

WAKE COUNTY

**RESOLUTION ADOPTING
RULES AND REGULATIONS
WITH RESPECT TO DOGS IN
HERITAGE WAKE FOREST
SUBDIVISION**

These rules and regulations are promulgated this 12th day of August, 2008 by the Heritage Wake Forest Homeowners Association, Inc. ("Association").

WHEREAS, the Association was incorporated as a non-profit corporation on or about 20 December 2000;

WHEREAS, the primary function of the Association is to enforce the terms and conditions set forth in certain publicly filed documents dealing with the lots in the Heritage Wake Forest community;

WHEREAS, the Declaration of Covenants Conditions and Restrictions for Heritage Wake Forest Subdivision was recorded on 27 September 2000 at book 8693, page 1412 of the Wake County Register of Deeds (hereinafter, "Declaration");

WHEREAS, Article VIII, Section 5 of the Declaration provides as follows:

"...no animals...shall be kept or maintained on any portion of the Property or in and dwelling except that dogs...may be kept or maintained provided they are not kept or maintained for commercial purposes and they do not create a nuisance (in the judgment of the Board), such as, without limitation, by number, noise, odor, damage or destruction of property or refuse and further provided they are kept and maintained in compliance with (i) all laws and ordinances of the State of North Carolina, the County of Wake, the Town of Wake Forest or other applicable governmental entity relating thereto; and (ii) such rules and regulations pertaining thereto as the Board may adopt from time to time"

WHEREAS, Article VIII, Section 9 of the Declaration provides a follows:

"All Owners and occupants of Lots shall abide by all rules and regulations adopted by the Association from time to time. The Board shall have the power to enforce compliance with said rules and regulations by all appropriate legal and equitable remedies, including fines and penalties, and an Owner determined by the Board to have violated said rules and regulations shall be subject to immediate action by the Association or its Agents to correct or remove the violation"

WHEREAS, recent events in the community involving uncontrolled dogs have made it necessary for the Board to adopt rules and regulations pertaining to dogs in the community for the safety and welfare of all Owners and visitors in the community;

WHEREAS, the Board of Directors desires to promulgate the following rules and regulations in order to protect the Owners and visitors and to ensure compliance with the Declaration and maintain and preserve the plan and scheme of development in the community and to preserve and enhance property values for all Owners;

NOW THEREFORE, the Board of Directors, effective September 15, 2008, the Association promulgates the following rules and regulations pursuant to Article VIII, Section 9 of the Declaration:

1. No dogs may be kept or maintained on any Lot in the community that are kept or maintained for commercial purposes. By way of example, and without limitation, no dogs shall be kept on any Lot whose sole purpose is breeding for profit by an Owner (s).

2. No dogs may be kept or maintained on any Lot in the community that create a nuisance (in the judgment of the Board), such as, without limitation, by number, noise, odor, damage or destruction of property or refuse. By way of further example and without limiting the generality of the foregoing, dog (s) who bark incessantly; charge fences towards adjacent Owner (s) and/or visitors and/or family members; dogs who unnecessarily create a risk of injury towards small children; and dogs that damage or inflict injury on Common Area or Common Property may be considered a nuisance in violation of the Declaration and these rules.

3. Any and all dogs kept on a Lot must be kept and maintained in compliance with all laws and ordinances of the State of North Carolina, the County of Wake, the Town of Wake Forest or other applicable governmental entity relating thereto. Such laws include without limitation, Wake County Animal Control Ordinance, specifically, §2-3-7 preventing animals to be at large, and §2-3-8 declaring it unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a nuisance. Each Owner is advised that compliance with the Wake County Animal Control Ordinance or any other local, state or federal ordinance or law does not, in and of itself, guarantee compliance with the Declaration or this rule. At a minimum, all such laws and ordinances are to be observed, in addition to these rules and the terms of the Declaration.

4. The Association reserves the right to require a dog to be leashed at all times when outside of a home on a Lot that is not fenced. For homes with fencing, invisible or otherwise, dogs do not necessarily need to be leashed while outside of the home on the Lot, however, the Association reserves the right to require that an Owner (s) be present at the home on the Lot when the dog (s) is outside and within range to control barking and other behaviors of the dog (s) which may constitute a nuisance. All feces and refuse of dogs shall be promptly removed from any Common Area or Common Property in the community by the Owner (s) of the dog.

5. Any dogs inclined to show aggressive behavior towards adjacent neighbors, such as without limitation, incessant, loud and aggressive barking, shall be muzzled while outside or an Owner (s) shall be present at all times with such dog in order to avoid barking or such aggressive behavior.

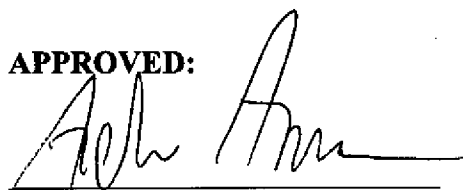
6. In the event of a violation of any of the above rules, the Board of Directors reserves the right to enforce the terms of the Declaration and aforesaid rules by any of the following methods:

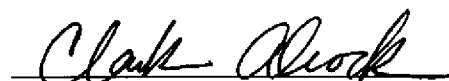
- A. A fine of not more than \$100 per day per incident provided notice and opportunity to be heard is given to the Owner (s) before such fine is imposed, pursuant to N.C.G.S. §47F-3-107.1.
- B. The Board may impose additional specific restraints on Owner (s) as necessary in order to protect the safety of other Owner (s) and visitors of the community. Such restraints could include, without limitation, requiring dogs to be leashed on the Lot irrespective of a fence on the Lot and requiring the Owner (s) to be present outside when the dog (s) is outside on the fenced Lot, all as necessary to ensure compliance with these rules.
- B. The Board may demand that the Owner (s) remove the dog from the Lot in the event the Board deems the dog (s) a risk to the safety of other Owner (s) or visitors; and the Board may demand the removal of the dog (s) in the event the dog (s) have been deemed a nuisance or otherwise in violation of laws and ordinances of the State of North Carolina, the County of Wake, the Town of Wake Forest or other applicable governmental entity. If such demand is made, the Owner (s) shall take the necessary steps to remove such dog (s) within two (2) days of such written notice from the Board of Directors for the Association. All costs and expenses associated with boarding such dog (s) offsite shall be borne by the Owner (s).
- C. The Board may sue the Owner (s) as necessary to enforce the Association's rights under the Declaration, these rules and regulations, and N.C.G.S. §47F-3-1-7.1, as necessary, to gain compliance of the same.

7. The Board reserves the right to promulgate, amend and publish additional rules and regulations with respect to this or any other issues as allowed pursuant to Article VIII, Section 9 of the Declaration.

The foregoing rules and regulations were adopted at a meeting of the Board of Directors on August 12, 2008.

APPROVED:


President


Secretary