

SPECIAL ADMINISTRATIVE NOTICE OF NEW RULES

TO: All Members and Property Owners
Sudden Valley Community Association

FROM: David G. Wareing, General Manager

DATE: June 1, 2008

TOPIC: **New Nuisance Dog Rules Adopted by Board of Directors**

The purpose of this notice is to advise all Sudden Valley Community Association Members and Property Owners of the passage of the new rule detailed below. The rule was approved and enacted by the SVCA Board of Directors on May 19, 2008 and put into effect on June 1, 2008.

Rules and Regulations 6.6 Nuisance Dog Violations

6.6.1. Dogs Maybe Declared a Nuisance - The purpose of this rule is to provide for the effective control or permanent exclusion of dogs that are the subject of repeated violations of Sudden Valley Community Association (SVCA) rules. Certain dogs may be declared a nuisance and subject to permanent exclusion.

(a) **Dogs At Large** - Dogs that run-at-large without the immediate and direct control of an owner or responsible person, or who are beyond the effective control of their owner or caretaker shall be deemed to be a nuisance where the dog is found to be at large three (3) or more times in a 90 day period.

(b) **Dangerous Dogs** - Dogs that attack people, other domestic or wild animals, attack without provocation or warning, or that have been designated as dangerous by animal control authorities, shall be deemed to be dangerous and subject to being declared a nuisance dog. A single incident may be sufficient for such a declaration where public safety warrants such action and declaration.

(c) **Uncontrollable Dogs** - Dogs that bark, whine, howl for unreasonable periods, or at unusual hours or who engage in activity that is disruptive or harmful to neighbors or others who have a reasonable expectation of peaceful and quiet enjoyment of their property or area, shall be deemed to be a nuisance where the dog has been found to be in violation of this section three (3) or more times in a 90 day period, and where such offensive behavior has been documented by SVCA Security, with notice to the owner, residence or person in possession or control of the dog.

(d) **Declaration of Nuisance Dogs** – The General Manager may, at his or her discretion, declare any dog to be a nuisance after three (3) or more repeated violations of the previous three (3) subsections within a 90 day period and that were documented by Security. Dogs that are declared to be a nuisance shall be subject to special control restrictions to effectively control unacceptable behavior or permanent exclusion from the Community.

6.6.2 Correction or Abatement Required – Any person who owns or controls or is responsible for the care and/or supervision of a dog that is declared a nuisance, shall be required to take such action as may be necessary to terminate the condition(s) that result in the nuisance declaration without delay. Terminating the nuisance condition(s) may be accomplished in any reasonable and appropriate manner that results in the elimination of the offending behavior or removing the dog from the area or community as may be required or necessary.

6.6.3 Exclusion of Nuisance Dog from Community – Any person who owns or controls or is responsible for the care and/or supervision of a dog that is declared a nuisance may be required to permanently remove the same from the Community upon the receipt of an Administrative Exclusion Notice issued under the authority of the General Manager.

(a) **Non Members Bringing Nuisance Dogs into Community** – Any non member, such as construction or service workers, or guests, who brings a dog into the Community and allows the dog to run-at-large off of leash or to threaten, intimidate or attack other dogs or people, shall be subject to exclusion by a Security Officer responding to a report of such violation, where the officer witnesses the violation or is provided substantive information by a person who personally witnessed the offensive behavior. Such dogs may be excluded from the Community after one violation upon written notice given to the person in control of the dog at the time of the violation and/or contact. Failure to abide by the exclusion will subject the person in control of the dog to a trespass violation, barring them from returning to the Community without written permission of the Association.

6.6.4. Penalty for Violation - Any violation of this Rule shall subject the violator to a penalty as follows:

(a) **Harboring a Nuisance Dog** - For keeping, harboring or possessing a dog that has been declared a nuisance, without terminating the offending behavior, for more than five (5) days after receiving an Administrative Nuisance Notice from the SVCA shall subject the owner or person in custody or control of the animal to a fine assessment of \$100 dollars per day until such time that the offensive behavior is terminated or the animal is removed from the Community.

(b) **Failure to Remove a Nuisance Dog** - For failing to remove a dog that has been declared a nuisance from the Community within five (5) days after receiving an Administrative Exclusion Notice from the SVCA shall subject the owner, possessor or guardian of the dog to a fine assessment of \$100 per day until such time as the dog is removed from the Community.

6.6.5 Returning the Dog to the Community – No dog that has been declared a nuisance and ordered to be excluded and removed from the Community may be brought back to the Community for any reason without the written permission of the Sudden Valley Community Association.

6.6.6 Administrative Relief - Discretion - The Sudden Valley Community Association, in the person of the General Manager, or his/her designee may, at his/her discretion, extend the abatement time period or grace periods as circumstances warrant, and may suspend penalties or portions thereof, upon a showing of good cause for such relief by the owner of a dog where such relief is deemed to be reasonable and warranted at the discretion of the General Manager or his or her designee.

6.6.7 Appeals – Appeals of Violations of this Rule or of an Administrative Order to eliminate offensive behavior or remove a dog from the Community shall be addressed to the Appeals Committee of the Sudden Valley Community Association.

6.6.8 Legal Action – The General Manager shall be authorized to pursue such legal remedies as may be necessary for the full and effective enforcement of these rules, including action in cases involving persistent or unresponsive violators, and including nonmembers, in accordance with applicable SVCA policy.