

02/12/2026
Revised

Dan Sheehy
Association President

**NON-SMOKING
Policy 720R1**

Previous 720

POLICY

The Tides Board designates the interior and exterior common and limited common elements (including but not be limited to walkways, hallways, stairwells, balconies, elevators, courtyard, swimming pool, parking garage) as **100% smoke free**. Violations of this policy can result in fines.

The Tides Condo Board defines smoking as inhaling, exhaling, breathing, or carrying any lighted or heated cigar, cigarette, or other tobacco product or plant product, including marijuana and hashish, in any manner or form.

The Tides Condo Board also defines "electronic cigarette" to mean any electronic device that provides a vapor of liquid nicotine and/or other substances to the user as she or he simulates smoking. The term shall include such devices whether they are manufactured or referred to as e-cigarettes, e-cigars, e-pipes, vaping or under any product name.

This policy is to be included in all rental/lease agreements and must be signed by the lessee.

PURPOSE OF THIS POLICY

Whereas:

- The Surgeon General declared that there is no risk-free level of contact with secondhand smoke; even brief exposure can be harmful to health.
- Secondhand smoke is a Group A carcinogen. These are substances known to cause cancer in humans. Secondhand vapor smoke from electronic smoking devices such as e-cigarettes and hookah pens are also hazardous.
- Children exposed to secondhand smoke have an increased risk of asthma attacks, infections, and sudden infant death syndrome (SIDS).
- The 2006 New Jersey Smoke-Free Air Act requires almost all indoor public places and workplaces be 100% smoke-free, including no use of electronic smoking devices (as of 2010). Indoor areas that need to be smoke-free include "common or shared" areas in multi-unit housing, such as apartment building lobbies, stairwells, common rooms, etc. as per the New Jersey Department of Health's 2007 Regulation comments.
- The 2007 New Jersey Department of Health regulations NJAC 8:6-2.3(a) requires that no outdoor smoke migrate into an indoor public place that is smoke-free. That means no smoking by the entrances, exits and windows to common areas of a multi-unit housing building. This includes no use of electronic smoking devices in these locations.
- In New Jersey, medical marijuana cannot be smoked in places where smoking is banned by the New Jersey Smoke-Free Air Act or New Jersey Department of Health regulations.
- There are NO federal, state, or local New Jersey laws that we are aware of that prohibit a housing authority from adopting a 100% smoke-free policy.
- There is no constitutional right to smoke.

Given the above rationale, no-smoking is adopted in all interior and exterior common and limited common (i.e. balconies) areas for the entire property in an effort to protect the health and comfort of all guests, employees and owners.

Note that The Tides Board designation of interior and exterior common and limited common elements as smoke-free, does not make the Tides Board or any of its managing agents the guarantor of a unit-owners or tenant's health or of the smoke-free condition of the interior and exterior common elements.

SCOPE OF THIS POLICY

This policy applies to all guests, renters, contractors, employees and owners to The Tides in all exterior and interior common areas.

RESPONSIBILITIES AND AUTHORITIES

The Board of Trustees maintains the responsibility and authority to make necessary changes to this policy. The office manager and other managing agents have the responsibility and authority to execute the procedures listed herein.

PROCEDURES

- The Tides Board or any of its managing agents shall take reasonable steps to enforce the smoke-free terms of its leases and to make the Tides interior and exterior common elements smoke-free including signage, etc.
- The Tides Board is not required to take further steps in response to smoking unless The Tides Board has been given written notice of said smoking.
- This policy is to be included in all rental/lease agreements and must be signed by the lessee.

OWNERS RIGHTS UNDER THIS POLICY

Smoking in individual units is determined by the owners but is not allowed for renters. Owners have the right:

- To receive a copy of this policy
- To be promptly notified (email, telephone, or other means in writing) of any fine
- To petition the Board of Trustees when the owner deems the fine not to be valid
- To expect that the situation will be handled impartially and confidentially

RELATED POLICIES

132.10 Official Communication
133 Alternative Dispute Resolution
710 General Rules and Regulations
730 Noise and Nuisances

RELATED DOCUMENT

Tides Condominium Association Master Deed
Tides Condominium Association By-Laws