

**RESOLUTION
OF THE
SIERRA POINTE HOMEOWNERS ASSOCIATION, INC.**

Subject: Policy on odors.

Purpose: To provide notice of the Association's adoption of a Policy concerning odors in the community.

Authority: Amended and Restated Condominium Declaration for Sierra Pointe Condominiums (the "Declaration"), and Colorado law.

Properties Affected: All real property subject to the Declaration in El Paso County, Colorado.

Effective Date: January 1, 2014.

Resolution: The Association has adopted the attached Policy on odors pursuant to the Declaration and Colorado law.

Secretary's Certification: The undersigned, being the President and Secretary of the Sierra Pointe Homeowners Association, Inc. ("Association") certify that the foregoing Resolution was approved and adopted by the Board of Directors of the Association at a duly called and held meeting of the Board of Directors of the Association on _____, 20__ and in witness thereof, the undersigned have subscribed their name.

Sierra Pointe Homeowners Association, Inc.,
a Colorado nonprofit corporation

By: Laura Nelson
Print Name: Laura Nelson
President

Sierra Pointe Homeowners Association, Inc.,
a Colorado nonprofit corporation

By: Kristina Burns
Print Name: Kristina Burns
Secretary

SIERRA POINTE HOMEOWNERS ASSOCIATION, INC.

POLICY NO. M

Adopted _____, 20__.

ODORS WITHIN THE SIERRA POINTE COMMUNITY

Background

The Colorado Clean Indoor Air Act (effective July 1, 2006), C.R.S. § 25-14-201, *et seq.*, provides that smoking is prohibited within common areas of condominiums. The Board of Directors has determined that smoking of tobacco and/or marijuana in the General Common Elements constitutes a noxious and offensive odor and is hazardous and unsafe for a majority of residents in the community. The United States Surgeon General's 2006 Report on the Health Consequences of Involuntary Smoking affirms the negative health consequences of exposure to second-hand smoke.

Moreover, to the extent that an Owner smoking in an Individual Air Space Unit constitutes a nuisance to that Owner's neighbor, such behavior will similarly be subject to regulation and enforcement as set forth below and in accordance with the Association's Covenant Enforcement Policy (Policy E). A nuisance is any unreasonable use or practice which is the source of annoyance to residents or which interferes with the peaceful enjoyment of the community and/or the Individual Air Space Units in the Condominium Buildings.

Therefore all common areas, including Limited Common Elements of Sierra Pointe will be non-smoking areas. The authority for this Policy is granted by the Amended and Restated Condominium Declaration for Sierra Pointe Condominiums, Article 12, Section 12.9, "Nuisances," Article Six, Section 6.5 "Promulgation of Rules and Regulations," and Colorado law.

Furthermore, to the extent that the growing of marijuana, including medical marijuana, in an Individual Air Space Unit, results in an odor which constitutes a nuisance to an Owner's neighbor, that Owner will similarly be subject to regulation and enforcement as set forth below and in accordance with the Association's Covenant Enforcement Policy (Policy E). Owners will be responsible for any additional costs or damage resulting from a violation of this rule and restriction, including but not limited to any increased water and utility charges or mold remediation efforts.

Resolution

It is hereby resolved as follows:

- Smoking is prohibited on all General Common Elements and within all Condominium Buildings in the community.
- Smoking on Limited Common Elements such as porches and balconies is prohibited.
- Smoking within Individual Air Space Units is allowed so long as smoke is not permitted to emanate to General Common Elements, Limited Common Elements, or other Individual Air Space Units.

- Growing, including medical marijuana, is allowed within Individual Air Space Units so long as the odor is not permitted to emanate to General Common Elements, Limited Common Elements, or other Individual Air Space Units. Owners who grow within Individual Air Space Units may be responsible for any increased water and utility charges or mold remediation costs.
- In the event that the Association or its managing agent receives a complaint from a resident relating to the odor from the smoking or growing of marijuana, it shall handle those complaints pursuant to the terms of the Association's Covenant Enforcement Policy.
- In addition to the remedies set forth in the Association's Covenant Enforcement Policy, the Association may have the area (vents, ceilings, etc.) where the odor could be travelling to the other Individual Air Space Unit inspected to determine whether any repairs or actions are needed to be undertaken by the Owner.
- The Association may also contact the Individual Air Space Unit Owner's neighbors, to advise them of the odor transmission issue and request that they inspect their Units to see if there are any reasonable steps that can be taken to mitigate the transmission on their end.