

**Fountain Hills Community Association, Inc.**  
**Pet Rules**  
**October, 2013**

WHEREAS, Article VIII, Section 8.B of the Declaration of Covenants, Conditions, and Restrictions for the Fountain Hills Community Association, Inc. provide that domestic pets kept on any Lot or within any dwelling may not be "a source of annoyance or nuisance to the neighborhood or other Members"; and

WHEREAS, Article VIII, Section 8.B of the Declaration provides that the Board of Directors shall have the authority to determine if a particular pet is a "nuisance or source of annoyance to other Members"; and

WHEREAS, Article VII, Section 1 and Article VIII, Section 8.B. of the Declaration authorize the Board of Directors to adopt rules and regulations governing the use of the common areas; and

WHEREAS, the Maryland Court of Appeals ruled in *Tracey v. Solesky* that pit bulls are inherently dangerous animals and that property owners who know, or have reason to know, of the presence of a pit bull on their property are strictly liable for injuries caused by such dogs, whether or not they know a particular dog has a history of vicious propensities; and

WHEREAS, the Association Board of Directors has determined that it is in the best interest of the Association to prohibit the keeping of pit bulls and other dangerous animals in the community; and to adopt rules generally regulating the keeping of pets by Members, tenants and other residents;

NOW, THEREFORE, the Board of Directors, at a duly convened meeting of the Board, after notice and an opportunity for Members to comment on the proposed rules, hereby adopts the Pet Rules set forth below:

1. The term "pit bull" as used herein means the following dog breeds: American Staffordshire Terrier, American Pit Bull Terrier, and any other breed of dogs commonly known as a pit bull.
2. Pit bulls are not allowed in any portion of the Association Common Area and are hereby deemed to constitute a "nuisance".
3. Any dangerous animal is not allowed in any portion of the Association Common Area and is hereby deemed to constitute a "nuisance". As provided by the Montgomery County Code, Section 5-202, an animal is deemed to be dangerous if it has, without provocation, killed or inflicted severe injury on a person; if it poses a physical threat to humans because of specific training or demonstrated behavior; or is poisonous.
4. A Member, tenant, or resident who owns a pit bull or other animal shall be liable for any injury or damage caused by such animal and shall indemnify, defend, and hold harmless the Condominium and its officers, directors and agents, and all other unit owners, for any injury or damage caused.

5. A Member, tenant or resident must abide by all State and County animal control laws and rules.

6. No animal kept as a pet may cause noise that disturbs the quiet use and enjoyment of the Common Area by Members, tenants, and residents, or may otherwise disturb, annoy or interfere with the rights, comfort or convenience of others.

7. A Member, tenant or resident who allows an animal kept as a pet to defecate on the Common Area must immediately remove and dispose of the animal waste.

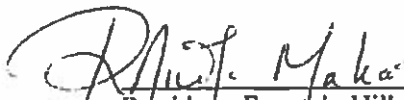
8. A Member, tenant or resident may not allow an animal kept as a pet to cause an unsanitary, dangerous or offensive condition because of the size or number of animals kept in a single unit or because the unit is not appropriate for the animal or properly maintained.

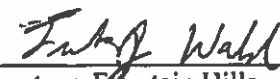
9. All dogs must be leashed when on the Common Area. Other pets must be leashed or under direct voice control when on the Common Area. No pet is permitted in the pool area, clubhouse, tot lots or other recreational area in the community.

10. Service animals may be kept in accordance with federal, state and local fair housing law.

The undersigned officers of the Association hereby certify that the foregoing Pet Rules were approved by the Board of Directors at a duly convened meeting on the 24 day of October, 2013.

ATTEST:

  
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President, Fountain Hills  
Community Association, Inc.  
Name: NICHOLAS R MAHABIR

  
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Secretary, Fountain Hills  
Community Association, Inc.  
Name: FRANK WALSH