

Revision Number: Month/Year:7-01-24	 BBVCC	Page 1 of 9
Review Cycle: Annual	General Rules and Regulations New as proposed to the Board	Approved: <u>NOT Approved</u> BBVCC Board of Directors

1.4 Definitions

Dangerous dog – (As determined by the Whatcom County Animal Control) means any dog that, according to records of the animal's behavior:

- Has inflicted severe injury on a human being without provocation on community, or private property;
- Has killed a domestic animal without provocation while off the owner's property;
- Has been previously found to be potentially dangerous, the owner having received notice and the dog again has bitten, attacked or endangered the safety of humans, or domestic animals.

Guard or attack dog - means any dog which has been trained and used for protection of persons or property by exhibiting hostile or aggressive propensities, or which will attack on signal or command, except those dogs owned/used for law enforcement.

Potentially dangerous dog - means any dog that when unprovoked:

- Inflicts bites on a human or a domestic animal either on community or private property; or,
- Chases or approaches in a menacing fashion or apparent attitude of attack any person on the roadways, or any community grounds; or,
- Any dog with a known propensity, or disposition, to attack without provocation, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

Nuisance dog – means any dog that consistently roams off-leash, barks, whines, or howls for unreasonable periods, or at unusual hours or who engages in activity that is disruptive or potentially harmful to neighbors or others who have a reasonable expectation of peaceful enjoyment of their property or area, shall be deemed to be a nuisance.

7. DOGS/OTHER PETS

- 7.1 Only generally accepted **household** pets (i.e., dogs and cats) are allowed in BBV.
- 7.1.1 All dogs must always be leashed and under direct control of a responsible person when off the owner's property. Use of others' private property or vacant lots for off leash time is only allowed with express permission on file with the office of that property owner and acceptance of liability of any issue that may arise from the use of that property in such a manner.
- 7.1.2 Owners are obligated to clean up after their animals on all BBV property and on properties other than their own. Offenders will be fined. (See Fine Schedule.)
- 7.2 **Dogs** at large are in violation of the governing documents of BBV. The Bylaws require all property owners and tenants to keep their pets under control. No dogs are allowed to roam at large within the confines of BBV. (See Fine Schedule)
- 7.2.1 Dogs off the Owners/renter's property must be on a leash.
- 7.2.2 Property owners whose dog is observed at large in BBV are subject to fines and/or privileges to use the facilities and amenities **of** BBV may be revoked. (See Fine Schedule and notification and hearing regulations pursuant to Section 7.9 of the Bylaws.)
- 7.2.3 **Dogs are not allowed inside of any BBVCC Common Area structure, except for "qualified" service animals referenced under section 7.6.**
- 7.3 BBVCC shall require all dangerous dogs, guard and/or attack dogs **(as determined by the Whatcom County Animal Control)** to be registered with the **BBVCC General** Manager. The Manager shall advise of restrictions and requirements as well as enforcement regarding dangerous dogs, guard and/or attack dogs.
- 7.4 All dog attacks / or aggressive dog behavior must be reported to the Whatcom County Animal Control and the BBVCC Safety/Compliance Officer.**

7.5 **Nuisance Dogs**

The purpose of this rule is to provide for the effective control or permanent exclusion of dogs (refer to 7.6.6 below) that are the subject of repeated violations of Birch Bay Community Club (BBVCC) rules.

Certain dogs may be declared a nuisance and subject to certain restrictions or permanent exclusion (refer to 7.6.6 below) from BBVCC as follows:

7.5.1 Dogs At Large – Dogs that run-at-large without the immediate and direct control of an owner or responsible person, or who are beyond the effective control of their owner or caretaker shall be deemed to be a nuisance where the dog is found to be at large three (3) or more times in a 12 month period.

7.5.2 Dangerous / or Potentially Dangerous Dogs – Dogs that are “aggressive in nature”, attack people, other domestic or wild animals, attack without provocation or warning, or that have been designated as dangerous by Whatcom County Animal Control authorities, shall be deemed to be dangerous and subject to being declared a nuisance dog. A single incident may be sufficient for such a declaration where public safety warrants such action and declaration.

7.5.3 Uncontrollable Dogs – Dogs that bark, whine, howl for unreasonable periods, or at unusual hours or who engage in activity that is disruptive or harmful to neighbors or others who have a reasonable expectation of peaceful enjoyment of their property or area, shall be deemed to be a nuisance, where the dog has been found to be in violation of this section three (3) or more times in a 12 month period, and where such offensive behavior has been documented by the BBVCC Safety/Compliance Officer, with notice to the owner, residence or person in possession or control of the dog.

7.5.4 Declaration of Nuisance Dogs – The General Manager (or Designee) may, at his or her discretion, declare any dog to be a nuisance after three (3) or more repeated violations of the previous three (3) subsections within a 12-month period and that were documented by BBVCC investigations. Dogs that are declared to be a nuisance shall be subject to special control restrictions (see below) to effectively control unacceptable behavior.

7.5.5 Potential “Special Control Restrictions”:

- Owner having to sign a BBVCC Indemnification/Hold Harmless Agreement that protects BBVCC from their dog’s unacceptable behaviors.
- Owner having to provide BBVCC a copy of their insurance policy naming BBVCC as Additional Insured related incidents involving their dog(s).
- Owner having to “muzzle” their animal when outside of their property.

7.5.6 Failure of the Homeowner/Member to comply with any of the above conditions (as may be required by the BBVCC General Manager) could result in actions being taken to remove the nuisance dog (by the owner) from BBVCC.

7.5.7 Failure to abide by the BBVCC exclusion (for non-compliance with section 7.6.5 above) will subject the person in control of the dog to additional fines, or actions as needed to gain compliance.

7.5.8 Correction or Abatement Required – Any person who owns or controls, or is responsible for the care and / or supervision of a dog that is declared a nuisance, shall be required to take such action as may be necessary to terminate the condition(s) that resulted in the nuisance declaration without delay (refer to above restrictions). However, terminating the nuisance condition(s) may be accomplished in any reasonable and appropriate manner that results in the elimination of the offending behavior.

7.5.9 **Non Members Bringing Nuisance Dogs into Community** – Any nonmember, such as construction or service workers, or guests, who brings a dog into the Community and allows the dog to run-at large off of leash or to threaten, intimidate or attack other dogs or people, shall be subject to exclusion by the BBVCC Safety/Compliance Officer responding to a report of such violation, where the officer witnesses the violation or is provided substantive information by a person who personally witnessed the offensive behavior. Such dogs may be excluded from the Community after one violation upon written notice given to the person in control of the dog at the time of the violation and/or contact.

7.5.10 **Penalty for Violation** – Any violation of this Rule shall subject the violator to a penalty as follows:

- a) ***Harboring a Nuisance Dog*** – For keeping, harboring or possessing a dog that has been declared a nuisance, without terminating the offending behavior, for more than five (5) days after receiving an Administrative Notice from the BBVCC shall subject the owner or person in custody or control of the animal to a fine of (refer to fine schedule) until such time that the offensive behavior is terminated, or the animal is removed from the Community.
- b) ***Failure to Remove a Nuisance Dog*** – For failing to remove a dog that has been declared a nuisance from the Community within five (5) days after receiving an Administrative Notice from BBVCC shall subject the owner, possessor or guardian of the dog to a fine of (refer to fine schedule) until such time as the dog is removed from the Community.

- c) Returning the Dog to the Community – No dog that has been declared a nuisance and ordered to be excluded and removed from the BBVCC may be brought back to the Community for any reason without the written permission of the BBVCC General Manager.
- d) Administrative Relief – Discretion – The Birch Bay Village Community Club (BBVCC), in the person of the General Manager, or his/her designee may, at his/her discretion, extend the abatement time period or grace periods as circumstances warrant, and may suspend penalties or portions thereof, upon a showing of good cause for such relief by the owner of a dog where such relief is deemed to be reasonable and warranted at the discretion of the General Manager or his or her designee.

- 7.6 Assistant animal of any kind are allowed in BBV, as long as the person seeking a reasonable accommodation for an assistance animal provides documentation from a health professional that the animal provides support that alleviates one or more of the identified symptoms or effects of an existing disability and such documentation that said animal has received related training. Such documentation shall be consistent with HUD guidelines, and be on file in the BBVCC main office.
- 7.7 No animals, beekeeping, poultry or livestock of any kind shall be raised, bred or kept on any lot except that dogs, cats and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purposes.

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APPENDIX "A" SCHEDULE OF FINES

The Board of Directors has approved the below list of fines for infractions of BBVCC Bylaws, General Rules and Regulations, AR&Rs, Marina Rules and Regulations, Golf Rules and Regulations, and all other governing documents.

Vehicles	
Infraction(s)	Fine
Speeding	
21-25 MPH	\$75.00
26-30 MPH	\$100.00
31-40 MPH	\$150.00
41 MPH and above	\$500.00
Speeding in School Bus Zone	Fines doubled
Failure to yield to a pedestrian in a crosswalk	\$100.00
Improper use of skateboards, scooters, or go-carts	\$50.00
Improper parking (including neighbors parking strip)	\$50.00
Reckless Driving	Up to \$500
Improper entrance	Up to \$500

Notes: (1) A warning may be issued, at the Safety/Compliance Officer's, (or Boards) discretion for speeding 21 -25 MPH. (2) Infractions of 40 MPH and above carry a fine and review of "Member in Good Standing". (3) Repeated infractions within 12 months carry incremental doubling of fines and/or loss of "Member in Good Standing".

Pets	
Infraction(s)	Fine
Unattended pets away from owner's property:	
1 st offense	Warning
2 nd offense	\$100.00
3 rd offense	\$200.00
4 th offense	\$500.00
Not cleaning up after your pet:	
1 st offense	Warning
2 nd offense	\$100.00
3 rd offense	\$200.00
Barking Dog:	
1 st offense	Warning
2 nd offense	\$100.00
3 rd offense:	Incremental doubling of previous fines
Nuisance Dog:	
1 st offense	Warning
2 nd offense	\$100
3 rd offense (12-month period)	Administrative Notice from GM
Failure to remove a Nuisance Dog:	\$400/day/removal proceedings

NOISE/DISORDERLY CONDUCT/TRESPASS

Infraction(s)	Fine
Profane or abusive language or behavior- <u>NO WARNING</u>	\$100.00
Disorderly conduct- NO WARNING	\$100.00
Trespass (including parking strip violations)	\$50.00 up to \$500.00 each offense
Public Disturbance, Noise/Behavior:	
1 st offense	Warning
2 nd offense	\$50.00
3 rd offense	\$100.00
Discharge of weapons / or Fireworks	\$250.00 each offense

Note: Repeated infractions, within 12 months, carry incremental doubling of fines and/or loss of "Member in Good Standing".

Golf Course Lakes

Infraction(s)	Fine
Swimming, bathing or wading	\$50.00
Raking or dragging for golf balls	\$50.00
Fishing	\$50.00

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

Marina

Infraction(s)	Fine
Refer to the Marina Rules & Regulations	

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

Dumping

Infraction(s)	Fine
No dumping on properties, including ditches & bodies of water (Lakes, Ponds, Marina etc.).	\$250.00 minimum
No disposal of household waste/refuse in community containers (Including all facilities, recreational areas, parks, maintenance shop, etc.)	\$50.00 minimum

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

Architectural	
Infraction(s)	Fine
Begin construction of an unapproved structure	Double applicable permit fee
Noncompliance with a Cure Notice	Double applicable permit fee and \$100.00 each day that exceeds the Cure Notice deadline.
Failure to obtain an extension on a project	\$500.00 per week
Unauthorized tree removal	
<u>Trunk Diameter</u>	
6 to 12 inches	\$2,000
12 to 18 inches	\$3,000
18 to 24 inches	\$4,000
Greater than 24 inches	\$5,000

- Note:**
1. Trunk diameter measured one-foot above ground level.
 2. BBVCC office personnel will estimate tree trunk diameters for fine assessment purposes when required (such as tree stump evidence destroyed or removed).
 3. Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

Unauthorized Renting	
Infraction(s)	Fine
Unauthorized renting of BBVCC Homes	\$1,000 per occurrence

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

Unightly Properties/Lots	
Infraction(s)	Fine
1 st Letter	Warning
2 nd Letter	\$100.00/Barcode deactivation
3 rd Letter	\$300.00
4 th Letter	\$500.00
5 th Letter	Failure to comply will lead to further recourse, including legal action.

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

ALL	
Infraction(s)	Fine
All other infractions and Violations	\$50.00 (minimum)

Note: Repeated infractions carry incremental doubling of fines and/or loss of "Member in Good Standing".

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