

ISSUE #1 **Service and Assistance Animals**

MARKUP #1 ->

Pets are not allowed in the Swim Center.

Service and assistance animals may be present when leashed, or in a carrier, or otherwise controlled as required by law, and otherwise under the supervision and restraint of the owner, as required by law. Service animals are not permitted to be on the pool furniture, unless required by law. Do not leave the service animal alone or unattended.

The service animal should rarely, if ever, bark. It may not defecate on the pool deck or furniture, or cause any damage to property. Animals causing a nuisance or damaging property will be required to leave the Swim Center immediately and owners may be held responsible for damage caused. Animals are not allowed in the water, unless required by law.

Please do not feed your service animal at the Swim Center.

If a mess is accidentally made, it is the responsibility of the property owner/guest to clean it up.

Please note, if at any time you lose control of your service animal, or your animal causes a significant disturbance, a member of the PMLA staff may ask you to leave the Swim Center.

Additional Standard PMLA Swim Center Rules

Once you’ve entered the Swim Center, be sure to follow the pool rules. The Pool Manager and Pool Attendants have full authority to enforce these rules. Violations shall result in ejection from the facility and potential suspension of use of the amenity or a monetary penalty in accordance with the PMLA Governing Document Enforcement Procedures.

- People under the age of 14 who cannot swim must remain within arm’s length of a person who can assist at all times
- No person or thing may be thrown in the pool or pool area.
- No masks, fins, snorkels, water wings, ring buoys, rafts, balls, squirt guns, water toys or other “water-aides” are allowed. Pool noodles are allowed.
- No life jackets/vests unless they are Coast Guard approved Type 1 or Type 2.
- No yelling or shouting.
- No chicken fighting or any type of on the shoulders type of activity.
- Running, hitting or conduct harmful to self or others is prohibited in the pool water or on the deck.
- No speed-walking into the pool. Enter from the pool edge.
- No diving, twists, or flips.
- No jumping into the pool from the stairs.
- No rough housing (e.g., no dunking, pushing, or wrestling).
- Ping-pong balls may only be used on the ping-pong table.
- Do not use a ping-pong paddle for anything other than its intended use.
- No water balloons, or balloons in the water.
- No sliding, climbing, swinging etc. on pool railings.
- No spitting or spouting of water or blowing noses in the pool or onto the deck.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. d (p. 5): Blanket pet prohibition violates California Civil Code § 4715, which guarantees every owner the right to keep at least one pet.

Statutory / Legal Reference: Cal. Civ. Code § 4715

Statutory Comparison: Under Cal. Civ. Code § 4715(a), no governing document enacted or amended on or after January 1, 2001 shall prohibit the owner of a separate interest within a common interest development from keeping at least one pet (defined as any domesticated bird, cat, dog, aquatic animal kept within an aquarium, or other animal as agreed to between the association and the homeowner), subject to reasonable rules and regulations of the association.

CURRENT WORDING IN DOCUMENT:

Animals Pets are not allowed in the Swim Center. Service and assistance animals may be present when leashed, or in a carrier, or otherwise controlled as required by law, and otherwise under the supervision and restraint of the owner, as required by law.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to California Civil Code § 4715, each owner of a separate interest is permitted to keep at least one (1) domesticated pet within the owner's separate interest, subject to reasonable Association rules and regulations regarding nuisance, leashing in common areas, and waste removal, and in addition to any assistance animals accommodated under the Fair Housing Act and California Fair Employment and Housing Act (Gov. Code § 12955).