

MARKET STREET AT TOWN CENTER CONDOMINIUM
UNIT OWNERS ASSOCIATION
Policy Resolution No. 04-06
Rules and Regulations Regarding Pets

WHEREAS, Article III, Section 2 of the Bylaws assigns to the Board of Directors (“Board”) all of the powers and duties necessary for the administration of the affairs of the Unit Owners Association (“Association”) and provides that the Board may do all such acts and things as are not prohibited by the Condominium Act, the Declaration or by the Bylaws required to be exercised and done by the Association; and

WHEREAS, Article III, Section 2 of the Bylaws provides that the Board shall have the power to adopt any rules and regulations deemed necessary for the benefit and enjoyment of the Condominium; and

WHEREAS, Article XI, Section 1(h) of the Bylaws permits unit owners to keep small, orderly domestic pets (e.g., dogs, cats, caged birds) and aquarium fish subject to the limitation that no Unit Owner shall keep or maintain in excess of one orderly dog and two orderly cats subject to the rules and regulations adopted by the Board; and

WHEREAS, for the health, safety, welfare, comfort, and convenience of all unit owners, the Board wishes to establish uniform regulations for the keeping of pets;

NOW, THEREFORE, BE IT RESOLVED THAT the following pet policies be adopted by the Board:

I. GENERAL PET GUIDELINES

- A. Residents may keep small, orderly domestic pets in their units, subject to the guidelines in this resolution. As further qualified in sections I.B. and C. below, the term “small, orderly domestic pets” refers to no more than one (1) small, orderly dog (40 pounds or under), two orderly cats, caged domesticated birds, and aquarium fish.
- B. The following pets are not permitted anywhere in the Condominium: canines other than domesticated dogs; large dogs (heavier than 40 pounds); Rottweiler, Pit Bull, and Staffordshire Terrier dogs or any mix of these breeds; felines other than domesticated cats; birds other than domesticated birds; rodents; reptiles; monkeys; mammals, livestock; poultry; exotic pets; and other creatures not ordinarily maintained in a terrarium or aquarium.

- C. The Board, in its discretion, may permit owners to register and keep pets whose size or breed is inconsistent with the guidelines described in sections I. A. or B. above, so long as those pets are living with their owners in the Condominium at or before the time of the adoption of this resolution. Such consent shall be for the life of said pets and shall be subject to the registration of the pets as described in section II.A. below. The remaining terms of this resolution shall apply to all pets, including those permitted to stay pursuant to this provision.

II. REQUIREMENTS AND RESTRICTIONS

- A. All Pets which may reside within a unit must be registered annually with the Association.
1. Each resident who owns a pet must submit annually a completed Pet Registration Form (Exhibit A or an amended version thereof) along with (a) a \$100.00 pet registration fee, (b) a recent photo of the pet, and (c) a statement from the pet owner's veterinarian.
 2. The Pet Registration Form is available through the Management Office or can be obtained online via the Market Street at Town Center Condominium website: www.marketstreetattowncenter.com .
 3. The annual \$100.00 per pet registration fee is due each January for the full calendar year, to cover the administrative and maintenance costs incurred by the Association related to such pets. Move-ins and pets acquired during the calendar year will be prorated at a rate of \$8.50 per month per pet for the remainder of the calendar year. Checks or money orders should be made payable to Market Street at Town Center Condominium; credit cards and cash are not acceptable.
 4. The annual pet registration requirements include a statement from the pet owner's veterinarian indicating (a) the pet's current weight and/or at full growth and (b) proof of current rabies vaccination. Such statement is required annually.
 5. The completed Pet Registration Form, the photo of the pet, the statement from the pet owner's veterinarian, and the \$100.00 pet registration fee must be dropped off at the Management Office for processing.
 6. Owners or owners with tenants that do not register their pets prior to February 28 each calendar year are subject to an additional \$25.00 late registration fee; unregistered pets are a violation of the Condominium instruments and shall be subject to further enforcement action by the Association.
 7. Pet registration including payment of the pet fee is required whether the pet is living in the building or is visiting for a time interval beyond one week.
- B. Pet Owners are responsible for the immediate removal and proper disposal of any fecal matter left by their pets in the common elements.

- C. Pets are not permitted upon the common elements unless they are carried or leashed. At all times, the pet must be under the control of its owner.
- D. No pet may be leashed to any stationary object on the common elements.
- E. Pet owners are responsible for any property damage, injury, or disturbances their pet may cause or inflict.
- F. The breeding, maintenance, or boarding of pets for commercial purposes anywhere within the Condominium is prohibited.
- G. All pet owners must comply with all licensing, registrations, and inoculations required by Fairfax County in order to keep a pet within the Condominium, and the pet must display appropriate tags evidencing ownership and compliance with all required licensing, registrations, and inoculations.
- H. Any owner of a female animal in heat must keep the pet confined in such a manner that she will not be in contact with another animal of the same species nor create a nuisance by attracting other animals
- I. Walking pets in the Courtyard is strictly prohibited except to enter and exit the building and courtyard. Pet exercising, urinating and defecating in the Courtyard is prohibited. Pets must be walked around the outer perimeter of the building in the grass areas ONLY. Pets are not permitted in the landscaped areas (planter boxes, flower beds, shrubs, etc.).

III. NUISANCES

The following shall be grounds for complaint and finding of a community nuisance:

- A. Pets running at large;
- B. Pets damaging, soiling, defecating on, or defiling any private property or the common elements when the owner fails to immediately remove and dispose of any waste;
- C. Pets causing unsanitary, dangerous, or offensive conditions;
- D. Pets making or causing noises of sufficient volume to interfere with other residents' rest or peaceful enjoyment of the property;
- E. Pets molesting, attacking, or otherwise interfering with the freedom of movement of persons on the common elements, chasing vehicles, attacking other pets, or creating a disturbance in any other way;
- F. Any female animal in heat kept in such a manner so as to attract other animals; and
- G. Pets improperly kept in a vehicle anywhere in the parking facility.

IV. PROCEDURES FOR SOLVING PET PROBLEMS

Any resident who has observed a pet creating a nuisance or an unreasonable disturbance or noise should do the following:

- A. The process should begin with an attempt to solve the problem with the pet owner in a courteous and helpful manner.
- B. If personal attempts at a solution fail, then the resident should file a written complaint with the Managing Agent which documents the problem as thoroughly as possible. The complaint should include identification of the pet(s) involved, a complete description of the problem or disturbance, and the dates and times of disturbances as well as a brief description of informal attempts to solve the problem.
- C. The Managing Agent will first attempt to obtain an informal solution to the problem. If such a solution is not possible, the Managing Agent will refer the matter to the Board, which shall reserve the power to direct a resident to permanently remove his or her pet from the premises.
- D. In the event of a non-emergency animal removal matter, the Board shall deliver, by first class mail or hand delivery, a written notice. The notice may inform the owner of the pet that the Board may hold a hearing to consider whether the pet must be removed from the property, and may set forth the date, time, and location of the hearing, which must be held no fewer than fourteen (14) days from the date of the notice. All residents and Unit Owners of the Association shall have a right to testify at such hearing.
- E. In the event of an emergency animal removal matter, for instance, where a pet is alleged to create an immediate danger, the Board shall deliver, by first class mail or hand delivery, a written notice requiring the removal of the pet within twenty-four (24) hours of the notice. The notice may also inform the owner of the pet that the Board may hold a hearing to consider whether the pet must remain off of the property, and may set forth the date, time, and location of the hearing, which must be held no fewer than fourteen (14) days from the date of the notice. All residents and Unit Owners of the Association shall have a right to testify at such hearing.

V. MISCELLANEOUS

- A. Residents should report suspected stray pets and any incidents of bites, attacks, or diseased animals to the Fairfax County Animal Control Unit and then to the Managing Agent.
- B. As specifically set forth in Article XI, Section 1(h) of the Bylaws, any Unit Owner or resident who keeps or maintains any pet upon any portion of the Condominium shall be deemed to have indemnified and agreed to hold the Association and each Unit Owner free and harmless from any loss, claim, or liability of any kind or character

whatsoever arising by reason of keeping or maintaining such pet within the Condominium.

- C. This policy shall not be deemed to be an election of remedies. The Board reserves all of its powers to enforce this policy, and to take any other action available under the Association's Bylaws, rules and regulations, and applicable law, including, but not limited to: the imposition of a fine against the account of an owner in violation; the filing of a complaint with Fairfax County; or filing suit in Fairfax County District Court.

This Policy Resolution 04-06: Rules and Regulations Regarding Pets was enacted on April 18, 2006, and became effective on June 1, 2006.

On October 23, 2014 the Policy was amended to include new item II, I. addressing pets in the Courtyard.

On September 27, 2018 the policy was amended to replace former item II. A. With new item II. A. 1-7 addressing annual registration of pets and an annual pet registration fee. This amended Policy Resolution 04-06 becomes effective January 1, 2019.

EXHIBIT A
MARKET STREET AT TOWN CENTER CONDOMINIUM
UNIT OWNERS' ASSOCIATION
PET REGISTRATION FORM

OWNER INFORMATION

- A. Name pet answers to: _____
- B. Pet is a: _____ dog _____ cat _____ other: _____
- C. Breed: _____
- D. Color(s) and distinctive markings: _____
- E. Additional information to identify pet: _____
- F. ATTACH a recent photo of pet. Date of photo: _____
- G. ATTACH Statement from Veterinarian. Date of statement: _____

INDEMNIFICATION

By virtue of keeping my pet within the Condominium, I agree to indemnify and hold the Association and each member of the Board of Directors free and harmless from any loss, claim, or liability of any kind or character whatever arising by reason of my keeping the above pet within the condominium.

I certify that I have reviewed and agree to the guidelines, requirements, and restrictions for keeping pets as presented in Article XI, Section 1(h) of the Bylaws and as outlined in Policy Resolution No. 04-06: Rules and Regulations Regarding Pets.

Pet Owner's Signature

Date

Note: If a tenant submits this application, the Unit Owner or Owner's Agent must sign.

Unit Owner: _____

Date: _____

OFFICE USE:

This Pet Registration Form along with (1) photo of pet, (2) statement from Veterinarian, and (3) fee (check or money order) in the amount of \$_____ to cover dates from _____ to end of _____ calendar year.
month, year year

Signature of Community Manager or Designated Agent

A SIGNED COPY OF THIS PAGE IS ON FILE IN ASSOCIATION OFFICE

Resolution Action Record

Resolution Type: Amendment to Policy 04—06

Pertaining to: Rules and Regulations Regarding Pets

Duly adopted at a meeting of the Board of Directors held on September 27,
2018

VOTE: YES NO ABSTAIN ABSENT

President

Vice President

Secretary

Treasurer

Director

ATTEST:

Secretary Date