

City Council

March 31, 2015

# **SMOKING REGULATIONS UPDATE**

# Project Overview

---

- 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

---

- 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

---

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

---

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

---

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

# Definition of Smoking

---

- “Igniting, inhaling, exhaling, burning, vaping, operating, or carrying any lighted cigar, cigarette, pipe, hookah, electronic smoking device, tobacco product, or any other combustible substance including marijuana.”



# Multifamily Residential

---

- Residential properties containing two or more units with one or more shared walls, floors or ceilings.
- Addresses second hand smoke and vapor.
- May affect up to 25,000 housing units (36 percent of total units).
- Other residential units



# Smoke as Nuisance

---

- Legal basis
- Effect of nuisance declaration
- Options
  - Broadly declare second hand smoke a nuisance
  - On residential property only
  - Where smoking is prohibited only



# Medical Marijuana

---

- As proposed, medical marijuana would be treated same as other kinds of smoking
- Option:
  - Allow qualified medical cannabis patients to use electronic smoking devices in multifamily residences to use medical marijuana



# Unenclosed Nonresidential Places

- Current smoking prohibitions
  - Recreation areas  
(*exception*)
  - Transit Mall
  - Westside Transfer Station
  - Courthouse Square
  - Outdoor dining areas
- Proposed changes
  - City-owned properties
  - Service areas including bus stops
  - Entire park properties
  - Eliminate exceptions
- Reasonable distance



# Other Issues

---

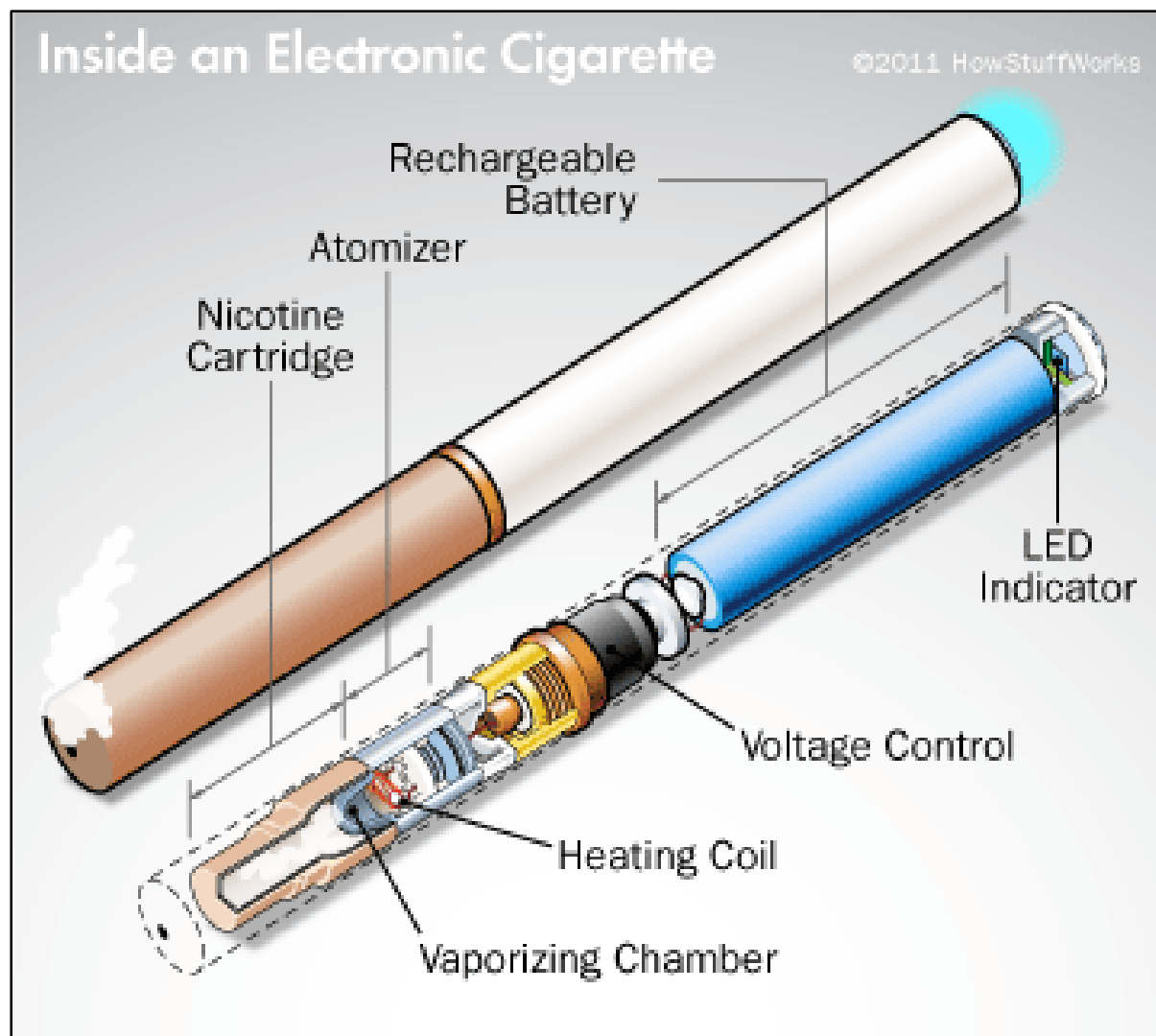
- Designated smoking areas
- Hotels and motels
- Role of landlord in enforcing the ordinance

# Zoning Code Update

---

- Tobacco or smoke shop:  
Any store, stand, booth, or concession that devotes 30% or more of its display floor area to tobacco products, or to the display and sale of tobacco, electronic smoking devices, or drug paraphernalia to purchasers for consumption or use.
- Tobacco or Drug Paraphernalia definition
- New definition of “electronic smoking device”

# Electronic Smoking Devices



# Issue of Statewide Concern

---

- January 28, 2015 – State Health Officer's Advisory
- SB 140 (Leno) – Classify electronic smoking devices as a tobacco product
- SB 151 (Hernandez) – Increase age to purchase tobacco products to 21

# Education and Enforcement

---

- Public education
  - Proposed assistance from Sonoma County Department of Health Services (DHS)
- Implementation/ Enforcement
  - Sonoma County DHS (hotline)
  - Code Enforcement
  - Police Department



# Education and Enforcement

- Public outreach to inform community of new law
- Smoke-free Sonoma County website



[www.sonoma-county.org/BreatheEasy](http://www.sonoma-county.org/BreatheEasy)

# Implementation Schedule

DATE	ACTION
May 9, 2015 <i>Effective date of ordinance</i>	<ul style="list-style-type: none"><li>• Multifamily common areas</li><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>
July 8, 2015	<ul style="list-style-type: none"><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>
May 9, 2015 – May 9, 2016 <i>One year from ordinance effective date</i>	Smoke-free provisions added to leases and rental agreements as existing leases/agreements expire
<b>May 9, 2016</b>	<b>All multifamily residences will be smoke-free</b>

# Public Involvement

---

- City Council Meeting on August 26, 2014
- Community Meetings
  - September 25 and October 1
- Board of Community Services on October 22
- Planning Commission on October 23
- City Council Study Session on December 16

# Recommendation

---

- 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.