



## **El Cerrito Municipal Code 8.06: Smoking Pollution Protection Ordinance Frequently Asked Questions – Information Sheet**

### **What is the Smoking Pollution Protection Ordinance?**

To protect El Cerrito's residents and visitors from the health hazards and environmental impacts of smoking, the El Cerrito City Council has adopted El Cerrito Municipal Code (ECMC) Chapter 8.06, the Smoking Pollution Protection Ordinance. The ordinance includes provisions for prohibiting smoking in public places, commercial areas, and multi-unit residences. It should be noted that "smoke" and "smoking" includes all forms of tobacco, marijuana, and any other weed or plant, including vaporizing via electronic smoking devices. The ordinance also prohibits ash receptacles within a place where smoking is prohibited so as not to imply that smoking is allowed.

### **What areas of the City are impacted by the Ordinance?**

There are three major components to the Ordinance: Parks, Open Space and Public Places, Commercial Areas, and Multi-family Housing:

#### **100% Smoke-Free Parks, Open Space, and Public Places**

- All parks, playgrounds, sports fields, recreation areas, open space, bike paths, trails, and the Ohlone Greenway.
- All City-owned facilities, property, grounds, and parking lots.
- All public sidewalks – in both commercial and residential areas.
- All City events and other public events, including farmers' markets, festivals, food events, fairs, concerts, or any event attended by the general public.

The ordinance includes a provision for prohibiting smoking within a "reasonable distance", defined as **25 feet**, as a buffer zone around any areas that prohibit smoking either through this ordinance or through state or federal law.

#### **100% Smoke-Free Commercial Areas**

- Any area or property in the City that is in a commercial zone.
- Places of employment: public, private, and non-profit organizations of more than one employee.
- All commercial shopping areas and shopping centers, including sidewalks, outdoor dining areas and parking lots.
- Service areas, including bus stops and other outdoor locations where people congregate (ATM lines, taxi stands, movie lines, etc.)
- Hotel and motels.

The provision for prohibiting smoking in "places of employment" is meant to enhance current state law, which has several exemptions and loopholes that permit smoking in a wide variety of workplaces and does not expressly prohibit the use of electronic smoking devices in enclosed



workplaces. “Places of employment” also includes outdoor work areas and construction sites. Commercial areas will also include the reasonable distance buffer zone of 25 feet.

#### **100% Smoke-Free Multi-family Housing and Common Areas**

- All multi-family housing of two (2) or more units.
- All indoor and outdoor spaces on the property including patios, balconies, garages, carports, and common areas such as laundry and eating areas.

Any provision that refers to multi-unit residences will take effect on October 1, 2015, or upon entering a new lease or lease renewal of a unit, *whichever comes first*. Landlords would be required to provide disclosure to residents and signage for all of the common areas. This ordinance does not create additional liability for landlords provided they are in compliance with the provisions outlined for multi-unit residences and common areas.

#### **When will the Ordinance become effective?**

The provisions related to prohibiting smoking in public places, commercial areas, places of employment, and other enclosed and unenclosed areas are effective **January 1, 2015**. Those provisions related to smoking in multi-unit residences must be implemented at the time a new lease is signed, or when an existing lease is renewed, between now and October 1, 2015, whichever comes first.

#### **What actions are required of business owners or operators?**

- “No Smoking” signs must be clearly posted.
- Remove all ashtrays.
- Do not allow smoking on their property.

#### **What actions are required of landlords and homeowners’ associations?**

- “No Smoking” signs must be clearly posted in all common areas.
- Remove all ashtrays.
- Disclose to prospective tenants and buyers the requirements of the Smoking Pollution Protection Ordinance.
- 100% Smoke-free units by October 1, 2015. Current tenants are to be notified in writing and all new rental agreements shall include a “No Smoking” agreement and reference to the Ordinance.

#### **Where can I find more information?**

Additional information, including the full text of the Ordinance and free downloadable “No Smoking” signs, is available on the City website: [www.el-cerrito.org/smokefree](http://www.el-cerrito.org/smokefree).

Residents can also call the Smokefree Information Hotline (510) 215-4475 (recorded message/voicemail only) for more information or email [smokefree@ci.el-cerrito.ca.us](mailto:smokefree@ci.el-cerrito.ca.us).