

AMENDED DECLARATION OF BROOKWOOD HOA

BARKING DOG POLICY

OBJECTIVE

To define a barking dog policy that is consistent with the CC&R's, sets homeowner expectations, and provides homeowners a well defined path to escalate any barking dog issues.

Brookwood CC&Rs, Section 3.6, entitled Animals and Pets, says in part: "... and, in the sole discretion of the Board of Directors, do not unreasonably disturb the occupants of any other Lot or constitute a nuisance."

Further, Brookwood CC&Rs, Section 3.10, entitled Nuisances, reads in part: "...No noise, including but not limited to, noise created by people, animals, equipment and/or machinery, shall be permitted to exist or operate upon any Lot or Common Area so as to be offensive or detrimental to any other Lot, or its occupants."

This is the sole content of our CC&Rs regarding barking dogs. There is no further definition of any of the terms used, and no remedy is spelled out.

In order to more closely discern the definition of a nuisance, The Brookwood Homeowners Association Board of Directors has adopted the City of Eagle code to use in our policy. It reads as follows:

"4-9-3: PUBLIC DISTURBANCE NOISE PROHIBITED:

A. Between the hours of ten o'clock (10:00) P.M. one day and seven o'clock (7:00) A.M. the next day, it shall be unlawful for any person or business to make or cause loud or offensive noise by means of voice, musical instrument, horn, radio, loudspeaker, automobile, machinery, other sound amplifying equipment, or any other means which disturbs the peace, quiet, and comfort of any reasonable person of normal sensitiveness residing in the area. Loud or offensive noise is that which is plainly audible within any residence or business other than the source of the sound, or upon a public right of way or street at a distance of one hundred feet (100') or more from the source of such sound."

POLICY AND ESCALATION STEPS

When a homeowner calls the property manager to complain about a barking dog, they will be asked to speak to the owner of the dog directly and make them aware of the problem. If they don't feel comfortable speaking directly to the owner of the dog, they will be asked to leave an anonymous note.

If the barking continues, we will refer the person who is making the complaint to the City of Eagle, through the Ada County Sherriff's Department, to try to resolve the problem.

If the barking continues in violation of this policy, a written complaint must be submitted to the Brookwood Property manager. The Brookwood Property manager will send a letter to the owner of the dog regarding the need to control the dog so as not to offend other homeowners by noise or encroachment. The letter will be copied to the person submitting the complaint. THIS WILL NOT BE AN ANONYMOUS STEP.

If the barking continues, both parties will be invited to attend the next meeting of The Brookwood Homeowners Association Board of Directors. If the issue cannot be resolved at this point, and the BOD is convinced of a violation as stated in this policy by a preponderance of evidence, the Brookwood Homeowners Association Board of Directors may begin to issue fines to the offending party until the issue is resolved.

This Declaration is executed this _____ day of _____, 2008.

"DECLARANT"

Brookwood Homeowners Association

By: _____
JIM ACEVEZ- President