

# SMOKING ORDINANCE

## Answers to Frequently Asked Questions For **Property Owners and Landlords**



### Phone

(510) 494-4430

### Email

code\_enf@fremont.gov

### Website

Fremont.gov/SmokingOrdinance

### **Q.** As a property owner or apartment complex manager, what do I need to do to comply with Fremont's Smoking Ordinance?

**A.** Property owners and landlords of rental complexes should provide every prospective tenant, prior to entering into a new lease or other rental agreement, a copy of a document describing each designated smoking and non-smoking unit with an accompanying diagram depicting such locations and a policy for handling complaints regarding smoking. Also, provisions under section 8.55.075 of the Fremont Municipal Code must be included in every lease or rental agreement, as well as every covenant, condition and restriction (CC&R), to ensure required and implied terms for all new units in multi-unit residences are satisfied. A landlord shall not be liable to any person for a tenant's breach of smoking regulations if the property owner or landlord has fully complied with the disclosure provisions in the ordinance. In Fremont, smoking includes cigarettes, electronic cigarettes (commonly known as e-cigarettes), and marijuana.

### **Q.** How do I request site plans of my complex to be in compliance with Fremont's Smoking Ordinance?

**A.** The City of Fremont GIS Division can provide site plans to building owners and apartment managers upon request. The site plans will be delivered electronically to the requestor. Requests should be emailed to rchan@fremont.gov with a courtesy copy (cc) to cfrost@fremont.gov. If you do not have email, contact Ron Chan at (510) 494-4832. Please be aware of the following information when requesting site plans:

1. The City of Fremont does not have site plans for all apartment complexes and will not develop site plans for compliance with the Smoking Ordinance.
2. The site plans were developed for fire response purposes and the electronic files may require alterations by the building owner or manager to meet the requirements of the Smoking Ordinance.
3. The location and placement of signs shall be in accordance with the Smoking Ordinance. The City does not coordinate or offer advice on the placement of signs.

### **Q.** Where can I buy signs?

**A.** Most local hardware and office supply stores, as well as some drug stores, stock the international "No Smoking" and "No Smoking Within 25 Feet of Building Entrance" signs and decals for purchase.

### **Q.** Where should signs be posted?

**A.** "No Smoking within 25 feet" signs or decals should be posted at every entrance or exit to any building, as well as posted in outside areas, where smoking is prohibited. Signs need letters of at least 1" in height with the international "no smoking" symbols posted clearly and at conspicuous locations outside every building where smoking is prohibited.

### **Q.** Who handles the enforcement of Fremont's Smoking Ordinance?

**A.** Enforcement of Fremont's Smoking Ordinance is handled through the City of Fremont Code Enforcement Division, the Fremont Police Department, the Fremont Fire Department, and the Park Rangers.