

PROBLEM DOGS AND YOUR RIGHTS

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One of the four classic and perpetual problems of community association governance is that of dogs. (The others are children, garbage and parking which will be discussed in additional articles).

Many people are extremely fond of their pets and expect all others to share their feelings. These pet owners simply cannot understand why seemingly nice neighbors get so upset when dogs (or cats) run loose or bark.

Yet, pets are all too often a source of neighborhood annoyance. If you are a pet owner, you appreciate the companionship and pleasure your cat or dog adds to your life. But, many pet owners do not realize or won't accept that, with the right to own a pet, goes a corresponding responsibility for the actions of that pet.

Managers continually get calls about residents not carrying a pooper scooper, dogs barking excessively and/or dogs running loose.

Possible solutions to the problem:

1. If a pet is annoying to residents in any way, the residents should talk with the owner first. Everyone benefits if neighbors talk to neighbors to resolve this and any other type of problem before turning to the Association. In most cases you will find that they are cooperative and embarrassed when brought to their attention.
2. Designate a dog walking place rather than notifying residents where dogs cannot be walked and provide disposal bags to be used to deposit the feces in dump stations provided in those areas.
3. Employ a feces removal service. One such service in Las Vegas is Pooper Scooper Service.

If there is a need, someone will come up with a service to cater to those needs. Some associations are paying a service to provide monthly pickup service of feces along walking trails, in sand boxes and in other common areas where animals are attracted to use as bathrooms. When owners fail to pickup after their animals, the local Health Department can be called to cite the property owner for unhealthy conditions. They will clean up the feces, charge the Association for that service and levy a fine which is more costly than paying a local service to remove the offending material.

4. Pay a bounty for pickup of roaming animals.

One community has totally solved the problem by paying a bounty to any person detaining a roaming dog.

Dogs in the community are licensed by the association using a specific application and an easily visible plastic tag issued which identifies the dog as an association dog. Association dogs, found roaming, are picked up by anybody and delivered to the management office where there are tethers and a pen. The owner is notified and must pay a \$25 charge to the association to release the dog. The \$25 is then paid to the person bringing in the culprit. Non-association or non-registered dogs are turned over to the local animal control, and no bounty is paid, but the local fine charged by the City can be more than the bounty.

The license application form should be carefully structured by the association's attorney to ensure that your documents allow this type of process to be implemented.

This would also allow lost pets to be returned to their owner without involving local animal control agencies.

5. Contact the local Animal Control Agency for those animals who continue to run loose and appear to be a threat to you and/or any resident in your development.

6. The Board should adopt rules regarding the behavior of pets and incorporate them into the Association's Enforcement Policy which should be distributed to all residents on at least an annual basis. Residents can then contact the Board and/or Manager to formally complain about an animal. Take care to follow your policy equally among the residents.

For more solutions to dog problems, Nolo Press Self Help Law has published a book called Dog Law as a legal guide for dog owners and their neighbors. The book is an excellent resource covering everything from nuisance to cruelty and neighbor rights in 31 states from Alabama to Wisconsin.

(Nolo Press can be found at <http://www.nolo.com>)