

CITY OF SONOMA SMOKING LAWS

Frequently Asked Questions

(City Ordinance 15-2016)

Since 1992, via a resident vote, the City of Sonoma has prohibited smoking in enclosed areas available to and used by the general public, in addition to prohibiting smoking in all businesses and places of employment. On November 8, 2016, the voters approved Measure W which resulted in Ordinance 15-2016, a municipal law that further regulates smoking and tobacco product use. This ordinance includes smoking regulations that affect all attached multi-unit residences in the City of Sonoma as well as public places in the City. Below are frequently asked questions and an overview of the new smoking ordinance.

GENERAL QUESTIONS

When did the new ordinance go into effect?

The ordinance was approved by the voters on November 8, 2016 and was adopted by the City Council on December 12, 2106 after adoption of a resolution declaring the election results.

How is smoking defined in the ordinance?

The ordinance defines smoke as "the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "Smoke" includes, but is not limited to, tobacco smoke, Electronic Smoking Device vapors, marijuana smoke, and crack cocaine smoke.

Is marijuana and vaping regulated in the smoking ordinance?

Yes, as outlined above, the same regulations apply for tobacco, vaping, marijuana, electronic smoking devices.

What are the key components of the City's smoking regulations?

- **DINING AREAS** -- Smoking is prohibited in "dining areas" whether inside or outside (including along streets and sidewalks). This means no smoking in restaurants and bars.
- **SERVICE AREAS** -- Smoking is prohibited in "service areas" which is defined as public or privately owned areas, including streets and sidewalks, which is designed to be used to receive a service, wait to receive a service, or to make a transaction. The term "service area" includes information kiosks, automatic teller machines, ticket lines, bus stops/shelters, mobile vendor lines, taxi cab stand, or similar functions.
- **PUBLIC PLACES / RECREATIONAL AREAS** -- Smoking is prohibited in unenclosed "public places" including recreational areas which includes parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths, skateboard paths, etc. Public places includes streets and sidewalks.
- **MULTI-UNIT RESIDENCES** -- Smoking is prohibited in 100% of any multi-unit residence including indoor common areas (e.g., laundry rooms, lobbies) and outdoor common areas of multi-unit housing (with 2+ units including balconies, porches and patios).

- **HOTELS/MOTELS** – Smoking is prohibited in 100% of hotels and motels; these are considered multi-unit residences. Smoking is not permitted on balconies or patios. Hotels/Motels may create a “Designated Smoking Area” as outlined below.
- **PUBLIC EVENTS** – Smoking is prohibited at any event on public or private property open to the general public regardless of any fee or age requirement, including but not limited to fairs, festivals, parades, farmers markets and concerts. A public event is considered a “public place” within the ordinance.
- **REASONABLE DISTANCE** – Smoking is prohibited within a minimum of twenty-five (25) feet of areas where smoking is prohibited. This distance ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke by smokers outside the area. This includes doorways, windows, and vents.
- **PRIVATE RESIDENCES** -- Smoking is optional in private residential properties that do not have any shared walls with other units unless being used as a child-care or health-care facility, in-law or second units attached detached to single family residences.

MULTI-UNIT RESIDENCES (INCLUDES MULTI-FAMILY, TOWNHOUSES, CONDOS, DUPLEX, HOTELS/MOTELS)

Which housing types are affected by the new smoking regulations?

The ordinance affects attached multifamily residences. These are defined as residential property containing two or more units with one or more shared walls, floors or ceilings, including but not limited to apartments, residential condominiums, and duplexes. "Multi-unit residence" does not include: (1) mobile home units; (2) a single family residence; or (3) a detached or attached in-law or second Unit to single family residence.

Can there be a Designated Smoking Area?

A property owner, landlord, or homeowners association with control over a Common Area of a multi-unit residence may create a Designated Smoking Area. A Designated Smoking Area is an unenclosed area where smoking is allowed provided that it can be sited to comply with the following locational criteria:

- At least 25 feet in any direction from any operable doorway, window, vent or other opening into an enclosed area or unit.
- At least 25 feet from unenclosed recreational areas with improvements that facilitate physical activity or that are primarily used by children; for example playgrounds, tennis courts, swimming pools, school campuses, and sandboxes.
- At least 25 feet from unenclosed areas with improvements that facilitate physical activity including playgrounds, tennis courts, swimming pools, walking paths and sports fields.
- The area must be no more than ten percent (10%) of the total Unenclosed Area of the Multi-Unit Residence for which it is designated.
- The area must have a clearly marked perimeter.
- The area must be identified by conspicuous signs.
- The area must be completely within an Unenclosed Area.
- The area must not overlap with any Enclosed or Unenclosed Area in which Smoking is otherwise prohibited by this chapter or other provisions of this Code, state law, or federal law.

What is the landlord or property owner’s role in implementing the ordinance?

- To not knowingly permit Smoking or the use of Tobacco Products in an area which is prohibited by law.

- To not knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area where Smoking or the use of Tobacco Products is prohibited by law.
- To prohibit the disposal of used Smoking or Tobacco Product waste within the boundaries of an area in which Smoking or Tobacco Product use is prohibited, including within any Reasonable Distance as outlined by the Ordinance. [Reasonable Distance is within 25 feet.]
- To post a clear, conspicuous and unambiguous “No Smoking” and “No Use of Tobacco Products” or “Smokefree” and “Tobacco-Free” sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the Reasonable Distance requirement set forth in Sec. 7.24.040. At least one sign with the County phone number to which complaints can be directed must be placed conspicuously in each place in which Smoking is prohibited.
- To not intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another Person who seeks to attain compliance with this chapter.

EDUCATION / ENFORCEMENT

Are there tools available to assist businesses, landlords and property owners to comply with the ordinance?

Yes. A variety of tools, techniques and materials through Sonoma County’s Department of Health Services, Breathe Easy web site. <http://www.sonoma-county.org/breatheeasy>

- Tool Kits – landlord, business, residents
- Free printables for download to assist with signage
- Signage and stickers for posting as required by the ordinance
- Business owner assistance

If I have questions about the ordinance, who do I call?

Sonoma County’s Office of Tobacco Control has a Tobacco Education Coordinator that can respond to questions and provide advice and information to residents, businesses, and landlords/property owners.

CALL – (707) 565-6680

EMAIL – preventioninfo@sonoma-county.org

ON-LINE FORM -- <http://www.sonoma-county.org/breatheeasy>

Who will enforce the new regulations?

FOR HOUSING (APARTMENTS, CONDOMINIUMS, HOTELS, MOTELS, AND VACATION RENTALS) FOR BUSINESSES INCLUDING BARS AND RESTAURANTS

- Call Sonoma County Tobacco Education Coordinator
 - CALL – (707) 565-6680
 - EMAIL – preventioninfo@sonoma-county.org
 - ON-LINE FORM -- <http://www.sonoma-county.org/breatheeasy>
- Sonoma County staff will determine if a violation exists and will provide information and options to the complainant. In addition, if communication needs to occur with a business or multi-unit residence complex, Sonoma County staff will conduct the first level of communication.
- If Sonoma County is unable to obtain voluntary compliance through their outreach, they will contact the City of Sonoma’s Code Enforcement program.

FOR SMOKING IN PUBLIC PLACES

- Call City of Sonoma’s Code Enforcement Program

- CALL – (707) 565-4240
- EMAIL – codeenforcement@sonomacity.org
- The City's Code Enforcement program will follow-through in situations of non-compliance which could result in files and penalties.

What are the enforcement regulations/fines?

Each instance of Smoking or Tobacco Product use that is in violation of the ordinance constitutes a separate violation of \$100. For violations other than for Smoking, each day of a continuing violation shall constitute a separate violation of \$250 with a not to exceed \$1,000 per violation.

For more information about the City of Sonoma's smoking ordinance, visit our web page at: <http://www.sonomacity.org>