

**RESOLUTION OF SUNRIDGE AT AVON II CONDOMINIUM ASSOCIATION
REGARDING RULES AND REGULATIONS CONCERNING SMOKING**

SUBJECT: Adoption of a rule governing smoking within the Community.

PURPOSE: To provide notice of the Association's adoption of a rule concerning smoking within the Community.

AUTHORITY: The Declaration for of Condominium for Sunridge at Avon II ("Declaration"), Bylaws, and Articles of Incorporation of the Association and Colorado Law.

EFFECTIVE DATE: August 15, 2025

RESOLUTION:

WHEREAS, Article III, Section 2 of the Declaration provides the Board with the power to enforce and promulgate reasonable rules and regulations governing the use of the General Common Elements; and

WHEREAS, Article V, Section 6 of the Declaration provides that no noxious or offensive activity shall be carried on upon the General Common Elements; and

WHEREAS, smoking within the Community may be noxious, offensive, and/or annoying to residents and/or may interfere with Owners, guests and invitees' ability to enjoy the property; and

WHEREAS, the Board of Directors deems that smoking presents a risk of fire to the property and buildings; and

WHEREAS, the Board of Directors deems it to be in the best interest of the Association and its members to prohibit smoking within the Community.

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

1. Purpose. To provide a clean and healthy environment for Owners and guests, recognizing that secondhand smoke and mist or discharge from e-cigarettes and vaping have direct adverse effects on the health of smokers and nonsmokers alike, as well as having the potential severe effects on those with respiratory or other health related conditions.
2. Scope. This Policy applies to any person who enters upon the Community including without limitation, Owners, guests and invitees. For purposes of this Policy, "Smoking" is defined as the lighting, burning, or heating of tobacco, marijuana, or similar products, regardless of form or any other material permitted by law that may be burned, heated, vaped or otherwise used in any type of smoking device, equipment, or paper. Smoking shall, for this purpose, also include e-cigarettes and other vaping devices.
3. Common Elements. Smoking is expressly prohibited on the Limited Common Elements within the Community, including without limitation, outdoor corridors, decks and

balconies, and all exterior grounds of the Community, excluding the parking lot. The Board of Directors, in its sole and absolute discretion, may designate one or more sections of the Common Elements as smoking areas through appropriate signage. Such areas shall be outside and not within 25 feet of an entry door.

4. Condominium Unit. Owners are encouraged to provide signage advising guests of the prohibition on smoking on the decks and balconies.
5. Enforcement. Violations of this Policy shall be reported, investigated, and remedied in accordance with the Association's Policies and Procedures for Covenant and Rule Enforcement.
6. Defenses. Failure of the Association to comply with any provision in this Policy shall not be deemed a defense to payment of assessment fees or other charges, late charges, return check charges, attorney fees and/or costs as described and imposed by this Policy.
7. Definitions. Unless otherwise defined in this Policy, initially capitalized terms defined in the Declaration or the Association's Governing Documents shall have the same meaning herein.
8. Supplement to Law. The provisions of this Policy shall be in addition to and in supplement of the terms and provisions of the Declaration and Colorado law governing the Community.
9. Deviations. The Board of Directors may deviate from the procedures set forth in this Policy if such deviation is permissible under Colorado law and such deviation is reasonable in the Board of Directors' sole and absolute discretion.
10. Amendment. This Policy may be amended from time to time by the Board of Directors.

PRESIDENT'S

CERTIFICATION:

The undersigned, being the President of Sunridge at Avon II Condominium Association, a Colorado nonprofit corporation, certifies the foregoing Policy was adopted by the Board of Directors of the Association, via an action without a meeting of the Board of Directors on August 15, 2025 and in witness thereof, the undersigned has subscribed their name.

Sunridge at Avon II Condominium Association, a Colorado nonprofit corporation

By: Drew Dodd
Its: President