

Providence Gateway Master Association
Rule – Smoking

1. Purpose

The purpose of this Rule is to establish clear, consistent, and enforceable smoking restrictions within the Providence Gateway Master community. This Rule is intended to protect the health and safety of residents; prevent smoke, vapor, and aerosol from entering or drifting into Dwellings, Limited Common Areas, and Common Areas; reduce fire risk; and promote uniform, project-wide standards across the entire Providence Gateway community.

This Rule supplements and implements the use restrictions contained in the Declaration¹ and is intended to ensure consistent enforcement and clear communication throughout the Providence Gateway community.

2. Authority

This Rule is adopted pursuant to the Master Declaration, including without limitation §§ 5.9 (Rules), 5.10 (Enforcement Rights), 8.10 (Individual Assessments), 9.1 (Uses of Units), 11.2 (Nuisance), and 18.1 (Enforcement), and pursuant to Utah Code §§ 57-8a-217, 57-8a-218(7)(b)(ii)(F), and 16-6a-302. A violation of this Rule constitutes a violation of the Governing Documents and may result in enforcement action, fines, or cost recovery through Individual Assessments.

3. Definitions

A. Electronic Cigarette. “Electronic Cigarette” has the meaning provided in Utah Code § 26B-7-501(2) and includes, without limitation, any cartridge-based, refillable, or disposable device used to deliver aerosolized or vaporized substances.

B. Smoke. “Smoke” means any smoke, vapor, aerosol, particulate matter, or other byproduct of Smoking.

C. Smoking. “Smoking” has the meaning assigned in Utah Code § 26B-7-501(22) and includes, without limitation: (a) the possession of any lighted or heated Tobacco Product; (b) inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or hookah that contains a Tobacco Product, or contains a plant product intended for inhalation, including tobacco or other plant leaves in any form, regardless of degree of processing; (c) using an Electronic Cigarette; or (d) using any oral smoking device intended to circumvent smoking restrictions.

D. Tobacco Product. “Tobacco Product” has the meaning provided in Utah Code § 26B-7-501(24), including any product that contains tobacco, and further includes, without limitation,

¹ Master Declaration of Covenants, Conditions, and Restrictions for Providence Gateway, recorded on February 22, 2022, as Entry No. 1312871 in the Recorder’s Office of Cache County, Utah.

tobacco paraphernalia, shisha or non-tobacco shisha, nicotine products, alternative nicotine products, flavored tobacco products, and electronic-cigarette substances, as those terms are defined in Utah Code § 76-9-1101.

4. Smoking Rule

4.1. General Rule

Smoking is prohibited within the Project, including inside all Dwellings and upon all Limited Common Areas and Common Areas.

4.2. Scope of Prohibition

4.2.1. Dwellings

Smoking is prohibited inside any Dwelling and upon any exterior area appurtenant to a Dwelling where Smoking may create the potential for Smoke to drift into any other Dwelling, Lot, or Common Area.

4.2.2. Limited Common Area

Smoking is prohibited upon any Limited Common Area appurtenant to a Lot as defined in the Declaration, including, without limitation, porches, balconies, driveways, and any portion of the Common Area bounded by fences or otherwise designated as a Limited Common Area for the exclusive use of that Lot.

4.2.3. Common Area

Smoking is prohibited within all Common Area as defined in the Declaration, including, without limitation, all portions of the Project that are not part of a Lot, Dwelling, or Limited Common Area.

4.2.4. Vehicles

Smoking is prohibited inside any vehicle within the Project if: (a) any window, door, or sunroof is open to any degree; or (b) Smoke escapes or is reasonably detectable outside the vehicle.

4.2.5. Smoke Drift

No Owner, Occupant, tenant, guest, invitee, or contractor shall cause or permit Smoke to drift from any portion of a Lot, including from its Dwelling or from any Limited Common Area appurtenant to that Lot, into any other Dwelling, Limited Common Area, or Common Area, including Smoke with the potential to enter another dwelling as described in Utah Code § 57-8a-218(7)(b)(ii)(F).

5. Compliance and Liability

Each Owner is responsible for compliance with this Rule by all Occupants, tenants, household members, guests, invitees, and contractors of the Owner's Dwelling or Lot. Owners shall disclose this Rule to all tenants and shall include the smoking prohibition in all lease agreements.

6. Enforcement

6.1. Violations – Any unauthorized Smoking constitutes a violation of this Rule and the Declaration.

6.2. Fines – Violations of this Rule are subject to fines in accordance with Utah Code § 57-8a-208 and the Association’s Fine Schedule as adopted and amended by the Board pursuant to Declaration §§ 5.9, 5.10, and 18.1. Fines may escalate for repeated offenses.

6.3. Enforcement and Remediation Costs – All costs incurred by the Association to abate unauthorized Smoking and to remediate any resulting impacts—including, without limitation, cleaning, repairs, odor-removal or restoration work, administrative costs, and legal expenses (including reasonable attorney fees)—may be charged to the Responsible Owner as an Individual Assessment pursuant to Declaration § 5.7. “Responsible Owner” includes any Owner liable under Section 5 of this Rule for violations by Occupants, tenants, household members, guests, invitees, and contractors of the Owner’s Dwelling or Lot.

7. Reporting

Violations may be reported to the Board or Manager. Reports should include, to the extent available, the name of the violator, the address or identifying information for the location of the violation, and photos. Reports will be considered by the Association, in its discretion, in determining whether and what enforcement action to take.

8. Terms

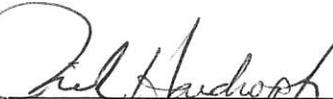
All capitalized terms used in this Rule and not expressly defined herein shall have the meanings given to them in the Declaration, as amended from time to time.

9. Adoption

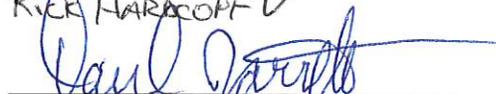
This Rule was duly adopted by the Board of Directors of the Providence Gateway Master Association in accordance with Utah Code §§ 57-8a-217 and 16-6a-813. This Rule is effective as of the date the last director below signed this written consent.



Richard Crosbie, Director Date: 2-23-26



David Longhurst, Director Date: 2-23-26
RICK HARROFF



Taylor Stephenson, Director Date: 2-23-26



David Jarrett, Director ### END OF RULE ###