

Montclair Property Owners Association

Dog Park Rules

3561 Waterway Drive, Montclair, VA 22025

1. **Park Hours:** Open daily dawn to dusk. Subject to closure for maintenance.
2. **Use of Dog Park:** The dog park is for the exclusive use of MPOA recreation card holders and their dogs.
 - a. Dogs must display current registration and vaccination tags.
 - b. Dogs that are aggressive, in heat, sick, or under 6 months of age are not permitted.
 - c. Dog trainers and sitters may not use the dog park.
3. **Capacity:** No more than 25 dogs permitted in the park at one time. No more than two dogs permitted per handler.
4. **Leash:** Dogs must be on a leash when entering and exiting the dog park.
5. **Handler Control:** Dog handlers are responsible for their dog and any damage to property or injury caused by their dog.
 - a. Dogs must be always in the view and under the control of the handler.
 - b. Dog handlers must clean up after their dogs, including removing solid waste and filling in holes dug by their dogs.
 - c. At the first sign of aggression, the aggressive dog must be immediately leashed and removed from the Dog Park by the handler and may not return.
6. **Not Permitted:** The following is not permitted in the dog park:
 - a. No food (including dog treats).
 - b. No alcohol or smoking of any substance or by any method.
 - c. No electronic dog control devices.
 - d. No choke, prong, or spike collars.
7. **Compliance.** Dog handlers who do not comply with these Rules should be reported in writing to the Association. Noncompliance with these rules is subject to Association due process procedures and imposition of sanctions such as monetary charges and suspension of privileges to use Association facilities. Aggressive dogs may also be prohibited by the Association from returning to the Dog Park.
8. **Assumption of Risk:** Anyone who enters the dog park does so at their own risk. Because dog behavior can be unpredictable, dog park visitors should always pay complete attention to their dogs and use good judgment when allowing animals to interact. Please call 9-1-1 in the event of an emergency.

Name: _____ Date: _____

Address: _____

Pet's Name(s): _____

#21-114-5/12/21

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

#203981