

## Frequently Asked Questions About the Smoke-Free Multi-Unit Housing Ordinance

### **Q: When does the ordinance go into effect?**

A: The ordinance went into effect on July 1, 2019.

### **Q: Are all residential properties in the City of Firebaugh impacted by this ordinance?**

A: No. The ordinance applies to Units of Multi-Unit Residence and common areas (duplexes, apartments buildings, condominium complexes, senior and assisted living facilities, and long-term healthcare facilities, private balcony, porch, deck, patio)

### **Q: Where is smoking prohibited?**

- Smoking is prohibited in all Units in a Multi-Unit Residence, including any associated exclusive-use Enclosed Areas of Unenclosed Areas, such as, for example, a private balcony, porch, deck, or patio.
- No Smoking shall be permitted in Common Areas of Multi-Unit Residences except in designated Smoking areas.
- Non-Smoking Buffer Zones. Smoking is prohibited in Adjacent Unenclosed Property within twenty-five (25) feet in any direction of any doorway, window, opening, or other vent into an Enclosed Area in a Multi-Unit Residence.
- No Person with legal control over any Nonsmoking Area shall permit Smoking in the Nonsmoking Area.

### **Q: Where is smoking permitted?**

A: Smoking is permitted in designated smoking areas. Unenclosed area must be at least twenty-five (25) feet from Unenclosed Areas primarily used by children, playgrounds, tennis courts, swimming pools, and school campuses; must be located at least twenty-five (25) feet from any Nonsmoking Area. Must have a clearly marked perimeter; must be identified by conspicuous signs; and must not overlap any Enclosed or Unenclosed Area where Smoking is prohibited by this Article or other law.

### **Q: Are electronic cigarettes included in the ordinance?**

A: Yes, the city defines “smoking” as inhaling, exhaling, burning, or carrying any lighted, heated or ignited cigar, cigarette, cigarillo, pipe, hookah, Electronic Smoking Device, or any plant product intended for human inhalation.

### **Q: Who will enforce the ordinance?**

A: The ordinance will be enforced by the City of Firebaugh Code Enforcement and Police Department.

### **Q: What is the process to file a complaint?**

A: Complete “Prohibiting Smoking in Multi-Unit Residence Complaint Form” and send to the City of Firebaugh. Form can be found in the City of Firebaugh website [www.firebaugh.org](http://www.firebaugh.org).

**Q: What are the fines and penalties?**

A: Violations of this Article are subject to a civil action brought by the district attorney or the city attorney, and are punishable by:

- A fine of not less than one hundred dollars (\$100.00) and not exceeding two hundred fifty dollars (\$250.00) for a first violation in any sixty (60)-month period;
- A fine of not less than two hundred fifty dollars (\$250.00) and not exceeding five hundred dollars (\$500.00) for a second violation in any sixty (60)-month period;
- A fine of not less than five hundred dollars (\$500.00) and not exceeding one thousand dollars (\$1,000.00) for a third or subsequent violation in any sixty (60)-month period.

**Q: Who do I call to make a complaint?**

A: Any person may call the City of Firebaugh at (559) 659-2043 Ext. **209**

**Q: What happens after a complaint is made?**

A: The City of Firebaugh Code Enforcement staff will review the complaint and if they find the complaint contains enough information to move forward, they will consider the matter for further action.

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

A: Contact the smoker to remind them that smoking is not permitted in or around residential units and common areas and inform them of the location of designated smoking areas on the property. If the resident continues to smoke in the unit or common areas, violation of the ordinance can be reported the City of Firebaugh (559) 659-2043 Ext. **209**.

**Q: What are the responsibilities of apartment managers or owners associated under the ordinance?**

A. Each manager and owner of a Unit in a Multi-Unit Residence shall provide existing and prospective tenants with written notice clearly stating there are no smoking in units and common areas. Clear and unambiguous “No Smoking” signs shall be posted in sufficient numbers and locations in Common Areas where Smoking is prohibited by this Article or other law. In addition, signs shall be posted in sufficient numbers and locations in the Multi-Unit Residence to indicate that Smoking is prohibited in all Units. The absence of signs shall not be a defense to a violation of any provision of this Article. “No Smoking” signs are not required inside or on doorways of Units.

**Q: Where can I go for more information on this ordinance and resources for implementing a non-smoking multi-unit residence?**

A: For more information visit [www.firebaugh.org](http://www.firebaugh.org) or call (559) 659-2043 Ext. **209**