

Newport POA Animal Policy

Purpose:

This Policy is adopted pursuant to Article VIII, Section 18 of the Declaration and Article III(a) of the Bylaws to carry out the intent of the Declaration's animal restrictions, which limit each Lot to no more than two (2) common household animals, require animals to be leashed when not confined, and permit the Association to require removal of nuisance animals. This Policy clarifies the meaning of "nuisance," establishes standards for animal control and waste removal, and sets forth enforcement procedures. It also interprets the Declaration's term "common household animal" to provide guidance for enforcement.

Definitions

- a. Household Animal:** As used in the Declaration, "household" means a domesticated dog, cat, or other typical companion animal commonly kept in a residence for companionship, not for commercial, agricultural, or breeding purposes.
- b. Nuisance Animal:** An animal that, through its behavior, creates a material disturbance, health risk, or safety hazard within the community. Examples include repeated aggression, documented attacks, chronic excessive barking, property destruction, or unsanitary conditions caused by failure to clean up waste.
- c. Prohibited Types:** The following animals are **not considered "common household animals"** and may not be kept on any Lot or Common Area:
 - **Livestock and Poultry:** Chickens, roosters, ducks, turkeys, goats, pigs, sheep, cows, or other farm animals.
 - **Reptiles:** Snakes, iguanas, lizards, and similar animals (except small, non-venomous turtles kept in aquariums).
 - **Rodents:** Rats or mice (except domesticated pet rodents such as hamsters or gerbils kept indoors).
 - **Venomous or Dangerous Animals:** Any animal that is venomous, poses a risk to human health, or is inherently dangerous.
 - **Exotic or Undomesticated Animals:** Monkeys, ferrets, or other animals not typically kept as indoor pets.

2. Animal Control Standards

a. Supervision: All animals must be under the immediate control of a responsible adult at all times while outside a Dwelling or fenced Lot. The handler must maintain safe and effective control over the number and type of animals under their supervision at all times. If the Board determines, in its reasonable discretion, that an owner or handler cannot safely control the animals under their supervision, the Board may require that the animals be walked in smaller groups or otherwise impose reasonable restrictions to ensure safety.

b. Animal Identification (ID Tags): All animals are strongly encouraged to wear identification tags with their name and the owner's current contact information whenever outside the owner's Lot. This provision is intended to assist in the safe return of animals that may become lost and is advisory in nature.

c. **Aggressive Behavior:** Any animal that displays threatening or aggressive behavior toward persons, animals or property may be deemed a nuisance animal by the Board and subject to corrective action, including removal from the community if behavior is not corrected.

3. Waste Removal

a. **Common Areas:** Owners are responsible for immediately collecting and properly disposing of animal waste on all Common Areas and Limited Common Areas. Waste must be placed in a sealed bag and disposed of in the owner's household trash receptacle or other approved receptacle.

b. **Neighboring Lots:** Animal owners are responsible for their animal's waste, on their Lot or on another owner's Lot.

c. Failure to remove waste constitutes a nuisance, subject to enforcement.

4. Enforcement Procedures

a. **Reporting Violations:** Residents are asked to report violations of this Policy to the Board via email using the Incident Form, Exhibit A.

b. **Notice of Violation / First Violation:** Upon receiving a report, the Board will provide written notice to the Owner. For a first violation, an email warning will be issued.

c. **Subsequent Violations / Fines:** For each day a violation continues after notice, the Board may levy a fine of \$25 per day, consistent with Article VIII, Section 18 of the Declaration.

d. **Persistent Violations / Serious Incidents:** If the Board determines that an animal constitutes a continuing nuisance or serious safety concern, the Board may require removal of the pet, pursue legal action, or exercise any other remedies available under the Declaration and Bylaws

5. Service & Assistance Animals

The Association will comply with all applicable federal, state, and local laws regarding service and assistance animals. Owners seeking an accommodation for an animal must submit a written request to the Association. The Board will review each request on a case-by-case basis consistent with applicable legal standards and may request additional information as permitted by law to verify the disability-related need for the animal.

6. Owner Responsibility and Indemnification

All Owners are responsible for the actions of their pets and the pets of their guests. Owners must indemnify the Association for any loss, damage, or injury caused by their animals.

Exhibit A - Animal Incident Form

- Incident:
- Date:
- Reported by: