

Unit Owners Association of Water's Edge, A Condominium

Policy Resolution

2014- 01

Pet Policy

WHEREAS, Article III, Section 5 of the Bylaws for the Unit Owners Association of Water's Edge, A Condominium ("Bylaws") states that the "Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of the Condominium and may do all acts and things as are by the Condominium Act, the Declaration or these Bylaws directed to be done by the Unit Owner's Association;" and

WHEREAS, Article III, Section 5(f) of the Bylaws empowers the Board of Directors to make and amend Rules and Regulations respecting the use and enjoyment of the Condominium in accordance with the provisions of the Bylaws; and

WHEREAS, Article IV, Section 4(e) of the Bylaws provides that nothing shall be done or kept in a Unit or on the Common Elements "which would result in the cancellation of insurance on the Condominium or which would be in violation of any public law, ordinance or regulation;"

WHEREAS, Article VI, Section 4(g) of the Bylaws restricts the ownership of pets to a reasonable number (as determined from time to time by the Board of Directors) of orderly domestic pets, subject to the Rules and Regulations adopted by the Board of Directors; provided, that such pets are not kept or maintained for commercial purposes or for breeding; and

WHEREAS, Article VI, Section 4(g) of the Bylaws authorizes the removal of a pet within three (3) days' written notice of the pet causing or creating a nuisance, unreasonable disturbance, or noise; and

WHEREAS, Article VI, Section 4(g) of the Bylaws states that pets shall not be permitted upon the Common Elements unless accompanied by a responsible person; and

WHEREAS, Article VI, Section 4(g) of the Bylaws states that pets shall be registered and inoculated as required by law and the Animal Warden of Fairfax County is authorized to enter onto the Condominium and enforce the Animal and Fowl provisions of the Code of Fairfax County; and

WHEREAS, the Board of Directors believes it to be in the best interests of the Association to implement Rules and Regulations for the possession and control of animals on condominium property; and

NOW THEREFORE, be it resolved that the following Rules and Regulations are hereby adopted:

STATE AND LOCAL LAWS

I.1 Exception Policy

Notwithstanding any provision herein, the Board of Directors will make exceptions to this policy on a case-by-case basis to accommodate the needs of disabled individuals as required by law. Any owner or resident seeking an accommodation should apply to the Association's Managing Agent in writing for such accommodation, identifying the specific accommodation needed and the nexus between the Resident's disability and the accommodation requested.

I.2 General Fairfax County Ordinances

Unit owners, residents, and tenants are responsible for compliance with all county, state, and federal statutes, ordinances, and administrative regulations as well as this Pet Policy, by themselves, their family members, employees, visitors, tenants, and all occupants of their unit.

General Pet Guidelines

- A. All pets shall maintain all licenses and vaccinations as required by law and will also meet all other requirements of Virginia Commonwealth and County and local statutes and regulations.
- B. All pet owners shall maintain insurance against any personal injury or property damage caused by the pet and shall, at the request of the Board, provide the Association with proof of such insurance.
- C. Any dog determined to be "dangerous" or "vicious" under either Virginia or Fairfax County statutes or ordinances must be reported to the Association's Managing Agent within three (3) days of such determination.
- D. Unit owners or their renters may not keep wild, non-domesticated, exotic (e.g. reptiles, etc.) or vicious animals for any purpose except those State and Federal licensed exceptions already spelled out in the County code.
- E. Any pet that creates a disturbance or detracts from any unit resident's enjoyment of his/her own unit, or the common areas, should be reported to the Managing Agent.

- F. Pet owners are responsible for ensuring that all pets do not bark, howl, or make other loud noises in excess such that the peaceful enjoyment of units or the Common Elements is adversely affected.
- G. Pet owners are responsible for ensuring that their pets do not cause damage to the Common Elements. The cost to repair any damages to the Common Elements caused by an owner's or resident's pet shall be assessed against the unit owner pursuant to Article VI, Section 1(b)(3) of the Bylaws.
- H. When outside the resident's unit, no dog shall run unrestricted, as defined in Section 41.1-2-4 of the Fairfax County ordinance.
- I. Pet owners are responsible for the removal and proper disposal of pet waste from the Common Elements and Limited Common Elements and shall repair any damage caused by pet waste. Pet waste containers are provided around the community for that purpose.
- J. Any unit Owner or Resident of the Association may report violations of Virginia statutes or Fairfax County Ordinances to the Animal Control Office by calling 703-830-3310.

Limitation on All Pets

- A. No animals, other than two (2) common household pets, shall be kept or maintained in any single unit. Exceptions are stated under specific pet policies.
- B. No animal(s) shall be kept, bred, or maintained for commercial purposes in any unit.
- C. Pets are not permitted in the pool areas or the tennis court.
- D. All pets of visitors or guests must comply with all of the Pet Rules, at all times when on the Association property.
- E. Two (2) caged animals such as birds or hamsters are permitted per unit.
- F. Any number of fish kept in an adequate aquarium is permitted.

Specific Dog Guidelines

- A. The total/combined weight of dog(s) in any individual unit shall not exceed seventy (70) pounds at full growth. Any puppy that meets the weight requirement at the time it is moved into a Unit, but subsequently exceeds the weight requirement will be required to be removed from the Unit.
- B. The Board of Directors shall have the right to require residents, if challenged, to provide veterinarian evidence, in writing, of the dog's weight to ensure it is within the 70 pound limit.
- C. Dogs should be controlled when being walked on the property. It is only courteous to shorten the leash when approaching other persons or pets to prevent any harmful incidents.
- D. All dogs to be walked in the Dog Run Area shall abide by the signage posted in that area. (Because of the communal nature of these areas, it is suggested

that dog Owners insure that their pets are protected from the Parvo Virus disease).

- E. No dog shall be leashed to any stationary object on the Common Elements.

Specific Cat Guidelines

- A. Any cat owner with more than two (2) cats prior to the adoption of these pet Rules may keep those cats, but no additional cats may be added to the home. All other restrictions and/or requirements remain in effect.
- B. All cats acquired by present or future residents of Water's Edge on or after the approval date of this policy shall comply with the two pet limit.
- C. Cat owners must double wrap their cat litter when putting it out on trash removal days to prevent spillage. The unit owner is responsible for cleanup should a spillage occur.
- D. Unit owners who are currently fostering cats for a shelter are "grandfathered" and are exempt from the two cat maximum. The Board of Directors may require documentation from approved rescue organizations(s) verifying the fostering of cats. No future approvals for fostering cats are permitted.

Responsibilities

- A. Any damage to the Common Elements or Limited Common Elements as a result of a pet shall be the sole responsibility of the unit owner. All costs to repair damaged Common Elements shall be assessed against the unit owner.
- B. Any resident who allows a guest to bring an animal onto the property shall be responsible for its actions. Any guest's animal viewed to be vicious or intimidating shall be removed from the property immediately upon request from any resident or Board member.
- C. Unit owners are responsible for providing a copy of the current Pet Policy to their tenants and ensuring ongoing compliance.

PROCEDURES FOR SOLVING PET PROBLEMS

Any Resident concerned with a pet-related problem should do the following:

- A. Suspected stray pets should be reported to Fairfax County Animal Control (for possible identification) prior to contacting the Management Agent.
- B. All dog bites, suspected stray pets, animal cruelty or neglect, attacks by pets, or sick or injured wild life should be reported to Fairfax County Police at their non-emergency dispatch number at 703-691-2131 and afterwards to the Managing Agent.
- C. The complaint should document the problem as thoroughly as possible. Documentation should include identification of the pet(s) involved, the date and time of the event, a complete description of the problem or disturbance,

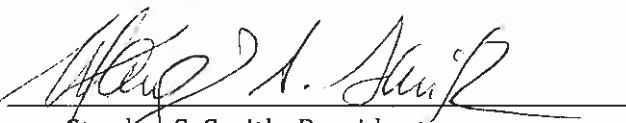
and dates and times of disturbances (whenever possible) as well as a brief description of informal attempts to solve the problem

ENFORCEMENT

- A. For any infraction, the resident observing the infraction of any of these rules should discuss the infraction with the pet owner in an attempt to arrive at a solution in a courteous and helpful manner. If the discussion does not resolve the matter, then a written complaint should be filed with the Managing Agent.
- B. The Managing Agent will first attempt to obtain an informal solution to the problem. If such a solution is not possible, the matter will be referred to the Board of Directors, which may initiate enforcement action.
- C. Upon report to the Board, which it determines to be well founded, the pet owner and the unit owner, if the pet owner is a renter, will receive written notice of the violation.
- D. If the violation is not resolved, the Association reserves the right to exercise all other powers and remedies provided in the Association's governing documents or the laws of Virginia and the County of Fairfax, Virginia to remedy the violation.
- E. The Board of Directors may permanently ban and authorize the removal of any pet causing or creating a nuisance, unreasonable disturbance, or noise or which has been determined to be vicious, dangerous or uncontrollable upon (3) days' written notice.
- F. The pet owner has the right to appeal the Board's decision by requesting a hearing before the Board of Directors. At such hearing, the pet owner may present any information relevant to the ban of the pet from the condominium property, subject to such time limitation imposed by the Board. The burden to prove that the ban should be lifted lies with the pet owner. Until such appeal is heard, the offending animal is banned from the condominium property.
- G. Should an animal have to be removed from a unit, the unit owner shall be responsible for all costs associated with the removal, including but not limited to legal fees.

The Effective Date of this Resolution is *December 1*, 2014, and supersedes and replaces all prior pet rules and regulations.

**UNIT OWNERS ASSOCIATION OF WATER'S
EDGE, A CONDOMINIUM**

By: 
Stanley S. Smith, President

By: *Paul Clark* Secretary

RESOLUTION ACTION RECORD

Policy Resolution No.: 2014-01

Pertaining to: **Pet Rules and Regulations**

Duly adopted at a regular meeting of the Board of Directors, held on September 25, 2014.

Motion by: David Numryck Seconded By: Tony Steward

APPROVAL:

Yes	No	Abstain	President
X			<i>Stephen A. Skunk</i>
			Vice President <i>[Signature]</i>
X			Treasurer <i>Kathy Younger</i>
X			Member at Large <i>[Signature]</i>
X			Secretary <i>Paul Clark</i>

ATTEST:
Paul Clark
Secretary

11/20/14
Date