

**RESOLUTION OF HOLIDAY HEIGHTS HOMEOWNERS ASSOCIATION INC.
REGARDING RULES AND REGULATIONS REGARDING CODE OF CONDUCT OF
OWNERS AND THEIR GUEST AND TENANTS**

WHEREAS The Board of Directors of the Holiday Heights Homeowners Association, Inc. (hereinafter referred to as "Holiday Heights" is empowered to pass rules and regulations in accordance with Article IX, Par. 4 of the Holiday Heights By-Laws;

WHEREAS the Board of Directors of Holiday Heights believes it is in the best interests to maintain decorum in the Holiday Heights community through the avoidance of inappropriate conduct;

WHEREAS the Board of Directors of Holiday Heights seeks to endorse a policy of conduct for Owners to observe and to have the guests and tenants of Owners to observe;

WHEREAS by a vote taken on September 7th, 2017 the Holiday Heights Board of Directors has voted to implement the following policy of conduct for the Holiday Heights Owners;

WHEREAS , this Resolution was duly introduced and was therefore adopted by the Holiday Heights Board of Directors at a regularly scheduled meeting of the Holiday Heights Board of Directors, at which a quorum was present, by a majority vote of the Holiday Heights Board of Directors present to vote on this matter.

NOW THEREFORE, effective this 7th day of September, 2017, upon motion duly made and seconded, the Holiday Heights Board of Directors resolves as follows:

Effective immediately the following Rules and Regulations shall apply to and be observed by all Holiday Heights Owners and their respective guests and tenants;

1. Only the business of Holiday Heights is to be discussed at the General Meetings, Special Meetings and Open Meetings of the Holiday Heights Owners and discussion about the personal business, personal affairs and personal circumstances of any Owner which constitutes abusive, offensive or harassing language or conduct is prohibited.
2. No abusive, offensive or harassing language or conduct is permitted by any Owner or guest or tenant of any Owner when communicating with a Holiday Heights Director or any employee or agent or representative of Holiday Heights.
3. No abusive, offensive or harassing language or conduct is permitted by any Owner or guest or tenant of any Owner at the General meetings, Special Meetings or Open Meetings of the Holiday Heights Owners.

4. No abusive, offensive or harassing language or conduct is permitted by any Owner or guest or tenant of any Owner within or upon the Common Properties of Holiday Heights.
5. As used in the context of the Rules and Regulations, the term "abusive". Offensive or harassing language or conduct" shall include:
 - a. Speech or conduct which is likely to cause annoyance or harm to persons;
 - b. Speech or conduct which is made or caused to be made at extremely inconvenient hours;
 - c. Speech or conduct which is made or caused to be made to materially disrupt the Holiday Heights General Meetings, Special Meetings or Open Meetings;
 - d. Speech or conduct which threatens a person to striking, kicking, shoving or other offensive touching;
 - e. The striking, kicking, shoving or other offensive touching of a person;
 - f. Creation of a hazardous or physically dangerous condition which serves no legitimate purpose of the person who created the condition;
 - g. Usage of unreasonably loud or offensively coarse or abusive language with the purpose to offend the sensibilities of the hearer or in reckless disregard of the probability of doing so;
 - h. Speech or conduct used with the purpose to intimidate an individual or group of individuals because of race, color, religion, gender, disability, sexual orientation, gender identity or expression, national origin or ethnicity; or
 - i. Speech or conduct which is flagrantly lewd and offensive which the actor knows or reasonably expects is likely to be observed by other nonconsenting persons who would be affronted or alarmed.
6. **Investigation.** Upon receipt of a complaint alleging speech or conduct prohibited by this Resolution, the Holiday Heights Board of Directors will, is appropriate and/or necessary, investigate the matter and make determination as to whether the conduct and/or language in question was abusive, offensive or harassing.
7. **Enforcement.** If the Holiday Heights Board of Directors deems Owner's or the guest or tenant of an Owner's speech or conduct to be abusive, offensive, or harassing and prohibited by this Resolution, the Holiday Heights Board of Directors may take any appropriate action, including but not limited to the following:
 - a. Imposing a fine against the Owner or the guest or tenant of such Owner up to \$100.00 and being reimbursed and seeking reimbursement for all attorney's fees and costs incurred by Holiday Heights as a result of said person's abusive, offensive or harassing speech or conduct,
 - b. Prohibiting and/or suspending such Owner or the guest or tenant of such Owner from using some or all of the Common Properties of

Holiday Heights and being reimbursed and seeking reimbursement for all attorney's fees and costs incurred by Holiday heights as a result of such person's abusive, offensive or harassing speech or conduct:

- c. Prohibiting and/or suspending such Owners or guest or tenant of such Owner from attending and General Meetings, Special Meetings or Open Meetings of the Holiday Heights Owners and being reimbursed and seeking reimbursement for all attorneys' fees and costs incurred by Holiday Heights as a result of such person's abusive, offensive or harassing speech or conduct; and
 - d. Seeking judicial relief against such Owner or the guest or tenant of such Owner, including but not limited to, imposing or collecting any fine, barring such person from attending General Meetings, Special Meetings or Open Meetings, restraining such person from having personal contact with certain Board of Directors, employees or agents of Holiday Heights and being reimbursed and seeking reimbursement for all attorneys' fees and costs incurred by Holiday Heights as a result of such person's abusive, offensive or harassing speech or conduct
8. **Trespass.** If any Owner attempts to materially disrupt a General Meeting, Special Meeting or an Open Meeting of the Holiday Heights Owners, or, otherwise engages in abusive , offensive or harassing language or conduct upon the Holiday Heights Common Properties nothing in the Rules and Regulations will prohibit Holiday Heights from instructing such Owner, or, any guest or tenant of an owner to cease such conduct, and, in the event such conduct does nor cease, instructing such Owner, or, guest or tenant of an Owner to vacate the Holiday Heights Common Properties, or, otherwise contacting the Berkeley Township Police Department to have such Owner, or, guest or tenant of an Owner, arrested for trespassing or otherwise violating any New Jersey statute or municipal ordinance.
9. **Hearing.** Excluding exigent circumstances, before imposing any sanctions, notice of the violation and proposed penalty will be sent to the offending Owner, or, is reasonably possible, any guest or tenant of such Owner, setting forth the time, date, place and nature of the violation. If the offending Owner, or, any guest or tenant of such Owner, does not respond or request alternate dispute resolution, the sanctions will be automatically imposed.
10. **Guests and Tenants to Comply with this Resolution.** All Owners must insure that their guests and tenants comply with the Holiday Heights Certificate of Incorporation, Declaration of Covenants And Restrictions, By-Laws, Rules and Regulations, all amendments thereto, including this Resolution. Owners will be jointly and severally liable and responsible to pay for all fines, attorneys' fees and costs incurred by Holiday Heights arising from Violations of this Resolution by their guests and tenants.

NOTICE AND RECORDING. Holiday Heights also authorizes and directs its legal counsel to arrange for recordation of a copy of this Resolution with the Ocean County Register's Office in order to establish the recording of this Resolution in the chain of title.

ATTEST:

Holiday Heights Homeowners Association, INC.

Irene Brown, Secretary

John Abella, President