

SUNSET COVE CONDOMINIUM OWNERS ASSOCIATION, INC.

RESOLUTION ADOPTING SMOKING RULE

THIS RESOLUTION is adopted this 16th day of July, 2021, by the Executive Board ("Board") of Sunset Cove Condominium Owners Association, Inc. ("Association"), at a meeting duly called and a quorum being present.

WHEREAS, Sunset Cove Condominium ("Condominium") exists by virtue of the Declaration of Condominium as recorded in Book 187, Page 1070 on December 9, 1987 of the records of Stone County, Missouri, as amended ("Declaration"); and

WHEREAS, there is scientific evidence of the dangers of secondhand smoke that can result in a nuisance and health risks to others; and

WHEREAS, there are known to be individuals residing in the Condominium who are survivors of cancer and diminished immune systems; and

WHEREAS the Board recognizes the need to regulate the adverse impact of smoking in the Condominium; and

WHEREAS, the Board, with the assistance of counsel, has prepared the "Smoking Rule," which is attached hereto and incorporated herein by reference.

NOW THEREFORE, the Board resolves that the Smoking Rule is adopted by the Board.

The President and Secretary of the Executive Board of Sunset Cove Condominium Owners Association, Inc., by their signatures below, certify that this Resolution has been duly unanimously approved by the Board at a meeting duly held on the date and year appearing above.

Executive Board of Sunset Cove
Condominium Owners Association, Inc.

By: 

President

By: 

Secretary

SUNSET COVE CONDOMINIUM OWNERS ASSOCIATION, INC.
SMOKING RULE

- 1. Reasoning.** Due to the scientific evidence of the dangers of secondhand smoke, the increased risk of fire, increased maintenance and cleaning costs, and to protect all owners' right to enjoyment and use of the Condominium, smoking is restricted and regulated as more particularly described below.
- 2. Definitions.** For purposes of this rule, the term "smoking" shall include inhaling, exhaling, burning, vaping or carrying of any lighted or burning substance in any form, including, but not limited to, tobacco and marijuana products. Further, "nuisance" is used in the same manner as more particularly described in Section 32 of the Declaration.
- 3. Common Elements.** There is no smoking less than fifty (50) feet from the exterior of any building in the Condominium, unless it is within an area designated by the Board as a smoking area. Further, smoking is prohibited within all amenities including the pool and Clubhouse.
- 4. Units.** Anyone that smokes within a Unit shall take all reasonable steps and utilize all devices reasonably available to minimize the migration of secondhand smoke to another Unit or the Common Elements. If such reasonable efforts fail, secondhand smoke shall constitute a nuisance per se and a violation of Section of the Declaration. In such event, and after notice and opportunity to be heard, the Board may prohibit smoking within the violating Unit.
- 5. Remedies.** Regardless of any rule to the contrary, the Board may levy a fine in any such reasonable amount after notice and opportunity to be heard as authorized under the Missouri Uniform Condominium Act. In addition, the Board may suspend any right to access, use, and enjoyment of any amenity as well as the right to vote. These remedies are in addition to any rights and remedies at law and equity and does not inhibit, impair, or prevent an impacted Owner from pursuing any individual potential claims against a violating Owner.