



Community Development Department

October 7, 2020

Subject: Prohibition of Smoking in Enclosed Residential Facilities

Dear Property Manager,

This letter is to notify you that our records indicate you manage property that is subject to new smoking restrictions that took effect on July 1, 2020. Adopted by the City Council on April 23, 2019, Ordinance No. 520 prohibits smoking in all common areas and multi-unit residences with ten (10) or more units in Hercules, including—as of July 1, 2020—inside all owner-occupied dwelling units in a multi-unit residential building with ten (10) or more units. Additionally, smoking is prohibited within 25 feet of outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, to prevent smoke from entering those areas. (The Ordinance is part of the City's Municipal Code, which is available online at: <https://www.codepublishing.com/CA/Hercules/#!/Hercules05/Hercules056.html>.)

Compliance with this law is encouraged through signage and education. However, a person who smokes in an area where smoking is prohibited by the provisions of the City's Smoking Ordinance may be subject to the penalty provisions of the code, which also includes the right of a private enforcement action.

In addition to the City's Smoking Ordinance, your homeowners' association may have additional rules and restrictions on smoking in the development. If not, you may want to consider updating your associations' bylaws for consistency with the City's smoke-free ordinance, as this is the most effective way to eliminate secondhand smoke in your condo complex. You may also be able to restrict on-site smoking through nuisance provisions that may already exist in your bylaws. Making your building smoke-free is beneficial to you because it can reduce costs, risks, and liability associated with smoking, and is attractive to residents. (See the attached flyer, "How to Make a Condo Complex Smokefree.")

If you have any questions about the City's smoking regulations, please feel free to contact me via the phone number and email listed below.

Sincerely,

Robert Reber, AICP
Community Development Director
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