

QUESTION 19 – DOG POOP

How do you plan to solve the dog poop (feces) problem in Briar Chapel? Dog feces are left on the grounds in many areas in Briar Chapel, on private properties and in dog and children parks and more.

Listed Alphabetically

Michael Cunningham: I know this is a problem. However, the board is limited in its ability to patrol this messy issue. Adding additional dog waste containers would be a good start. Still, there needs to be the understanding that this possible solution also requires additional work hours to empty waste and replace bags, which involves additional costs.

A relatively inexpensive but long-term solution could be fostering a community spirit in the neighborhood and reinforcing a form of civic pride. The board properly maintaining landscaping in common areas and other amenities could go a long way to show that we all must chip in to make Briar Chapel the beautiful neighborhood we all know it can be.

And pick up after your dog!

Jennifer Drake: ~If they Poop...You MUST Scoop!~

This is one of the most common complaints in HOA living environments; a frequent topic of concern in every one of my neighborhoods over the years.

Common neighborly courtesy should apply, but many may not be familiar with the Scoop-Poop concept. Our community supplies bags and pet stations to enable this.

Membership education to new owners is paramount and frequent management communication reminders are also helpful.

Additionally,

This issue is covered by our county laws and in our HOA documents:

Chatham County Laws:

Dog/Pet Leash Laws and Waste Removal

General Provisions, 91.001 Definitions: **PUBLIC NUISANCE.**

(1) Any act or conditions resulting from the maintaining, housing, or harboring of animals which annoys and disturbs the rights, privileges of a reasonable person(s) under the circumstances within a given community, rendering the ordinary use or occupation of any person's property physically uncomfortable or which creates a public health nuisance.

(2) The following, by way of example, and not by way of limitation, shall constitute prima facie evidence of nuisance whether occurring on or off the owner's property:

(a) Any animal which damages the property of anyone other than its owner, including but not limited to, turning over garbage containers, damaging gardens, flowers, or vegetables.

(b) Any animal(s) maintained in unsanitary conditions which results in offensive odors, is dangerous to the welfare of the animal(s), or public health and safety.

(c) Any act by virtue of number or type and location is offensive or dangerous to public health, safety, or welfare.

(d) Any animal which habitually barks, whines, howls, or otherwise creates excessive and repetitive noise which annoys and disturbs the rights, and privileges, and reasonable expectations of other person(s) rendering the ordinary use or occupation of any person's property physically or emotionally uncomfortable.

(e) When off the owner's property any animal that habitually or repeatedly chases, snaps at, attacks, or barks at pedestrians, joggers, animals walked on a leash by their owners, bicycles, or other vehicles.

(f) Any female dog or cat not maintained in a building or other enclosure, while in heat, in such a manner that she will not be in contact with another dog or cat or attract other animals. This section shall not be construed to prohibit the intentional breeding of animals within an enclosed area on the premises of the owner of the animal which is being bred.

(g) Any animal tethered in a manner that allows it to come within five feet of another person's property line.

Chapter 91 305-308: NUISANCE

91.305: Unlawful to maintain a public nuisance

It shall be unlawful for any owner to allow his or her animal or animals to create a public nuisance, or to maintain a public nuisance created by his or her animal or animals.

91.306 Animals Running At Large

91.037 Investigation and Compliance

91.308 Failure to Abate.

Civil penalty for violation of this chapter	
1st offense	\$100/violation
2nd offense	\$200/violation
3rd offense	\$300/violation
Subsequent offenses	\$500/violation
Failure to vaccinate for rabies	\$100/violation
Failure to confine for rabies observation	\$100 per day of violation up to 10 days
Interference with enforcement	\$250/violation
Animal cruelty	\$500/violation

Under the BCCA Governing Documents, CCRs, Exhibit C

2(b) states that pets "...which constitute a nuisance or inconvenience to the occupants of other Units shall be removed upon request of the Board"

and

3(a) Prohibited Conditions.

Plants, animals, devices or other things of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of Briar Chapel.

We have the ability, in accordance with the NC law, to fine up to \$100/day and remove privileges if the homeowner is found in violation of the governing docs.

That said, I look forward to working with our new Kuester Management Group and learning how they have successfully implemented solutions on other properties and best methods to enforce compliance.

The vast majority of community pet owners are responsible....Thank you!

Mark Goodwin: This is a subject where the HOA may have more leverage on individual lots than it does on the common areas it actually owns. There are numerous references in the governing documents to nuisance conditions on individual lots that the board can require cleanup or fine, and this is one of them.

It's easier to persuade (or enforce if necessary) an individual homeowner because the exact location is known, and the responsible individual is known. It's entirely appropriate for the HOA to get involved if the individuals responsible won't clean up voluntarily.

As far as parks/playgrounds, better signage and an explicit, outright ban of dogs/cats on the playgrounds might help those specific playground common areas. Animal waste in and around playgrounds is an absolute health issue where kids are playing. Although signs won't solve the problem entirely, they might help.

The common area enforcement problem is more difficult for the HOA to verify as far as who is responsible. Even with photos, there would have to be a reasonable identification before the HOA could issue a violation letter.

We have a lot of responsible dog owners, and it is a small minority that creates problems. But when you hear about people leaving waste right in front of the waste station without picking it up, that kind of irresponsible behavior is probably beyond what any HOA can fix. In my experience there will always be people who ignore the rules, so realistically, what needs to happen is better monitoring and cleanup in sensitive areas, like playgrounds, by the management company.

Vonzell Jones: I certainly can relate to this as I have experienced unwanted surprises in my lawn as well. To resolve this issue, reinforcing a sense of community and respect for the beauty of the entire property and the residents that inhabit it is a crucial first step. A step that should be resident led and focused on cultivating a culture that discourages such behavior and brings awareness of how this action is impacting residents.

Liz Rolison: I believe the BCCA has a role in addressing this issue, but ultimately it is up to homeowners to take pride in their neighborhood and community and do the right thing. The BCCA can make sure that there are sufficient dog waste stations distributed around the community that are regularly emptied and stocked. We have all chosen to live in Briar Chapel, to share in the abundant green space, but with that choice we have responsibilities as members of this community. We need to be courteous and thoughtful in how we care for our yards, our children and our pets. We need to think about the impact of our decisions on our neighbors. I would rather see the BCCA work towards increasing residents' pride and empowerment in our community than to use punitive measures to try to get a small number of offenders to take dog waste pickup seriously.