

# Belmont City Council Meeting Smoking Ordinance

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September 11, 2007

# A New Belmont Smoking Ordinance

- What is it?
- Why is the City considering it?
- Where would it regulate exposure to secondhand smoke?
- When would it go into effect?
- Who would enforce it?
- How would it be applied?



# What is it?

- An up-to-date ordinance to regulate the effects of secondhand smoke
- Based on a model drafted by the Public Health Institute



- References current medical research and research on transmission of secondhand smoke outdoors and in multi-unit residences
- Most provisions found in ordinances in many other cities across California

# Why is the City considering it?

- To protect the health and well-being of its citizens



- To respond to increased public awareness of the dangers of secondhand smoke

Where would it regulate exposure to secondhand smoke?



- **Smoking would be prohibited:**

- In all indoor workplaces except for some smoke shops
- In all outdoor workplaces (including at outdoor eating and service areas of cafes and restaurants)
- In outdoor public places, such as parks, sports stadiums and fields, recreation trails, and shopping malls
- Twenty feet from all places where smoking is prohibited

# Where would it regulate exposure to secondhand smoke?



- **Smoking would be prohibited (continued):**
  - In indoor and outdoor common areas of all multi-unit residences, as currently prohibited
  - In individual units and their patio/yard areas of multi-unit, multi-story residences (apartments, condominiums, and townhouses) which share common floors and/or ceilings with at least one other such unit
    - Landlords would be required to insert no-smoking terms in their residential leases (for example by using the California Apartment Association's Approved Form)
    - These landlord/tenant lease provisions would go into effect 14 months after adoption of the ordinance

# Where would it regulate exposure to secondhand smoke?



- **Smoking would be allowed:**

- On all streets and sidewalks, unless being used as outdoor workplaces, or at city-sponsored events (such as parades and fairs)
- In all single family homes and their patio/yard areas
- In individual units and their patio/yard areas of multi-unit residences (apartments, condominiums, and townhouses) which do not share any common floors and/or ceilings with any other such units
- In owner-designated outdoor smoking areas of multi-unit residences
- In any city-designated outdoor smoking areas
- In automobiles

# When would it go into effect?

- 30 days from adoption



- Exception for adding non-smoking terms to residential leases: 14 months from adoption



# Who would enforce it?

- People affected by secondhand smoke
  - Encouraged to resolve informally
  - Private lawsuit
- The City of Belmont
  - Education first
  - Warnings before legal action
  - Civil enforcement
    - Administrative code enforcement
    - Civil lawsuits for injunction
  - Criminal enforcement
    - Infraction or misdemeanor citation



# How would it be applied?

- Goal is compliance, not punishment
- Enforcement will be complaint-driven, as with other code enforcement
- City education efforts
  - Information kiosk in City Hall lobby
  - Signage in public places



# Recommended Actions Tonight

- Review draft and make any modifications
- Introduce ordinance tonight or continue for re-drafting

