

Revised
MCCA SMOKING POLICY

Overview

The Moreland Courts Condominium Association (MCCA) restricts smoking, in compliance with State of Ohio laws, by prohibiting smoking in any of the Common Elements of the property, and by prohibiting smoke due to smoking from escaping any Unit and entering the Common Elements or neighboring Units of the Association. While smoking is not proscribed by the governing documents of the Association (Declarations, Bylaws, Rule Book), smoking is permitted only within the bounds of individual Units.

This policy seeks to define the responsibilities of Unit Owners who smoke to prevent smoke from affecting Common Areas of the Association property, adjacent Unit Owners and other members of the community, including employees of the Association, visitors, and other Unit Owners.

This policy will identify and define responses to violations of this Rule, and requirements to mitigate the effects and impacts of smoke exfiltration from a unit occupied by a smoker.

Definitions

“Unit” means a part of the Condominium Property consisting of one or more rooms on one or more floors of a building and designated as a Unit as defined in the *Amended and Restated Declaration of Condominium Ownership for Moreland Courts Condominium Association* adopted April 16, 2024.

“Unit Owner” means a person or persons, natural or artificial, owning the fee simple estate in a Unit and its undivided interest in the Common Elements as defined in the *Amended and Restated Declaration of Condominium Ownership for Moreland Courts Condominium Association* adopted April 16, 2024.

“Common Elements” means all parts of the Condominium Property except the Units as defined in the *Amended and Restated Declaration of Condominium Ownership for Moreland Courts Condominium Association* adopted April 16, 2024.

“Smoking” means the practice of inhaling smoke created by an ignited article such as a cigarette, cigar, pipe or other similar device that combusts a medium of either tobacco, marijuana, or other materials for inhalation of the smoke produced. The presence of smoke from smoking is determined by the ability of others to detect its presence through smell. The smell test must be verified by more than one person. No other standard for measurement is required.

“Mitigation” means the action of reducing or eliminating the exfiltration and resulting exposure and effects of smoke generated by smoking, through emissions emanating from a Unit into Common Elements, other units, or the exterior of a building where such emissions would present exposure to others.

“Enforcement” refers to actions undertaken by the Board of Directors to ensure compliance with this rule. Such actions may include, without limitation, notice of violation, defining mitigation steps required, determining the effectiveness (immediate and sustained) of mitigation efforts, and if necessary, using Enforcement Assessments in an amount determined solely by the Board, in accordance with the *MCCA Rules Book* (Revised October 18, 2021).

Procedure

1. Any Unit Owner or employee who detects smoke in a Common Element may file a complaint in accordance with rules of the MCCA. If the General Manager detects smoke in a Common Element, the General Manager may take steps set forth in this policy without the need to file a complaint.
2. Upon receipt of a complaint or upon detection of smoke in a Common Element emanating from a Unit, the General Manager shall give written notice to the Owner of the Unit which is the source of smoke of the following:
 - a. The owner is required to take steps to prevent smoke exfiltration through mitigation.
 - b. Costs for preventing exfiltration shall be the responsibility of the owner.
 - c. Potential for enforcement assessments.
 - d. Right to appeal the finding of smoke outside the Unit.

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3. Upon receipt of the notice, the Owner of the Unit which is the source of smoke shall take steps to prevent smoke exfiltration.
4. The staff of the Association is available to assist and advise the Unit Owner on methods for mitigation of smoke, but is not responsible for producing a successful result, as that remains the sole responsibility of the Owner of the Unit which is the source of smoke.
5. If the General Manager determines that the Owner of the Unit which is the source of smoke has failed to prevent smoke from emanating from the Unit, the General Manager may refer the matter to the Rules Committee and/or the Board of Directors for review in accordance with MCCA Rules.
6. An Owner may appeal any order or finding of responsibility for violation of this policy in accordance with the procedures outlined in the *Association Rule Book* (Revised October 18, 2021).