



## City of Walnut Creek Second Hand Smoke Protections Ordinance Frequently Asked Questions

### **1. Where is smoking prohibited?**

Smoking is prohibited throughout the downtown Pedestrian Retail District (see map at [www.walnut-creek.org/nosmoking](http://www.walnut-creek.org/nosmoking)); in all multi-unit residential units, common areas, balconies and within 25 feet of enclosed areas; all city parks and open space areas; all public places; all places of employment; all service areas (i.e. ATM and ticket lines); outdoor dining areas; and 25 feet from all enclosed areas where smoking is prohibited.

### **2. I am a Multi-Unit Residential Property Owner/Manager, what am I required to do?**

As an owner or manager of a multi-unit residential property, you are required to do the following:

1. Notify all tenants of the new restrictions by November 30, 2013
2. Post “No Smoking Signage” on all points of ingress to the property and all buildings by January 29, 2014
3. Incorporate new lease provisions for all leases that are amended, renewed or entered into on or after January 29, 2014

### **3. I own/rent an apartment or condo; can I smoke in my unit or on my balcony?**

No. Under the ordinance, smoking in all multi-unit residential units is prohibited, including all balconies, common areas and within 25 feet of all enclosed areas. However, multi-unit residential property managers/owners may create a designated smoking area, but the area must comply with all other smoking restrictions.

### **4. I am a downtown business owner, what am I required to do?**

If your business is located within the Pedestrian Retail District (see map at [www.walnut-creek.org/nosmoking](http://www.walnut-creek.org/nosmoking) ), you are required to post a “No Smoking” sign in areas where smoking is prohibited. The City has developed sign templates for use by downtown business owners, which can be found on the City’s website.

### **5. Can the City fine me for smoking in a prohibited area?**

The ordinance provides a variety of methods of enforcement ranging from warnings, to tickets, to lawsuits. The ordinance can be enforced by the City or by private parties who have given notice to the City. The City expects to rely on warnings and tickets for most offenders, but will consider more serious penalties for willful or repeat offenders.

### **6. What should I do if I witness someone violating the ordinance?**

If you are at a business, retail store or restaurant, please ask an employee to enforce the ordinance. If you are walking down the street or in another public place, you can ask the smoker to extinguish their cigarette, cigar or pipe. If you are uncomfortable doing so, or the person refuses your request, please feel free to call the City’s No Smoking Hotline at (925) 256-3535 or via e-mail at [nosmoking@walnut-creek.org](mailto:nosmoking@walnut-creek.org).