

**RESOLUTION OF THE
SODA CREEK CONDOMINIUM ASSOCIATION, INC.
REGARDING PETS**

SUBJECT: Keeping of pets within the Soda Creek community ("Community").

PURPOSE: To provide notice of the adoption of a Resolution approving a Pet Registration Fee and Requirements and Other Pet Restrictions which will promote the recreation, health, safety and welfare of the residents of the properties subject to the Declaration, and will further preserve and protect the values of the properties.

AUTHORITY: The Declaration, Bylaws, Articles of Incorporation, Rules and Regulations and Colorado law.

EFFECTIVE DATE: Sept 1, 2020

WHEREAS, Section 3.2 of the Declaration provides that "the Association, through its Board of Directors, shall perform functions and manage the Community as provided in the Recitals section of this Declaration ... The Association shall have all power necessary or desirable to effectuate such purposes"; and

WHEREAS, Section 7.6 of the Declaration imposes certain restrictions on keeping pets within the Community, which are incorporated into this Resolution; and

WHEREAS, Section 7.24 of the Declaration provides "in furtherance of the provisions of this Declaration and the general plan, Rules and Regulations concerning and governing the Community or any portion thereof may be adopted, amended, or repealed from time to time by the Board of Directors; and

WHEREAS, in order to promote the recreation, health, safety and welfare of the residents of the properties subject to the Declaration and to further preserve and protect the values of the properties subject to the Declaration, the Board, by this Resolution, desires to impose a Pet Registration Fee on Pet Owners to address costs related to the removal of excessive Pet waste, providing Pet pick up bags, as well as other costs related to pets.

RESOLUTION: The Association hereby adopts the following Pet Policy:

1. **Household Pets.** The term "Household Pet" as used in this Resolution and under Section 7.6 of the Declaration is defined as domesticated dogs, cats, rodents, fish, turtles, caged birds, or other domesticated animals commonly accepted as

household pets. No animals, livestock, birds or poultry of any kind shall be raised, bred, kept or boarded within any Unit or portion of the Community.

2. **Registration and Fees.** All dogs, or other pets that leave the Unit and use the Common Elements, must be registered with the Association and provide a DNA sample.
 - a. *Annual Registration:* Pets must be registered annually, on or before January 1st each year, or within 14 days of moving into a Unit or acquiring a Pet. An annual registration fee of \$30 per year/ per dog (or other Pet that leaves the Unit) must be paid to the Association at the time of registration, but at no time later than February 15th of each registration year. The registration fee will be used to assist with specific Pet related costs, such as dog waste stations, supplies for dog waste stations, and other Pet related costs.
 - b. *Pet DNA Sample Registration Fee:* Owners must also provide a one-time DNA sample for each dog or other Pet that leaves the Unit within 45 days of registering a Pet with the Association; Management company will provide a test kit by mail or for pick up within 2 weeks of receiving a new pet registration. For initial implementation of this provision in 2020, Owners will have 45 days from notification of the process to submit DNA. All fees associated with the DNA registration of a Pet shall be based on the actual fees charged to the Association by the Association's Pet registration and DNA company.
 - c. *Registration Form:* To register your Pet, either annually or for the one-time DNA testing registration, please contact the Association's management office for a Pet registration form or download it from <https://sodacreekcondos.org/documents/documents.html>.
 - d. *DNA Testing Reimbursement:* Should the Association be required to utilize DNA testing to assist with the determination of a violation of this Policy, all costs associated with such DNA testing, including, but not limited to, the cost for a sample waste kit and processing of the waste kit, shall assessed back to the violating Owner and shall be based on the actual costs incurred by the Association in such DNA testing.
3. **Failure to Register.** If an Owner fails to register or pay the annual registration fee for his/her Pet(s) as required, the Association may assess a \$250.00 late registration fee as well as impose fines, after notice and opportunity for a hearing, pursuant to the fine schedule set forth in the Association's Enforcement Policy. ***IMPORTANT: As per the Section 7.6 of the Declarations, only HOA Owners may have Pets. Tenants and roommates may not have Pets.***

4. **Visiting Pets.** Visiting Pets are the responsibility of the Owner. Violations of this Policy, or any other rule, regulations or provision in the governing documents by a visiting Pet will be treated as an Owner violation and the Association may impose fines, after notice and opportunity for a hearing, pursuant to the fine schedule set forth in the Association's Enforcement Policy. Pets owned by non-resident Owners are not considered Visiting Pets and such Pets must comply with all requirements in this Policy.

5. **Rules and Regulations.**

- a. As per the Section 7.6 of the Declarations, only Unit Owners may have Pets. ***Tenants and roommates may not have Pets.***
 - b. Pets shall not be permitted upon the Association's Common Elements unless accompanied by and under voice control and/or leash control of the Pet owner or other responsible person.
 - c. Pet owners are responsible for the immediate removal and proper disposal of animal waste from Common Elements and Limited Common Elements.
 - d. Pets shall not defecate on hardscapes, walkways, patios, or balconies in the community.
 - e. Pet owners are responsible for any property damage, injury or disturbances their Pet may cause or inflict.
 - f. All Pet owners are required to maintain an acceptable noise level in regard to their Pet(s) so as not to disturb other residents.
 - g. No Pet may be leashed to any stationary object on the Common Elements.
 - h. Commercial breeding of Pets or animals within the Unit is prohibited.
 - i. Pet sitting businesses are prohibited.
6. **No Nuisance.** No Pets may be kept that create a nuisance. The following shall be grounds for complaint and possible finding of a nuisance. ***Any observed violation of the below should be reported to the property manager for follow-up and action.***
- a. Pets running at large.
 - b. Pets damaging, soiling, defecating on or defiling any private property (other than that of such pet's owner) or the Common Elements unless immediately remedied.

- c. Pets causing unsanitary, dangerous, or offensive conditions.
 - d. Pets making or causing noises of sufficient volume to interfere with other residents' peaceful enjoyment of the property.
 - e. Pets attacking or otherwise interfering with the reasonable freedom of movement of persons on the Common Elements.
 - f. The use of a vehicle as a kennel or cage.
 - g. Any such other behaviors as the Board determines creates a nuisance.
7. **Enforcement**. The registration requirements, Pet restrictions and Rules and Regulations set forth herein will be enforced pursuant to this Resolution and the Association's Enforcement Policy against the Pet owner.

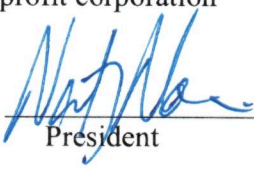
Failure to remedy a violation within the given compliance period is considered a continuing violation and is subject to additional fines pursuant to the fine schedule outlined in the Enforcement Policy, after notice and opportunity for a hearing, until the violation is remedied.

8. **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 Community.
9. **Amendment**. The Board may, in its discretion, amend this Resolution from time to time.

PRESIDENT'S

CERTIFICATION: The undersigned, being the President of Soda Creek Condominium Association, Inc., a Colorado nonprofit corporation, certifies the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on Aug 12, 2020 and in witness thereof, the undersigned has subscribed his/her name.

**SODA CREEK CONDOMINIUM
ASSOCIATION, INC.,** a Colorado
nonprofit corporation

By: 

Its: President