

REGENCY TOWER MOVES TO BECOME NON-SMOKING

The Board of Directors has taken a major step toward moving the Tower to become a non-smoking building. The Board has passed a rule that there will be no smoking in the Tower, including individual units and balconies, after January 1, 2019. **However, current smokers (owners and renters) will be allowed to continue smoking until leases end or the unit is sold.** Current smokers will be asked to register with the Regency Management so we know which units are covered by this exception.

The Board is also recognizing that second-hand smoke is a potential nuisance (there is no safe-level of second-hand smoke) and will be treating smoking complaints as it treats other nuisance complaints in the Tower. This will mean that those who continue to smoke will have to be mindful of the effects of their smoking on their neighbors.

The non-smoking rule does not apply to the Square at this time. Smoking will stay prohibited in the pool area.

WHY TAKE THIS STEP? The Board has considered the following:

- We have had several complaints about second-hand smoke in residential units and common areas.
- The Board has been reviewing this issue for several months with several meetings with legal counsel, realtors and other managers whose condos are dealing with the smoking issue.
- We are concerned about the potential loss of condo sales here at The Regency.
- The Tower's construction makes it impossible to fix the second-hand smoke issue on a case-by-case basis.
- We have an obligation to protect non-smokers from second-hand smoke health issues.
- We want to prevent as much as possible future nuisance complaints about second-hand smoke in the halls and the units.
- We have concluded that becoming non-smoking will preserve and increase property values at the Regency.
- We want to avoid as much as possible legal costs related to smoking issues.

The Non-smoking Administrative Resolution passed by the Board is attached. BOARD AND MANAGEMENT WILL EXPLAIN FURTHER AND ANSWER QUESTIONS AT THE NOVEMBER 27th OWNERS MEETING.

2444 MADISON ROAD CONDOMINIUM OWNERS ASSOCIATION, INC. (AKA, THE REGENCY)

ADMINISTRATIVE RESOLUTION ADOPTING A PROHIBITION ON SMOKING IN THE REGENCY TOWER BUILDING

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WHEREAS, 2444 Madison Road Condominium Owners Association, Inc., also known as The Regency, ("Association") is an Ohio non-profit corporation that was formed for the purpose of administering The Regency Condominium; and

WHEREAS, the Association is governed by the Declaration of Condominium Ownership for The Regency, a Condominium ("Declaration"), its Articles of Incorporation, and its By-Laws; and

WHEREAS, R.C. 5311.081(B)(5) provides that unless otherwise provided in the declaration, the board of directors of a condominium may adopt rules that regulate the use or occupancy of units when the actions regulated by those rules affect common elements or other units; and

WHEREAS, the Declaration does not prohibit the Board of Directors of the Association from adopting rules that regulate the use and occupancy of Units when the actions regulated by such rules affect Common Elements and other Units; and

WHEREAS, Article II, Section C of the Declaration provides that the Association was established "to administer the Condominium Property" and "to provide for the well-being of the Unit Owners and in order to promote and preserve the value of the Condominium Property;" and

WHEREAS, Article VIII, Section J of the Declaration states that "no person may conduct any noxious or offensive activity in any Unit or in or upon any Common Areas;" and

WHEREAS, The Regency Condominium is comprised of Residential Units located in the low-rise, two-story Building B called "Regency Square", and Residential Units located in the high-rise Building A, which is called "Regency Tower."

WHEREAS, in recognition that secondhand smoke causes harmful effects; that unavoidable smoke infiltration occurs between Units in a high-rise style tower building; that smoking can create a risk of fire hazard in the high-rise style condominium building; and based upon consideration for the common good without prejudice toward either smokers or non-smokers, the Board of Directors desires to make Regency Tower smoke-free;

NOW, THEREFORE, to effectuate the above purposes, the Board of Directors hereby adopts the following administrative resolution:

1. It is hereby prohibited for anyone to smoke any tobacco or marijuana product, whether rolled or in a pipe or through any other method of smoking that emits secondhand smoke or any harmful substance, in any Common Area, Limited Common Area, or in any Unit located within Regency Tower Building A. This smoking prohibition applies to the Common Area land surrounding Regency Tower up to twenty feet away from the exterior walls of Regency Tower. Smoking of e-cigarettes, also known as “vaping,” shall not be prohibited by this Administrative Resolution.
2. Notwithstanding the above prohibition, Residents in Regency Tower who are current smokers on the date this Resolution is made may continue to smoke in their own Unit, provided that: (i) they notify the Association’s managing agent that they are currently a smoker, by December 1, 2018; and (ii) second hand smoke does not penetrate any Common Area, Limited Common Area, or other Unit.
3. The Board reserves the right to review the Administrative Resolution from time to time and make changes, including but not limited to a complete ban on smoking on the Condominium Property.
4. This Administrative Resolution shall be effective on January 1, 2019 (“Effective Date”).
5. Secondhand smoke is hereby declared by the Board to be a nuisance. Therefore, if, after the Effective Date a resident reasonably believes that someone is smoking in a restricted area of The Regency Tower or that secondhand smoke is being allowed to penetrate any Common Area, Limited Common Area, or another Unit, that resident must submit their complaint, along with any relevant details evidencing their reasonable belief, in writing to the Association’s managing agent.
6. Upon receiving a complaint of smoking in a prohibited area and the written details giving rise to the complaint, the Association’s managing agent will investigate the matter using reasonable means to do so.
7. Starting on the Effective Date, enforcement assessments shall be levied according to the following schedule, starting on June 1, 2019:
 - a. For a first offense, there shall be a written warning;
 - b. For a second offense, the assessment shall be \$100.00;
 - c. For a third offense, the assessment shall be \$150.00;
 - d. Thereafter, the assessment for each subsequent offense in a calendar year shall be \$150.00.
 - e. Unpaid enforcement assessments shall be a lien upon the Unit in which the resident resides and may be collected in accordance with the Association’s collection policy in effect at the relevant time.

NOW, THEREFORE, be it resolved that at least a majority of the Board Members have voted in favor of the preceding Administrative Resolution.

Adopted this 22nd day of October, 2018.

Jerry V. Lawson
By:
President

J. J. Berk
By:
Vice President

Dan J. Gelfand
By:
Secretary

Michael T. Boser
By:
Treasurer

William M. Sullivan
By:
Board Member

James W. Fry
By:
Board Member

By:
Board Member

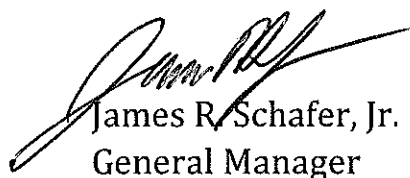


Please be advised of the policy change to the Administration Resolution prohibiting smoking. Effective January 1st, 2021, smoker fines has been changed to the following:

- a. For a first offense, there shall be a written warning.
- b. For a second offense, the assessment shall be \$100.00.
- c. For a third offense, the assessment shall be \$250.00.
- d. Thereafter, the assessment for each subsequent offense shall be \$500.00. (The words "in a calendar year" have been removed).

All other aspects in the Administration Resolution on Smoking signed October 22, 2018 remains unchanged.

Sincerely,



James R. Schafer, Jr.
General Manager