

## RESOLUTION TO RESTRICT SMOKING

### BY THE MANAGEMENT COMMITTEE OF THE MOOSE HOLLOW HOMEOWNERS ASSOCIATION, INC. FOR THE MOOSE CONDOMINIUMS AND CASCADE TOWNHOMES

#### RECITALS

WHEREAS, the EPA and the Utah State Legislature have determined that environmental Tobacco smoke is a Group A carcinogen, to which there is no acceptable level of exposure (UCA§78B-6-1105);

WHEREAS, the Utah State Legislature has determined that secondhand tobacco smoke is a nuisance as it is offensive to the senses, injurious to health, and interferes with the comfortable enjoyment of life (UCA §78B-64101);

WHEREAS, Article III, Section 7, Paragraph C. of the Declaration of Condominium of the Moose Hollow Condominium Project (“Declaration”) prohibits nuisances within the Condominium Project;

WHEREAS, each owner, tenant, guest, invitee, or other occupant is bound by the terms of the Declaration;

WHEREAS, the Moose Hollow Condominium Project is managed, maintained, and operated by the Moose Hollow Homeowner's Association Management Committee ("Committee");

WHEREAS, the Committee is authorized to enforce the terms of the Declaration and create rules and regulations concerning the Common Areas and the protection of its members;

WHEREAS, the Committee has received various complaints from members that secondhand tobacco smoke is drifting into their units through open windows and doors, and thereby subjecting them to carcinogens and interfering with their right to the quiet use and enjoyment of their condominium unit. In addition, the Committee conducted a survey to determine the desires of the owners in regards to implementing smoking restrictions, and determined a majority of owners are in favor;

WHEREAS, the Committee deems it in the best interests of the Association to protect the health and well being of its members from the harmful effects of drifting secondhand smoke;

RESOLUTION

NOW, THEREFORE, IT IS RESOLVED, that the Committee hereby defines drifting secondhand tobacco smoke and e-cigarette use a "nuisance" and/or safety hazard and an undue liability risk under the Declaration;

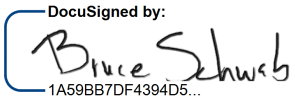
NOW, BE IT FURTHER RESOLVED, that due to the known adverse health effects of secondhand smoke, and the fact that secondhand smoke has been defined as a nuisance by the Utah State Legislature, the Committee hereby declares that tobacco smoking, to include e-cigarettes, shall be prohibited inside any "Condominium Unit" and/or in the "Common and Limited Common Areas" out to a distance of 25 feet from the "Building" as defined in the Declaration of the Moose Hollow Condominium Project. These prohibited areas include the condominium unit patios and decks, stairs (indoor and outdoor), stairwells, common entrance areas, the swimming pool area to include both Jacuzzi areas, and the "Clubhouse" and its associated deck and fitness/recreation room. Smoking will not be prohibited when at a minimum of 25 feet away from the areas listed above or when in a designated smoking area which is identified by signage and contains a cigarette butt trash receptacle.

NOW, BE IT FURTHER RESOLVED, that those who violate the terms of this no smoking policy shall be subject to fines as follows:

- First Violation: Written notice of violation
- Second Violation: \$50.00 fine
- Subsequent Violations: \$100.00 fine

Fines will be collected in accordance with the Rules and Regulations as determined by the Management Committee.

NOW, BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to all Owners at their last known address or by an electronic mailing.

ATTEST:   
 President  
 Moose Hollow Homeowners Association

  
 Secretary  
 Moose Hollow Homeowners Association

Date: 10/23/2014

\*\*The term "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, e-cigarette or other tobacco product in any manner or in any form.