

## **Providence Gateway Condominium Association Rule – Smoking**

### **1. Purpose**

The purpose of this Rule is to establish clear, consistent, and enforceable smoking restrictions within the Providence Gateway Condominium community. This Rule is intended to protect the health and safety of residents; prevent smoke, vapor, and aerosol from drifting into Units, 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 Declaration,<sup>1</sup> including the smoking prohibition in Section 9.18, and is intended to ensure consistent enforcement and clear communication throughout the Providence Gateway community.

### **2. Authority**

This Rule is adopted pursuant to the Declaration, including without limitation §§ 5.8 (Rules), 5.9 (Enforcement), 6.6 (Individual Assessments), 9.1 (Rules and Regulations), 9.4 (Nuisance), 9.18 (Smoking – which prohibits Smoking within all Units and on all Common Areas, including Limited Common Areas as defined in § 1.15), and §18.1 (Enforcement). This Rule is further adopted pursuant to Utah Code §§ 57-8-8.1, 57-8-16(7), 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.

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<sup>1</sup> Amended and Restated Declaration of Condominium for Providence Gateway, recorded on February 24, 2022, as Entry No. 1313236 in the Recorder’s Office of Cache County, Utah.

**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, 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 as provided in Declaration §9.18, which prohibits Smoking within all Units and on all Common Areas, whether indoors or outdoors.

##### **4.2. Scope of Prohibition**

###### **4.2.1. Units**

Smoking is prohibited inside any Unit and upon any balcony, porch, patio, or deck appurtenant to a Unit, whether enclosed or unenclosed.

###### **4.2.2. Limited Common Area**

Smoking is prohibited upon any Limited Common Area appurtenant to a Unit as defined in the Declaration, including, without limitation, balconies, patios (enclosed or unenclosed), porches, stair landings, and any other exclusive-use area designated as a Limited Common Area for the Unit.

###### **4.2.3. Common Area**

Smoking is prohibited within all Common Areas as defined in the Declaration, including, without limitation, all hallways, corridors, stairwells, elevators, building exteriors, landscaping, parking areas, sidewalks, roofs, the plaza, the general central landscaped area, and any other portion of the Project that is not part of a Unit 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 a Unit or any Limited Common Area appurtenant to that Unit into any other Unit, Limited Common Area, or Common Area.

#### **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 Unit. Owners shall disclose this Rule to all tenants and include the smoking prohibition in all lease agreements.

**6. Enforcement**

**6.1. Violations** – Any unauthorized Smoking constitutes a violation of this Rule and Declaration § 9.18.

**6.2. Fines** – Violations are subject to fines in accordance with Utah Code § 57-8-8.1 and the Association’s Fine Schedule, as adopted and amended by the Board pursuant to the Declaration §§ 5.9 and 18.1. Fines may escalate for repeated offenses.

**6.3. Enforcement and Remediation Costs** – All costs incurred by the Association to enforce this Rule or remediate the effects of Smoking—including, without limitation, cleaning, repairs, replacement of damaged components, 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 § 6.6. “Responsible Owner” includes any Owner liable under Section 5 of this Rule for violations by Occupants, tenants, household members, guests, invitees, and contractors.

**7. Reporting**

Violations may be reported to the Board or Manager. Reports should include, to the extent available, the name of the violator, Unit number, 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 Condominium Association in accordance with Utah Code §§57-8-8.1, 57-8-16, and 16-6a-813. This Rule is effective as of the date the last director below signed this written consent.

  
\_\_\_\_\_  
David Jarrett, Director

Date: 2-23-26

  
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Rick Harclow, Director

Date: 2-23-26

Jaden Sorensen  
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Jaden Sorensen, Director

Date: 02/24/2026

### END OF RULE ###