

Waterfront District Homeowners Association, Inc

Resolution of the Board of Directors
Dog Feces and Dogs Off Leash
Effective May 1, 2017

WHEREAS, "Master Declaration" is the "Declaration of Covenants, Conditions and Restrictions for Waterfront District" recorded as Document 106193996 on December 14, 2006 in the Recorder's Office of Ada County, Idaho, pertaining to and affecting Waterfront District; "Association" is the Waterfront District Homeowners Association; "Bylaws" are the Bylaws of Waterfront District Homeowners Association; and, "Board" is the Waterfront District Board of Directors.

WHEREAS, Article V, Section 5.4 of the Master Declaration directs that the affairs of the Master Association shall be conducted and managed by a Board.

WHEREAS, Article V, Section 5.5 of the Master Declaration and Article VII of the Bylaws vests the Board with the powers and duties to perform any and all acts which may be necessary to, proper for or incidental to the property management and operation of the Common Areas and its other assets, to adopt, amend and repeal rules and regulations, including suspension of privileges and monetary fines for infractions of the rules and regulations.

WHEREAS, Article IV, Section 4.19 Vehicles Animals/Pets, of the Master Declaration states that household pets must be kept on the Property Unit of the Owner or on a leash or other direct control when on a Common Area. Additionally, all dog and cat waste shall be picked up and properly disposed of by the member.

WHEREAS, Garden City Municipal Code, Chapter 5 Animal Control, Section 4-5-6 Prohibited Acts and Conditions: A.1. Animals Running At Large: provides that it shall be unlawful for any member or his agent to allow or permit any dog to remain upon the streets or alleys of the city or in any public place unless controlled by a leash not exceeding ten feet (10') in length.

WHEREAS, Garden City Municipal Code, Chapter 5 Animal Control, Section 4-5-7 Nuisance Conditions: A.3 provides that no person shall permit an animal to deposit fecal material on any property other than on the property of the member.

WHEREAS, "Enforcement Resolution", effective July 1, 2016, defines the Association's updated procedure for enforcing rules, covenants and restrictions in accordance with Idaho Law. (HOA Fine Statute I.C. §55-115).

WHEREAS, in order to maintain the pleasant living environment for which Waterfront District was created, the Board deems it necessary to adopt a uniform method of procedures outlining the manner with which the Association will deal with Dog Feces and Dogs Off Leash issues applicable to all members and their activities consistent with the covenants and policies of the Association and Garden City Municipal Code. This method of procedures may be modified from time to time as the Board determines to be in the interest of the Association.

Waterfront District Homeowners Association, Inc.

NOW, THEREFORE, BE IT RESOLVED THAT the following procedures be adopted:


When a violation of the above Municipal Code or Master Declaration is reported to the management company or Board, the following process will be followed.

1. The member or agent responsible for violating the municipal code or Master Declaration will be identified and their address will be noted.
2. A violation ticket or notification will be submitted to the Association management company and copied to the Board.
3. The management company will contact the member and relate the violation to them, issue a warning of non-compliance, request that the violation cease and any and all feces be removed from property other than on the property of the member and disposed of properly. The member may contact a member of the board to discuss the "non-compliance" violation at any point during this process.
4. Upon a second violation reported to the management company or Board within a 12 month period, the management company will contact the member and relate the violation to them and request that the violation cease and any and all feces be removed from property other than on the property of the member and disposed of properly. The management company or Board may contact Garden City Code Enforcement office and submit the violation to them.
5. Additionally, the member account will be marked as "non-compliant" for a period of 30 days. If no additional violations occur within 30 days, the "non-compliant" status will be removed.
6. Furthermore, the Board will determine if the violations warrant utilizing the Enforcement Resolution which may include a fine and/or legal action, as an additional encouragement to cease the violations.
7. If additional violations occur within the following 6 month period after the second violation, the management company will contact the member and relate the violation to them and request that the violation cease and any and all feces be removed from property other than on the property of the member and disposed of properly. The management company or Board may again contact Garden City Code Enforcement office and submit the violation to them.
8. Additionally, the members account will be marked as "non-compliant" for a period of 60 days. If no additional violations occur during the "non-compliant" period, the "non-compliant" status for the violation will be cleared.

NOW, BE IT FURTHER RESOLVED THAT if further violations occur after the procedures described above, the Board may seek legal counsel to determine subsequent procedures to deal with the violations.

Adopted this 8th day of May, 2017.

I hereby certify that this procedure was adopted by the vote of the Board at a properly-called meeting of the Board of Waterfront District Homeowners Association, Inc.


Name: Craig Weaver
President


Name: Becky Bunderson
Secretary

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