

PREPARED BY:


Michael S. Karpoff, Esq.

**REGULATION OF THE
WYNDMOOR AT THE HIGHLANDS ASSOCIATION, INC.**

THIS REGULATION is made this 28th day of August, 2013 by the Wyndmoor at the Highlands Association, Inc., a New Jersey nonprofit corporation, having its offices at 200 Portland Road, Borough of Highlands, Monmouth County, State of New Jersey (hereinafter referred to as "the Association").

The Wyndmoor at the Highlands Association, Inc. hereby adds this Regulation pursuant to its Master Deed and By laws dated July 22, 1981 and recorded in the Clerk's Office of Monmouth County in Deed Book 4309, at Page 1, et seq., on July 24, 1981. This Regulation shall supersede any previously adopted rules or regulations with regard to smoking to the extent they are inconsistent with the following.

**WYNDMOOR AT THE HIGHLANDS ASSOCIATION, INC.
RESOLUTION REGULATING SMOKING**

WHEREAS, in accordance with Article IV, Section 1 of the By-Laws of the Wyndmoor at the Highlands Association, Inc., the affairs of the Association are governed by the Board of Trustees; and

WHEREAS, Article IV, Section 2, paragraph (e) and Article VI, Section 13 of the By-Laws authorize the Board to adopt rules and regulations regarding the operation, occupancy and use of the Wyndmoor at the Highlands Condominium property; and

WHEREAS, the Board has determined that, to promote the health, safety and general welfare of the entire community, the Association shall impose restrictions on smoking within the Condominium to minimize the impact on non-smokers.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the following Regulation to enhance the health, safety and the general welfare of the residents of the Condominium:

A. Except as permitted by this Regulation, no person may smoke any type of lighted pipe, cigar, cigarette, tobacco, or any other lighted smoking apparatus, equipment or product anywhere in or on the Condominium, including general common elements, limited common elements and units.

B. Except as permitted by this Regulation, no person shall dispose of cigarettes, cigars or other smoking products in or on the common elements or limited common elements of the Condominium, and smoking disposal receptacles are not to be placed in the common or limited common areas. Smoking waste, filters, cigar butts, etc., are to be extinguished and disposed of in a manner that does not litter or create a fire hazard. No smoking products are to be discarded on the ground.

C. Notwithstanding any other language herein, unit owners and tenants may smoke within units provided they adhere to the following requirements:

1. Each unit where a smoker lives shall be registered with the Association as "a smoking unit."
2. Each such unit shall be retrofitted to the satisfaction of the Association to prevent the seepage of smoke into other units or enclosed common elements, by means of the following procedures:
 - a. Vent pipes shall be sealed around their circumferences with insulation foam.
 - b. Exterior doors must have brush or rubber seals installed along the bottom of the doors.
 - c. Holes in closets, cabinets, walls, floors and ceilings and under sinks must be sealed with steel wool and foam.
 - d. Each resident who smokes inside of his or her unit must ensure that the unit's bathroom and kitchen ventilation systems do not exhaust smoke into the kitchen and bathroom ventilation systems of any other unit or into enclosed common areas or elements. If infiltration into any other unit or any enclosed common area, the resident of the smoking unit may not continue to smoke inside of his or her unit unless and until such infiltration into the other unit or units or common area is eliminated. The cost to modify, construct, or create a ventilation system so that other units and enclosed common areas do not receive smoke exhaust shall be the sole responsibility of the resident of the smoking unit.

e. If these steps fail to prevent smoke seeping into other units or into any enclosed common area or element, the unit owner may be required by the Association to install in the unit an air purification system or other devices approved by the Association, at the sole expense of the smoking unit, as a further condition to allowing smoking in the unit.

3. It shall be the responsibility of the owner of the smoking unit, at his or her own expense, to make any necessary modification to the unit to prevent the escape of smoke from within the unit to other units or enclosed common areas. If the owner is unable to prevent the infiltration of smoke from his or her unit into other units or enclosed common areas, smoking shall be banned within the unit.

4. Smoking is prohibited on balconies.

D. Notwithstanding any other language herein, while there is at least one "smoking unit," the Association, within the discretion of the Board, may set aside and mark areas outside the buildings on common elements where smoking shall be permitted by owners and tenants of "smoking units" and their guests.

E. Each unit owner shall be liable for any violations committed by his or her tenants, guests and contractors.

F. Any unit owner found in violation of this Regulation may be charged for any damages suffered by the Association as a result of the violation, including but not limited to costs of cleanup, and may be subject to any lawful fine imposed by the Association.

G. In addition, the Association may enforce this Regulation by legal or equitable judicial action, in which case, any unit owner found in violation shall be liable to the Association for reasonable attorney's fees and costs incurred in enforcing the Regulation.

H. This Regulation shall take effect immediately, subject to the exceptions set forth herein.

IN WITNESS WHEREOF, the Wyndmoor at the Highlands Association, Inc. has affixed its hand the day and year first above written.

Attest:

WYNDMOOR AT THE HIGHLANDS
ASSOCIATION, INC.

Harriet Callanan
Secretary
HARRIET CALLANAN

Patrick E. Hughes
President

ACKNOWLEDGEMENT

STATE OF NEW JERSEY :
: ss
COUNTY OF MONMOUTH :

I CERTIFY that on August 28, 2013, Harriet Callanan personally came before me and this person acknowledged under oath, to my satisfaction, that he/she is the Secretary of the Wyndmoor at the Highlands Association; Inc. is the attesting witness to the signing of this document by the proper corporate officer who is Patrick E. Hughes, the _____ President of the corporation; this document was signed and delivered by the corporation as its voluntary act duly authorized by a proper Resolution of its Board Members; he/she knows the proper seal of the corporation which was affixed to this document; and he/she signed this proof to attest to the truth of these facts.

Harriet Callanan
Secretary
HARRIET CALLANAN

Subscribed and sworn to before me
this 28th day of August, 2013

Michael X. Knight
A Notary Public of New Jersey
My Commission expires _____

Attorney at Law for the
State of New Jersey