

BARRINGTON NEWS

FEBRUARY 2002

In an attempt to keep the Barrington Park residents better informed of what is happening in our community, this news letter is provided on a monthly basis. Our format has changed to offer more explanation and perhaps even make our "monthly" easier and more enjoyable to read. Residents of Barrington Park are encouraged to submit questions or make suggestions as to what is included in this publication. Simply drop off your articles and/or questions at the office drop box. Please submit items at least 1 week before the end of the month.

THIS MONTHS NEWLETTER We are making a radical but temporary departure from our normal newsletter to address what has become an increasing issue and problem in Barrington Park. We hope that you receive this important information in the spirit in which we give it. Simply, that is to return Barrington Park to the standard as it was designed and organized. We are doing our best to be fair yet firm in our approach to insure each resident's rights are preserved. However, as always, our focus is and must remain to do those things that are in the best interest of our community as a whole.

Barrington Park Board of Directors

PET POLICY AND PROCEDURES

You are making it happen. The issue that caused the majority of homeowners complaints was maintenance (or the lack thereof) and consequently the deterioration of our Park. Even though it is and was distasteful, you tackled the problem by approving the largest increase in the Parks history. We as a Board are confident that you will notice an improvement in our appearance. The issue that brings the second largest number of complaints is rule enforcement (or again, the lack thereof) as it applies to Pets. This one can't be handled by simply raising a fee, wishing it to go away or ignoring the problem. The complaints simply keep growing and compounding. Quite frankly, several Boards have wrestled with the problems. You have undoubtedly seen halfhearted attempts to address the problems all the way from threats, to fines, to stonewalling. The outcome has been disappointing and done nothing other than to bring a great deal of criticism to the Board from both sides of the issue. The Maintenance Fee increase was distasteful. For some of you, solving the pet issue will also be distasteful but simply, this Homeowners Association and Board of Directors has the will and desire to deal with this and see it through.
Here Goes---

We always start with our Association "Covenants, Condition and Restrictions (CC&Rs)". As a reminder, that is the document that all residents, by virtue of being an owner or tenant, agree to live by. Also agreed, is that the Association has the right to enforce those CC&Rs by various and numerous means available to it. The Board of Directors cannot change the CC&Rs and in fact, those very CC&Rs obligate the Board to enforce them. The point is that if you as a pet owner find yourself out of compliance, you will be and remain out of compliance until such time as the CC&Rs could be changed or you correct the situation that takes you out of compliance. (Sounds like a lot of double talk but read carefully because it may help you understand the legalities as we dive deeper into solving this major issue). It requires 65% of the homeowners to agree to change the CC&Rs. We are not trying to bore anyone knowing you can read your own copy, but for convenience we are quoting the applicable paragraph.

Under Article IV. RESIDENCE AND USE RESTRICTIONS, Paragraph 8. Commercial Activities: Pets; It states "No business or commercial activities shall be maintained or conducted on any Lot. No animals, reptiles, rodents, birds, fish, livestock or poultry shall be kept on any lot except domestic cats, dogs, fish, and birds inside cages, may be kept as household pets upon any Lot, provided that they are not kept, bred or raised therein for commercial purposes, or in unreasonable quantities. As used in this Declaration, "unreasonable quantities" shall be deemed to limit the number of dogs and cats so that no more than one (1) dog or one (1) cat shall be allowed to reside or stay at a single lot. The Association shall have the right to prohibit possession of any specific animal that is determined by the board to constitute a nuisance to any lot owner or tenant. Nothing herein, shall be construed to limit in anyway the liability of each owner to each, and all other owners, their families, guests, and invitees for any damage to persons or property caused by any animal brought upon or kept upon said premises by said owner or by his family, guests or invitees."

The simple interpretation is this: **Number One** - Pet owners, you may have one (1) Dog or one 1) Cat, but not both. In addition to the one dog or cat you may have fish and birds as long as they are not excessive. Our interpretation of excessive is if your animal/s in anyway infringes on the right of peace, tranquility, and a healthy environment to any other homeowner are

considered excessive. **Number Two**) - You cannot have rodents, reptiles, or any other animal that was not specifically allowed in the first two sentences of this paragraph. Again, that is a dog or a cat, fish and birds. **Number Three**) - The Board has determined that any animal whose owner does not immediately clean its animal litter from the common area is considered a nuisance and as such is prohibited from possession by the owner and/or tenant. **Number Four**) - The Board has further determined that owners that allow animals to litter on the common areas and do not clean up such litter, have caused damage to the common area, the other homeowners and the Association, and thus are liable for those damages. Special assessments by way of fines will be imposed.

This is a harsh and a no nonsense position we must take. Barrington Park was never advertised to be "Barrington Farms", "Barrington Kennels", "Barrington Cat Houses", or "Barrington Sewage Treatment Plant". There is not one Condo or PUD in this valley that allows or tolerates a "no holes barred" approach to animal control. Many do not allow pets at all. If pet owners cannot live by the declared rules, they should find their own private property on which they can maintain and do with what they wish. Simply, this is what is known as Association living and people who choose such living do so for certain benefits. Consequently, those people also agree to subject themselves to some pretty stiff restriction to obtain those benefits. Some consider this an infringement on personal rights. To those we say, NOT SO, you have the right to live elsewhere under less restrictive rules and regulations. We also say that you have the right to change the CC&R rules by obtaining the proper amount of homeowners to agree with your position.

We think it is also fair to remind those homeowners who choose not to own pets, that this Association has rules that allow certain animals. Occasionally a pet owner may lose control of their pet although they never lose responsibility for it. We ask that homeowners that choose not to own a pet respect the rights of those that do and show a degree of tolerance for that infrequent accident when a pet gets loose or causes a minor nuisance. Perhaps a note or reminder to the pet owner that their animal has escaped or is beginning to cause a problem would be more productive than allowing all out war to erupt. If you are not a pet owner and simply cannot tolerate having any pets around you, then you too have the freedom to find your own private property that you can fence off and prevent any living creature from getting in your space.

Now then--- We've identified the problem. We've reviewed the legal references. We've developed the Association position. And we've given you the lecture. What we are now going to do is provide the Association solution. If you think it is going to be some incredible new plan, it isn't. It is simply TO ENFORCE THE CC&R'S AS WE INTERPRETED THEM ABOVE. Listed below is how we intend to enforce the rules.

Your Association and the Board of Directors who are charged to enforce the rules operate very similar to local governments and their police departments. Although people break rules and laws all the time, police and governments are not and cannot be expected to be so intrusive that they know everything that goes on in the privacy of one's property or all over the community. Unless those charged with enforcing the rules just happen to catch someone in the act, they must rely on people reporting violations. Usually people don't report violations unless their own rights have been violated or the violator's arrogance and disrespect for others becomes too much to bear. Then the enforcers are called in and the rules must be adhered to or penalties applied. In our own little world of Barrington Park from this day forward, We (the Board) assume that no one in this park is in violation of the CC&R's as it pertains to animals. That means we assume no pet owners keep more than one (1) dog or one (1) cat and fish and birds in their home. We also assume that all pet owners always leash their animals and that all homeowners immediately pick up any animal litter from the common areas which also includes decks and patios which are maintained by the Association as a whole. THAT'S IT. We are done with this pet problem thing as of the very moment. There is no animal or pet problem in Barrington Park. In other words folks, if pet owners do not get reported or someone on Board does not actually see a violation we don't have a problem.

---- (Long Pause Inserted) ----

We sure do hope that it stays this way but history tells us that it probably won't, so here is how we will handle the pet problems from here on out. People who wish to make a complaint about someone else's animal are asked to please let us know, preferably in writing, the date, time location and complaint i.e. "loose animal", "owner not picking up after the animal", "too many animals noticed being taken in a residence", "loud barking". Please let us know the address of where the animal lives if known. Try to tell us what kind of and/or color. Please let us know who is making the complaint. We will not act on anonymous complaints although we promise that your name will be kept confidential and never divulged to others. You will see why we want your name in a minute. Drop the complaint in the office drop box or give to a board member. When received, a Board member or ground committee person will be assigned to investigate the complaint. He/she will initially contact the homeowner making the complaint and verify the complaint as well as get additional information. The investigator will also

inform the complainant that unsubstantiated complaints will be considered “nuisance complaints”. When it has been determined that a homeowner has made several “nuisance complaints”, a Special Fine for Pet Control of \$100.00 could be imposed. After meeting with the complainant, the investigator will be given 1 week to determine if the complaint appears to be legitimate. If it is found to be a legitimate complaint, the Board of Directors will issue a warning letter to the violator that provides sufficient details, remedies and suspense to correct problem. The investigator will notify the individual making the complaint that his/her complaint was or was not validated and what action is being taken. If the violator fails to correct the problem or the Association receives another complaint for the same infraction or animal, it will be investigated again. If the 2nd violation is substantiated the Board will issue a \$100.00 Special Fine for Pet Control. If the Association receives a third complaint for the same type of infraction or animal, the Board will again investigate. If substantiated, the Board will issue a written letter to the informing the homeowner that his/her animal has been declared a ‘nuisance animal’ and is prohibited from ownership within the Park boundaries. The homeowner will be given an additional \$100.00 Special Fine for Pet Control and \$3.00 per day charge for everyday they are deemed to be out of compliance. Fines must be paid in the month they are billed or they will accrue late payment charges. Excessive dollar amounts of any type owed to the Association will result in collection by all available means to include Liens.

By now it should be absolutely clear that this Board is serious about animal control. We realize these may seem to be harsh measures. We know that several Boards have attempted to fix the problem with little if any success. We know that more and more of our homeowners have become frustrated with the growing problem caused by irresponsible pet owners. We know that the CC&R’s provide the rules and we know that it is our job to enforce those rules. We also know that there are many homeowners in the park that own pets and are extremely responsible, even to the point of picking up after those that are not. To you, we applaud your efforts and are sorry that you are caught in the middle of this sensitive issue. Our promise is that we will be as fair as possible in administering this policy. Speaking of being fair, we have often quoted and used the CC&Rs to justify our position. We want to remind all homeowners that those same CC&R’s that may seem punitive can and does provide an appeal mechanism. If a violator disagrees with a Board decision or feels that any imposed penalties are too harsh, they have the option to use the Appeals Committee to have their case re-evaluated. This committee will obtain all the facts it can and recommend to the Board to either reduce or change the decision or let it stand. The Appeals Committee cannot recommend more severe penalties so the use of this process hold no risk for those that feel that have been treated unfairly.

All Special Fines for Pet Control will use specifically for reducing problems pets cause around the Park. One example might be that we would from time to time hire people to go throughout the park and clean pet litter from the common areas. Another may be to purchase pet sanitation stations. The point we want to make is that fines from homeowners that violate the rules will be used to help control and address pet issues. That will eliminate non-pet owners from having to pay for problems caused by violations of pet rules.

We sincerely ask for your support and to help fix the second largest issue causing Barrington Park problems. Your constructive comments are always welcome.

FROM MAINTENANCE

This is typically a slower time of year but the Guys have been working on changing out signage, working electrical problem, and getting ready for spring which is right around the corner. As soon as the weather breaks, Roy has already arranged to get two much need roofs replaced and about \$ 1500.00 worth rain gutter work fixed. The crew appreciates keeping vehicles off the roads to facilitate snow removal.

FROM THE BOARD OF DIRECTORS

On the 19th of January, members of the Board Directors, Mary McDermott, David Maxwell, Brent Barrett and Delores Lenhart attended classes presented by the Utah Chapter of the Community Associations Institute. The course was called “The ABCs for Community Associations”. Also attending was Bruce Bollinger, our Finance and Management Advisor. Classes were designed to help Associations deal with numerous issues peculiar to Condominiums and Planned Unit Developments.

For those Homeowners who need some assistance with snow removal (seniors or handicapped) please call the office and leave a message. We will try to get you some help.

Next Board meeting is scheduled for 14 February, 6:30 PM at the office.

BARRINGTON PARK HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS
YEAR 2002

President	Mary McDermott	261-3905	
Vice President	David Maxwell	288-1564	
Treasurer	Brent Barrett	266-2528	
Secretary	Deloris Lenhart	265-0580	
Voting Members	Bill Wassmer	293-8968	
	Robert Van	265-1480	
	Linda James	268-3740	
	Larry Henderson	313-0668	
	Marv Gallenson	262-1694	
Maintenance Manager:	Roy Bollinger	263-0822	Emergency 971-4216
Maintenance	Randy Mitten	263-0822	
Finance Manager:	Bruce Bollinger	558-1737	Home 273-1127
Office	263-3628	Leave a message	

Save for Future Reference

BARRINTON PARK HOMEOWNERS ASSOCIATION
COMMITTEES
YEAR 2002

RV PARK

CHAIRMAN Joe Peterson 265-2206
HOMEOWNER Bill Hagblom

ARCHITECTURAL COMMITTEE

CHAIRMAN Bob Van 265-1480
MAINTENANCE Roy Bollinger 263-0822
MEMBER Larry Henderson
MEMBER Bill Wassmer
HOMEOWNER Mike Perlman

GROUNDS COMMITTEE

CHAIRMAN Deloris Lenhart 265-0580
MAINTENANCE Roy Bollinger
MEMBER Mary McDermott
HOMEOWNER Myrna Peterson
HOMEOWNER Diane Goodman
HOMEOWNER Carol Elmer
HOMEOWNER Laura Geisler
HOMEOWNER Mary Derringer
HOMEOWNER David Ashby
HOMEOWNER Gary Merrill
HOMEOWNER Karen Knigge

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MEMBER David Maxwell
MEMBER Bob Van
MEMBER Mary McDermott
HOMEOWNER Karen Knigge
HOMEOWNER Christina Merrill
HOMEOWNER Myrna Peterson

DOCUMENT & CCRs COMMITTEE

CHAIRMAN Mary McDermott 261-3905
CO-CHAIRMAN David Maxwell
MEMBERS All Board Members
HOMEOWNER Hal Newman
HOMEOWNER Eldon Bodily
HOMEOWNER Evelyn Strong
HOMEOWNER Karen Knigge
HOMEOWNER Jean Smith
HOMEOWNER Brent Shipley

FINANCE COMMITTEE

CHAIRMAN Brent Barrett 266-2528
MANAGEMENT Bruce Bollinger 558-1737
MEMBER Dave Maxwell
MEMBER Bill Wassmer
MEMBER Linda James
HOMEOWNER Gary Merrill
HOMEOWNER Mike Perlman

NOMINATING COMMITTEE

CHAIRMAN Barbara Whaley 268-4625
MEMBER Linda James 268-3740
HOMEOWNER Myrna Peterson
HOMEOWNER Laura Geisler
HOMEOWNER Marilyn Kranc

APEALS COMMITTEE

CHAIRMAN Boyd Mackay 264-8216
MEMBER Deloris Lenhart
MEMBER Bill Wassmer
HOMEOWNER Ray Shiefield
HOMEOWNER Carma James
HOMEOWNER Christina Merrill

NEIGHBORHOOD WATCH COMMITTEE

CHAIRMAN Deloris Lenhart 265-0580
MEMBER Mary McDermott
MEMBER Bob Van
MEMBER David Maxwell
HOMEOWNER Shirley Wassmer
HOMEOWNER Karen Knigge
HOMEOWNER Gary Merrill
HOMEOWNER Myrna Peterson

NEWSLETTER COMMITTEE

CHAIRMAN Bruce Bollinger 558-1737
MEMBERS All Board Members