



COMMUNITY ASSOCIATION MANAGEMENT
Queen's Court « 800 Bethel Street, Suite 501 « Honolulu, Hawaii 96813

An **Associa**® Company

WEST LOCH FAIRWAYS HOMEOWNERS ASSOCIATION
POLICY RESOLUTION: NEW PET RULES

March 20, 2014

Dear Owners of West Loch Fairways:

As Managing Agent for West Loch Fairways Homeowners Association, we have enclosed your copy of the new pet rules adopted by the Board of Directors. The resolution regarding pets shall be treated as part of your official West Loch Fairways governing documents and shall be filed in the permanent records as significant documents of the association.

All Owners shall provide a copy upon receipt of the new pet rules to your tenants if you own an investment property.

Sincerely yours,
Hawaii First Inc.

Lynn Uyenco CPM®, CMCA®
Senior Vice President

Cc: Board of Directors
Robert Allocco, Site/Covenant Manager



West Loch Fairways Association Policy Resolution: Pet Rules

WHEREAS, Article III, Section 3.02(h) of the Declaration states:

No Owner or occupant shall keep or maintain any animals on any Lot other than a reasonable number of generally recognized house pets for such Owner's or occupant's personal pleasure and not for sale or other commercial purposes. No Owner or occupant shall keep or maintain fowl or birds, other than canaries, parakeets and other songbirds on any Lot. No Owner or occupant shall keep or maintain animals or birds which are a nuisance to neighbors. The Board may grant reasonable exemptions to this subsection pursuant to subsection 3.02(ii) below.

WHEREAS, Article III, Section 3.5 of the Bylaws states; "The Board of Directors shall have and may exercise all of the powers of the Association as set forth in the Declaration, except as specifically reserved to or as may from time to time be conferred upon Owners by operation of law, the Articles of Incorporation, the Declaration or these Bylaws;" and

WHEREAS, Article V, Section 5.06(a) of the Declaration states; "The Board may from time to time adopt, amend and repeal rules and regulations to be known as the Rules to govern the following: (1) the use of Common Area by any Owner or by the Family, invitee, licensees, or lessees of such Owner; (2) the use of Service Roads; (3) the collection and disposal of refuse; (4) the burning of open fires; (5) the maintenance of animals within West Loch Fairways; and (6) the amount of the Initiation Assessment to be paid by each new Association Member;" and

WHEREAS, Article V, Section 5.2(c) of the Bylaws, authorizes the Board of Directors to impose sanctions for violation of the Rules; and

WHEREAS, the Board wishes to establish uniform regulations for the maintenance of animals within West Loch Fairways;

NOW THEREFORE, BE IT RESOLVED THAT the following Rules and Regulations regarding the maintenance of animals within West Loch Fairways is adopted by the Board:

I. Pet Categories. Pets shall be categorized as follows:

A. Generally Recognized House Pets shall include dogs, cats, canaries, parakeets, and other songbirds, hamsters, gerbils, and guinea pigs, aquarium fish, domesticated rabbits, rats, and mice, and creatures normally maintained in a terrarium or aquarium. All Generally Recognized House Pets are permitted, subject to the rules of this Resolution.

B. Unusual House Pets shall include, without limitation, those animals not generally maintained as pets including any reptiles, anthropoids, felines other than domesticated cats, canines other than domesticated dogs, potbellied pigs, rodents, mammals, birds (except those listed in Paragraph A, above), animals that are dangerous or prohibited by the Hawaii Department of Agriculture, and other creatures other than those listed above as Generally Recognized Pets. Unusual House Pets are prohibited.

II. Requirements and Restrictions

A. Pet Owners are responsible for the immediate removal and proper disposal of animal waste on any portion of the Common Area.

B. Pets shall not be permitted upon the Common Areas unless they are carried or controlled on a short leash by a person capable of controlling the pet. Pet walkers must be physically capable of restraining their pet.

C. No pet may be leashed to any stationary object on the Common Areas and left unattended.

D. No pet may be fed on the Common Areas.

E. Pet Owners are responsible for any property damage, injury or disturbance their pet may cause or inflict.

F. Commercial breeding of pets is prohibited.

G. All pets must have and display, as appropriate, evidence of all required registrations and inoculations.

H. Every female animal, while in heat, shall be kept confined in the Owner's Lot in such a manner that she will not be in contact with another animal nor create a nuisance by attracting other animals.

III. Nuisances. The following shall be grounds for a violation of the Rules. Pet owners whose pets become a nuisance will be fined through the normal

violation/enforcement procedures and will be charged for any repair/replacement damages incurred to the common elements.

- A. Pets running loose.
- B. Pets damaging, soiling, defecating on or defiling any private property (other than that of such pets Owner) or the Common Area. An owner's failure to immediately remove animal waste may also be fined.
- C. Pets causing unsanitary, dangerous, or offensive conditions.
- D. Pets making or causing noises of sufficient volume and/or duration to interfere with other residents' rest and peaceful enjoyment of Property.
- E. Causing or allowing any pet to molest, attack, or otherwise interfere with the freedom of movement of persons within West Loch Fairways, to chase vehicles, to attack other pets or persons, or to create a disturbance in any other way.
- F. Failing to confine any female animal in heat to prevent the attraction of other animals.
- G. Using a vehicle as a kennel or a cage.

IV. Procedures for Solving Pet Problems. Any Owner or occupant concerned with a pet-related problem should do the following:

- A. Attempt to arrive at a solution to the problem with the pet Owner in a courteous and helpful manner.
- B. If personal attempts at a solution fail, then a written complaint should be filled with the Site Manager or Managing Agent. The complaint should document the problem as thoroughly as possible. Documentation should include identification of pet(s) involved, a complete description of the problem or disturbance, and dates and times of disturbances as well as a brief description of the informal attempts to solve the problem. The Association shall not act on an anonymous complaint. Any Owner or occupant making a complaint must be willing to act as a witness in the event one is required or the Association will not be able to act.
- C. The Site Manager or Managing Agent will first attempt to obtain an informal solution to the problem. If such a solution is not possible, the Site

Manager or Managing Agent will impose the Sanctions for Violation of the Rules in accordance with the Fine Procedures.

D. Suspected stray pets should be reported to the appropriate municipal officials prior to contacting the Association. If a stray animal acts aggressively, please contact the Honolulu Police Department.

E. Penalties for violation of applicable local ordinances may be enforced by the locality without regard to any remedies pursued by the Association.

F. Any animal, without provocation, which attacks a person or other animal within West Loch Fairways is to be considered a "Dangerous Animal" and shall not be permitted to be kept on any Lot or Common Area within West Loch Fairways upon notification from the Association.

G. In the event of an emergency, the parties may take any actions deemed prudent to resolve the emergency without regard to the above procedures. A written report should be made to the Association as soon as possible.

V. Dangerous Animal Procedures.

A. Upon notification that an animal attack has occurred within West Loch Fairways, the Site Manager or Managing Agent will attempt by any means to contact the Owner of the Dangerous Animal to inform such Owner of Association Policy and to determine the location of the Dangerous Animal.

B. A certified letter will be sent, as soon as possible, to the Owner of the Dangerous Animal, stating that the animal must be removed from West Loch Fairways immediately or a fine of \$100 a day will be imposed until the Dangerous Animal is removed from West Loch Fairways.

C. If after 10 days, the Dangerous Animal is determined to be residing within a Lot in West Loch Fairways or found in the Common Area, the Managing Agent has the authority to refer the matter to the Association attorney for legal action and all legal fees and costs shall be assessed to the Homeowner.


D. Owners of assistance animals will be given additional time only as required by the federal Fair Housing Act (and its State counterpart, Hawaii Revised Statutes Chapter 515). ***The law does not require, however, that we tolerate animals that cause a direct threat to the health or safety of***

other residents of the community. Should the Board determine that an assistance animal is a direct threat to other residents or their property, the owner of the assistance animal will be given an opportunity to correct the problem. *The animal must be removed if its owner is unable to correct the problem.*

CERTIFICATE

I, John Rogers, Secretary of the Board of Directors of the West Loch Fairways Association, hereby certify that the foregoing is a true copy of the Resolution duly adopted at a meeting of the Board of Directors, duly held on the 20th day of MARCH, 2014 and duly entered in the book of minutes of the Association, and that this Resolution is in full force and effect.

DATED: Ewa Beach, March 20, 2014.



John Rogers _____, Secretary
(Print Name)