisance or source of annoyance to other owners or occupants. No noxious or offensive activity shall be carried on upon a residential lot or any part thereof, nor shall anything be done or maintained thereon which may be, or may be reasonably expected to become, an annoyance or nuisance to the neighborhood or detract from its value as a desirable residential district.

(7) All permitted pets must be kept on a leash or kept confined to the rear portion of the owner's lot or in the unit.

(8) When walking pets, pets must be leashed and under the reasonable control of a capable and responsible person.

(9) Owners/dog walker must have visible means to remove excretions. Waste from a permitted animal must be removed immediately when deposited upon a roadway, sidewalk, common area or lot of another, and must be disposed of at the owner's residence, not left for others to dispose of. Animals shall not be allowed to urinate or defecate on other residents' private property.

(10) Owners of rental units are required to notify and provide renters with HOA pet requirements and their responsibilities as per owners in the subdivision.

B. Noxious or offensive activities subject to the CC&R prohibition are:

(1) One or more dogs that make disturbing noises by barking, whining, howling or making similar sounds for more than 15 continuous minutes on each of at least three different days within a 10- day period so as to disturb a reasonable person off the keeper's property; or, by barking, whining, howling or making similar sounds for more than five 5 continuous minutes on at least three different night periods within a 10-day period so as to disturb a reasonable person off the keeper's property. Night periods are defined as 10:00 pm until 7:00 am.

(2) Keeping an animal that is allowed to run at large, or to defecate on the property of others, or that damages property or landscaping of others.

C. Vicious Animals are subject to the CC&R prohibition:

(1) A vicious animal is any animal that, when unprovoked, approaches any person in an aggressive, vicious or terrorizing manner, bites, inflicts injury upon, assaults or otherwise attacks a person or domestic animal without provocation anywhere other than in the owner's house or inside an owner's fenced yard.

(2) Ownership or possession of a vicious animal, as defined within the subdivision, is prohibited.

(3) Any report of a vicious animal complaint should be reported to the appropriate public agency in addition to Board enforcement actions.


(4) Fines for vicious animal violations can be assessed retroactively to the date an owner or occupant is notified in writing that they are suspected of possessing a vicious animal.

- (5) It is the responsibility of owners/occupants to consider removing a vicious animal, as defined, from the subdivision.
- (6) It is the responsibility of the Association Board (or designee) to inform the affected party to report a vicious animal to the appropriate enforcement agency.
- (7) The Association Board (or designee) shall investigate and initiate enforcement actions under the CC&Rs, when necessary, consistent with Board policy.
- (8) All notes, photographs and records regarding the enforcement will be maintained in the appropriate property file.

D. Violation (Resolution C-1) as defined in Resolution C-2. For Animal Control violations the fines shall be:

- (1) Failure to control a vicious/aggressive/terrorizing dog \$100.00 Per incident
- (2) Noxious activity (waste, barking, other noise) \$50.00 Per day

Approved by the Executive Board on March 2, 2010. Reaffirmed December 2, 2014, amended July 11, 2023

  
Gary Willcoxon, President

  
Toni Horton, Secretary

## PET REGISTRATION FORM

Resident Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ E-mail \_\_\_\_\_

Animal is: Pet \_\_\_\_\_ Other, please specify \_\_\_\_\_

Task trained to perform \_\_\_\_\_

Cat \_\_\_\_\_ Dog \_\_\_\_\_ License number \_\_\_\_\_

Chipped? \_\_\_\_\_ Yes \_\_\_\_\_ No Vaccinations Current? \_\_\_\_\_ Yes \_\_\_\_\_ No

Breed \_\_\_\_\_

Color/markings \_\_\_\_\_

Pet Name \_\_\_\_\_

Nature of animal (friendly, aggressive, shy, etc.) \_\_\_\_\_

Photograph (Please attach a photo of each animal)

Registration of all cats and dogs on forms provided by the Association is required. These forms are kept on file in the Association Office for reference and identification of lost or strayed animals. Those which can be identified will be returned to their owners. All unidentified animals will be promptly taken to the Humane Society. Dogs must be kept on a leash or kept confined to the rear portion of the owner's lot or in the unit. No animal shall be permitted to be or become a nuisance or source of annoyance to other owners or occupants. Owners must have a visible means to remove excretions and must clean up after their cat or dog. Animals shall not be allowed to urinate or defecate on other residents' private property.