



Brisbane Smoking Ordinance

Frequently Asked Questions – Multi-Unit Residential Properties (Apartments, Condominiums, Townhomes)

Q. Are all residential properties in Brisbane impacted by this ordinance?

A. No. Only residential properties containing two or more units with one or more shared or abutting walls, floors, ceilings or shared ventilation systems including, but not limited to, a common interest development, condominium, townhouse, duplex, triplex, and apartment or other rental complex are subject to this ordinance.

Q. Where is smoking prohibited?

A. Smoking is prohibited in all multi-unit residences, all unenclosed and enclosed common areas, and all other areas of a multi-unit residence. Smoking is also prohibited within at least 30 feet in any direction from any operable doorway, window, opening or other vent into an enclosed area that is located at the multi-unit residence, areas primarily used by children, and areas with improvements that facilitate physical activity including playgrounds and swimming pools.

Q. Where is smoking permitted?

A. Smoking is permitted in a designated smoking area if the property has such area (and not all properties will have such an area). Outdoor designated smoking areas must be located more than 30 feet from the above listed prohibited areas.

Q. Are electronic cigarettes included in the ordinance and therefore are prohibited in multi-unit residences?

A. Yes. The city defines smoke, smoking, and tobacco or nicotine product to be inclusive of electronic devices (e-cigarettes, vapes, electronic smoking devices, etc.).

Q. When does the ordinance go into effect?

A. The ordinance went into effect in December 2016 but its enforcement has been delayed until June 1, 2017.

Q. What are the fines and penalties?

Violations of the ordinance may be enforced through administrative citations or by issuing criminal citations (infractions). For administrative citations and infractions, the fines are as follows:

1. A fine not exceeding \$100.00 for a first violation.
2. A fine not exceeding \$200.00 for a second violation.
3. A fine not exceeding \$500.00 for each additional violation within one year.

Q. How will the ordinance be enforced?

A. Violations of designation of smoking areas should be addressed to the City's Code Enforcement Officer Michelle Moneda by calling (415) 508-2172 or e-mailing mmoneda@ci.brisbane.ca.us. To report a violation in progress ("on-view violation") of the ordinance, please call Dispatch at (415) 467-1212.



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Q. What are the responsibilities of apartment managers or homeowners associations under the ordinance?

A. No person with legal control over any nonsmoking area, or authorized representative of such person, shall knowingly permit smoking in any nonsmoking area that is under the person's control. Such person shall keep the property free of any tobacco litter or waste. "No smoking" signs or 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) shall be posted on the outside of each building containing six or more units; at all enclosed common areas; and at all unenclosed common areas with improvements that facilitate physical activity including playgrounds and swimming pools. No signs are required by this ordinance in any unit of a multi-unit residence. The absence of any sign required by this ordinance shall not be a defense to a violation of any provision of this ordinance.

Q. Can I establish non-smoking policies that are stronger than what is required under the ordinance?

A. Yes. The ordinance does not prevent property owners from establishing more stringent non-smoking requirements.

Q. If I rent out a single family home, is smoking allowed in that residence?

A. Yes. A "multi-unit residence" does not include a single family residence nor an accessory dwelling unit (a "granny flat").

Q. What happens if a resident is complaining about drifting smoke from another unit?

A. The Code Enforcement Officer will contact the residents in the unit, advise and educate the residents about the Ordinance, and inform them that if the prohibited behavior continues, the person will be subject to a citation.

Q. Where can I go for more information on this ordinance and resources for implementing a non-smoking multi-unit residential community?

A. More information is available on the City's website: <http://brisbaneca.org/smoking-ordinance>