

## **Board Policy On Placement and Use of Invisible Fencing for Pets**

APPROVAL DATE – June 9, 2014

**GENERAL PURPOSE AND SCOPE** - The Board adopts this policy in response to questions from Owners about the use of invisible fencing in the front yard areas of homes within Kelly. The concerns safety concerns expressed by some Owners are shared by the Board in relation to cases where aggressive dogs are kept in the front yard areas “enclosed” by invisible fencing technology and therefore appear to be running free and threatening to them as they walk or ride by the subject yard. The purpose of this policy is to clarify the Association’s position on the existing regulations relating to invisible fencing use and the Board’s position on animals being kept in front yard areas through the use of this type of electronic restraint system.

**THE REGULATION OF PETS IN THE COMMUNITY** – The Initial Use Restrictions and Rules incorporated into the Declaration provide the basic framework for keeping of pets within Kelly. In Section 2(b) under Restricted Activities listing, the keeping of animals within Kelly is limited in scope to a reasonable number of typical house pets, including dogs and cats. The manner of their keeping is conditioned by behavioral standards that leave it to the Board to determine if the animal is behaving in a way to constitute a danger or a nuisance to other Owners. The general condition that all pets be kept indoors except when on a leash or “otherwise confined in a manner acceptable to the Board when outside the residence” is also included within this standard.

**THE REGULATION OF INVISIBLE FENCE SYSTEMS** – The controlling reference on these fences is provided in Section X.3.T.1. of the Architectural Guidelines under the guidelines affecting fences. This subsection provides that “pets must be confined by the use of invisible fence methods.” It is the second sentence in a subsection that limits fences to the prescribed areas surrounding pools in the back of a residence. The Board’s interpretation of that provision limits use of invisible fencing to the rear yard of residences whether there is a pool located there or not.

**THE POLICY** – The Board understands that a number of Owners have been authorized to construct and operate invisible fence systems located in the front yard of their residences. It is not the intent of the Board to apply this policy to require removal of these systems as long as the current owner owns and occupies the applicable “vested” residence. However, once that Owner no longer occupies the residence, the fence system must be removed or otherwise disabled and pets will no longer be free to roam the front yard area without a leash and owner attached. For requests for this type of fencing in the future, the NCC is instructed to apply this policy limiting them to the rear yard area authorized for fencing.

Further, the Board emphasizes that any animals kept outside and unleashed within the boundaries of these vested front yard systems must behave within the standards set out in the Use Restrictions cited above. Any aggressive behavior reported towards Owners and/or their pets using the roadway or sidewalk system in the area of the yard will subject the animal to removal or restriction by the Board as authorized in that subsection.

### **AUTHORITY**

Declaration – Section 2.1(C) addresses the right of the Board to adopt rules and regulations governing use and enjoyment of Common Areas.

Section 9.3(a) addresses the power of the Board to adopt and interpret Design Guidelines.

R & R - Section 2(b) addresses the keeping of animals within the community.

Design Guidelines - Section X.3.T.1.