

**PANTHER POINT COMMUNITY ASSOCIATION**  
**PET POLICY**

WHEREAS, Panther Point Community Association ("Panther Point") is a non-profit Texas corporation and a homeowners association established by Declaration of Covenants, Conditions and Restrictions (covenants) in the Real Property Records of Harris County, Texas dated August 31, 2004, said document being filed in the Real Property Records of Harris County, Texas. This pet policy is made and adopted pursuant to the authority granted by Panther Point by said Declarations and pursuant to the authority granted to the Board of Directors in Section 204.010(a) of the Texas Property Code.

The following pet policy is effective August 1, 2009 and applicable to all owners, tenants, family and their guests. All owners are responsible for the compliance with this policy by their family, tenant(s) and/or guest. This policy is intended to expand on the provisions in the Declaration and may be modified from time to time by the Board of Directors for Panther Point at its sole discretion. Ten (10) day written notice to all owners of amendments to this policy shall be provided prior to commencement.

**Household Pets**

All animals kept as pets within the community must be domesticated household animals. No wild animals or animals other than cats, dogs, fish, birds and other common household pets may be kept within the community at any time whether on a permanent or temporary basis.

All household pets are limited to two of each species and not more than four pets in any household at any time.

No dogs larger than 15" in height at the shoulder will be allowed without the express written consent of the Board of Directors for the Association. Automatic concessions will be given for certified therapy dogs. The Board of Directors has the exclusive right to develop criteria as it sees fit in determining what qualifications will be required or used in making any exceptions to this provision.

Dogs within the community prior to August 1, 2009 will be exempt from the height restriction providing all other provisions in this policy are met. If at any time the provisions in this policy are not met, dogs not meeting the height restriction will no longer be exempt.

**Registration**

All animals kept within the community shall be registered with the association by the owner of the property by August 30, 2009. Annual registration will be required effective January 1, 2010, or within thirty (30) days of obtaining the pet if after January 1<sup>st</sup> of each year. The community may charge a registration fee per animal to offset the costs related to the administration of the registration.

A form for each animal provided by the association must be completed and submitted with any other documents and fees required by the provisions of this policy.

Photographs of dogs and cats will be required. One full side view of the pet and one front view of the pet's face/head must accompany all registration forms.

All animals requiring rabies vaccines by Texas or federal laws must be vaccinated in accordance with those laws. A copy of the current rabies certificate must accompany all registration forms in which these laws apply.

### **Confinement**

All pets must be confined to the home or the fenced portion of the lot in which its owners reside. At no time shall a pet be confined on any portion of a lot that is not fenced unless on a leash under the direct control of the owner or handler. No animal shall be allowed to roam at large at any time.

Fences must be kept in sturdy condition and good repair, sufficient to prevent escape by any pet confined within. All broken and missing fence pickets must be replaced immediately. All gates must be locking to prevent escape from a pet. Appropriate provisions by the pet owner(s) must be made to keep animals confined in accordance with the applicable laws such as that listed below; however, no modification to the exterior portion of any fence may be made without the express written permission of the association's Architectural Control Committee.

*Texas Law HB 1355 (Lillian's Law), enacted in 2007, provides that the owner of a dog that causes injury or death can be prosecuted if the owner is to be found "criminally negligent" in failing to prevent the dog from escaping. The third degree felony charge can bring a sentence of two (2) to ten (10) years in prison and a \$10,000 fine. If the victim dies, a dog owner can be charged with a second degree felony which could bring up to twenty(20) years in prison.*

It shall be the sole financial responsibility of the property owner for all damages caused by pet(s) housed on or within his property. The responsibility of maintaining and repairing fences, whether or not the fence is shared, that confine the animal falls directly on the property owner and/or the pet owner.

### **Nuisance**

Any pet that becomes a nuisance to other community members shall be confined within the residence or removed by the owner upon the written request from the association unless measures are taken and approved by the Board of Directors that will satisfy the complaints. Examples of a nuisance are: frequent barking or other noises, random barking at odd hours, an accumulation of pet feces, destruction of property, roaming at large, obstruction for community workers, meter readers or other person(s) on official association business, and any other item that may be determined by the Board of Directors to constitute a nuisance.

### **Dangerous Animals**

Any unprovoked animal which attacks, threatens or attempts to attack a person or animal shall be considered dangerous and must be kept within the residence and allowed outside in a fenced area on a leash under the control of the owner. The animal shall not be permitted on common grounds at any time once it is considered dangerous and shall not be left in any fenced enclosure unless permitted herein. If this is not complied with, the Board of Directors shall immediately file for injunctive relief, and all costs for such action shall be the responsibility of the property owner.

### **Responsibility**

It is the property owner's responsibility to ensure that the provisions of this policy are met by all tenant(s), family member(s) or other person(s) occupying the property. Action to enforce will be taken against the property owner as outlined below.

### **Action to Enforce**

The Board of Directors will take reasonable steps to enforce the provisions of this policy. Measures of enforcement unless otherwise specified in these provisions are as follows:

- A. First Offense – A written notice will be provided to the property owner of the offense. The owner will be given 48 hours to bring the violation into compliance.

- B. Second Offense – A minimum fine of \$25.00 per occurrence or day will be fined to the property owner along with any additional expenses incurred by the association in seeking compliance with this policy.
- C. Third Offense – Legal action will be taken to enforce the provisions of this policy. The property owner will be responsible for all legal fees, court costs, and other funds expended by the association in seeking compliance with this policy.
- D. Immediate Action – Immediate legal action may be taken for animals that are within the community prior to the adoption of this policy (exempt animals) that are not registered by August 1, 2009; for any animal brought into the community after the adoption of this policy that does not meet the height requirements; dangerous animals; and any other situation where immediate action is required as determined by the Board of Directors. In each case where legal action becomes necessary to enforce the provisions of this policy, the owner of the home in which action is taken against will be responsible for all attorney's fees, court costs, fines, damages, and other costs as may be awarded by the court.

All fines and other costs levied pursuant to this paragraph shall be collected pursuant to Texas law and may become a lien against the property.

#### **Right to Hearing**

All property owners have the right to dispute a fine or notice of violation. If you wish to dispute a fine or notice of violation, you have the right to a hearing before the Board of Directors. If you wish such a hearing, you must request it IN WRITING within thirty (30) days of the date of the violation notification. You will then be advised of the hearing date, time and place. If the owner is deemed in violation of this policy after the meeting or if the property owner fails to appear at said meeting then the fine issued will remain on the owner's account.

Adopted by unanimous vote of the Board of Directors for PANTHER POINT COMMUNITY ASSOCIATION at a meeting held on July 8, 2009.