

**RESOLUTION TO PROHIBIT SMOKING IN THE COMMON AREAS**

**BY THE MANAGEMENT COMMITTEE OF  
THE WOLF LODGE HOMEOWNERS ASSOCIATION, INC.  
FOR  
THE WOLF LODGE CONDOMINIUM PROJECT**

**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-6-1101);

WHEREAS, Article III, Section 7 of the Declaration of Condominium of the Wolf Lodge 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 Wolf Lodge Condominium Project is managed, maintained, and operated by the Wolf Lodge 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;

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 a "nuisance" under the Declaration;

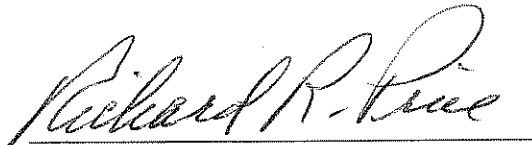
NOW, BE IT FURTHER RESOLVED, that due to the known adverse health effects of secondhand smoke, and the fact that secondhand smoke has been defined as a nuisance by the Utah State Legislature, the Committee hereby declares that tobacco smoking<sup>1</sup> shall be prohibited throughout all the Common Areas of the Wolf Lodge Condominium Project, whether enclosed or outdoors. These prohibited areas shall include the patios, decks, and any storage spaces attached to or adjacent to a Building.


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

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

ATTEST:

  
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President, Management Committee  
Wolf Lodge Homeowner's Association

  
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Secretary, Management Committee  
Wolf Lodge Homeowner's Association

Date: 1 April, 2009

<sup>1</sup> The term "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, or other tobacco product in any manner or in any form.