



## 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