

Foresight Professional Plaza Owners Association

Smoking Rules and Regulations Covenant Enforcement Policy and Procedure Pursuant to C.R.S. §38-33.3-209.5(1)(b)(IV) & HB 22-1137

BE IT RESOLVED, the Association hereby adopts the following procedures to be followed for enforcing smoking policies, rules, and regulations of the Association.

Scope: To adopt a procedure and policy outlining procedures to be followed for enforcing smoking policies rules and regulations and other governing documents of the Association, as well as in accordance with local and state statutes.

Purpose:

- Protect the health, safety, quiet enjoyment, and property of Unit owners, tenants, employees, invites and visitors by restricting smoking, vaping, and use of other tobacco or nicotine products on Association property.

Definitions

- “Smoking” means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or any other lighted smoking device; the use of electronic smoking devices (e-cigarettes, vapes); and the use of smokeless tobacco products when such use causes nuisance or odor into common areas or neighboring Units.
- “Common Elements” and “Unit” have the meanings used in the Declaration/ of CC&Rs.

General Prohibition

- Smoking is prohibited in all indoor Common Elements and in all Unit interiors where smoking would violate any lease, law or cause nuisance or infiltration into other Units or Common Elements.
- Smoking is prohibited within any portion of the Property that the Association designates as smoke-free (including but not limited to building entrances, lobbies, stairwells, hallways, elevators, restrooms, and shared walkways).

Outdoor Distance from Building

- To reduce smoke infiltration into buildings and common areas, smoking by customers and visitors is prohibited within 25 feet of any building entrance, operable window, ventilation intake, or outdoor seating area unless the Board adopts a different distance by rule after legal review.
- (Note: This 25-foot distance is a permissible HOA rule to protect occupants. The Board may adopt an alternative distance to comply with applicable state or local laws or upon legal advice.)
 - Smoking by employees, residents/owners of the building is prohibited within 50 feet of the building, common areas, dumpster and any open door, vent, and/or window.

Signage and Notices

- Businesses, owners, and tenants may post polite, non-commercial notices asking customers to refrain from smoking within the prohibited distance and to use designated smoking areas if provided.

- All signage on Common Elements must comply with Section 26 of the Declaration/CC&R (Signs) and receive prior written approval of the Association when required by the Declaration.

Enforcement and Remedies

- All violations will follow the Associations' rules as established in the Covenant Enforcement Policy.
- An Owner is responsible for compliance with that Owner's tenants, employees, invitees and customers. The Association may assess costs of remediation, repairs or damage caused by prohibited smoking against the responsible Owner's Unit (per CC&R assessment provisions).

Complaints and Investigation

- Complaints must be submitted in writing to the Association. The Board or authorized manager will investigate and apply enforcement consistently and in accordance with any adopted enforcement procedures.

Conflicts and Legal Compliance

- These Rules are adopted pursuant to the Association's powers under the Declaration/CC&R (see "Association Powers" and enforcement clauses). If any provision of these Rules conflicts with the Declaration/CC&R or applicable Colorado or local law, the Declaration/CC&R and such law control.
- The Board may amend these Rules as needed, provided amendments do not improperly alter the Declaration without the approval required under the Declaration (see "Revocation or Amendment of Declaration," p.13 of the attached CC&R for required percentages).

Effective Date

- These Rules become effective on the date adopted by the Board and shall be posted and distributed to Owners, tenants and commercial occupants.

Responsibility of Curing: Owners are responsible for any fines that may be levied against their property due to non-compliance of their tenants.

Dues Collection: Non-payment of fines will fall under the Dues Collection Policy.

Voting: Voting rights will be suspended for any Owner who is or has been in violation of the CC&Rs in the previous thirty (30) days.

Definitions: Unless otherwise defined in this Resolution, initially capitalized or terms defined in the Declaration shall have the same meaning therein.

Supplement to Law: The provisions of this Resolution shall be in addition to and in supplement of the terms and provisions of the Declaration and the law of the State of Colorado governing the Project.

Deviations: The Board may deviate from the procedures set forth in this Resolution if in its sole discretion such deviation is reasonable under the circumstances.

Amendment: The Board of Directors may amend this procedure from time to time.

President's Certification: The undersigned, being the President and/or the duly elected Director or Managing Agent of the Association, certifies that the Board of Directors of the Association adopted the foregoing resolution and in witness thereof, the undersigned has subscribed his/her name.

Foresight Professional Plaza Owners Association

Cory Carlson 04/21/2026

President and/or Managing Agent

Effective Date: 04/21/2026
