

**RESOLUTION
OF
THE BAY CLUB AT FRISCO - CONDOMINIUMS
PET POLICY**

SUBJECT: Adoption of a resolution for The Bay Club at Frisco - Condominiums (the "Association") regulating Pets and other animals that may be within a Unit or on the Common Elements. The Units and the Common Elements are referred to collectively as the "Property".

PURPOSE: The purpose of this policy is to protect and enhance the investment of the Owners and contribute to the harmonious and enjoyable living environment of all who reside within the Property. The Board of Directors (the "Board") has adopted the following pet restrictions. This policy applies to, and is binding on, the Owners, their family members, invitees, guests, tenants, licensees, employees, contractors or agents. Owners who lease their Units must provide their tenant(s) with a copy of this Policy.

AUTHORITY: The Summit County Animal Control and Licensing Regulations of 2013, as amended (the "County Regulations"), the Frisco Town Code §§ 79-1 to 79-19, as amended (the "Town Code"), Colorado Common Interest Ownership Act, the Colorado Revised Nonprofit Corporation Act, Declaration of Covenants, Conditions and Restrictions for the Bay Club at Frisco Condominiums recorded March 20, 1998 at Reception No. 561249 in the Summit County records (the "Declaration"), the Bylaws, which together the Articles of Incorporation, Policies, Rules and Regulations are referenced as the "Association Documents".

The Board may act on behalf of the Association in all instances,¹ specifically including the adoption and enforcement of rules and regulations governing the use of the Property.² Pets may not be kept within or on the Property for any commercial purpose, or in such a manner or number as to create a nuisance.³

EFFECTIVE: Upon Approval

RESOLUTION: The Board hereby adopts the following policy and procedure subject to:

- Definitions: Unless otherwise defined, initially capitalized or terms defined in the Declaration, the County Regulations,⁴ and the Town Code⁵ shall have the same meaning herein.
- Compliance with Law. The provisions of this Resolution comply with the provisions of the Declaration and the law of the State of Colorado governing the Association.
- Deviations. The Board may deviate from any provision of this Resolution if in its sole discretion such deviation is reasonable under the circumstances.
- Amendment. The Board may amend the following policies from time to time.

¹ The Declaration, Article III § 1.

² The Declaration, Article VI § 1(a).

³ The Declaration, Article IX § 7.

⁴ The County Regulations can be viewed at <http://www.co.summit.co.us/DocumentCenter/View/8584>

⁵ The Town Code can be viewed at http://www.friscoqov.com/wp-content/uploads/2011/03/TownCode_79-Dogs.pdf

PET POLICY

Except for Pets expressly permitted in this Policy, no animals may enter, or be kept, on the Property. Service animals, as defined by the Americans with Disabilities Act, or assistance animals, as defined by the Fair Housing Act, are permitted

1. Definitions.

- a. "Pet" means a dog or cat belonging to an Owner, or any animal belonging to an Owner that the Board gives written approval for in response to the Owner's written request.
- b. "Pet Owner" means any person owning, in possession of or keeping any Pet in a Unit, or who shall permit any Pet to be on the Property.
- c. "Damage" means bodily injury, including but not limited to bites, lacerations, bruises; or property damage, including but not limited to damage to the Property or any personal property.
- d. "Immediate Control" means supervision of, or influence over, a Pet or any animal, sufficient to prevent violation of this Policy, state statute, the County Regulations or the Town Code.
- e. "Physical Control" means control of a Pet or animal, by means of a tether or a leash no longer than five (5) feet in length, attached to the Pet or animal and held by the Pet Owner or another responsible person, or confinement within the Pet Owner's Unit, sufficient to prevent the Pet or animal from escaping or making contact with other persons or animals, and sufficient to prevent violation of this Policy, state statute, the County Regulations or the Town Code.

2. Pet Rules. Owners' invitees, guests, tenants, licensees, employees, contractors or agents are prohibited from bringing Pets or any animals onto the Property. Owners may keep no more than two (2) Pets in their Unit, and an Owner's immediate family members may keep 2 dogs in the Owner's Unit for no more than seventy two (72) hours, subject to the following:

- a. All Pets must be up to date with vaccinations, licensed as required by state statute, the County Regulations or the Town Code.
- b. Pets may not be kept or maintained on the Property for any use related to breeding, kenneling, caretaking, or any other commercial purpose.
- c. Sanitary conditions must be maintained within the Unit and cat litter must be carefully maintained to prevent odors outside the Unit.
- d. Pet Owners must promptly pick up and properly dispose of their Pet's feces.
- e. Pets must be fed within the Unit and not on the Common Elements or Limited Common Element balconies, decks or patios.
- f. Pet Owners may not keep their Pets on the Property under circumstances that constitute mistreatment or abandonment.

3. No Nuisance. Pets shall not cause a nuisance. The Board will determine whether any Pet activity constitutes a nuisance. In making such determination the Board may consider applicable provisions of the County Regulations or the Town Code⁶. By way of example, a nuisance may include, but is not limited to, the following:

- a. The disturbance of any other person's peaceful enjoyment of the Property by a Pet's habitual or persistent barking, howling, yelping, or whining, or any other unprovoked noise.
- b. The accumulation of a Pet's feces on the Property that is detectable

⁶ The County Regulations, § 2.12, and the Town Code, § 79.14.

visually or odoriferously by other Owners and not immediately remedied by the Pet Owner.

c. A Pet repeatedly causes Damage to the Property, or any person or private property located on the Property.

4. Failure to Control a Pet. Pets are not permitted to run at large on the Property, and Pet Owner's must maintain effective control of their Pets on the Property as follows:

a. Pet Owners must maintain Physical Control of their Pets while their Pets are on the General Common Elements. Pets may not be tethered or otherwise confined to any General Common Element.

b. Pets are allowed on the balconies of the three bedroom Units as long as the Pet Owner is home and someone has direct verbal control of the Pet. Pets are allowed on porches and patios as long as the Pet Owner is home, has direct verbal control and the Pet is tethered to prevent the Pet from leaving the Limited common Element patio or porch and entering the common area.

c. Pet Owners must, at all times, maintain sufficient control over their Pets to prevent Damage to any person, their personal property, or the Property.

d. A Pet Owner fails to maintain sufficient control in violation of this Policy where their Pet chases or approaches a person or animal on the General Common Elements in such a menacing manner that a reasonable person would conclude that the Pet is likely to Damage the person or animal.

5. Violation of the County Regulations or the Town Code. Any Pet Owner or Unit Owner that is issued a citation for violation of the County Regulations or the Town Code will be in violation of this Policy.

6. Violation and Enforcement. Complaints regarding the violation of this Policy shall be made pursuant to the Covenant and Rule Enforcement Policy. All bites or attacks by Pets that occur on the Property will be reported to the Town of Frisco Police Department and the Board. In addition to fines or penalties available under the Association Documents, the County Regulations or the Town Code, a Pet Owner may be subject to the following:

a. A Pet Owner that violates Paragraphs 2 or 3 above may be fined \$25.00 for the first violation, and \$100.00 for each additional violation.

b. A Pet Owner that violates Paragraph 4 or Paragraph 5 may be fined \$100.00 for the first violation, and \$200.00 for each additional violation.

c. Each day of a continuing violation shall be a separate violation. Pet Owners will also be responsible for any additional costs or damage resulting from violation of this Policy.

d. The Board may require Pet Owners to muzzle their Pets for any violation of Paragraphs 3(c) or 4(c) or (d) above.

e. The Board may order the removal of any Pet that receives 3 or more complaints for violations of Paragraph 3 above. Provided, however, that written notice stating the nature of the complaint, and that the violation must be cured in 10 days, must be delivered to the Pet Owner.

7. Dangerous Animals Prohibited, Removal. Any Pet that is determined to be a Dangerous Animal under the County Regulations or the Town Code is prohibited from entering, or being kept on, the Property. The Board or the Manager may report any Dangerous Animal found on the Property to the appropriate authority so that the Dangerous Animal is removed from the Property. Additionally, the Board may order the removal of any Pet that causes Damage in violation of Paragraph 4(c) if the Board determines doing so is necessary to maintain the safety and well-being of the Owners, their family members and Pets, invitees, guests, tenants, licensees, employees, contractors or agents. A determination that a Pet is a Dangerous

Animal under the County Regulations or the Town Code is not a prerequisite for the Board to order removal of a Pet.

8. Liability and Indemnity. Unit Owners and their guests who are Pet Owners are joint and severally responsible for all Damage their Pet causes. Any Pet Owner who keeps or maintains any Pet upon any portion of the Property will indemnify and holds harmless the Board, the Association, each individual Unit Owner and the Manager from any loss, claim or liability that may arise from the Pet Owner keeping or maintaining their Pet on the Property.

The undersigned officer of The Bay Club at Frisco - Condominiums hereby certifies that the foregoing Rule is true and correct as adopted by the Board of Directors.

_____ Date

By: _____, President