

**BOARD OF DIRECTORS FOR THE DARBY ESTATES CONDOMINIUM ASSOCIATION
RESOLUTION 2014 - 01 SMOKING POLICY
REVISING AND RESTATING RESOLUTION 2011 – 08: SMOKING POLICY**

WHEREAS, Article 3, Section 3.1 of the Bylaws; Article 10, Section 10.4.1 (a) of the Darby Estates Condominium Declaration; and RCW 64.34.304 of the Washington Condominium Act authorize the Board to adopt and amend rules and regulations so long as the rules and regulations do not conflict with the Condominium Instruments; and

WHEREAS, it is the intent of the Board that this Resolution be applicable to all owners, tenants, guests, invitees, or others entering upon the common elements and into the units, and that this Resolution shall remain in effect until otherwise rescinded, modified or amended by a majority of the Board; and

WHEREAS, the Board has determined it to be in the best interest of the Association to revise and restate it's previously established policy regarding smoking at the Darby Estates Condominium.

NOW, THEREFORE BE IT RESOLVED THAT:

General Regulations:

1. Smoking shall be prohibited at all times on all of the enclosed common elements including breezeways, hallways, stairwells, storage rooms and sprinkler rooms.
2. Smoking shall be permitted on open common elements including outdoor walkways, parking lots and lawn areas so long as you are more than 25 feet from any building. There shall be NO smoking within 25 feet of any building and/or building entrance.
3. There shall be NO smoking on individual unit patios or balconies. However, smoking is permitted within the interior boundaries of individual units, but the smoke and odor must be contained within unit. Unit owners and residents who smoke in their units are also encouraged to use air filtering devices to minimize the impact of smoke emanating from an individual unit.
4. Lighted and/or unlighted tobacco products shall be disposed of properly in the proper waste receptacles. They shall not be thrown from balcony or patio areas. They shall not be deposited on open common elements including outdoor walkways, parking lots and lawn areas. Neither lighted nor unlighted tobacco products shall be left unattended in any manner.
5. Tampering with smoke detectors located in breezeways, hallways, stairwells, storage rooms, sprinkler rooms, and individual units is against the law and is strictly prohibited.

Enforcement:

1. When alerted to a violation, either the Management Company or the Board will send the unit owner and, if appropriate, the resident, a written Notice of Hearing stating that a hearing will be held to consider the violation. If the alleged violator is a tenant, a copy of this Notice of Hearing will be sent to the unit owner.
2. Both the Notice of Hearing and the hearing shall comply with the standards established in the Association's Due Process/Fee Schedule Resolution 2011-01.


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3. If, at the conclusion of the hearing, the Board determines that a violation has occurred, the Board may impose a charge of up to \$50.00 for each single occurrence or \$10.00 per day (for up to 90 days) for a violation of a continuing nature, pursuant to authority contained in Washington Condominium Act, RCW 64.34.304(j) Condominium Act. The assessed charge will become a lien against the unit of the owner and is collectible in the same manner as any ordinary assessment.
4. If the Board determines that property damage has occurred as a result of a violation of this Resolution, those responsible for the damage may be held responsible for all repair and replacement costs, including any associated legal fees.

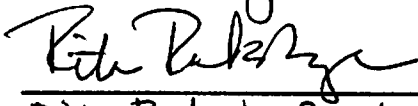
Unit owners who lease their units must provide proof to the Darby office that tenants have received a copy of this resolution. Non-resident owners have forfeited their rights to use of common elements but still retain their right to vote.

ATTESTED that this resolution was approved by the Board of Directors on NOV 17, 2014, 2014.

DARBY ESTATES CONDOMINIUM ASSOCIATION,
A WASHINGTON NONPROFIT CORPORATION,

By: 

Lawrence Wong, President

By: 

Rita Rukshaz Secretary