

# **ALLEN AVENUE SQUARE NORTH HOMEOWNERS ASSOCIATION**

125 N. Allen Avenue, Pasadena, CA 91106

Established November 1977

## **No Smoking Policy**

**A. City of Pasadena Smoking Ordinance:** The City of Pasadena No-Smoking Law [Pasadena Municipal Code (PMC) Section 8.78.085.B.3] (effective August 13, 2011) prohibits smoking of any kind in multi-unit housing communities which includes Allen Avenue Square North.

**B. Smoking of Any Kind and By Any Means is Prohibited within Allen Avenue Square North.** Smoking of any substances including but not limited to tobacco smoke, electronic cigarette vapors, marijuana smoke and vapor or airborne emissions as a result of the combustion for inhalation of any other substances or products, legal or illegal, is prohibited. Engaging in any act that generates smoke for the purpose of human inhalation such as using a lighted pipe (including water pipe), a lighted hookah, a lighted cigar, a lighted cigarette, or an operating electronic smoking device is prohibited within the Property or any Unit.

No Owner, family member, tenant, resident, guest, business invitee, or visitor shall smoke cigarettes, cigars, or any other tobacco product, or illegal substance anywhere within the boundaries of the Property. This prohibition shall include all common areas, whether inside or outdoors, exclusive use common areas and Units within the Property as designated in the Covenants, Conditions, and Restrictions ("CC&Rs") and Condominium Plan.

**C. Disclosure of No Smoking Ordinance Required:** Pasadena Municipal Code (PMC) Section 8.78.085.B.3 contains owner disclosure requirements that obligate each Allen Avenue North Owner to include in any sales or lease agreement written disclosure of the PMC Section 8.78.085.B.3 and further requires that the disclosure form (attached hereto and incorporated by reference herein) be signed by any tenant or purchaser. Owners who fail to obtain the required signature on the City of Pasadena Purchase/Tenant No Smoking Disclosure form are subject to a fine of not more than \$75 per infraction.

**D. Owners Duty to Disclose:** Any Owner involved in the sale of the Owner's Unit shall disclose to all potential buyers and Realtors that smoking is prohibited within the Allen Avenue Square North Property. Any Owner who rents the Unit or otherwise allows someone other than the Owner to reside within or occupy the Unit, shall disclose to all such persons that smoking is prohibited anywhere within the Property and the Unit.

Each Owner is responsible for the actions of all persons residing within or visiting the Owner's Unit. Owner's failure to comply with the Association's No Smoking Policy or PMC Section 8.78.085.B.3 shall be subject to fines, or other enforcement measures including an action to recover sums due, for damages, or for injunctive relief, or for any other remedy permitted by law.