
Elk Springs Homeowners Association, Inc.

Animal Control Rules and Regulations

Pursuant to the authority granted by Article 4.14 (A) of the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Elk Springs, Garfield County, Colorado (the “Declaration”), the Board of Directors of Elk Springs Homeowners Association, Inc. (the “Association”) adopts the following Animal Control Rules and Regulations. Unless otherwise defined in this Policy, initially capitalized or terms defined in the Declaration shall have the same meaning herein. This Policy amends and supersedes all prior Animal Control Rules and Regulations and may be amended at any time by the Board of Directors of the Association (the “Board”). Should any provision of this Policy conflict with the Declaration, the Declaration shall apply.

Occupants are entitled to keep domesticated animals on their Unit pursuant to the following restrictions and limitations:

- No more than two adult dogs and an aggregate of four cats and dogs shall be kept on any Unit in Filings 1 – 4 and no more than one adult dog and no more than an aggregate of three cats and dogs may be kept on a single-family Unit in Filings 5 (Phase 1 and 2), 6, 7, 8 (Phase 1 and 2) and 9 provided that:
- Said animals are not kept, bred or maintained for any commercial purpose.
- Unaccompanied dogs outside the Buildings but on the Unit must be leashed or within an approved fence or an invisible electric fence with a working and effective collar.
- Said animals are controlled on the Unit at all times to prevent nuisance behavior such as continuous barking (defined as in excess of one hour per Garfield County Animal Control Regulation), and other Garfield County Animal Control Regulations such as at large, unsightliness, odor, etc.
- Said animals leave the Unit only when under strict Occupant control (verbal or physical). The handler shall have a leash in their possession at all times and place the dog on the leash when encountering other people, animals, or wildlife.
 - *Verbal control* as defined by Garfield County means:
 - The dog must respond to spoken commands.
 - The handler must be able to stop the dog from running, chasing, approaching people/animals, or causing problems **using voice alone**.
 - If the dog does not respond consistently, it is considered **“at large.”**

- *Physical control* being defined as on leash.
 - Electronic collars may be used as a supplemental training tool but do not satisfy the requirements for strict Occupant control, whether verbal control or physical control (on leash).
- Said animals are required to be under strict physical control **on leash when on all roadways.**
 - Occupants and owners immediately clean up after pets' feces on common areas, trails and along and in roadways, and other Unit Owner's property.
 - Said animals are not allowed to chase, bite, attack or in any way threaten owners, guests, other animals and wildlife in Elk Springs.
 - No other animals, horses, goats, llamas, pigs, chickens, poultry or other similar farm animals of any kind may be raised, bred or kept on any single-family Unit, except that domesticated birds, fish or other small, domesticated animals permanently confined in Buildings are permitted.
 - Each Unit Owner shall be financially responsible and liable for any damage or destruction caused by any animal owned by an Occupant, or owned by a guest of an Occupant, as well as payment of any fines assessed regarding violation of this Policy.

Enforcement, Penalties and Fines

The Board has assigned the responsibility for administration of this Policy to the Association's Property Manager. The Property Manager will be responsible for identifying violations and following the enforcement process as outlined in the Elk Springs *Enforcement of Rules and Regulations, Hearing Procedures and Schedule of Fines*. The Property Manager will also be responsible for completing and maintaining the Unit Owner Violation Worksheet which provides documentation of efforts to enforce compliance with this Policy.

Except as stated in the following paragraph, a Unit Owner or group of Unit Owners may bring an alleged violation of this Policy to the attention of the Property Manager. A Unit Owner or group of Unit Owners must state in writing to the Property Manager any alleged violation of this Policy. Such communication must include the name of the person or persons making the complaint as well as the date and approximate time of the alleged violation. The person or persons making the complaint may be called to testify if a Violation Hearing is determined to be necessary.

In the case of an alleged violation that poses an immediate or substantial threat to the health, safety or welfare of the community, an individual or another animal, a Unit Owner or group of Unit Owners must immediately contact the Garfield County Sheriff's Office – Animal Control Services and file a formal complaint and follow through if there is a court hearing regarding the matter. The Sheriff's Office does not allow the Association to act on the behalf of the complaining Unit Owner. In addition, a Unit Owner or group of Unit Owners should notify the Property Manager of the incident. However, determination as to whether an animal is a vicious animal and enforcement of the County's Animal Control Rules is the purview of the County and the Colorado judicial system and not the Elk Springs Homeowners Association, Inc.

Fine Schedule:

The final authority to assess fines or order other enforcement action of the Association's rules and regulations contained in this Policy shall lie solely with the Board. Fines for violations of this Policy are \$100.00 for the 2nd offense following an initial written warning and \$200.00 for the third and each subsequent offense within a one (1) year period.

Other:

Nothing contained in this Policy shall preclude any other remedies available to the Association or any Unit Owner in law or equity, under or pursuant to Colorado law or the Association's Rules and Regulations. Page 2 of 4 Failure by the Association to enforce any provision of this Policy shall in no event be deemed to be a waiver of the right to do so thereafter.

The provisions of this Policy shall be independent and severable. The invalidity of any one or more of the provisions hereof by judgment or court order or decree shall in no way affect the validity or enforceability of any of the other provisions, which other provisions shall remain in full force and effect.