

ARBOR ROSES HOMEOWNERS ASSOCIATION

Resolution of the Board of Directors

PETS

WHEREAS, "Declaration" is the Declaration of Covenants, Conditions and Restrictions for Arbor Roses, and "Bylaws" is the Bylaws of Arbor Roses Homeowners Association, Board is the Board of Directors of the Arbor Roses Homeowners Association; and the terms "Lot", "Common Area", "Owner" and "Occupant" have the same meaning as set forth in the Declaration.

WHEREAS, Article 4.8 of the Declaration states (in part) that a reasonable number of domestic pets may be kept within any Lot which are reasonably controlled so as not to be a nuisance. Further, any inconvenience, damage or unpleasantness caused by such pets, including noise, shall be the responsibility of the respective owners thereof. All dogs are to be kept on a leash while outside a Lot.

WHEREAS, Article 4.8 of the Declaration also states that the Board may establish both a "reasonable number or domestic household pets" and the definition of domestic household pets" in its sole discretion.

WHEREAS, Article 4.9 of the Declaration states that "No noxious, harmful or offensive activities shall be carried on upon any Lot or Common Area, nor shall anything be done or placed on any Lot or Common Area which interferes with or jeopardizes the enjoyment, or which is a source of annoyance to the other Owners or Occupants."

WHEREAS, the City of Hillsboro Municipal Code (HMC) Section 6.20.030 sets forth the Limits of domesticated animals as follows:

Except as provided in HMC 6.20.040, no person may keep more than:

A. Three dogs on any property, unless the dogs are under six months of age and are offspring of a resident female dog;

B. Three cats on any property unless the cats are under four months of age and are offspring of a resident female cat; or

C. Four rabbits on any property unless the rabbits are under two months of age and are offspring of a resident female rabbit.

WHEREAS, the City of Hillsboro Municipal Code Section 6.20.010 sets forth the requirements for Control of animals as follows:

A. Running at large. No keeper may allow an animal, other than a cat, to run at large upon any street, sidewalk, public place not designated for that use or private property that is not under the control of the keeper.

B. Dangerous animals. No dangerous animal is allowed in the city unless confined to an animal enclosure, any violations thereof will be considered a “dangerous dog” and subject to those enforcement provisions under HMC 6.20.050(A).

WHEREAS, HMC 6.20.020 sets forth the definition of unreasonable noises as follows:

A. No keeper may allow an animal to cause unnecessary annoyance, alarm or disturbance to any person or neighborhood by making sounds that may be heard beyond the boundary of the keeper’s property such that the sounds are shown to have occurred either as continuous noise lasting for a minimum 10 consecutive minutes or intermittently for a minimum of 30 minutes.

B. It is an affirmative defense to charges under HMC 6.20.020(A) that the animal was intentionally provoked, by a party other than the keeper, to make such noise.

C. HMC 6.20.020(A) does not apply to an animal services facility that is authorized under the applicable land use and zoning regulations of the city.

D. No person may cause, permit or allow a nuisance to involving the keeping of an animal, be it towards person, property or another animal and whether on public or private property. A nuisance exists when a person violates the nuisance standards in this subchapter or HMC 6.28.

WHEREAS, keeping an animal in violation of HMC 6.20 and noise violations set forth in HMC 6.24 are defined as a nuisance.

WHEREAS, the Washington County Code chapter 6.04.080 Failure to prevent acts of nuisance prohibited states that:

It is a civil infraction for any person to be the keeper of a dog which the person fails to prevent from being a public nuisance by:

- A. Molesting passersby;
- B. Biting a person or animal;
- C. Chasing or attacking persons;
- D. Attacking other animals;

E. Traveling upon school grounds, public parks, public game refuges and public watershed areas, except under the supervision and control of a person and with the property owner or manager's written permission;

F. Damaging or destroying property of persons other than the owner or keeper of the dog;

G. Scattering garbage;

H. Chasing vehicles;

I. Disturbing the peace, comfort, health or repose of any person of reasonable sensitivity by making loud, long, unnecessary and continuous noises;

J. Being a female dog in season (estrus) and being accessible to a male dog not in the person's ownership except when access to the female dog is intended by the keepers or owners of both dogs for breeding purposes: (Ord. 600 § 2 Exh. A (part), 2002: Ord. 394 § 2 Exh. A (part), 1991: Ord. 306 § 5(A)(5), 1985)

WHEREAS, Washington County Code Chapter 6.04.020 Removal of animal waste from public areas states that:

Any owner of an animal or person in physical possession and control of any animal in a public place shall remove excrement or other solid waste deposited by the animal in any public area, including but not limited to streets, sidewalks, parking strips and public parks, excluding, however, the horse exercise arena and bridle path. (Ord. 107 § 3.2, 1991)

WHEREAS, Washington County Code Chapter 6.04.030 Animal regulations states that:

It is unlawful for any person to:

A. Permit an animal to run at-large;

B. Permit an animal to trespass upon property of another;

C. Keep a dangerous animal;

D. Permit any animal unreasonably to cause annoyance, alarm or noise disturbance at any time of the day or night, by repeated barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the animal owner's property;

E. Leave an animal unattended for more than twenty-four (24) consecutive hours without adequate care;

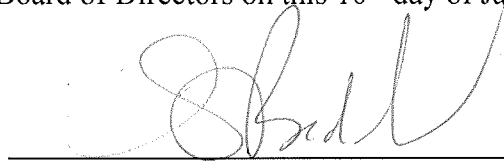
F. Fail to comply with the regulations applicable to dangerous animals. (Ord. 107 § 3.3, 1991; Ord. 25 § 3, 1968)

WHEREAS, Washington County Animal Control further clarifies on its website <http://www.co.washington.or.us/HHS/AnimalServices/AnimalControl/Complaints/aggressive-nuisance.cfm> that if a dog barks for more than 5 minutes of any 15 minute interval, that may be considered a violation of Washington County Code.

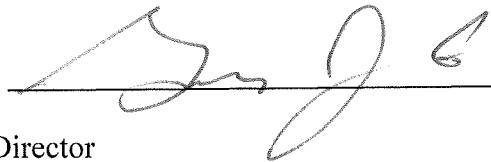
NOW THEREFORE, the Board directs that:

1. It is the expectation of the Arbor Roses Community that Owners and Occupants keep household pets in conformance with the laws of the City of Hillsboro and Washington County.
2. Livestock, and exotic animals are prohibited as household pets.
3. The appropriate procedure to initiate a complaint is as follows:
 - a. Contact Washington County or Hillsboro Police non-emergency number and file a complaint.
 - b. Notify the property manager of the issue in writing using the contact information provided on the community's website <http://www.arborroseshoa.org> . At this time provide the report number or other information related to the complaint filed with authority(ies) identified in 6(a). Provide any other documentation or information available about the complaint. Make clear what the expected outcome is in your communication with the property manager.
 - c. Thereafter, the process follows precisely the steps outlined in the Financial Penalties Resolution adopted in March 2007, with the addition of a step (d) below.
 - d. If the owner disputes the violation, the Board of Directors may elect to request the complainant and respondent go through a mediation process offered by the City of Hillsboro at no charge prior to continuing the hearing process. This is to avoid the likelihood of financial penalty assessment where possible in favor of resolving the problem earlier in the process. Notices regarding hearings may also be sent electronically to provide ample time for response.
4. This resolution does not replace any other remedies for equitable relief available to a complainant under the Hillsboro Municipal Code, Washington County Code, or Washington County Noise Ordinance.

This resolution was passed by all of the members of the Arbor Roses Homeowners Association Board of Directors on this 10th day of January, 2012.



President



Director

C. SIOBAIN BEDDOW

Name

GREG EBERT

Name