Provisions of the County Secondhand Smoke Protections Ordinance*

Smoking** is prohibited in the following outdoor areas:

- All areas within 20 feet of the doors, operable windows, air ducts and ventilation systems of any enclosed worksite or enclosed places open to the public, except while passing on the way to another destination;
- In outdoor dining areas at bars and restaurants (including outdoor dining areas at places of employment and in outdoor lounges);
- On public trails and in public parks;
- In service areas. (Service area means an area used to receive or wait for a service, enter a public place or make a transaction, including ATM’s, bank teller windows, ticket lines, bus stops and taxi stands);
- In public event venues (such as stadiums, fairs, pavilions, farmers markets); and
- In all outdoor areas owned or leased by the county, including parking lots, the grounds of the county's hospital and health clinics, and the grounds of all other buildings owned or leased by the county.

In Multi-Unit Housing Residences (defined as 2 or more units), smoking is prohibited:

- In common indoor and outdoor areas of multi-unit housing residences of 2 or more unit; and
- On all balconies, patios, decks and carports for existing and new multi-unit housing.
- All areas within 20 feet of doors, windows, air ducts and ventilation systems of multi-unit housing residences, except while walking from one destination to another.
- In 100% of all dwelling units of multi-unit housing residences that receive a building permit after January 1, 2011.

Landlord Responsibilities:

- Maintain and keep on file at the premises: (1) a list of all designated non-smoking units at the residence; (2) a floor plan of the residence that identifies the location of all designated non-smoking units, any units where smoking is permitted and any designated outdoor smoking areas; and
- Provide a copy of the list and floor plan, and a copy of any policy for addressing smoking complaints to each prospective tenant along with every new lease or rental agreement for the occupancy of a unit in a multi-unit residence.
- Include lease terms with a clause stating it is a material breach of the lease to smoke in a non-smoking unit or in any indoor or outdoor common area where smoking is prohibited.

Landlords may designate a common outdoor area of a multi-unit housing residence as a smoking area, as long as it does not overlap with any area where smoking is otherwise prohibited by local, state or federal law: must be located at least 25 feet in all directions from non-smoking areas; and must not include areas used primarily by children.

*These protections currently cover the unincorporated areas of Contra Costa County.
**For all provisions, “Smoking” includes the use of a hookah pipe, medical marijuana or Electronic Nicotine Delivery System (ENDS) such as e-cigarettes.
Smoking is also prohibited:
- In any indoor workplace or indoor area open to the public, including tobacco shops, owner or volunteer operated businesses and hotel lobbies.

Smoking is permitted:
- In any location within the county unless otherwise prohibited by local, state or federal law; and
- In up to 20 percent of guests room in any hotel, unless the hotel has designated the entire hotel smoke-free.

In every building or other place where smoking is prohibited by law, the owner, operator or manager must:
- Post “No smoking” signs with letters of not less than one inch in height, or the use of the international “No Smoking” symbol (consisting of a burning cigarette in a red circle with a red bar across it), must be visibly posted in every building or other place where smoking is regulated by the owner, operator, manager;
- Not allow ashtrays or other receptacles for disposing of smoking material where smoking is prohibited; and
- Not knowingly allow smoking in smoking prohibited areas. The owner, operator or manager must ask the person(s) to stop smoking in areas where smoking is prohibited.

Smoking is also prohibited, under other State and County laws, in certain areas including:
- In any public building which is any building owned, leased or occupied by the state, the county, a city or a California community college district;
- In lobbies, lounges, waiting areas, elevators, stairwells and restrooms that are a structural part of a covered public parking lot or a building to which a parking lot is attached;
- In passenger vehicles owned by the state or Contra Costa County;
- Inside and within 25 feet of a playground or tot lot sandbox area;
- In any motor vehicle in which there is a minor (a person under 18 years of age), regardless of whether the vehicle is in motion or at rest; and
- On the premises of a licensed day care center and in a licensed family day care home (e.g., a day care for children based in the home of the provider) during the hours of operation as a family day care home and in those areas of the family day care home where children are present.

For more information about protections in your city, call the Tobacco Prevention Project at (925) 313-6214 or email tobaccopreventionproject@hsd.cccounty.us.

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