



Luxury Condominium on  
Corpus Christi Beach

## **SERVICE AND EMOTIONAL SUPPORT ANIMALS RULES AND REGULATIONS**

The Breakers is a pet free building. Exceptions are caged birds (limit two) per unit and aquariums. Only Service Animals and Emotional Support Animals are allowed at The Breakers. These Rules and Regulations will apply to both Service and Emotional Support Animals. Emotional Support Animals are not PETS.

Service Animals (hereinafter called "SA") are defined by the ADA as "dogs that are individually trained to do work or perform tasks for people with disabilities". Owners wishing to register their SA at The Breakers must be prepared to answer the following: (1) is the dog a service animal required because of a disability, and (2) what work or task has the dog been trained to perform. SA may be exempt from some of the restrictions listed below. Representing an untrained animal as a trained Service Animal is a misdemeanor punishable by a fine of not more than \$300 and 30 hours of community service in the state of Texas. <https://www.twc.texas.gov/jobseekers/tips-tools-about-service-animals>.

Emotional Support Animals (hereinafter called "ESA") are not Service Animals and different federal, state, county and city laws may apply. It is against the law in Texas for a person to pose an ESA dog as a SA. An Emotional Support Animal is a companion animal that provides therapeutic benefit to an individual with a mental or psychiatric disability. A resident wishing reasonable ESA accommodations must provide a statement from a licensed physician, psychiatrist, social worker, or other mental health professional that establishes that the individual has a qualifying disability and that the Emotional Support Animal provides a specific benefit for the individual (mere companionship does not qualify as a specific benefit). An ESA currently registered and residing at the Breakers is not required to provide new statements.

If acceptable documentation is submitted to The Breakers, an accommodation will be made unless allowing the ESA would impose undue financial or administrative burden or would fundamentally alter the nature of the housing. The accommodation applies to the unit in which to requesting individual resides and does not grant the ESA access to common areas

Accommodations are not required to be made if the SA or ESA is out of control or is not housebroken, or if the specific animal poses a direct threat to the health or safety of others, or if the specific animal would cause substantial physical damage to the property of others.

**PLEASE NOTE:** Owners are responsible for any fines resulting from violations of these Rules & Regulations as incurred by their SA and ESA as well as their tenants' SA and ESA.

Only a registered service or emotional support animal is allowed at The Breakers.

1. Two (no more than 35 pounds each animal) per unit (one animal – cat or dog only per individual allowed) .Emotional Support Animals (hereinafter called “ESA”) have been approved and each must be registered with the office before becoming Breakers residents, including breed description, height, weight, color, name and photo of each and current immunization records and flea preventative documentation for each.
2. Registration must be updated annually including immunization records.
3. No new animals may be brought onto the property without prior written agreement and certification of need. Should either of the two ESA be permanently removed for any reason, a new professional medical recommendation and approval process for any new ESA will be required.
4. Both ESA must be carried, on a leash or in a secure carrier when on The Breakers grounds outside or leading up to owner’s unit.
5. The animal walk/relief area is the grass strip between the south Breakers fence line and Gulf Spray Ave. Owner or walker must pick up their animal’s droppings in a closeable plastic container and deposit them in the garbage dumpster located in the parking lot at the front of the building.
6. All interior offensive odors must be controlled, including on front and back patios and all interior droppings must be picked up and disposed of as outlined above or by flushing down the commode in the owner’s unit. Urine must be cleaned up immediately upon deposit. Droppings may not be cleaned from patios or other areas by sweeping or washing onto common element.
7. No common or limited common element area is an authorized relief area except the area specified in #5 above.
8. Barking, howling, whining, groaning and other noises must be controlled. Animals which frequently make noise which can be heard outside of the boundaries or walls of a condo, as determined by Management, will not be permitted. The owner of the SA and ESA must abide by the Barking Ordinances of the City of Corpus Christi and the county of Nueces.
9. ESA’s will not be permitted in the pool or Lanai areas – indoor or out.
10. A SA and ESA must always be accompanied by the owner/walker of said animal when on the property.
11. An ESA must always be on a leash.
12. An ESA may only enter and exit the Breakers through the front door or the Bay Back door (toward the Beach) and go directly to the elevator to get to the owner’s/tenant’s unit.

13. ESA's are not to ride the elevators with other individuals that are not the animal's owner, the owner's family or the owner's friends. The animal must step out of the elevator (with whoever is in position of said animal) and let the other people ride the elevator without the intrusion of the animal.

14. An ESA is not allowed in any of the common areas of The Breakers, including but not limited to, halls, Lanai, bathrooms, mail boxes, in-boxes, living areas, swimming pool area, BBQ area.

15. Owner of a SA or ESA is to clean after animal's feces and dispose of them by putting them in a plastic bag to be dumped at the large dumpsters located in the parking area by the pool. Owner will receive one written notice for the first observed violation.

16. The owner of the SA and SA must abide by all rules and regulations pertaining to SA and ESA's at all times.

17. Notice of the violation shall be given in writing either by the COA or by the Management. An email notice to the Owner's email registered with the Breakers office is considered written notice. The Breakers reserve the right to file a lawsuit and collect on the fines. The Owner shall be responsible for the attorney's fees and cost incurred on the collection of said fines.

18. Should there be a third violation of any of these rules and regulations, a Special Meeting of Directors shall be called, with SA/ESA Owner attendance mandatory, to establish final resolution of said violation(s).

19. If a special meeting of Directors does not immediately cure violation(s) even if the Owner fails to attend the meeting, the Board of Directors reserves the right to request removal of SA/ESA from property within 48 hours of notification.

20. Failure to pay any fine within the time specified, may result in a lien being placed on your unit.

21. The COA has a right to amend these rules and regulations from time to time as it sees fit.

## **FINES**

The fines will be levied by Management.

Violations of these Rules and Regulations set forth now or in the future will be to the following fines:

Level 1: First Notice - Owner will be notified with the specifics of the violation and the time allowed to cease or cure the violation.

Level 2: Second Notice - For continued or repeat violation of a) or failure to cease or cure the violation by the deadline specified in a). Fine = \$50 per incident or day as explained in the First Notice.

Level 3: Third Notice - Following Second Notice, for continued or repeat violation of a) or failure to cease or cure the violation by the deadline specified in a). Fine = \$100 per incident or day as explained in the First Notice.

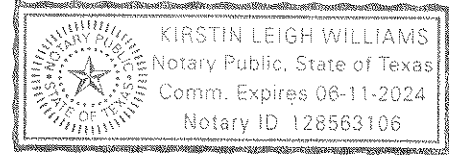
Level 4: Fourth Notice – following Third Notice, for continued or repeat violation of a) or failure to cease or cure the violation by the deadline specified in a). Fine = \$250 per incident or day as explained in the First Notice.

These Service Animal and Emotional Support Animals Rules and Regulations were approved to replace the prior rules and regulations by a majority vote of the Board at the \_\_\_\_\_, 2020 General Meeting.

Signed on 8-10-220 by J. Drawe, Jean Drawe,  
COA's President

STATE OF TEXAS

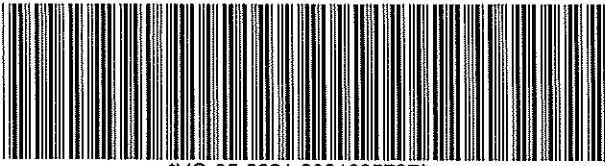
COUNTY OF NUECES



Given under my hand and seal of office this 10<sup>th</sup> day of August 2020

(Personalized Seal) Notary Public's Signature K. Williams

These Service & Emotional Support Animals Rules & Regulations were approved to replace all previous Service & Emotional Support Animals Rules & Regulations by majority vote of a quorum by the Board of Directors at the August 10<sup>th</sup> Board meeting.



\*VG-85-2021-2021035727\*

Nueces County  
Kara Sands  
Nueces County Clerk

**Instrument Number:** 2021035727

Official Public Records

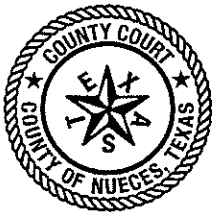
NOTICE

Recorded On: July 13, 2021 01:50 PM

Number of Pages: 6

**" Examined and Charged as Follows: "**

Total Recording: \$37.00



**STATE OF TEXAS**

**Nueces County**

**I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Nueces County, Texas**

Kara Sands  
Nueces County Clerk  
Nueces County, TX

\*\*\*\*\* THIS PAGE IS PART OF THE INSTRUMENT \*\*\*\*\*

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

**File Information:**

Document Number: 2021035727  
Receipt Number: 20210713000174  
Recorded Date/Time: July 13, 2021 01:50 PM  
User: Catherine R  
Station: CLERK02

**Record and Return To:**

THE BREAKERS CONDOMINIUM