

Dogs Complaints: Nuisance, Lack of Restraint, Threats & Attacks

Red Oak Ranch Property Owners Association
Board Guidance Document – as modified June 12, 2017

Red Oak Ranch (ROR) is a family community with a significant number of pet dogs. Each year, the Property Owners Association (POA) or the ROR Managing Agent receives complaints concerning dog-related nuisances such as excessive barking, unrestrained or improperly secured dogs, and aggressive or threatening dog behavior. In a few instances, property owners have reported dog attacks on individuals or other animals/pets in the neighborhood.

It should be noted that:

1. ROR Deed Restrictions do not restrict dog ownership.
2. ROR POA has no enforcement authority for dog-related complaints.
3. ROR's Managing Agent can only (a) take complaints and (b) provide guidance on how to reach the appropriate animal control or law enforcement agency in the event of a property owner's concern.

INTENTION

ROR POA's intention is that property owners enjoy pet ownership while honoring their neighbors' right to enjoy their property and our community without being threatened by pet dogs. In the case of excessively noisy dogs, the Association is empowered by the Covenants, Conditions and Restrictions (CC&R) Section 3:10 to have 'sole and absolute discretion to determine what constitutes a nuisance or annoyance'.

JURISDICTIONAL AUTHORITY

ROR is under the jurisdiction of Montgomery County. Because ROR does not have enforcement authority aside from the aforementioned "nuisance and annoyance" clause of the CC&R, County resources apply. ROR is also within the Extra-Territorial Jurisdiction (ETJ) of the City of Conroe but until or unless Conroe elects to annex, the City's rules do not apply.

In July 2016, Montgomery County passed an Animal Restraint Ordinance (see Appendix A). For the benefit of property owners, the key provisions of Section IV, Restraint and Impound are summarized below.

- A. All dogs ... shall be kept under restraint....
- B. The owner or custodian of every dog ... shall be held responsible for the behavior of his animal and, thereby, responsible for any violation of these rules or applicable provisions of Chapters 822 and 826 of the Texas Health & Safety Code.
- C. The Local Rabies Control Authority or his designee shall be authorized by these rules to catch, confine, and impound the following:
 1. All stray dogs whether or not vaccination tags are displayed;
 2. Any animal, whether domesticated, wild, or stray, which has bitten or scratched a person, has bitten or scratched another animal, or is suspected of having rabies or having been exposed to rabies; and
 3. Any "dangerous dog" that is improperly secured or unregistered(as defined in Section IV-P)

GUIDANCE

The ROR POA encourages property owners to discuss potential issues with fellow residents. When these efforts do not successfully resolve an issue, property owners are

encouraged to involve the proper County agency.

Reporting violations

1. Nuisance, Lack of Restraint, Threatening Behavior and Attack on Other Animals –

Animal Control
8535 Hwy 242, Conroe, TX 77385
936-442-7738 #2

Note: Animal Control's view: "It is always good to report and document any incident in case there is a civil case. We like to educate animal owners first and if a problem continues we will issue citations. Accidents happen from time-to-time and unfortunately an animal or person is harmed. Our goal is to prevent those accidents with educating the public to keep us all safe."

A copy of Animal Control's Voluntary Statement is attached. See Appendix B. (Note: some extraneous information, such as Social Security Number, are not mandatory fields.)

2. Attack on Humans –

Montgomery County Sheriff
#1 Criminal Justice Dr.
Conroe, TX 7301
(phone numbers below)

It is a property owner's responsibility to report incidents to the authorities. Reporting by the POA or Managing Agent is not accepted by County authorities. To support property owners, the Managing Agent will:

1. Take complaints
2. Provide guidance on notifying appropriate authorities

REMINDER

Most pet-related incidents can be avoided with proper restraints and responsible pet ownership. When incidents do happen, property owners are encouraged to resolve matters with fellow property owners and advise the proper Montgomery County authority.

**Montgomery County
Sheriff's Office**



**Tommy Gage
Sheriff**

**#1 CRIMINAL JUSTICE DR.
CONROE, TEXAS 77301**

936-788-8371 - Conroe

281-297-6565 - Spring

281-577-8971 - New Caney

281-259-6490 - Magnolia

• 936-788-8366 - Walden

281-297-6500 - The Woodlands

www.mocosheriff.com

DEPUTY:

TEL:

Non-EMER
936-760-5800
#3

CASE # _____

OFFENSE: _____

CASE STATUS

OPEN-PATROL INVESTIGATION
OPEN-REFERRED TO DETECTIVES
CLOSED-CHARGES FILED
CLOSED-REPORT ONLY

RECORDS DIVISION 936-760-5883
MAJOR CRIMES 936-760-5876
PERSONS/PROPERTY 281-297-6510
SIU / NARCOTICS 936-538-3299
CRIME STOPPERS 1-800-392-7867
AUTO THEFT 936-760-5847

OTHER: Jessica Stover
281-297-6545

Emergency
911