

Multi-Unit Residence Smoking Prohibition

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Effective Date

- January 1, 2022 – Effective date of multi-unit smoking prohibition.

What is a Multi-Unit Residence

Property containing 3 or more attached units including:

- Apartment complexes
- Condominiums
- Townhomes
- Triplexes
- Long-term Health Facilities
- Assisted Living facilities

The definition for multi-unit residence excludes:

- Single Family Homes including those with detached units
- Hotels or Motels that meet the State Smoking Requirements
- Duplexes

What is Smoking

Smoking or vaporizing of plant based materials for the purpose of inhalation. This would include:

Tobacco Products

- Cigarettes
- Cigars
- Electronic Cigarettes

Cannabis/Marijuana

Medicinal Marijuana

Other plant based narcotics

*Incense and essential oil vaporizers are excluded from the definition.

What is prohibited?

Smoking in any new or existing multi-unit residence including:

- Inside of units
- Tenant balconies and/or patios
- Common Areas
- Within 25 feet of operable doorway, window, opening or vent (includes any neighboring multi-unit residences)

Are there any exceptions?

Owners, property managers and HOA's have the option to create a designated smoking area if they meet all of the following:

- Be located in a unenclosed area
- Be less than 10% of total unenclosed common area
- Be located 25 feet from doorways, windows, openings and vents. This applies to any neighboring multi-unit residences
- Install waste receptacles including ashtrays and cigarette butt receptacles
- Be identified by signs stating "Designated Smoking Area"
- Be located 25 feet from children play areas and exercise areas including:
 - Schools
 - Swimming pools
 - Playgrounds
 - Parks

Requirements for owners, property managers and HOA's

Update all new, renewed or month to month leases with the following:

- A copy of the smoking ordinance
- Description or image of Designated Smoking Areas if any.
- A clause conveying third party beneficiary status to all occupants of residences or residence units within 25 feet as to the smoking provisions of the lease such that an aggrieved third-party beneficiary may institute a private civil action as against violator(s) to enforce provisions of the chapter.

* The smoking ordinance requirements are still applicable even if the above language is not incorporated into leases.

Ensure that all common areas are smoke free and remove any smoking waste and smoking waste receptacles.

Requirements for owners, property managers and HOA's

Post “No Smoking” signs at all entrances and common areas of the properties.

NO SMOKING



**WITHIN 25 FEET OF ANY OPERABLE
DOORWAY, WINDOW OPENING, OR VENT**

City of Mountain View Municipal Code 21.56

Enforcement of the ordinance

Enforcement of the proposed multi-smoking ordinance will be primarily achieved through owners, property manager and HOA's through lease agreements and CC&R's

If owners, property managers or HOA's are unable to stop the smoking violation, then the fire department will investigate

The fire department has the option to issue administrative penalties in the following amounts to tenants that are in violation of the smoking ordinance

- \$100 for first offence
- \$200 for second offence within one year of the initial offence
- \$500 for the third offence within one year of the initial offence

If owners, property owners and HOA's comply with all of the smoking ordinance requirements they cannot be held liable for their tenants actions.

Questions and Comments

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