

NEWINGTON FOREST COMMUNITY ASSOCIATION, INC.

POLICY RESOLUTION NO. 3

(Rules and Regulations Regarding Pets)
(8/20/19)

WHEREAS, Article IV, Section 4.01 of the Bylaws provides the Board of Directors with the powers and duties necessary for the administration of the affairs of the Association; and

WHEREAS, the Board has determined that for the health, safety, welfare, comfort, and convenience of all owners, the Board wishes to establish uniform regulations for the keeping of pets; and

Whereas, Section 6.09 of Article VI of the Declaration states “No livestock, Poultry or other animals shall be kept on any lot or for breeding purposes, and under no circumstances shall any stable, hatch, barn, coop or other housing or shelter for animals or for the storage of materials be placed or maintained upon any lot, except as approved in writing by the Covenants Committee. Notwithstanding anything to the contrary, dogs, cats and other household pets may be kept on the property provided that the total of such household pets does not exceed four (4) in number and said the pets are not raised or bred for commercial purposes”;

NOW, THEREFORE, BE IT RESOLVED THAT the following pet policies be adopted by the Board:

I. GENERAL PET GUIDELINES, REQUIREMENTS
AND RESTRICTIONS

- A. No animal is permitted in the fenced pool areas and tennis courts unless an NFCA-authorized event has been scheduled, such as the dog swim.
- B. The Board would prefer that pets do not relieve themselves on any maintained community facilities. In the event this occurs, pet owners are responsible for the immediate removal and proper disposal of any fecal matter left by their pets on Association-owned common areas. Residents/Owners are responsible for the removal and proper disposal of fecal matter deposited on their lot(s) and must not allow fecal matter accumulation to become a health concern or to create offensive conditions.
- C. Pets are not permitted upon the common areas unless they are carried or leashed. All pets must be under the control of its owner or custodian at all times.
- D. No pet may be leashed to any stationary object on the common areas.
- E. Pet owners are responsible for any property damage, injury or disturbances their pet may cause or inflict on Association common areas.
- F. All pet owners must comply with Fairfax County Code Chapter 41.1 Animal Control and Care Ordinance when their pets are on the common areas of the community. In particular, their pet must display appropriate tags evidencing ownership and compliance with all required registrations and inoculations.

- G. Fairfax County Animal Control Officers have authority to enforce the county and state animal laws on the Association's property.

II. NUISANCES

The following shall be grounds for complaint and finding of a community nuisance:

- A. Dogs running at large;
- B. Pets damaging, soiling, defecating on or defiling any common areas or any private property¹, other than their owner's lot;
- C. Pets causing unsanitary, dangerous, or offensive conditions;
- D. Pets making or causing noises of sufficient volume to interfere with other residents' rest or peaceful enjoyment of the property;
- E. Pets causing or pet owners allowing any pet to molest, attack, or otherwise interfere with the freedom of movement of persons, to chase vehicles, to attack other pets, or to create a disturbance in any other way on the common areas;
- F. Any female animal in heat kept in such a manner so as to attract other animals; and
- G. Pets not safely kept in a vehicle (attended, and for the pet's sake, unattended) anywhere in the Association-owned parking and street areas.

III. PROCEDURES FOR SOLVING PET PROBLEMS

Any resident concerned with a pet-related problem should take the following action(s):

- A. The resident should initially attempt to solve the problem with the offending pet owner or pet custodian in a courteous and helpful manner. It is recommended that residents should make at least one attempt to resolve the problem with the owner or pet custodian before notifying the Association staff of a problem.
- B. The Association will become involved or act on a complaint only when there is a **written** complaint received from a lot Owner or resident. If personal attempts at a solution fail, then the resident should file a **written** complaint with the Association staff which documents the problem as thoroughly as possible. The complaint shall include identification of the pet(s) involved, a complete description of the problem or disturbance, a description of where the problem(s) occurred; and the dates and times of disturbances (whenever possible) as well as a brief description of informal attempts to solve the problem. Photographs may also be provided to document a problem.

Residents must provide documentation to support their complaints, including documentation of attempts to resolve the issue with the owner, the time of day and date when the problem(s) occurred, dates of phone calls to Fairfax County authorities and the results of any contacts. See Policy Resolution 14 for the "Procedures Related to the

¹ The Owner of the affected lot must file the complaint.

Submission and Resolution of Complaints”.

- C. The Community Manager will first attempt to obtain an informal solution to the problem by investigating the complaint and sending a letter to the offending property owner along with a copy of the policy resolution. If this fails to resolve the issue, the Community Manager will refer the matter to the Board of Directors, which shall reserve the power to call a formal hearing with all relevant parties. After hearing all of the evidence, the Board shall rule on the complaint. If the Board decides the complaint is valid, it may initiate enforcement action under this policy resolution and any other applicable regulations of the Association, which may include, but not be limited to, imposing one or more of the sanctions allowed under the Governing Documents.
- D. Consistent with the Association’s complaint and enforcement policies, an Owner who has been named in a complaint may request a hearing before the Board of Directors to contest any pet violation.
- E. The Board of Directors may also opt to file a complaint with Fairfax County to enforce this policy.

IV. MISCELLANEOUS

- A. Residents should first report (a) suspected stray pets or (b) any incidents of bites, attacks, or diseased animals to the Fairfax County Police Department Animal Services Division. Residents may also report this information to the Association staff.
- B. The Board of Directors reserves all of its powers to enforce this policy.

V. EFFECTIVE DATE OF RESOLUTION

I hereby certify that this revised Policy Resolution was duly amended and adopted by the Board of Directors at a regular meeting on August 20, 2019.

NEWINGTON FOREST COMMUNITY
ASSOCIATION, INC.

By: _____
Clayton A. Vieg, President