

Daybreak Cohousing Owners Association (DCOA) Pet and Animal Rule

WHEREAS,

The Daybreak Cohousing Owners Association (DCOA) Bylaws designate in Article 9.3(h) Association Rules and Regulations, that the Board of Directors from time to time may, by consensus, adopt, modify, or revoke such rules and regulations governing the conduct of persons and the operation and use of the units and common elements as it may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Daybreak Cohousing property.

WHEREAS,

Pets bring enjoyment, fulfillment, and love to Daybreak residents, but may also be the source of harm or annoyance to other residents. The DCOA Bylaws are silent on specific definitions and rules regarding pets. This Pet and Animal Rule supplements DCOA's Bylaws by providing clarifications about acceptable animal and pet behavior on DCOA property as well as a process for resolving conflicts regarding pet actions and behavior.

RESOLVED,

The DCOA Board of Directors present during the plenary meeting on February 21, 2024 agree to adopt the following Pet and Animal Rule. This rule shall be in force from this day forward.

1. Definitions
 - 1.1. Exotic animals: animals that are not commonly kept as pets
 - 1.2. Wild animals: feral or undomesticated animals
 - 1.3. Livestock: animals kept to provide food or other products for the benefit of humans. In this instance, livestock include but are not limited to chickens, pigs, cows and goats
 - 1.4. Domestic pets: Dogs, cats, birds, fish, small mammals, and non-poisonous snakes/lizards

DCOA Resolution #_
Regarding Pets and Other Animals

- 1.5. Aggressive pet behavior: Pet behaviors, including but not limited to jumping on a person, straining hard on a leash to reach a person/pet, barking, growling, chasing, or biting, can be classified as aggressive by the DCOA board reviewing incident details.
- 1.6. Indoor/outdoor cat: A feline allowed to roam outside the pet owner's living quarters unrestricted by a leash, carrier, or the pet owner, is designated as an "indoor/outdoor cat".
2. Rules
 - 2.1. Animals commonly designated as "domestic pets" are allowed to reside at Daybreak. Exotic pets, wild animals, or livestock are not allowed to reside on DCOA property at any time.
 - 2.2. Stray, wild or feral animals shall not be fed on DCOA property. Pet food shall not be left outside in open containers.
 - 2.3. No animals shall be permitted to be bred or raised for commercial purposes on DCOA property.
 - 2.4. Pet owners are responsible for their pet's (a) behavior on DCOA property, and (b) the impact of that behavior on DCOA residents, guests, and service providers.
 - 2.5. No pets, with the exception of certified service animals, are allowed in any of the indoor Common Elements.
 - 2.6. Dogs, cats, and other pets must be on a leash or in a carrier whenever they are on outdoor Common or Limited Common Elements with the exception of cats outlined in section 2.6.1.
 - 2.6.1. Current indoor/outdoor cats in residence as of this rules's adoption date are "grandfathered in," and may continue to be outside without being on leash or in a carrier. Those pets may not be replaced after their demise. The Secretary of the Board will document the "grandfathered in" cats for the purposes of enforcing this limited exception.
 - 2.7. No pet shall be left unattended outside of its owner's unit, except in front patios of units 204, and 304, the side or back patios of units 101, 102, and 103, the balconies of units 202 and 203, 213, and 214, or the backyards of units 104, 105, 106, 107, and 109. Even so, pets left unattended in these

areas must be secured to ensure they are not able to leave the immediate location.

- 2.8. Pets are not allowed to create a nuisance or danger for others on Daybreak property. DCOA does not tolerate a pet's behaviors that predictably interfere with a homeowner's or renter's use of, and/or peaceful enjoyment of Daybreak property. The pet's owner is responsible to control their animal and to clean up any unhygienic condition their pet causes.
 - 2.8.1. Pets may not damage property or create unhygienic conditions in any of the DCOA Common Elements or Limited Common Elements.
 - 2.8.1.1. Disposal of all pet waste and animal bedding in a community-approved manner is the responsibility of the pet owner. Kitty litter and other pet waste must be placed in sealed bags and placed in the garbage dumpster.
 - 2.8.1.2. Pet owners are responsible for cleaning and preventing noxious smells on DCOA property caused by their pet. This includes odors that emanate from the pet owner's limited common element or unit and are detectable outside or in nearby units.
 - 2.8.1.3. Pet owners are responsible for promptly cleaning up and/or repairing any unsanitary condition or damage to the Common or Limited Common Elements caused by their pet. If a Daybreak resident reports a nuisance that cannot be remediated in a single work session initiated immediately by the pet owner, the pet owner should work with the Daybreak team responsible for the area to ensure that the problem is taken care of in the most timely manner possible.
 - 2.8.1.4. Pets may not create a noise nuisance through prolonged barking, whining, or other sounds audible outside the pet owner's living quarters.
- 2.9. Daybreak hosts are responsible for the visiting pets of their guests. Guests' pets staying on the property must be housed in the host's or other resident's unit. They may not stay in any Common Elements.

2.10. Pet owners are legally liable for any injury or damage caused by their pet to any resident, guest, service provider, or the DCOA.

2.10.1. If a pet causes physical harm to another pet, resident, guest, or service provider, the responsible Daybreak resident or guest must immediately remove the attacking pet from the Common or Limited Common areas of the DCOA property. If there is a dispute about the facts of the incident, an investigation of the incident, by the Daybreak Board of Directors (DBoD) and/or Multnomah County Animal Services (MCAS) may be opened. If such an investigation concludes that the pet is an ongoing danger to any residents or their pets, the offending pet may be banned permanently from the DCOA property.

2.10.2. If a pet exhibits aggressive behavior, an intimidated or concerned resident should report the incident(s) to Multnomah County Animal Services and to DCOA Board of Directors as per the enforcement steps below.

3. Enforcement

3.1. Residents must report neglected, abandoned, stray, or potentially dangerous animals to the appropriate city, county or state agency.

3.2. Any Daybreak resident who is concerned by the behavior of a Daybreak resident's pet should first discuss the matter with the pet's owner to attempt to resolve the issue. Given that a pet owner might be unaware of annoyances/concerns related to the pet, a calm, face-to-face discussion is the preferable first step.

3.2.1. If the first step of pet owner notification and discussion does not bring relief, the resident should follow the Multnomah County Animal Services formal complaint process. A DCOA Officer of the Board of Directors may file a complaint about a particular animal on behalf of the whole community.

3.2.2. Any report to an outside agency on behalf of the DCOA must be recorded by the Secretary of the Board. Residents who individually file a report with an outside agency are requested to notify the Secretary of the DCOA Board of Directors, so that the report can be recorded and tracked.

- 3.3. Failure to follow the rules in this document may result in action from the Board of Directors to include, but not limited to, fine(s), legal action, or a decision for an
- 3.4. animal to be permanently removed from DCOA property.
 - 3.4.1. Any pet or animal incident report to the DCOA labeled by the reporting resident as “urgent” will result in an ad hoc meeting of the DCOA Board of Directors within 48 hours of submission.
 - 3.4.2. Both normal priority and urgent ad hoc meetings preparation, execution, and follow up will be as follows:
 - 3.4.2.1. The Secretary of the DCOA Board of Directors will call a meeting of the Board of Directors, and present a written summary of the information known to date about the pet incident.
 - 3.4.2.2. If insufficient information is known to come to a conclusion about the incident, the BoD will cooperate to conduct an investigation of the incident, including interviews with all relevant parties to the incident, to be completed within 72 hours of the incident. Subsequently, the BoD will meet to prepare a written summary with recommendations for mitigation. At minimum, the incident summary will include the time(s), date(s), location(s), name(s), mitigation step(s) taken, pet whereabouts and pet short term care plan.
 - 3.4.2.3. If the BoD and pet owner come to a mutually agreeable response to the incident, the written summary including a plan of action will be published to the Daybreak Community. Time at the next plenary following the publication of the summary will be set aside for any resident to ask questions or propose other remediation for any future incident. If the officers and pet owner cannot come to a mutually agreeable response to the incident, the matter will be placed on the agenda of the next regularly-scheduled plenary, and time set aside for the owner as well as the officers to present their viewpoints and conclusions to the community.

- 3.4.3. DCOA investigations may result in one or more of the outcomes below.
- 3.4.3.1. If the investigation results in a recommendation that the pet owner must pay a fine, that fine will be collected by the DCOA Treasurer. A fine imposed would be a restorative measure to compensate for property damage or loss. In the deliberations leading up to a decision to fine, the DCOA Board of Directors will consider factors such as normal wear and tear and reasonable use.
 - 3.4.3.2. If the recommendation is that a pet be removed from Daybreak property, the DCOA Chair will work with the Multnomah County Animal Services (MCAS) to ensure that the recommendation is carried out. MCAS is equipped, staffed, and trained for animal removal.
 - 3.4.3.3. If the recommendation is that a legal action be commenced against the pet owner, the DCOA Chair will contact an attorney to start that action, and any fees incurred will be paid by DCOA.
 - 3.4.4. Any Daybreak resident involved in a pet dispute, as well as their family members must recuse themselves from all DCOA Board of Directors investigative tasks and enforcement decision activity related to that case.

Duly adopted by the DCOA Board of Directors on February 21, 2024.

Laura Polich , DCOA Board Chair

Rob Klohr , DCOA Board Secretary