

**ASSOCIATION OF UNIT OWNERS OF FLANDERS LOFTS,  
A CONDOMINIUM  
Resolution of the Board of Directors**

**SMOKING**

**RECITALS**

- A. **"Association"** is the "Association of Unit Owners of Flanders Lofts, a Condominium" which is also an Oregon nonprofit corporation.
- B. The Association is governed by the following documents:
1. *Declaration Submitting Flanders Lofts, A Condominium to Condominium Ownership* recorded on August 15, 1997 as document number 97123846 in the records of Multnomah County, Oregon, including any amendments thereto ("**Declaration**");
  2. *Bylaws of the Association of Unit Owners of Flanders Lofts, a Condominium*, recorded as Exhibit C to the Declaration recorded with the same document number as the Declaration in the deed records of Multnomah County, Oregon.
  3. First Amendment to the Bylaws of the Association of Unit Owners of Flanders Lofts, a Condominium recorded on March 16, 2005 as document number 2005-044825 in the deed records of Multnomah County, Oregon
  4. Second Amendment to the Bylaws of the Association of Unit Owners of Flanders Lofts, a Condominium recorded on February 11, 2013 as document number 2013—020001 in the deed records of Multnomah County, Oregon (Items B2 – B4 collectively shall be referred to herein as the "**Bylaws**").
- C. The Association is also governed by the Oregon Condominium Act, ORS Chapter 100.
- D. ORS 100.405(3), Article 14, Section 14.3 of the Declaration and Article 3, Section 3.7 of the Bylaws vest the Board of Directors ("**Board**") with all of the powers and duties necessary for the administration of the affairs of the Association.
- E. ORS 100.405(3) and Article 7, Section 7.5(l) of the Bylaws empower the Board to adopt Rules and Regulations.
- F. ORS 100.405(4)(k) and Article 7, Section 7.6(c) of the Bylaws provide that the Board may levy reasonable fines for violations of the Declaration, Bylaws, and Rules and Regulations of the Association after notice and an opportunity to be heard, if the fine is based on a *Schedule of Fines* adopted by a resolution of the Board.

- G. From time to time, the Board has received complaints of owners smoking or vaping on or around Condominium common elements. The Board has found it to be in the best interests of the Association to refer the following rules and regulations with respect to smoking and vaping to the owners.


**NOW THEREFORE**, the Association adopts the following rules with respect to smoking and vaping:


1. **Definitions.** The following definitions apply to this Resolution, whether or not the terms are capitalized:
  - (a) **"General Common Element"** consists of all parts of the Condominium which are not part of the Limited Common Elements or Units as provided in Article 5 of the Declaration.
  - (b) **"Limited Common Elements"** consists of parking spaces within the garage and the balconies and decks adjoining the Units pursuant to Article 6 of the Declaration.
  - (c) **"Smoking"** means the carrying, burning, lighting, or otherwise handling or controlling any lighted cigarette, cigar, pipe or other smoking product or the vaping of an e-cigarette or vape pen.
  - (d) **"Smoking Product"** means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff, any clove, marijuana or other plant matter or product or other form of tobacco that emits a smoke, vapor, or odor.
  - (e) **Other Definitions.** All definitions contained in the Declaration, Bylaws, or the Oregon Condominium Act apply to this Resolution.
2. **Smoking Prohibition.** Smoking is prohibited on all General Common Elements and Limited Common Elements of the Condominium. This prohibition applies to each Unit Owner as well as the Unit Owner's family, tenants, guests, and authorized occupants.
3. **Remedies for Violations.** The Board shall have the authority to levy fines as provided in the Association's *Schedule of Fines*, or if no fine has been designated, at a rate of \$250 per occurrence, after providing the owner with notice and opportunity for a hearing. The Association shall have all other remedies at law or in equity to enforce the provisions of these rules and regulations in accordance with the Declaration, Bylaws, and the Condominium Act.

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**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be sent to each Unit Owner at their last known address. This Resolution shall be binding on each Unit Owner and occupants as of the date of delivery of this Resolution to that Unit Owner.

DATED: 10/27/19

  
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Chairman, Board of Directors,  
Association of Unit Owners of Flanders  
Lofts, a Condominium

  
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Secretary, Board of Directors,  
Association of Unit Owners of Flanders  
Lofts, a Condominium