

BOARD OF DIRECTORS FOR THE DARBY ESTATES CONDOMINIUM ASSOCIATION
RESOLUTION 2011 – 07: PET REGULATION POLICY

WHEREAS, Article 3, Section 3.1 of the Bylaws; Article 10, Section 10.4 and Article 11, Section 11.13 of the Darby Estates Condominium Declaration; and RCW 64.34.304 of the Washington Condominium Act authorize the Board to adopt and amend rules and regulations and to impose reasonable user fees against owners/tenants so long as there is no conflict with the Condominium Instruments; and

WHEREAS, the Whatcom County Code provides that: (i) It is against the law to allow animals to trespass on, destroy or damage another person's property; (ii) It is against the law to allow animals to run at large on public property or the private property of others; (iii) Dogs must be restrained by a dependable leash and controlled by a responsible person when off the property of the owner; and, (iv) Animals must not continually make loud and objectionable noises or be kept in such a manner as to cause unsanitary conditions; and

WHEREAS, for the health, safety, welfare, comfort, and convenience of all residents, the Board wishes to update policy regarding pets that establishes certain fees in relation to the maintenance of pets in the Condominium Association, that incorporates the requirements of Whatcom County ordinance and that may be equitable and consistently enforced,

BE IT RESOLVED THAT the following polices with regard to the ownership and housing of pets within the property of Darby Estates Condominium are adopted by the Board of Directors:

General Regulations:

1. The Board authorizes the Animal Warden of Whatcom County, Washington, to enforce the Whatcom County Leash Laws and other related animal control laws on the common elements of the Condominium.
2. All residents who have pets must register the pets with the Association by submitting a completed Pet Registration form within fifteen (15) days of the housing of a pet within the Condominium. Any change in status of a resident's pet(s) housed on the premises must be updated within fifteen (15) days of a change. The Association reserves the right to require all pet owners to update registration forms annually, or more frequently, as may be necessary. A veterinarian proof of dog weight is required.
3. Subject to the limitations established in this Resolution, only small orderly domestic pets (e.g., dog, cat, or caged bird) that are not vicious in nature may be kept and maintained within a single living unit.
 - a. The number of pets that may be kept and maintained within a single living unit at any one time is two.
 - b. The weight of any one pet shall not exceed 30 pounds. As of March 31, 2011, current pets weighing over 30 pounds will be grandfathered in for the life of said pet.
 - c. Only cats, dogs or birds are allowed. Fish in small aquariums are allowed.
 - d. Pets kept or maintained for commercial purposes are strictly prohibited within the community.
4. With respect specifically to the ownership of pet dogs, unit owners must pay an annual pet fee of \$30/year per dog. Said charge shall be payable to the Association and shall be collected in the same manner as assessments from Unit Owners. If the Unit Owner fails to pay the fee, the Association may, in addition to other remedies, require the pet(s) to be removed. This fee will be prorated to July 1, 2011.

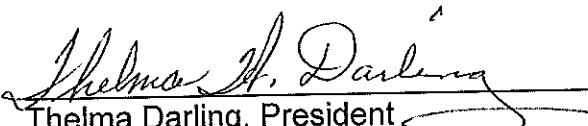
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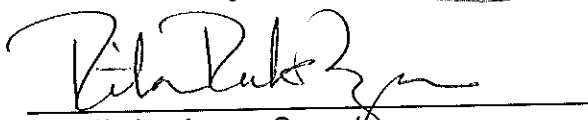
5. When outside of the owner's unit:
 - a. All pets must be carried or secured on a leash at all times except in the fenced-in Dog Park.
 - b. All pets must be attended to by a responsible person at all times.
 - c. No pet may be leashed to any stationary object on the Common Elements.
 - d. Pets are strictly prohibited from entering any common area except the Dog Park. Common area includes the lawns.
6. Pet owners shall ensure that any noise or odor caused by a pet that adversely affects the peaceful enjoyment of units or the Common Elements is strictly forbidden.
7. Pet owners are responsible for the removal and proper disposal of pet waste from the Common Elements and Limited Common Elements including the Dog Park. Pet owners are responsible for ensuring that no pets urinate and/or defecate on the Common Area near all buildings or on any human constructed object to include sidewalks, streets, light posts, fences, and retaining walls.
8. The Board of Directors shall have the right to assess a Unit Owner for any extraordinary costs of maintaining/repairing the Common Elements caused by the presence of a pet.
9. Upon recommendation of the Management Agent and in accordance with Association procedures for rule enforcement and due process, the Board of Directors may, in its discretion, and after giving the unit owner an opportunity for a hearing, assess charges as outlined in the Association's 2011-01: Due Process/Fine Schedule Resolution.
10. Upon failure to register a pet within fifteen (15) days of the housing of a pet upon the Property, the Board of Directors may, in its discretion, and after giving the unit owner an opportunity for a hearing, assess charges as outlined in the Association's Due Process/Fine Schedule Resolution 2011-01: Due Process/Fine Schedule Resolution.
11. Unit owners who lease their units must provide proof to the Darby office that tenants have received a copy of this resolution. Non-resident owners have forfeited their rights to use of common elements but still retain their right to vote.

This resolution supersedes all previous resolutions on pets.

ATTESTED that this resolution was approved by the Board of Directors on March 30, 2011:

DARBY ESTATES CONDOMINIUM ASSOCIATION,
A WASHINGTON NONPROFIT CORPORATION,

By: 
Theima Darling, President

By: 
Rita Rukashaza, Secretary