



City of Alameda Secondhand Smoke Ordinance Fact Sheet

To protect Alameda residents and visitors from the health hazards of secondhand tobacco smoke, the Alameda City Council has adopted a Secondhand Smoke Ordinance. The majority of the provisions take effect on January 2, 2012 and limits exposure to secondhand smoke in places of employment, public places, and multi-unit housing. This fact sheet provides a brief overview of the ordinance. Additional information, including a copy of the ordinance and free downloadable “No Smoking” signs is available on the City’s website:

<http://www.cityofalamedaca.gov/Residents/Secondhand-Smoke-Policies>

Smoking is prohibited in the following places of employment not covered by California State Law:

- Hotel/Motel lobbies, meeting and banquet facilities
- Ninety percent (90%) or more of hotel/motel guest rooms
- Retail and wholesale tobacco shops, and hookah bars
- Taxi cabs, cabs of trucks, tractors, or other vehicles used for work
- Warehouse, theatrical production and medical research facilities
- Private residences licensed as child care, adult care, and health care facilities
- Small businesses with fewer than five employees
- Owner-operated businesses open to the public
- Outdoor worksites, including construction sites, arenas, and convention halls, or anywhere where working crews may be

Smoking is prohibited in the following outdoor public places:

- Dining areas: examples include outdoor seating at restaurants and other establishments serving food or drinks (*Bars with rear outside areas are excluded from the prohibition*)
- Public events: examples include farmers’ markets, fairs, and concerts
- Recreation areas: examples include parks, trails, beaches, and sports fields
- Service areas: examples include bus stops, ATM lines, and movie lines
- Commercial-area sidewalks: defined as public sidewalks in downtown shopping and business areas designated with a “C” prefix on the City’s official Zoning Map
- Shopping malls: defined as collection of retail or professional establishments and includes the public walkway or hall areas that serve to connect them
- Entryways (reasonable distance): defined as within 20 feet of doors, windows, and other openings into enclosed areas

Responsibilities of business owners, managers, and operators:

- “No Smoking” signs must be clearly and conspicuously posted at entrances to unenclosed dining areas where smoking is prohibited
- Remove all ashtrays and not allow in any area where smoking is prohibited
- Not knowingly allow smoking in prohibited areas

In multi-unit housing (defined as two or more units), smoking is prohibited as follows:

- 100% of new units of rental and common interest complexes (condos, co-ops, PUDs), including balconies and porches
- Common areas of rental and common interest complexes, except that designated smoking areas meeting certain criteria in outdoor common areas may be established
- Smoking within 20 feet of enclosed areas (smoking buffer zones)

Beginning on January 1, 2013, smoking will be prohibited inside the units of all rental and common interest complexes

Responsibilities of landlords and homeowners’ associations:

- Clearly and conspicuously post “No Smoking” signs in common areas, at every entrance, and on every floor where smoking is prohibited
- Remove all ashtrays and or other receptacles for disposing of smoking material not allow from any area where smoking is prohibited, except for designated smoking areas
- If the option to have a designated outdoor smoking area is chosen, all requirements as described in the ordinance must be complied with.
- Not knowingly allow smoking in prohibited areas
- Disclose to prospective tenants and buyers the requirements of the Secondhand Smoke Ordinance, as it pertains to multi-unit housing
- All newly leased units in apartments after Jan. 2, 2012 shall include a non-smoking requirement in the lease or agreement for occupancy. By Jan. 1, 2013, all lease agreements for occupancy will state that smoking is prohibited inside units
- Maintain diagrams that illustrate the precise location of designated smoking areas, if applicable. This diagram must also accompany leases and rental agreements beginning January 1, 2013