

City Council

June 30, 2015

# **SMOKING REGULATIONS UPDATE**

# Project Overview

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- Replace Chapter 9-20 (Prohibiting Smoking in and Around Workplaces and Public Places) with Chapter 9-20 (Smoking Regulations)
- Amend Zoning Code Section 20-70.020 (Definitions of Specialized Terms and Phrases) to revise and add definitions

# Background

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- City Council Goal #6:  
Commit to Making Santa Rosa a Healthy Community  
Where People Feel Safe to Live, Work, and Play
- Strategic Objective #2:  
Expand the City's smoking ordinance for  
public/private places

# Council Direction: August 2014

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1. Prohibit smoking in attached multifamily housing.
2. Prohibit smoking on City-owned recreational properties including parks.
3. Prohibit smoking at all City-owned properties.
4. Prohibit smoking in outdoor service areas.

# Council Direction: August 2014

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5. Include the use and sale of electronic smoking devices in the definitions of “smoking” and “tobacco or smoke shop.”
6. Evaluate increasing the percentage of smoke free guest rooms within hotels and motels from 50% to 75%.

# Council Direction: August 2014

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7. Evaluate increasing the minimum “reasonable distance” from 20 feet to 25 feet.
8. Research second-hand smoke as a public nuisance.

# Background

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- Project Initiation: August 26, 2014
- Study Session: December 16, 2014
  - October 15, 2014 draft ordinance
- Public Hearing: March 31, 2015
  - February 27, 2014 draft ordinance

# Council Direction: March 2015

- Public places regulations: Smoke shop exception

Notwithstanding any other provision of this chapter, electronic smoking devices may be used within retail tobacco stores for product sampling. Retail tobacco stores shall post signs prohibiting people under 18 years of age from entering the establishment.



# Council Direction: March 2015

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- Multifamily residential regulations
  - Conventional smoking prohibition
  - Allow use of medical marijuana (electronic smoking device only)
  - Address landlord concerns
  - Electronic smoking devices: information and options requested

# Electronic Smoking Devices

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- Recent studies
  - Ultrafine particles
  - Toxins
  - Mobility of emission
- Recommendation

# Electronic Smoking Devices in Multifamily Settings

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- Option 1: Do not allow ESDs in multifamily; treat like smoking
- Option 2: Do not regulate ESDs in multifamily
- Option 3: Allow indoor use of ESDs only
- Option 4: Allow outdoor use of ESDs only

# Landlord Responsibilities

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- Timing
- Appropriate steps
  - Annual notification for 3 years
- HUD units

# Smoke as Nuisance

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**9-20.160 Secondhand smoke – declaration of nuisance.** Secondhand smoke constitutes a nuisance. Notwithstanding any other provisions of this chapter, a private citizen may bring a legal action to abate secondhand smoke as a nuisance. For the purposes of this section, the definition of smoke does not include emissions from electronic smoking devices.

# Implementation Schedule

DATE	ACTION
<b>August 7, 2015</b> <i>Effective date of ordinance</i>	<ul style="list-style-type: none"> <li>• City parks and recreation lands</li> <li>• City owned properties and facilities</li> <li>• Outdoor service areas</li> <li>• 75% hotel/motel rooms</li> </ul>
<b>October 6, 2015</b> <i>60 days later</i>	<ul style="list-style-type: none"> <li>• Multifamily common areas</li> <li>• Multifamily residences that are on a month-to-month lease/agreement or owner-occupied transition to smoke-free</li> <li>• All new units must be smoke free</li> </ul>
<b>August 7, 2015 – August 7, 2016</b> <i>One year from ordinance effective date</i>	Smoke-free provisions added to leases and rental agreements as existing leases/agreements expire
<b>August 7, 2016</b>	<b>All multifamily residences will be smoke-free</b>

# Recommendation

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- Introduce an ordinance replacing Chapter 9-20 (Smoking in and Around Workplaces and Public Places) with Chapter 9-20 (Smoking Regulations).
- Introduce an ordinance to amend Chapter 20-70.020 (Definitions of Specialized Terms and Phrases) of the Zoning Code.