

**FIRST AMENDED AND RESTATED ANIMAL CONTROL RULES AND
REGULATIONS
FOR ELKSTONE OWNERS ASSOCIATION, INC.**

Pursuant to section 11.16, Animals, of the Declaration of Covenants, Conditions and Restrictions for Elkstone, a Colorado Common Interest Community, recorded May 16, 2003 in the office of the San Miguel County Clerk and Recorder at Reception No. 357307, as amended and supplemented, the Directors of Elkstone Owners Association, Inc. (“**Association**”), hereby amends and fully restates the Animal Control Rules and Regulations for the Elkstone Owners Association, Inc. adopted in July of 2015 as follows:


1. Tenants and contractors shall not be permitted to have pets or other animals.
2. No more than two (2) dogs and three (3) cats per Unit are permitted.
3. No undomesticated animals, livestock, chickens or rabbits shall be permitted and no animal may be kept or bred for any commercial purpose.
4. Owners shall be responsible for all costs associated with damage caused by their animal(s) and those of their invitees or guests. The repair costs shall be assessed against the Unit of the Owner whose animal, or whose guests’ or invitees’ animal, causes the damage as determined by the Association.
5. Owners, their guests and invitees must immediately remove and properly dispose of their animals’ waste, regardless of time of day, season or weather. Any Owner who violates, or whose guest or invitee violates, this rule, as determined by the Association, shall be assessed the cost of cleanup.
6. All dogs must be on a leash or under effective voice command and/or control at all times when not within the interior of a Unit (which includes Elkstone 21 and Townhome Units) or exterior deck or balcony of a Unit. Accordingly, leashes must be used in all common areas, which include the General Common Elements, the Elkstone 21 Limited Common Elements (including but not limited to the parking garage, hallways, and other areas within the Elkstone 21 building) and Townhome Limited Common Elements (i.e., Townhome yards).
7. Unruly animals are subject to removal by the Association, the Association’s manager and/or Mountain Village law enforcement.
8. No animal may threaten or unreasonably disturb other occupants of the community or otherwise be a nuisance. Nuisance animals are subject to removal by the Association, the Association’s manager and/or Mountain Village law enforcement.

9. Any Owner who violates, or whose guest or invitee violates, these rules may be assessed a fine of up to \$100 per incident per day as determined by the Directors after notice and the opportunity for a hearing pursuant to the Association's notice and hearing procedures in effect from time to time.

10. Any Owner who violates, or whose guest or invitee violates, these rules shall be assessed the cost of enforcement by the Association, including but not limited to all attorney fees and court costs necessary to obtain an injunction or other remedy.

The undersigned certifies that the foregoing was approved and adopted by the Directors of the Association at the annual board meeting held December 9, 2015.

ELKSTONE OWNERS ASSOCIATION, INC.

By:  _____
Wes Link, Secretary