

TANGLEWOOD HILLS CONDOMINIUM ASSOCIATION
Resolution of the Board of Directors

SMOKING

RECITALS

- A. The Tanglewood Hills Condominium Association (“**Association**”) is the association of unit owners charged with the operation and management of Tanglewood Hills Condominium Association, a condominium located in Clackamas County, Oregon (the “**Condominium**”).
- B. The Association is governed by the following governing documents recorded in Clackamas County, Oregon:
1. “**Declaration**” The Tanglewood Hills Condominium was submitted to the condominium form of ownership pursuant to the *Condominium Declaration for Tanglewood Hills Condominium* (“**Declaration**”), recorded on December 7, 2000 as Document No. 2000-078878 in the records of Clackamas County. The *Supplemental Declaration Submitting Stage 2 of the Tanglewood Hills Condominium to Condominium Ownership* (“**Supplemental Declaration for Stage 2**”) was recorded on June 1, 2001 as Document No. 2001-041144, and the *Supplemental Declaration Submitting Stage 3 of the Tanglewood Hills Condominium to Condominium Ownership* (“**Supplemental Declaration for Stage 3**”) was recorded on December 26, 2002 as Document No. 2002-127552 (together “**Supplemental Declarations**”). The Bylaws of Tanglewood Hills Condominium (“**Bylaws**”) were recorded as Exhibit C to the Declaration;
 2. “**Bylaws**” is the *Bylaws of Tanglewood Hills Condominium*, recorded as Exhibit “**C**” of the Declaration in Clackamas County, Oregon.
- C. The Association is also governed by the *Oregon Condominium Act*, Oregon Revised Statutes, Chapter 100 (the “**Condominium Act**”).
- D. ORS 100.405(1)(a) provides that a condominium association serves as a means through which the unit owners may take action with regard to the administration, management, and operation of the Condominium.
- E. Article 4, Section 4.2 of the Bylaws provides that the Board of Directors (“**Board**”) has all powers to direct the affairs of the Association.
- F. Article 4, Section 4.3.8 of the Bylaws and Article 8, Section 8.2 of the Declaration provide that the Board may adopt rules and regulations not inconsistent with the Declaration governing the use of the common elements, and the personal conduct of owners, their families, tenants, and guests thereon, and to establish penalties and fines for the infraction thereof.
- G. Article 8, Section 8.2 of the Declaration and Article 4, Section 4.3.8 of the Bylaws provide that the Board has power to establish rules and regulations, and assess and collect fines for violations.
- H. Smoke, vapor, and odor from cigarettes, cigars, pipes, marijuana, and other potentially harmful materials intruding into the units has become so severe in some instances that it is a trespass by the offender.

- I. Because of the continued intrusion of smoke, vapor, and odor into the units, the Board has received complaints by owners regarding smoking or vaping near units, and near windows and doors of units. The Board has found it to be in the best interests of the Association to establish the following rules and regulations with respect to smoking and vaping.

NOW THEREFORE, the Association adopts the following rules with respect to smoking and vaping:

1. **Definitions.** The following definitions apply to this Resolution, whether or not the terms are capitalized:
 - (a) **“General Common Element”** consists of all parts of the Condominium which are not part of the Limited Common Elements or Units as provided in Article 4 of the Declaration.
 - (b) **“Limited Common Elements”** consists of the patios, the decks, storage area located on a deck or patio, and the numbered parking spaces assigned to the units as provided in Article 5, Section 5.1 of the Declaration.
 - (c) **“Smoking”** means the carrying, burning, lighting, or otherwise handling or controlling any lighted cigarette, cigar, pipe or other smoking product or the vaping of an e-cigarette or vape pen.
 - (d) **“Smoking Product”** means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, any clove, marijuana or other plant matter or product or other form of tobacco that emits a smoke, vapor, or odor.
 - (e) **Other Definitions.** All definitions contained in the Declaration, Bylaws or the Condominium Act apply to this Resolution.
2. **Smoking Prohibition.** Smoking is prohibited in close enough proximity to any unit window, door or near enough to a unit in the condominium such that the smoke, vapor or odor travels or enters a unit. Smoking is also prohibited within the condominium in close enough proximity to another unit such that the smoke, vapor or odor travels, escapes into or enters another unit within the same building. This prohibition applies to each unit owner as well as the unit owner’s family, tenants, and guests.
3. **Remedies for Violations.** The Board shall have the authority to levy fines as provided in the Association’s *Schedule of Fines*, or if no fine has been designated, at a rate of \$100 per occurrence, after providing the owner with notice and opportunity for a hearing. The Association shall have all other remedies at law or in equity to enforce the provisions of these rules and regulations in accordance with the Declaration, Bylaws, and the Condominium Act.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be sent to each unit owner at their last known address. This Resolution shall be binding on each unit owner and occupants as of the date of delivery of this Resolution to that unit owner.

Chairperson,
Tanglewood Hills Condominium
Association

Secretary,
Tanglewood Hills Condominium
Association