

Tuesday, April 30, 2013

NOTICE TO ALL OWNERS AND RESIDENTS OF LEXINGTON COMMONS

Our Community has a major problem which is a problem county wide in Lexington County – STRAY CATS. The Board has voted to implement an immediate action program to eliminate stray cats from our neighborhood. The Rules and Regulations of the Lexington Commons Council of Co-Owners, Inc. clearly state in Section D that “cats shall not be allowed to run freely out of doors”. This policy has been discussed with the Lexington County Animal Control Division of the Lexington County Sheriff’s Department. Section 10.34 of the County Ordinance states

“The owner/custodian shall keep his pet under restraint at all times”.

“Restraint means a situation in which a pet is:

- (1) Controlled by a leash when outside the property limits of its owner/custodian.*
- (2) Under the control and obedient to the owner/custodian's commands within the property limits of the owner/custodian.*
- (3) Confined in a secure enclosure.”*

EFFECTIVE IMMEDIATELY THE FOLLOWING RULES WILL APPLY AND WILL BE ENFORCED.

1. The Board has purchased traps to catch the stray animals. These traps will be tagged to be the property of the Board and anyone caught tampering with these traps without the written permission of the Board will be fined by the Board. A fine of \$250.00 per occurrence will be applied to anyone caught tampering with the traps without written permission of the Board.

Section 10 of the County Ordinance states:

Owner means any person who:

- (1) Has a right of property in a pet.*
- (2) Keeps or harbors a pet or who has it in his care or acts as its custodian.*
- (3) Permits a pet to remain on or about any premises occupied by said person for a period of five or more days.*

Pet means dog or cat.

1. Effective immediately anyone who harbors the stray animals or has one in his/her care in the neighborhood or otherwise cares for the animals will become the owner of the animal(s) being cared for as per Section 10 of the County Ordinance. If the animals you care for are allowed to run loose in the neighborhood you will be issued a fine of \$25.00 per day per animal until the animal is confined or removed from the neighborhood.
2. Section 10 of the County Ordinance states:

When a pet is found in violation of any provision of this article, animal control officers, at their discretion, may:

- (1) Impound the pet.*
- (2) Issue notice of violation.*
- (3) Issue court summons.*

3. Anyone posting notices which impede the Board in enforcing the provisions set out herein will be fined \$25.00 per occurrence per day for each posting by the Board and will be deemed

the owner of all the stray animals sighted in the neighborhood and fines of \$25.00 per day per animal will be imposed by the Board.

If you care for or act as a custodian for stray cats you will be deemed the owner of the cat(s) and if you allow them to run freely out of doors you will be fined as per section G of the Rules. For example, if you act as custodian for five stray cats you will become the owner of those cats and you will be fined by the Board the amount of \$25.00 per day per cat until you constrain your animal. These fines will be accrued and late charges will be added every 30 days to the unpaid balance. If unpaid after 90 days the account will be sent to our attorney for collection and will result in legal fees being added to the account. If you are an owner and your tenant feeds cats or tampers with the traps you will be fined by the Board and it will be your responsibility as an owner to pay the fines. If you are an owner who leases a unit and has complied with section F of the rules, you have tenants who have agreed with the Rules of the Association, you can handle this matter. If you have not complied with Section F you, as an owner, are responsible for the actions of your tenant. A copy of the Rules and Regulations are available on line at <http://www.lexingtoncommons.net>. A copy is also posted in the display case on the front of the clubhouse at 1250 Hulon Circle.

The second issue which needs to be addressed is addressed under section D. of the Rules of the Association.

D. COMMUNITY SAFETY:

3. Pet owners shall clean up and police any feces deposited by their pets out of doors in Lexington Commons.

Effective immediately the Board will begin imposing fines of \$25.00 per occurrence on any one allowing their animal to deposit feces out of doors in Lexington Commons without cleaning up and policing the feces. If you see someone allowing their animal to deposit feces out of doors without cleaning up please take a picture of the person and animal and send it to the Property Manager at ntolar@sc.rr.com with notes as to the date, time, name and or address of the pet owner and a letter will be sent to the person and/or owner levying the fine for the occurrence. If the Property Manager witnesses anyone violating this rule a fine will be issued to the property owner immediately.

NOTE: A copy of Section 10 of the County Ordinances is posted on the web at <http://www.lexingtoncommons.net>.

Please be advised that a majority of the residents of Lexington Commons, many of them responsible pet owners, agree with these actions and have requested action by the Board. The Board is committed to bringing these problems under control.

This document serves as your notice about these rules. No further notice will be issued and enforcement of these rules will begin immediately. A copy of this document has been mailed to each owner who does not reside on site.

The Board of Directors
Lexington Commons Council of Co-Owners, Inc.