

**RESOLUTION
OF THE
RED HAWK HOMEOWNERS ASSOCIATION, INC.
REGARDING POLICIES AND PROCEDURES
FOR THE
CONTROL OF ALL DOMESTIC ANIMALS**

SUBJECT: Adoption of a policy regarding the control of dogs, cats, and other domestic animals in Red Hawk as provided for in the Amended and Restated Declaration of Covenants, Conditions and Restrictions of Red Hawk recorded in the records of Douglas County on September 30, 2014 (“Declaration”).

PURPOSE: To adopt uniform procedures to be followed to control dogs, cats, and other domestic animals as defined in section 2 (j).

AUTHORITY: The Declaration, Articles of Incorporation and Bylaws of the Association, and Colorado, Douglas County, and the Town of Castle Rock laws.

EFFECTIVE DATE: March 6, 2017

RECITALS: A. Pursuant to C.R.S. 30-15-101 the Board of County Commissioners of the County of Douglas adopted a resolution for the control and licensing of dogs and pet animals.

B. Pursuant to the Board of County Commissioners of the County of Douglas, Colorado Resolution R-998-100, Control and Licensing of Dogs and Pet Animals has been adopted as amended by Amended Resolution R-999-177.

C. Pursuant to a number of specific ordinances, Castle Rock Municipal Code Title 6, Animals, dated September 14, 2016

D. Article IX Section 4 of the recorded Declaration of Covenants, Conditions and Restrictions of Red Hawk (“Declaration”) generally provides:

No animals, livestock, birds, poultry, reptiles, or insects of any kind shall be raised, bred, kept, or boarded in or on the Units; provided, however that Owners of each Unit may keep a reasonable number of dogs, cats, or other domestic animals that are bona fide household pets so long as such pets are not kept for any commercial purpose and are not kept in such number or in such manner as to create a nuisance to any resident of any of the units.

E. The Board of Directors deems it desirable to establish and operate by procedures that balance the Association’s interest with the Owner’s interest in obtaining and keeping dogs, cats, and other domestic animals as pets.

RESOLUTION: The Association hereby adopts the following policy and procedures regarding the control of dogs, cats, and other domestic animals:

1. **General.** Compliance with the standards of the Community, as set forth in the Declaration of Covenants, Conditions and Restrictions of Red Hawk (“Declaration”), is critical to ensure a quality living environment and to preserve and maintain the value of the property within the Community.

2. Definitions.

(a) **Animal.** Every nonhuman species of the animal kingdom, both domestic and wild.

(b) **Animal at Large.** Any animal off the premises of the owner and not under the control of a person capable of controlling the animal.

(c) **Attack.** Violent or aggressive physical contact with a person or domestic animal, or violent or aggressive behavior that confines the movement of a person, including but not limited to cornering or circling a person.

(d) **Bite.** Means to be seized by an animal with the teeth or jaws so that a person or animal has been nipped, gripped, wounded, or pierced.

(e) **Bodily Injury.** An injury caused by a bite or other form of attack by a dog or other animal, whereby, at a minimum, the victim's skin is broken, or the victim experiences external or severe internal bleeding or requires emergency medical treatment by a licensed physician.

(f) **Cat.** Any animal of the *Felis familiaris* species or any hybrid thereof.

(g) **Common Elements.** Means any real estate owned or leased by the Association other than a Unit.

(h) **Control.** The restraint of a dog by means of a leash or similar tether no more than eight (8) feet in length or by means of confinement with a fully enclosed area adequate to ensure that the dog will not escape. Note: The Town of Castle Rock requirement is more restrictive than the Douglas County requirement of thirty (30) feet.

(i) **Dog.** Any animal of the *Canis familiaris* species or any hybrid thereof.

(j) **Domestic Animal.** Includes dogs; cats; confined domestic hares, rabbits, and birds; and animals raised and/or maintained in confinement, including small, harmless pet animals, such as species of aquarium fish, cage birds and certain rodents, such as mice, hamsters and guinea pigs.

(k) **Guard Dog.** Any dog kept for the purpose of deterring persons who are not authorized by the dog's owner from entering the premises used solely for commercial purposes.

(l) **Hobbyist Breeder.** Any person who breeds animals as a hobby, producing not more than two (2) litters in any one (1) calendar year.

(m) **Harboring.** Occupying any premises on which a dog is kept or which a dog customarily returns for food and care. Harboring an animal includes providing shelter for three (3) consecutive days or more.

(n) **Kennel.** Any structure or area used to house more than four (4) dogs of four (4) months of age or older or used for the grooming, breeding, training, or selling of dogs. This includes any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

(o) **License.** Means a current rabies certificate and tag indicating that a licensed veterinarian has inoculated a dog or cat against rabies in the State of Colorado.

(p) **Owner.** Any person, partnership or corporation owning, keeping, harboring, possessing, transporting or selling, or having custody or control of one (1) or more animals.

(q) **Pet Animal.** Includes any animal kept for pleasure rather than utility, especially any animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.

(r) **Pit Bull.** Any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, any dog displaying the majority of physical traits of any one (1) or more of the above breeds or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file in the office of the Town Clerk.

(s) **Professional Breeder.** Any person who breeds animals for profit or who produces more than two (2) litters in any one (1) calendar year.

(t) **Running at Large.** See Animal at Large.

(u) **Vicious Dog.** A dog that:

(1) bites or attacks a person or a domestic animal without provocation, or

(2) approaches any person in an apparent attitude of attack and/or in a vicious or terrorizing manner, or

(3) has been found to be a vicious dog by any court in any action brought pursuant to any governmental law or resolution.

(v) **Wild Animal.** any animal including those born or raised in captivity, except for domestic animals.

3. **Licensing.** Every owner within the County shall obtain and maintain a current rabies certificate and tag by a licensed veterinarian for each dog that he or she owns after the dog is four months old. Each dog must possess a current certificate and tag by the time the dog is five months old, or within one month of being brought into the county if the dog is over five months old. Every dog required to have a tag shall wear its tag at all times. The tag shall be the "county license" and no other license is required.

Every owner within the Town of Castle Rock owning, keeping or having custody of any dog or cat six (6) months of age or older within this municipality must obtain a license. Application for licenses must be made within sixty (60) days after obtaining a dog or cat six (6) months of age or older, or when a cat or dog in one's possession becomes six (6) months of age. This requirement does not apply to a nonresident keeping a dog or cat within the municipality for sixty (60) days or less. Dogs and cats must wear the identification tags issued for them, and not that of any other, at all times when off their owners' premises.

Note: Within the Town of Castle Rock cats must also be licensed.

4. **Household Pets.** In accordance with the Amended and Restated Red Hawk Declaration of Covenants, Conditions and Restrictions of Red Hawk, Article IX Section 4, entitled Household Pets, no animals, livestock, birds, poultry, reptiles, or insects of any kind shall be raised, bred, kept, or boarded in or on the Units; provided, however, that the Owners of each Unit may keep a reasonable number of dogs, cats, or other domestic animals which are bona fide household pets, so long as such pets are not kept for any commercial purpose and are not kept in such number or in such manner as to create a nuisance to any resident of any of the units.

5. **Guard Dogs.** In Douglas County, guard dogs may be used solely for the protection of commercial property or a construction site. Therefore, no person may possess or harbor a guard dog at any time for any purpose with the Red Hawk subdivision.
6. **Pit Bulls.** It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell any pit bull within the Town of Castle Rock. See Castle Rock Municipal Code Title 6, Animals, dated September 14, 2016 for limited exceptions to this requirement.
7. **Wild Animals.** No person shall keep or permit to be kept any wild animal or vicious animal for display or exhibition purposes, whether done gratuitously or for a fee.

Unlawful to own or possess. No person to own, possess, harbor, sell or in any other manner traffic in any wild or vicious animals, including but not limited to the following:

- (a) All poisonous snakes and other poisonous reptiles; and all nonpoisonous snakes with a length greater than six (6) feet;
 - (b) All species of primates;
 - (c) All species of canine, feline, bear and other carnivorous animals other than dogs and cats, as defined within this Policy.
8. **Animals Running At Large.** No person shall suffer or permit any dog or wild animal of which he or she is the owner, caretaker or custodian to run at large within the Red Hawk Community. Any such animal shall be deemed to be running at large when it is off the premises owned or rented by its owner and not under the control of the owner or an agent or employee of the owner.
 9. **Escaped Animals.** Within one (1) hour after an animal escapes from either the owner or the person having custody of the animal, the owner or custodian of the animal shall report the escape of said animal to the police department or the animal control officer.
 10. **Animal Nuisance Abatement.** The following are examples of animal nuisance issues that must be abated. Any restrictions that apply to an individual Unit within the Red Hawk community also apply to the Common Elements of the Association.

(a) Generally. No animal owner shall fail to exercise proper care and control of his or her animals to prevent them from becoming a public nuisance. A public nuisance includes any of the occurrences listed in this Subsection 10, as well as any other occurrence determined by the governing body or a court of competent jurisdiction or law.

(b) Noise. No animal owner shall permit any animal to cause annoyance, alarm or noise disturbance for more than five (5) minutes at any time of the day or night, by repeated barking, whining, screeching, howling, braying, yelping, or other like sounds which can be heard beyond the boundary of the owner's property.

(c) Property Damage. No owner to allow an animal to injure or destroy any real or personal property of any description belonging to another owner or the Association.

(d) Excessive number of animals. No persons shall keep more than three (3) dogs or five (5) cats or a total of six (6) animals within any Unit within the Red Hawk community, with the exception that a litter of cats or dogs, or a portion of any such litter may be kept for a period of time not exceeding three (3) months from birth.

(e) Domestic Animal Waste. No person shall appear with an animal outside of their owned or rented Unit or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor shall any person fail to remove any excrement deposited by such animal.

In addition, every attempt must be made to prevent an animal from urinating on the property of another owner including the common elements owned by the Association. This section shall not apply to a disabled person while walking a service dog.

Note: For the purposes of this policy document, comfort animals are NOT service animals.

(f) Females in Heat. All female animals in heat shall be confined to the Owner's Unit or secure enclosure or upon leash in such manner that the animal cannot come into contact with a male animal except for planned breeding.

11. **Impoundment of Dogs.** A Douglas County Animal Control Officer may take into custody and impound any dog found running at large or any dog that has allegedly bitten a person or animal. The rules and procedures for impoundment and disposition of dogs are found in Douglas County Resolution R-998-100, *Control and Licensing of Dogs and Pet Animals* and Castle Rock Municipal Code Title 6, *Animals*, dated September 14, 2016

Note: Members of the Red Hawk Board of Directors and/or the Property Manager are not authorized to and shall not impound any dog under any circumstances.

12. **Reporting.** Any member of the Red Hawk Home Owners Association may report a dog that is in violation of any of the provisions of the Douglas County Resolution R-998-100, *Control and Licensing of Dogs and Pet Animals* directly to the County Animal Control Officer or the Castle Rock Police Animal Control Officer.

These provisions apply to all members of the Red Hawk Homeowners Association and their families, persons residing with the subdivision, and guests of all such persons. The reporting requirements apply equally to violations that occur on the Common Elements of the Association.

13. **Violations.** From the standpoint of the Association not all violations are the responsibility of the Homeowners. However, the Association may levy fines and otherwise enforce this policy pursuant to its current Policy regarding Enforcement.

(a) For any of the following violations listed herein below in subparagraphs 1 – 5, the owner is strongly encouraged to immediately contact the County Animal Control Officer or the Castle Rock Police Animal Control Officer immediately, The owner is also encouraged to report the violation to the Red Hawk Property Manager, so that the Board may review the potential violation at a future meeting. Owners are hereby advised that the Association cannot provide immediate resolution of any perceived violation and therefore need to immediately address the following violations with the appropriate animal control department of local government.

(1) A dog, whether on or off an owner's premises, approaches a person in an apparent attitude of attack and/or in a vicious or terrorizing manner.

(2) A dog attacks or bites a person or animal whether or not it was provoked. In this case, the owner of the animal shall immediately notify the animal control officer or police department and the Association.

(3) A dog is running at large.

(4) A dog deemed to be vicious is not under physical control.

(5) A dog is suspected of being a Pit Bull.

With respect to the violations detailed in this paragraph (a), it is the policy of the Association to attempt to confirm that a report has been filed with the appropriate authorities and to obtain a copy of

such report if available.

(b) The following violations are appropriate to report to the Association through the Property Manager or a member of the Board of Directors directly.

(6) Prohibited or wild animals are being raised, bred, kept, or boarded in or on a Unit.

(7) Animals that are being kept for commercial purposes or in such numbers as to create a nuisance to a resident as defined in section 10. (d) of this policy.

(8) Property damage to the common elements or real property within the Common Elements caused by an animal belonging to a resident.

(9) Domestic animal waste not being attended to by the resident.

(c) The Board of Directors encourages homeowners to attempt to resolve the following violations among themselves if possible, or by contacting the appropriate authorities and the Red Hawk Property Manager.

(10) A dog, whether on or off an owner's premises, is disturbing the peace of any other person by loud, habitual, or persistent barking, whining, screeching, howling, braying, yelping, or other like sounds.

Note: Homeowners should be aware that the procedures for resolution through legal channels are complicated and MUST be documented by animal control authorities at each step of the process. Homeowners are referred to Resolutions R-998-100 and R-999-177 for a complete discussion of the process.

(d) The following violations are more appropriately resolved under the jurisdiction of the appropriate governmental authorities.

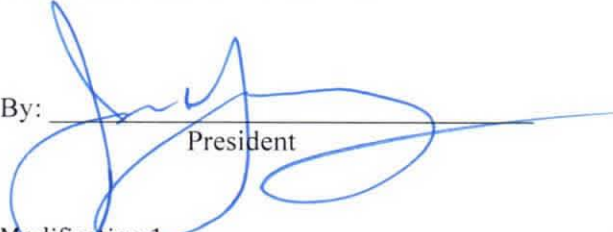
(7) A dog or cat is unlicensed

(8) A tag evidencing licensing and inoculation for one dog or cat is worn by another.

14. **Miscellaneous Provisions.** This Policy refers to several ordinances or other laws that may change from time to time. This Policy DOES NOT automatically change as said ordinances and laws change. In the event a Court of competent jurisdiction finds a provision of this policy void or otherwise unenforceable, the other provisions shall remain in full effect.

PRESIDENT'S CERTIFICATION: The Undersigned, being the President of the Association certifies that the foregoing Resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on __23 February 2017__ and in witness thereof, the undersigned has subscribed his/her name.

RED HAWK HOMEOWNERS ASSOCIATION, INC.,
a Colorado nonprofit corporation

By: 
President

