

GRENELEFE ASSOCIATION OF CONDOMINIUM OWNERS NO. 1, INC.
PET POLICY
March 2004

Our Mission:

It is the Association's mission to promote the safety, health, and welfare of its residents by providing and enforcing policies regarding animal care and control. We strive to educate and encourage pet owners and non-pet owners to be responsible and caring towards neighbors and pets, especially maintaining the right of owners to a peaceful and healthy environment, and to understand the importance of having pet owners recognize the rights of non-pet owners.

Our Vision:

It is the Association's vision to have a community free from pet-related problems and for all pet owners and non-pet owners alike to be educated, caring, responsible, and sensitive to the needs of the community, their neighbors, and their pets.

Purpose of this Policy:

To have clear, well-defined and reasonable rules and regulations for pet owners and persons who care for and have custody of pets, in order to provide for the health, comfort, safety, and general welfare of Grenelefe residents.

Authority of Association:

Section 10.6 of the Declarations states that, "Reasonable regulations concerning the use of the condominium property may be made and amended from time to time by the Association in the manner provided by its Articles of Incorporation and bylaws."

Section 10.3 of the Declarations states that, "No nuisances shall be allowed upon the condominium property nor any use or practice that is a source of annoyance to residents or which interferes with the peaceful possession and proper use of the property by its residents."

Definitions:

A pet owner consists of a person or persons actually having ownership of a pet or a person or persons in whose care and custody the pet has been placed, whether that care and custody is for a long period of time or a short period of time, such as taking the pet for a walk.

For purposes of this policy, a pet is defined as a domesticated, non-aggressive and non-dangerous dog, cat, small caged bird, or tropical fish kept as a companion or as a service animal to assist a person with a physical or mental impairment that substantially limits one or more of that person's major life activities.

For purposes of this policy, certain animals are excluded from the definition of a pet, including but not limited to Rottweilers, pit bulls, Dobermans, wolf or coyote hybrids, pigs and other livestock, horses, animals normally found in zoos, wild and exotic pets, reptiles, mice, gerbils, ferrets, prairie dogs, and any other rodent.

For purposes of this policy, a pet is considered aggressive and dangerous if it attacks, bites, jumps, threatens, or fights, has already injured a person or another animal, has indicated it may do so, or has been trained to fight.

For purposes of this policy, the term "the property of another" found in Section 8 of the County Ordinance, refers to the common element, that part of the condominium that is owned jointly by all members of the condominium association.

For purposes of this policy, any person over age 18 who owns or rents a unit and who harbors, feeds, or maintains a pet, feral cat, squirrel, or raccoon will be subject to the provisions of this policy.

Registration:

In order to manage and control the pet population and the identification of pets, the Association requires that all pet owners register their pets with the Association office. The registration shall identify the pet, breed, weight, color, sex, age, altered status, and name of the pet, and the name, address, and telephone number of the veterinarian responsible for the health of the pet.

The owner must attach a certificate signed by a licensed veterinarian giving evidence of vaccination and pertinent data for identification of the pet, a sterilization certification issued by a licensed veterinarian giving proof of altered status, if applicable, and a rabies vaccination certificate.

Fees:

Pet owners shall pay a registration fee of \$5.00 to defray the administrative costs of cataloging the registrations.

Consideration:

In consideration of owners without pets, the Association requests the following of persons owning or having custody or control of any pet, hereinafter referred to as pet owners:

- Owners of A, AC, AB, SL, LL units will have no more than two pets. Owners of B units will have no more than one pet. In the event that any pet gives birth to offspring, such offspring are allowed to remain in the unit up to 12 weeks.

- Pet owners shall not cause, permit, or allow the pet to stray or in any manner to run at large in and upon the Grenelefe property. The pet must be under the complete control of a responsible human companion and on a leash held by the human companion or in a carrier at all times when it is outside the unit. In accordance with this policy and the Polk County Ordinance, county enforcement officers are authorized to enter the Grenelefe property to impound any pet which is at large or astray and to pursue the pet for the purpose of capturing the pet for impoundment. Enforcement officers are authorized to impound any pet that is in violation of the County ordinance.
- No animal waste shall be left on the common element or the limited common element. Animal waste shall be promptly picked up and taken back to the owner's unit for proper disposal. Animal waste is not to be disposed of in natural areas under bushes or other types of vegetation.
- No pet owner shall harbor a nuisance barking dog. A nuisance barking dog is one whose loud, habitual, and persistent barking, howling, yelping, or whining is sufficient enough to interfere with any person in the reasonable and comfortable enjoyment of life or property.
- No pet owner shall harbor a nuisance animal that whines, howls, meows, cries, screams, or causes other objectionable noises, resulting in an unreasonable annoyance to a neighboring resident, or who disturbs the peace by habitually or repeatedly destroying or soiling the common element or private property, or causing injury or threatening to cause injury to any person or other domestic animal on property or other similar conduct or behavior.
- Pet owners agree to comply with the vaccination and tag requirements of Polk County as found in the Polk County Ordinance, Sections 4 through 7.
- Upon the receipt of a complaint in the form of a sworn affidavit of two persons not residents of the same household, a county enforcement officer will be called to investigate the complaint and may issue a citation to any pet owner.
- Pet owners agree to maintain a responsible level of care for the pet kept in the unit. This includes providing regular veterinary care, sufficient food and water, and not leaving the pet unattended on porches or patios, leashed to the building, or unattended in the unit for any undue length of time. Eight or more hours will be considered undue length of time in the case of a dog.
- Pet owners may not wash pets in the common element, may not leave food or pet dishes in the common and limited common element, or may not leave any other evidence of the presence of a pet in those areas.

Grandfathering:

There are no grandfathering provisions in this policy.

ENFORCEMENT**Disseminating information regarding the Association's policy:**

Every effort will be made by the Association to encourage voluntary compliance with this policy. The Association will conduct a pet census from time to time in order to identify pets belonging to owners or tenants, as opposed to pets owned by persons of neighboring communities. The association will communicate periodically with owners and tenants regarding the management of pets and provide an open line for owner/tenant feedback.

Rights of the Association:

Pet owners agree to allow a representative of the Association access to the unit if there is reasonable cause to believe that the pet has been abused, abandoned, or injured, or if the pet is causing a prolonged disturbance. The Association office will attempt to contact the owner before entering the unit.

If an Association representative reasonably believes that the pet has been abused, abandoned, or injured, or if the pet has become vicious or is causing a prolonged disturbance, the Association reserves the right to contact the proper authorities to alleviate the situation.

Pet owners agree to pay all costs incurred by the Association for any damages caused by pets to the common element or the limited common element.

Pet owners agree to pay all costs incurred by the Association for professional fumigating the unit and any grounds or common area or limited common area infestation of fleas, ticks, or other insects brought in or propagated by the presence of pets, or for the sanitization of pet odors.

Pet owners agree to indemnify, hold harmless, and defend the Association or any of its representatives against all liability, judgments, expense (including attorney fees), or claims by third parties for any injury to any person or damage to property of any kind whatsoever caused by the owner's pets.

Enforcement of the provisions of this policy does not preclude anyone from complaining or notifying the Polk County Sheriff's Department or Polk County Animal Services.

Complaints:

Bearing in mind that most pet owners are caring, responsible people who follow the Association's pet rules because they are good neighbors and care for the Grenelefe property, complaints will be handled consistently and firmly.

Unfortunately, there are always those who will ignore rules and necessitate intervention by management or the Board. Violations of this policy will be addressed as follows:

- An informal, friendly communication regarding the policy will be made by telephone, personal visit, or note to inform the owner in the event that the owner is not aware of the violation.
- If compliance fails, the owner will receive a written notice stating the nature of the problem, outlining the evidence pointing to the pet, referencing either the Declaration, Association rule, or local ordinance that prohibits the problem behavior. The letter will include a specific date for compliance when appropriate.
- If the owner fails to respond to this notice or if the unacceptable behavior continues, a second written notice will be sent specifying the consequences of non-compliance.
- If the second notice is ignored or if the unacceptable behavior continues, and if the violation pertains to Section 8 (pets running at large) or Section 9 (abandonment of animals) of the County Ordinance, the County will be contacted for proper action.
- Owners shall have the right of due process. If an owner disagrees with the findings of management, the owner may appeal to the elected Board of Directors for a hearing prior to the imposition of fines or other regulatory matters. The hearing may conclude with the imposition of a fine, a requirement that the owner obtain liability insurance or pet warranty insurance, or the requirement of obedience training for the pet.
- In the event that the owner disagrees with the results of the hearing or the Board fails to get results from the owner, a neutral third party trained in conflict resolution may meet and mediate with representatives of the Association and the pet owner to persuade each to voluntarily settle their differences.
- When all else fails, the Association will seek injunctive relief.

Notes to Policy:

The statement of purpose legitimizes the policy in case of litigation.

Definition of pet owner includes tenants and guests. A restriction can be incorporated permitting unit owners to maintain pets but prohibiting all others from doing so, that is, most specifically tenants. This deferential treatment of tenants is acceptable, is not wholly arbitrary, and does not violate public policy or abrogate a fundamental constitutional right. (Case law, Grove Isle Condominium Association versus Levy)

Courts tend to uphold breed restrictions.

Leash attached to companion is mandatory to prevent leashing to rear of building, as happened at building 404 where the dog has worn out the mulch and created holes, as at building 205, where a large dog sat on plant material and crushed it, as at building 204, where a dog prevented an Association employee from getting out of her truck.

Provision about not washing pets on the common element leaves a question as to where dogs can be washed. A pet was washed at building 404 in the alcove using someone else's water and causing the owner to leave a hose and other paraphernalia in the plant material in the alcove.

Size restrictions are excluded, because size in itself isn't the problem; it is the size of the fight in the dog. Size restrictions are difficult to monitor and difficult to enforce.

Grandfathering is excluded, because it presents problems in the future and is difficult to monitor and enforce.

The committee suggested that our policy be consistent with other Grenelefe Association policies.

Registration by pet owners is fairly easy to enforce. However, pet registration of tenants may be more difficult, because tenants have no relationship to the Association except through the owner. The committee, which consisted of pet owners, favored restricting pets to owners and excluding tenants.

The Association may levy reasonable fines for failure of the owner or the unit occupant to comply with any provisions of the Declarations, bylaws, or reasonable rules of the Association. Unfortunately, no fine can become a lien on the unit, so there may be some difficulty collecting a fine against an uncooperative person. Furthermore, fines may not be levied, except after giving reasonable notice and the opportunity for a hearing. There are also several regulations pertaining to fines not included here.

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PET REGISTRATION FORM

(Please use a separate form for each pet and include a \$5.00 registration fee with each form.)

Date _____

Pet owner's name _____ Phone _____

Unit number _____

Own Rent

Type of pet _____

Sex _____

Breed _____

Age _____

Size/weight _____

Name _____

Color _____

Veterinarian:

Name

Address

City

Telephone

Is the pet sterilized?

Yes No

Is the pet licensed by Polk County?

Yes No

If yes, license/tag number _____

Please attach certificates of

- Vaccination
- Sterilization