

**THE MARINERS VILLAGE CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.**

**POLICY RESOLUTION NO. 2023 - 1**

**SMOKING POLICY**

**WHEREAS**, Article VIII of the Bylaws provides that the Board of Directors shall have all of the powers and duties necessary for the administration of the affairs of The Mariners Village Condominium Unit Owners Association, Inc. (“Association”), and may do all such acts and things as are not by the Virginia Condominium Act (the “Act”), the Association’s Declaration or Bylaws required to be exercised and done by the Association’s members;

**WHEREAS**, §13.1-853 of the Nonstock Corporation Act provides that all corporate powers shall be exercised by or under the authority of the Board of Directors, permitting it to adopt and amend Rules and Regulations deemed necessary for the benefit and enjoyment of the Condominium;

**WHEREAS**, the Preamble of the Declaration of Condominium (“Declaration”) provides that all Units and the Common Elements are subject to the Declaration and Bylaws, which run with and bind the property;

**WHEREAS**, pursuant to §55.1-1960.1 of the Act, the Board of Directors may adopt reasonable rules that restrict smoking in the condominium, including rules that prohibit smoking in the common elements and units;

**WHEREAS**, the Association’s condominium instruments, which include its Declaration and the exhibits, including, but not limited to the Bylaws, attached to and filed therewith (collectively, the “Condominium Instruments”), do not prohibit the Board from adopting reasonable rules that restrict smoking anywhere in the Condominium;

**WHEREAS**, the Board has determined it to be in the best interest of the Association to establish a policy regarding smoking at the Condominium; and

**WHEREAS**, it is the intent of the Board that this resolution (the “Resolution” or “Smoking Policy”) be applicable to all Unit Owners, tenants, guests, invitees, and others entering upon the Common Elements, Limited Common Elements and into Units at the Condominium and that this Resolution shall remain in effect until otherwise rescinded, modified, or amended by a majority of the Board.

**NOW THEREFORE, BE IT RESOLVED THAT** the Board of Directors hereby adopts the following resolution regarding smoking at Mariners Village Condominium, which will supersede any current or previously adopted rules or policies of record of the Association regarding the same subject matter.

## **I. General Regulations**

A. Smoking, vaping and other similar e-cigarette use shall be prohibited at all times throughout the community, including the Units and all of the Common Elements and Limited Common Elements.

B. Smoking shall include the inhaling, exhaling, breathing, carrying, or possession of any lit cigarette, cigar, pipe, other product containing any amount of tobacco or other similar heated or lit product, including but not limited to marijuana, and vaping and e-cigarettes.

C. No Unit Owner shall permit the violation of this Policy by any occupant, agent, tenant, invitee, guest, friend, or family member. Violation of this rule shall constitute a violation of the Rules and Regulations of the Association and a nuisance, subject to penalty.

## **II. Procedures for Resolving Smoking Issues**

A. Any Owner concerned with a smoking-related problem should attempt to arrive at a solution to the problem with the other Owner in a courteous and helpful manner. If this does not resolve the problem, the concerned Owner should initiate enforcement proceedings as outlined below in Section III of this Resolution.

B. Penalties for violation of applicable local ordinances may be enforced by the locality without regard to any remedies pursued by the Association.

## **III. Enforcement**

A. If personal attempts at a solution fail, and the resident wishes to pursue a complaint through the Association, then a written complaint shall be filed with the Association's property manager ("Managing Agent"). The complaint must document the problem as thoroughly as possible. Documentation must include the Units involved, a complete description of the problem or disturbance, and dates and times of disturbances (whenever possible) as well as a brief description of informal attempts to solve the problem.

B. The Managing Agent will refer the matter to the Board of Directors, which may initiate enforcement action in accordance with the provisions of the Complaint and Due Process policies or resolution then in force.

C. The Association reserves the right to exercise all other powers and remedies provided by the Condominium Instruments and/or applicable local, state and federal laws. Additionally, all expenses and/or attorney's fees incurred by the Association in enforcing the provisions of this Resolution shall be the sole responsibility of the violating Unit Owner.

D. The remedies stated herein shall not constitute an election of remedies and all remedies shall be deemed cumulative.

**THE MARINERS VILLAGE CONDOMINIUM UNIT OWNERS ASSOCIATION, INC.  
RESOLUTION ACTION RECORD**

**Resolution Type:** Regulatory                      **No.:** 2023 - 1

Pertaining to: Smoking Policy

Duly adopted by the Board of Directors of The Mariners Village Condominium Unit Owners Association, Inc. on September 24, 2023, by [check applicable]:

- majority vote at a Board meeting, or
- unanimous written consent through an action without a meeting.

Motion by: Brian Miller                                      Seconded by: John Campbell

VOTE:

	YES	NO	ABSTAIN	ABSENT
John Campbell _____, Director	<u>  X  </u>	_____	_____	_____
Cinda Curfiss _____, Director	<u>  X  </u>	_____	_____	_____
Michael Judd _____, Director	<u>  X  </u>	_____	_____	_____
Brian Leighton _____, Director	<u>  X  </u>	_____	_____	_____
Teresa Maddox _____, Director	<u>  X  </u>	_____	_____	_____
Brian Miller _____, Director	<u>  X  </u>	_____	_____	_____
Stephanie Ostrowski _____, Director	<u>  X  </u>	_____	_____	_____

ATTEST:

Teresa J. Maddox  
Secretary

10/2/2023  
Date

Resolution adopted on date above to be effective as of January 1, 2024.

CERTIFICATE OF MAILING

I hereby certify that on the 4<sup>th</sup> day of October, 2023, a copy of the above-referenced Policy was mailed (by first-class U.S. mail) to all Owners as reflected in the Association's books and records (or emailed to those Owners who have consented to receiving Association notices by email).

Margaret Baker  
Managing Agent