

Sundance Crossing HOA

Animal Waste Policy and Procedure Pursuant to C.R.S. §38-33.3-209.5(1)(b)(IV)

BE IT RESOLVED, the Association hereby adopts the following procedures to be followed for enforcing an Animal Waste Policy within the Association.

1. Scope:

To adopt a procedure and policy outlining procedures to be followed for enforcing an Animal Waste Policy per the Covenants, Codes & Restrictions of the Association, Article 11.3, which stipulates:

No animals, horses, livestock, birds, poultry, reptiles, or insects of any kind shall be raised, bred, kept or boarded in the Community...

The Association shall have, and is hereby given, the right and authority, from time to time, to: set a maximum number of household pets; set a size or poundage limit on pets; regulate the type(s) of pets that are permitted to be kept; determine in its sole discretion that any dog(s), cat(s) or other household pet(s) are being kept for commercial purposes or are being kept in such number or in such manner as to be unreasonable or to create a nuisance; determine that an Owner is in violation of the leash laws of the applicable jurisdiction or other applicable governmental laws, ordinances, or other provisions related to pets; or determine that an Owner is otherwise in violation of any provision of this Section. If the Board of Directors determines in its sole discretion that any of the foregoing have been or are being violated, the Board of Directors may take such action(s) as it determines in its sole discretion to correct the same. An Owner's right to keep household pets is coupled with the responsibility to pay for any damage caused by such pets, as well as all costs incurred by the Association as a result of such pets, and any such costs and damages shall be subject to all of the Association's rights with respect to the collection and enforcement of Assessments as provided in Article 4 of this Declaration (Assessments). (End Quote)

In accordance in keeping with the Declaration, the Board has adopted a policy to charge all owners of eligible animal/s (that utilize the outdoor, Common Elements) in the Association, \$10.00 per month to pay for animal waste services.

Upon implementation of this policy, it will be the responsibility of every eligible owner to notify within 30 days the Board of Directors or the managing company of how many animal/s they or their tenants/renters/leasees have/own. Every owner has 30 days upon purchasing/closing on a unit to notify the aforementioned if they own animal/s that utilize Common Elements. Owner/s of State Registered Service Animals are exempt.

Failure to notify the Board or the managing company, if managed, shall result in a \$250.00 fine once it is verified the owner or tenant has an animal/s that utilizes common, Association (outdoor) elements and has not been reported within 30 days of moving into the unit or implementation of this policy. Combined with this fine, the owner shall also be responsible for paying the \$10.00 per month in keeping with this Policy.

Owners are responsible for cleaning up after animal waste created by their animal/s. Failure to do so shall be fined \$50.00 per occurrence and may result in fines attached to the owner's ledger every other day if the owner does not resolve the violation/s. The Board may fine based on the testimony of two witnesses or a picture of the violation. The violation may be disputed in accordance with the Dispute Resolution Policy. Anyone may report a violation.

2. Specifics:

Violations may be observed by the Board of Directors, the management company, a committee member or reported via written correspondence through e-mail, fax, or mail service. The complaint must state specifically the violation observed and include who the violating party was, what was observed, the date, place and time of the violation and any other pertinent information, such as a description of the animal in question.

If full details are not provided with a complaint, further action beyond additional observation may be delayed or terminated. The Board will investigate the complaint further and will make additional observations if required.

If a complaint is found to be in violation of a municipal code, the complaint will be forwarded to the appropriate authorities.

If a violation is found and documented the following actions will be taken:

- A letter and photo will be sent to the owner (and tenant if it is known that the unit is being used as a rental) stating that a violation has occurred while referring them to the governing documents which appear to be in violation. This letter will allow the unit owner to forward documentation if they believe the violation did not occur. The unit owner will have seven (7) days to respond to the letter to dispute it. The owner will need proof their pet is not in violation of this policy. Denying the violation without evidence will not end any violation fines or fees.
- It is the responsibility of the Owner to notify the Board that a violation has been rectified.

Owners are responsible for any fines that may be levied against their property due to non-compliance of their tenants.

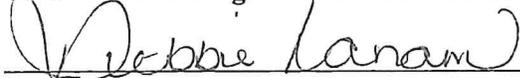
Non-payment of fines will fall under the Dues Collection Policy.

Voting rights will be suspended for any Owner who is or has been in violation of the CC&R's in the previous thirty (30) days.

3. **Definitions:** Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.
4. **Supplement to Law:** The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.
5. **Deviations:** The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
6. **Amendment:** The Board of Directors may amend this procedure from time to time.

President's Certification: The undersigned, being the President of the Association, certifies that the Board of Directors of the Association adopted the foregoing resolution and in witness thereof, the undersigned has subscribed his/her name.

Sundance Crossing Homeowners' Association



President

Effective Date: _____

6-25-2020