



StillWaters Residential Association

Nuisance Animal Policy

Date: October 3, 2017

I. Policy Statement – Nuisance and Violent Domestic Animals

The StillWaters Residential Association (SWRA) Board of Directors recognizes the need to maintain the peace, tranquility and safety of the community. The Board is obligated under the 1987 Covenants, Section 3.8 Offensive Activity to monitor and remedy noxious or offensive activity within the community. One notable example of this type activity involves domestic animals. Further, the Board takes the position of “zero tolerance” where any attack towards an individual results in physical harm.

II. Nuisance Animals Policy

The SWRA Board adopts a policy to remedy instances of domestic animals that are owned or in the possession of a resident or a visitor (“animal”) that present a nuisance or physical threat to the owners of the community as defined under Section 3.8 of the 1987 Covenants whereas such animals may be permanently removed from the StillWaters community.

SWRA Board of Directors Resolution (October 3, 2017)

III. Policy Enforcement

The SWRA Board will enforce this policy through a formal written complaint and review process.

IV. Violations of Policy

- A. An animal creates a nuisance or dangerous situation.
- B. An animal physically harms another animal owned by another property owner or visitor.
- C. An animal physically harms an individual.

V. Violation of Policy Protocol

- A. SWRA must receive a written complaint on a specific animal for the incident or situation. The complaint must be documented by a SWRA Animal Complaint Form and signed by the complainant and notarized.¹ Owners may submit multiple complaints for separate incidents and multiple owners may submit complaints for a single incident or multiple incidents.
- B. After the complaint is received by the SWRA office, SWRA will determine if this is the first reported complaint or a subsequent complaint.
- C. SWRA will make an effort to contact the owner of the animal if applicable to review the complaint.
- D. If the complaint does not identify physical harm to an individual or other animal (e.g., barking, pilfering garbage, littering in the yard, etc.) then the following actions will be taken:
 1. First Complaint: The owner will be notified and a written notice will be placed in the property owner’s file for future reference and a written “Advisory Notice” will be mailed to the registered property owner.
 2. Second Complaint: A “registered” letter from the SWRA Board will advise the property owner of multiple complaints under the Nuisance Policy and ask the owner to remedy the situation within ten (10) days of receipt of the notice.

¹ The SWRA Animal Complaint Form is available from the SWRA Office or on the SWRA website at <https://stillwatersra.com/resident-forms/>

3. Third Complaint: A “registered” letter from the SWRA attorney will advise the property owner of a third formal complaint and require the owner to remove the animal from the StillWaters community within ten (10) days from receipt of the notice. The SWRA Board will assess the property owner a \$500.00 fine if the animal is not removed in the specified amount of time.
 4. Non-compliance: If it is determined that an owner further violates this policy by allowing the return of the animal or continues to allow the animal to reside in the StillWaters community, then the SWRA Board will assess an additional \$500.00 fine for each 30-day period in cumulative until the owner complies.
- E. If the complaint identifies an attack where physical harm to another animal owned by a property owner or visitor results, then the following actions will be taken:
1. First Complaint: The owner of the animal will be notified and a notice will be placed in the property owner’s file for future reference and a written “Advisory Notice” will be mailed to the registered owner. The SWRA Board will review the incident to determine whether the attack was provoked, incidental or irresponsible behavior on the part of either parties. If the SWRA Board determines the attack could have been avoided by the responsible actions of the owner, then the owner will be asked to always leash or pen their animal when outside the owner’s dwelling in the future.
 2. Second Complaint: If the SWRA Board determines a second complaint falls under this situation, then a “registered” letter from the SWRA Board attorney will advise the property owner of a second complaint under the Nuisance Policy and ask the owner to remove the animal from the StillWaters community within ten (10) days from receipt of the notice. The animal will not be allowed back into the StillWaters community without prior notification and approval by the SWRA Board.
 3. Third Complaint: If the SWRA Board determines a third complaint falls under this situation, then a “registered” letter from the SWRA Board attorney will advise the property owner of a third complaint under the Nuisance Policy and ask the owner to remove the animal from the StillWaters community within ten (10) days of receipt of the notice. The owner will be advised that the animal is not to return to the community under any circumstances. If the owner violates this notification, then the SWRA Board will assess the property owner a \$500.00 fine.
 4. Non-compliance: If it is determined that an owner further violates this policy by allowing the return of the animal or continues to allow the animal to reside in the StillWaters community, then the SWRA Board will assess an additional \$500.00 fine for each 30-day period in cumulative until the owner complies.
- F. If the complaint identifies an attack where physical harm to an individual results, then the following actions will be taken:
1. Formal Complaint: The owner will be notified and a written “Advisory Notice” will be mailed to the registered owner that the SWRA Board will be reviewing the complaint with all parties involved.
 2. The SWRA Board will review the incident to determine whether the attack was provoked, incidental or irresponsible behavior on the part of either parties.
 3. Following review by the SWRA Board, if it determines the attack was unprovoked and/or the result of irresponsible behavior by the owner, then a “registered” letter from the SWRA Board attorney will advise the property owner to remove the animal from the StillWaters community within ten (10) days of receipt of the notice. The SWRA Board will assess the property owner a \$500.00 fine if the animal is not removed in the specified amount of time.
 4. Non-compliance: If it is determined that an owner further violates this policy by allowing the return of the animal or continues to allow the animal to reside in the StillWaters community, then the SWRA Board will assess an additional \$500.00 fine for each 30-day period in cumulative until the owner complies.
- G. It should be noted that SWRA reserves the right to remove any animal designated for removal under this policy found outside of the owner’s property. SWRA is not required to notify the owner prior to such removal but will do so a courtesy.