

**RESOLUTION AND POLICY REGARDING ANIMALS  
COOPER COMMON COMMUNITY ASSOCIATION, INC.**

WHEREAS, the Cooper Commons Community Association (the “Association”), an Arizona nonprofit corporation, by and through its Board of Directors (the “Board”), hereby takes action to clarify a provision of the Declaration that requires the Board’s rule-making discretion;

WHEREAS, pursuant to Article V, Section 5.3 and Article XV, Section 15.5 of the Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservation and Easements for Cooper Commons (the “Declaration”) recorded at Instrument No. 1998-0346533 in the Office of Maricopa County Recorder, State of Arizona, the Board may adopt, amend and repeal Rules and Regulations as authorized by the Declaration;

WHEREAS, pursuant to Article IV, Section 4.2(b) of the Declaration, the Board shall conclusively determine, in its sole an absolute discretion, whether a particular animal, bird, owl, poultry, or livestock is a generally recognized house or yard pet, whether such a pet is a nuisance, or whether the number of animals or birds on any such property is reasonable;

WHEREAS, pursuant to Section 3.10 of the Bylaws of The Cooper Commons Community Association, the Board shall have the power to adopt and publish Rules and Regulations governing the personal conduct of the Members as authorized by the Declaration.

NOW, THEREFORE, the Association adopts the Animal Policy which shall be binding upon all owners and residents and their grantees, lessees, tenants, occupants, successors, heirs, and assigns and which shall supersede any previously adopted rules on the same subject matter.

RESOLVED, that the Board hereby approves the attached *Cooper Commons Community Association Animal Policy*, attached to this resolution.

RESOVLED, that the Board hereby instructs its Community Manager to notify all members of the implementation of the *Cooper Commons Community Association Animal Policy*.

The President of the Board of Directors certifies that this Fine Policy was adopted by the Board of Directors at the open Board Meeting held on January 25, 2023.

DocuSigned by:

*Larry Palmer*

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Larry Palmer, President of the Board of Directors  
Cooper Commons Community Association

## **COOPER COMMONS COMMUNITY ASSOCIATION ANIMAL POLICY**

Article 4, Section 4.2(b) of the Declaration prohibits animals, birds, fowl, poultry or livestock (hereafter collectively referred to as an “Animal”), other than a reasonable number of generally recognized house or yard pets, from being maintained on a Lot, unless the Animal as determined by the Board in its sole and absolute discretion is: (i) a Generally Recognized House or Yard Pet, (ii) does not constitute a Nuisance; and (iii) Present in a Reasonable Number.

### **I. Definitions**

A. “Fowl” means domestic or barnyard hen, roosters, ducks and chickens. Regardless of specificity of bird species, “Fowl” includes any species that closely resembles these commonly known birds.

B. “Generally Recognized House or Yard Pet” includes but is not limited to dogs, cats, pet hamsters, pet mice, ferrets, rabbits, caged fish, caged reptiles and indoor-only pet birds. Animals that meet the definition of a Prohibited Animal are excluded as Generally Recognized House or Yard Pets.

C. “Livestock” means cattle, equine, sheep, goats and swine, except feral pigs. Regardless of specificity of animal species, “Livestock” includes any species that closely resembles these commonly known animals.

D. “Nuisance” includes but is not limited to, demonstrating a propensity for violent or aggressive behavior; doing anything to maintain or increase the number of Prohibited Animals; including but not limited to providing food, water, or housing to Prohibited Animals; excessive or unreasonable barking; failing to immediately and meticulously clean up after the Animals; failing to minimize or remedy Animals odors; failing to restrict Animals other than dogs inside the Lot or within fenced in areas such as the backyard; permitted dogs to roam the Association unleashed; or any other behavior or condition caused by the pet which would otherwise constitute an excessive nuisance to any other Owner, resident, tenant, occupant; guest and/or invitee within the Association.

E. “Poultry” means any bird generally raised for its eggs, feathers or meat, whether live or dead, and includes chickens, turkeys, ducks, geese, guineas, ratites and squabs. Regardless of specificity of bird species, “Poultry” includes any species that closely resembles these commonly known birds.

F. “Present in a Reasonable Number” means two of the same kind, but not more than six Animals total without the Board’s prior written authorization.

G. “Prohibited Animals” include but are not limited to Poultry, Livestock, Fowl, Wildlife and Ratites.

H. “Ratite” means ostriches, emus, rheas and cassowaries. Regardless of specificity of bird species, “Ratite” includes any species that closely resembles these commonly known birds.

I. “Wildlife” means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs or spawn, and regardless of species.

## **II. Prohibited Practices**

A. Because the keeping of Fowl, Livestock, Poultry, Prohibited Animals, Ratite, or Wildlife constitute the keeping of Prohibited Animals, the practice of “backyard chickens” or “urban chicken farming” is expressly prohibited regardless of whether the chickens or eggs are consumed. Maintaining a chicken coop of any kind inside or outside the Lot is expressly prohibited.

B. No Fowl, Livestock, Poultry, Prohibited Animals, Ratite, or Wildlife may be kept on any Lot, as provided by Article IV, Section 4.2(b) of the Declaration

C. Any practice of the above Sections II(A)-(B) would constitute a Nuisance under this Policy and the Declaration.

## **III. Binding on all Residents**

This Policy applies in all respects to all Lots of the Association and all Residents, whether owners, guests or tenants.

## **IV. Enforcement**

A. Right of Inspection: During reasonable hours and upon reasonable notice to the Owner or Resident, any member of the Committee, Board, or its representatives (including the Association’s managing agent) is authorized to request entry to the outside of the Lot (including the backyard) for the purpose of determining whether the Lot is in violation of the Policy and such Persons shall not be deemed guilty of trespass by reason of such entry;

B. Monetary Penalties: If these rules are violated, the Association, after providing the Owner with notice and opportunity to be heard, is authorized to impose monetary penalties on the Owner as provided for in the Declaration and Association Rules regarding monetary penalties, and;

C. Legal Action: The Association may retain legal counsel to send attorney violation letters and seek injunctive relief to compel compliance with the Declaration and this Policy. In the event that the Board does so, the Board is entitled to recover an award of all of its attorney’s fees and costs.

**V. Severability**

If any of these provisions is ruled to be invalid, the remainder of these rules shall remain in full force and effect.