

MONTCLAIR PROPERTY OWNERS ASSOCIATION, INC.

RESOLUTION NO. #21-005

Pertaining to Dangerous Dogs

WHEREAS, Section 4.1 of the Bylaws of Montclair Property Owners Association, Inc. (“Bylaws”) provides that the business and affairs of Montclair Property Owners Association, Inc. (“Association”) shall be managed by the Board of Directors (“Board”);

WHEREAS, Section 4.1 of the Bylaws further provides that the Board shall have all powers, duties and authority necessary for the administration of the affairs of the Association and may do all such acts and things as are not required by the Virginia Property Owners’ Association Act (“Act”) or the Association Documents to be exercised and done by the Members;

WHEREAS, Section 6.1(b) of the Amended Declaration for Montclair (“Declaration”) provides that nothing shall be done or kept on the Property which will increase the rate of insurance for the Common Area or any part thereof applicable for permitted uses without the prior written consent of the Board; including without limitation any activities which are unsafe or hazardous with respect to any person or property;

WHEREAS, Section 2.2 of the Declaration establishes authority of the Board to regulate Association Common Area and with the establishment of a dog park on the Common Area, the Board should address circumstances that may occur as a result of barking dogs, whether in the dog park or elsewhere in Montclair; and,

WHEREAS, the Board has determined that it is in the best interest of the Association to adopt rules governing dangerous dogs in Montclair.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following rules governing dangerous dogs in Montclair.

ARTICLE 1
Definition

“Dangerous Dog” – A canine which has caused injury to a person or other animal, not including an animal owned by the same person, or killed a person or another animal in accordance with Section 3.2-6540 of the Code of Virginia (“Code”).

ARTICLE II
Rules

A. An Owner, resident or Association management who has reason to believe that a dog is a Dangerous Dog, as that term is defined above, shall immediately submit, in writing, a report to the Board (and Association management if Association management is not a witness to the incident) that includes the following information:

1. Dog identifying information, including but not limited to, breed, size, approximate age, color, name (if known) and any other identifying qualities;
2. Dog owner identifying information, including but not limited to, name, address, contact information;
3. Description of incident prompting report, including but not limited to, date, time, location, names and contact information of those involved in or witness to the incident including any photographs or video of the incident; and,
4. Description of any injury or damages sustained by those involved in the incident.

B. Upon receipt of the incident report, the Board shall confirm receipt and immediately notify Prince William County law enforcement or Animal Control about the incident and provide a copy of the incident report.

C. Pending evaluation of the incident by Prince William County law enforcement or Animal Control, the Dangerous Dog shall be prohibited from accessing any Association Common Area for any reason at any time, including for ingress and egress except in a closed and locked carrier or inside a vehicle with the windows rolled up. Additionally, the Dangerous Dog must be leashed at all times when on a Lot, regardless of whether the Lot is enclosed by a fence.

D. The incident report shall be maintained in the Lot file of the Owner of the Dangerous Dog. Regardless of whether the dog is determined to be dangerous by Prince William County, if a subsequent incident occurs involving the same dog, the procedures outlined above shall be followed and the Board may initiate legal action in Prince William County, Virginia courts to seek removal of the dog from Montclair permanently.

Adopted at the Board of Directors meeting on December 8, 2021 and became effective on January 7, 2022.

MONTCLAIR PROPERTY OWNERS ASSOCIATION, INC.


Tracy Hansen, President

MONTCLAIR PROPERTY OWNERS ASSOCIATION, INC.

RESOLUTION ACTION RECORDED

Resolution Type: Policy

Pertaining to: Dangerous Dog

Duly adopted at a meeting of the Board of Directors held: December 8, 2021

Motion by: Eversley Seconded by: Czapiewski

VOTE: YES NO ABSTAIN ABSENT

Tracy Hansen, President

Meg Czapiewski, 1st Vice President

Linda Cheng-Khan, 2nd Vice President

Stephanie Eversley, Secretary

Chris Williams, Treasurer

Fred Rash, Precinct 1 Representative

Dustin Lientz, Precinct 2 Representative

Ned Greene, Precinct 3 Representative

David Maddux, Precinct 4 Representative

Bill Shelly, Director at Large

Tim Smith, Director at Large

ATTEST:

Secretary

Date

Resolution effective: _____, 2021

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