

HIDDEN ACRES HOMEOWNERS' ASSOCIATION - PROPERTY MANAGEMENT – 17309 N 22nd Way, Phoenix, AZ 85022

Revision: Article 4; Section 4.11-Animals

01/01/10

The Hidden Acres Board continues to receive an abundant number of requests to control the on going nuisance barking dog problems within our home addition.

Please refer to our CC&R's page number 15, Section: 4.11 **Animals** second paragraph which reads:

“No animal, bird, fowl, poultry or livestock shall be allowed to make an unreasonable amount of noise or to become a nuisance.” The Section 4.11 **Animals** also goes on to read: “Upon the written request of any Owner, Lessee or Resident, the Board shall conclusively determine in its sole discretion, whether, for purposes of this Section, a particular animal, bird, fowl, poultry or livestock is a nuisance or making an unreasonable amount of noise. Any discretion rendered by the Board shall be enforceable in the same manner as any other restriction set forth in this Declaration”

“The Board may adopt rules and regulations further restricting and governing animals within the Property, which rules may include, without limitation, rules providing for the removal from the Property of a domestic pet which has bitten or attached a person or other animal, has a propensity to attach persons or animals or otherwise constitutes a threat to the safety of a persons or other animals in the Property or because of incessant barking or other behavior constitutes unreasonable annoyance or nuisance to Owners and Occupants.”

A property owner or tenant must first personally talk to your neighbor to resolve the issue. If this proves unsuccessful, you may than contact the HOA Board if you need assistance in mediation. Mediation is highly recommended and can resolve a conflict without involving HOA assessments or even the court process. If the situation cannot be resolved through mediation than the HOA Board will begin the process of assessing the Property Owner penalty fees. The HOA Board insists on taking this matter very seriously.

The HOA Board has adopted the following “Barking Dog Nuisance” assessment penalty fees:

1st occurrence: \$75.00, 2nd occurrence: \$150.00 and 3rd occurrence: \$300

If need be the HOA Board will file a petition with the City of Phoenix Prosecutors Office upon the failure by any property owner to control any “Barking Dog Nuisance” issue for prosecution of a class one misdemeanor. The Phoenix City Ordinance § 8-2 classifies a barking dog offense as a class one misdemeanor. Class one misdemeanor sentencing guidelines carry a possible 0-3 year's probation, \$0-\$2,500 fine or 0-180 days in jail. Feel free to verify this by visiting... <http://phoenix.gov/law/>