

FOREST HEIGHTS HOMEOWNERS ASSOCIATION, INC.

ADMINISTRATIVE RESOLUTION NUMBER 3

Control of Animals Creating a Nuisance or Disturbance

WHEREAS, Article VIII, Section 8.4, Powers and Obligations, of the Declaration of Protective Covenants, Conditions and Restrictions for Forest Heights Homeowners Association, Inc., and Article III, Section 3, Powers and Obligations, of the Bylaws of Forest Heights Homeowners Association, Inc., provide for the management of the affairs of Forest Heights Homeowners Association, Inc., a nonprofit corporation formed under the laws of the State of Oregon;

AND WHEREAS, Article VIII, Section 8.10, Association Rules and Regulations, of the Declaration of Protective Covenants, Conditions and Restrictions for Forest Heights Homeowners Association, Inc., authorizes the Board of Directors of Forest Heights Homeowners Association, Inc., to establish and promulgate rules and regulations;

AND WHEREAS, it is the intent of the Board of Directors to:

(1) Ensure that residents who enjoy the privilege of keeping pets also accept the responsibility of preventing their pets from infringing on a neighbor's right of peaceful enjoyment, and

(2) Ensure that residents understand that the Board of Directors is not a judicial body, capable of "deciding" the validity of one neighbor's complaint against another neighbor's animal;

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures will be followed:

1. Loose animals that are not properly tagged will be considered strays and may be removed by Multnomah or Washington County Animal Control.
2. The procedure for people who are annoyed by an animal is
 - a) Contact the property owner directly, expressing their concern, thus providing the property owner an opportunity to take immediate action that prevents any further disturbance
 - b) If communication with the offending party is not satisfactory, contact Animal Control.
 - c) After the above steps have been taken without any results, contact the Association in writing and submit documentation detailing that contacts have been made and any results from those contacts.
3. Persons desiring to document an animal creating a nuisance or disturbance must submit a signed complaint to the Association in writing. A copy of the complaint will be provided to the property owner, if he or she requests it.

4. Upon receipt of a written complaint, the Association will notify the property owner where the pet resides to encourage the property owner to take action to resolve the complainant's concerns.
5. If, after 10 days, a second written complaint is received, the Association will warn the property owner with the offending animal that serious action will be taken.
6. If, after another 10 days, a third written complaint is received, the owner will be directed to permanently remove the offending animal from the Association within 10 days.
7. To reduce the possibility of a personal "vendetta" against a property owner by a single resident, the order to permanently remove an animal will not be sent unless signed complaints have been received from residents of at least two different properties.
8. If the property owner does not report the animal's removal, or if the animal is observed on the property at any time after the 10 days have elapsed, the offending owner will be fined \$ 25.00 per day until they show that the animal has been permanently removed. **THIS FINE WILL BE ASSESSED AGAINST THE PROPERTY OWNER AND COLLECTED THROUGH THE ASSESSMENT AND PAYMENT POLICY PROCEDURES.**
9. In cases where there is a request for a personal appearance before the Association to appeal the removal of a pet, the Association has the authority to determine if the appearance is warranted. In most cases, the written submittal from the property owner will be sufficient to make a ruling. In either case, the purpose of the Association's review is NOT to determine the validity of the complaints filed against the pet. That is a matter that requires responsible discussion and negotiation between the owning and complaining parties. **THE PURPOSE OF THE ASSOCIATION'S REVIEW IS TO PROVIDE THE PROPERTY OWNER AN OPPORTUNITY TO SHOW WHY THE ESTABLISHED PROCEDURE DOES NOT APPLY TO THEM.** As a result of the review, the Association will determine if a modification to the established procedure is appropriate in the specific case.

BE IT FURTHER RESOLVED THAT costs related to the administration of this policy will be payable by the property owner who is found to be in non-compliance with this policy. After the first notice, the property owner will be responsible for paying any administrative charges relating to this policy.

AND BE IT FURTHER RESOLVED THAT, should the property owner elect to retain the animal, the Association's normal policy will be to assess and collect the fines rather than take steps to remove the animal. Nothing in these procedures, however, will prevent the Association from taking immediate, appropriate action to permanently remove any animal they determine to be a danger or a hazard to the health and safety of the community.

This resolution was passed by the Board of Directors on October 6, 1999.

ATTEST:

October 6, 1999
DATE

/George Marshall/
FHHOA Board of Directors