

**RESOLUTION
OF THE
SNOW LION AT VAIL CONDOMINIUMS ASSOCIATION, INC.
ADOPTING A RULE GOVERNING
SMOKING IN THE COMMON ELEMENTS**

SUBJECT: Adoption of a rule (“Rule”) governing smoking within the Snow Lion at Vail Condominiums Association community (“Community”).

PURPOSE: To provide notice of the adoption of a Rule prohibiting smoking in or on Common Elements in the Community.

AUTHORITY: The Amended and Restated Declaration, Bylaws, Articles of Incorporation and Colorado Law.

**EFFECTIVE
DATE:** _____

RESOLUTION: The Board hereby adopts the rule set forth below.

WHEREAS, the Board of Directors of the Association has the authority to adopt rules and regulations governing the use of the Common Elements pursuant to Section 4.4 of the Amended and Restated Condominium Declaration for Snow Lion at Vail Condominiums (“Declaration”); and

WHEREAS, Section 4.5.2 of the Declaration provides that “no noxious, offensive, dangerous or unsafe activity shall be conducted in or on any Unit or the Common Elements, nor shall anything be done, either willfully or negligently, which may be or become an unreasonable annoyance or nuisance to the other Owners or Permitted Users ... Determination of whether an activity violates this covenant shall be at the discretion of the Board or a committee appointed by the Board, and shall be subject to Rules adopted by the Board.”; and

WHEREAS, smoking in the General and Limited Common Elements of the Community, or the use of any device to cover up the scent of smoke and which emits another strong odor, may be noxious, offensive, or annoying to residents; and

WHEREAS, the Board of Directors deems it to be in the best interest of the Association and its Members to prohibit smoking in/on any General or Limited Common Elements in the Community, including the use of devices to mask the smell of smoke.

NOW THEREFORE BE IT RESOLVED, The Board of Directors hereby adopts the following Rule regarding smoking within the Community:

RESOLVED, this Rule applies to any person who enters upon the Condominium Project, including without limitation Owners, residents, family members, tenants, visitors and invitees, and that Owners shall be responsible for the violations of their residents, family members, tenants, visitors and invitees;

RESOLVED, that for purposes of this Rule, the term "Smoking" includes the inhaling, exhaling, burning or carrying of any lighted cigarette, cigar or other tobacco product, or marijuana. "Smoking" shall also include the use of products such as electronic cigarettes, personal vaporizers, electronic nicotine delivery systems, other similar products designed for users to inhale or otherwise consume nicotine, marijuana and/or other illegal substances, and devices used to mask the smell of nicotine, marijuana and/or other illegal substances and which emits a strong odor in doing so;

RESOLVED, Smoking, and the use of smoke masking devices or scents, is hereby prohibited in/on all General and Limited Common Elements in the Community;

RESOLVED, that any owner, tenant, guest, or invitee Smoking in a Unit shall take such precautions to prevent smoke migration from the Unit to another Unit including, for example, the use of door sweeps, but keeping in mind that smoke masking devices which emit other strong odors to cover up the smell of smoke may be equally offensive or noxious to a neighbor; and finally

RESOLVED, that in the event any individual is found to be in violation of this Rule, the Association may take enforcement action include levying fines against the relevant Owner, after notice and an opportunity for a hearing, pursuant to the enforcement procedure and fine structure adopted by the Association. The Association may also exercise any other legal remedies available to the Association pursuant to Association policy, the Declaration, and/or applicable law.

PRESIDENT'S

CERTIFICATION: The undersigned, being President of the Association certifies that the foregoing resolution was adopted by the Board of Directors of the Association, at a duly called and held meeting of the Board of Directors on _____, and in witness thereof, the undersigned has subscribed his/her name.

**SNOW LION AT VAIL CONDOMINIUMS
ASSOCIATION, INC.,**
a nonprofit corporation

By: _____
President