Dear DVE Owners,

As we roll into the middle of summer we are all spending more time outside on our patios/porches and properties. Many of us also have begun leaving our windows open at night in hopes of that great cross breeze we all have come to appreciate with the summer heat upon us. Unfortunately this also has brought multiple complaints to the board regarding continuous barking dogs. This occurs at all hours. This is not only against the covenants of our neighborhood but also against County ordinance.

**As a reminder to all owners:**

As set forth in Article 7 of the DVE CCR’s 7.8 Animals: ,,, **”Household pets,,,, shall not cause an unreasonable amount of noise or odor, and shall not become a nuisance to other Lot Owners or occupants ,,, The Board is hereby given the authority to take such action(s) as it deems necessary to remedy any violations and enforce the restrictions of this Section 7.8 and charge Lot Owners Default Assessments, in accordance with the Bylaws and Governance Policies and Procedures, in connection with enforcing these restrictions.**

The board contacted La Plata county animal control and confirmed that **county ordinance applies within our subdivision**. Below is the language as it specifically applies to barking dogs. We are also attaching Chapter 10 of La Plata county ordinances as it pertains to animals in the county.

The continuous barking of dogs for is considered a nuisance and is enforceable by La Plata county code Chapter 10 Animals, Section 10.30 Offenses and Enforcement: ,,,

**V. Nuisance Barking. Nuisance barking is prohibited. It is unlawful to keep a dog that disturbs its neighbors by making loud, habitual and persistent barking, howling, yelping or whining noises. By definition, barking, howling, yelping or whining noises that last for a continuous twenty (20) minutes are a per se nuisance under these regulations; however, loud, habitual and persistent barking, howling, yelping or whining noises that last for less than 20 minutes also constitute nuisance barking if such noises disturb the peace of a reasonable person.**

**A. Warning Notices. An animal control officer may issue a written warning to a dog owner after receiving a complaint from one (1) neighbor who signs a written statement attesting to nuisance barking. The owner will have ten (10) days after the warning is issued to correct the problem before a citation or summons and complaint can be issued. The warning shall cite this section, shall state that a complaint has been received, that the owner’s dog is disturbing the peace of another, and shall identify the date and time of the disturbance and the dog(s) accused of nuisance Ordinance No. O-2016-01 v. 17 barking. A warning shall be considered given if it is personally served to the owner, posted on the owner’s premises or mailed by certified U.S. Mail, postage prepaid and addressed to the dog owner. Warning notices so served shall constitute notice to all members of the premises.**

**B. Citation or Summons and Complaint. After the ten(10) day grace period and within six (6) months after the issuance of a warning, a citation or summons and complaint may be issued to a dog owner for subsequent nuisance barking, pursuant to Section 10-32 below. No person shall be cited or charged with a violation of this section unless one (1) neighbor/complainant signs a written statement attesting to the nuisance barking and verifying the allegations of the complaint. As set forth in Section 10-10(XXV) above, owners of vacant land are not considered neighbors for purposes of these regulations and are not eligible to make a complaint. In all cases, demonstrative evidence, such as unaltered digital and/or video recordings, is recommended from the complainants. As part of the written statement(s) signed by complainant(s), complainant(s) must provide the property address where the dog(s) is/are located, description of the dog(s), and date and duration of the alleged violation. Anonymous complaints will not be accepted for issuance of a warning, citation or summons and complaint. If a second or subsequent offense of this section is charged within six (6) months of the issuance of the first citation or summons and complaint for nuisance barking, whether or not the dog is the same, a citation or summons and complaint may be issued without first issuing a warning notice.**

To report a complaint to La Plata County Animal Control call (970) 259-2847

Please remember we all want to enjoy our property and this beautiful time of year. Living in the county affords us the opportunity to do so and we all want to be good neighbors. Please remember that our CCR’s also state in section 7.6 Noxious, Hazardous, or Offensive Activities: **No noxious, hazardous, or offensive activity shall be carried out on any Lot, nor shall anything be done or placed therein which may be or become a nuisance, hazard, or cause embarrassment, disturbance, or annoyance to the Owners in the enjoyment of the Property.**

We thank everyone for adherence to the CCR’s and the County Ordinances.

DVE Board of Directors,

Mark, Shelly, Les, Michael and Kathy