



## **Non-Smoking Policy**

Resolution 03-17-05; Adopted January 24, 2017

### **I. Purpose**

The purpose of this document is to define the policies of Third Laguna Hills Mutual (Third) regarding smoking in private Units and common area.

### **II. Definitions**

For the purposes of this policy:

- a. Common area means the area which is available for use by more than one person.
- b. Community Rules are defined as the Bylaws, Covenants, Conditions, and Restrictions (CC&R's), Articles of Incorporation, or any rules and regulations of Third.
- c. Enclosed is defined as an area closed in by a roof and contiguous walls or windows, connected floor to ceiling with appropriate opening for ingress and egress.
- d. Member is defined as any person entitled to membership in Third.
- e. Multi-unit residential facility means a building or portion thereof that contains more than one dwelling Unit.
- f. Private residence is defined as that portion of any Condominium which is not owned in common with other owners.
- g. Smoking is defined as inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, e-cigarette, pipe, cannabis, or other substances in any manner or in any form.
- h. Smoking products are defined as Tobacco and marijuana.

### **III. Condition**

Smoking is prohibited in the following areas:

- a. Enclosed areas of all public places, including lobbies, elevators, hallways and other areas used by members of the public.
- b. Elevators, hallways, recreation rooms, laundry rooms, stairs, and other common areas in multi-unit residential facilities.
- c. Unenclosed hallways, entryways, breezeways, stairways accessible and useable by more than one residence.

- d. Balconies and patios in residential facilities. For the purpose of this policy, balconies and patios shall include unenclosed and screened patios and balconies as well as enclosed patios and balconies unless windows and doors are closed to prevent the escape of smoke.
- e. Carports, underground parking areas and an enclosed vehicle.
- f. Any common area within 20 feet from any building.
- g. Any common area outside of 20 feet where smoke enters any enclosed area.
- h. Private residence which create a nuisance to adjacent residents. If smoking in private residence, adequate ventilation devices, such as air-purifiers, etc. must be used.
- i. Smoking marijuana is only permitted inside a residence.

#### **IV. Enforcement**

Third is authorized to take disciplinary action against a Member found to be in violation of the Non-Smoking Policy. When a violation occurs the Board is obligated to evaluate and impose if appropriate, member-discipline as set forth in the governing documents. The Board of Directors has the authority to impose monetary fines, suspend Member privileges, and/or bring forth legal action.

The Member is entirely responsible for ensuring that the rules, regulations, and policies are following by anyone they allow into the community. This includes any Co-occupant, lessee, guest, care provider, vendor, invitee or contactor.

Furthermore, the following guidelines define the responsibility for remediation costs associated with second-hand smoke infiltration:

- a. Remediation costs considered reasonable would be paid for by the Member responsible for the second-hand smoke.
- b. Remediation costs due to defects or damages to property which is Third's responsibility would be paid for by Third.
- c. Remediation costs beyond those which would be construed as reasonable would be borne by the reporting party.

A complaint may be registered with the Compliance Department by calling 949-268-CALL or [compliance@vmsinc.org](mailto:compliance@vmsinc.org) or by calling the Security Department at 949-580-1400.