

# ANIMAL CONTROL RULES AND REGULATIONS

By Elk Springs Homeowners Association

These rules and regulations are promulgated and pursuant to that certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Los Amigos Ranch PUD dated November 30, 1990 and recorded in Book 799, Page 48 of the Garfield County Clerk and Recorder's records; and that certain Supplemental Declaration for Los Amigos Ranch PUD, dated September 28, 1992 and recorded in Book 847, Page 190 of the Garfield County Clerk and Recorder's records.

Pursuant to the resolution by the Elk Springs Homeowner's Association and adoption by the Board of Directors, these rules and regulations shall apply to all single-family lots in Elk Springs, Los Amigos Ranch PUD. Should these rules and regulations conflict with either the 1990 or 1992 Declarations, the more restrictive regulations shall apply. These rules and regulations may be changed, clarified or further defined by resolution of the Elk Springs Homeowners Association, adopted by the Board of Directors.

NOW THEREFORE, the Elk Springs Homeowner's Association declares that resident Homeowners and renters (herein after "Residents") shall be entitled to keep domesticated animals on their property pursuant to the following restrictions and limitations:

1. No animals, live stock or poultry of any kind shall be raised, bred or kept on any Lot, except that domesticated birds, fish, or other small domesticated animals permanently confined indoors will be allowed.
2. No other animals will be allowed, except not more than two dogs on Filings 1-4 Lots and one dog on all other Lots, and an aggregate of not more than three cats and dogs will be allowed on any Lot provided that:
  - a) said animals are not kept, bred or maintained for any commercial purpose;
  - b) said animals are confined to the Lot;
  - c) said animals are controlled on the Lot at all times to prevent nuisance behavior such as continuous barks, unsightliness, odor, etc.;
  - d) said animals leave the Lot only when under strict owner control.
3. Each Homeowner shall be financially responsible and liable for any damages or destruction caused by any animal maintained on the Lot, or brought onto Elk Springs, Los Amigos Ranch PUD property by guests or employees. Said Homeowners shall also be personally and financially responsible for any clean up related to said animals.

## ENFORCEMENT

In addition to the above financial responsibilities, the pet Committee of the Elk Springs Homeowner's Association, appointed by the Board of Directors to serve two-year

terms, shall formally assess and enforce penalties against Homeowners violating these limitations and restrictions on animals.

The Pet Committee shall meet as necessary to review complaints, existing policies and take such actions, as it deems appropriate. The Pet Committee shall act upon majority decision but no meeting shall be required to issue formal warnings, impose fines, or remove non-residential animals.

Nothing contained herein shall limit the ability of the Pet Committee or other Homeowners to informally address potential animal control problems in lieu of formal action.

## RESIDENTS

### 1. WARNING

A written Warning Notice shall be issued for the first formal offense of a Resident's animal requesting the responsible Resident and Homeowner to make appropriate corrections within three days.

### 2. FINES

The second formal offense associated with the Resident's animal shall result in a written Violation Notice to the Responsible Resident and Homeowner and \$100 fine payable to the Association by the responsible Homeowner. Each succeeding formal offense shall result in a similar written Violation Notice and an additional \$100 fine.

### 3. REMOVAL PROCEDURE

Three written Violation Notices in a two-year period shall be reason issuing for the removal of the offending animal from the Lot and Elk Springs, Los Amigos Ranch PUD property. The Association may also require removal of any animal that is determined by the Pet Committee and the Board to be a danger to residents, other domestic animals or wild life without previously issuing Warning Notices or Violations Notices.

- A. Hearing: If "reasons for removal" as set forth in this Section 3 occur, the Pet Committee shall hold a meeting at which time the responsible Resident and/or Homeowner may present cause as to why the animal should not be removed. The meeting shall be held subsequent to two days written notice to all Single-Family Residents of Elk Springs, Los Amigos Ranch, PUD. The notice should specify the time, place and purpose of the meeting and delivery of said notice to residences or their respective mailboxes is sufficient.
- B. Determination: After considering Resident input, the Pet Committee may make its determination in a closed meeting, but must notify all Single Family Residents of its decision within two days.
- C. Removal: Upon a determination that removal of the offending animal is appropriate, the responsible Resident and/or Homeowner shall have

two days to permanently remove said animal from the Lot and Elk Springs, Los Amigos Ranch PUD property. If the offending animal remains on the Lot or Elk Springs, Los Amigos Ranch PUD property after two days, the Pet Committee shall impose a \$100/day fine and is authorized to remove said animal from the Lot and Elk Springs, Los Amigos Ranch, PUD property in whatever way it deems appropriate. The responsible Resident and/or Homeowner shall be responsible for all costs associated with the removal and subsequent kenneling or other disposal of said animal.

#### GUESTS, INVITEES AND EMPLOYEES

1. WARNING  
An oral warning by any Homeowner may be issued for the first formal offense by a non-resident animal. The warning Homeowner must notify a member of the Pet Committee and the responsible Homeowner of the said warning immediately.
2. FINE  
The second formal offense associated with a non-resident animal shall result in a written Violation Notice and a \$100 fine to the responsible Homeowner.
3. REMOVAL  
The third formal violation associated with a non-resident animal shall result in a written Removal Notice and a \$100 fine to the responsible Homeowner and be cause for immediate removal of the animal from the Lot and Elk Springs, Los Amigos Ranch PUD property at the sole discretion of the Pet Committee without a hearing.

Thereafter, if the offending animal is not immediately removed or is subsequently brought back to the Lot or Elk Springs, Los Amigos Ranch PUD property the Pet Committee shall impose a Failure to Remove Fine of \$100/incident and is authorized to remove said animal in whatever manner it deems appropriate. The responsible Homeowner shall be liable for all costs associated with removing, kenneling or otherwise disposing of said animal, including any legal action taken against the responsible Homeowner or non-resident animal owners.