



City of Larkspur

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DATE: May 31, 2011

TO: Larkspur Business Owners and Managers

FROM: Dan Schwarz, Larkspur City Manager

SUBJECT: Legal Requirements for Larkspur Ordinance # 978, Amending Chapter 6.16 of the Larkspur Municipal Code Prohibiting Smoking in Public Places, Places of Employment, Other Areas, and Multi-Unit Housing.

On April 20, 2011, the Larkspur City Council updated Larkspur's smoke-free ordinance, making revisions and adding protections against second-hand smoke exposure to the public, specifically in outdoor gathering places, building buffer zones, at least 80% of apartments, condominiums and townhouses and their balconies, decks and outdoor common areas. This ordinance also provides for protection from second-hand smoke in: parks, recreational areas, play areas, farmer's markets, waiting lines (such as ATMs, theater ticket lines), outdoor areas of bars, restaurants and cafes, bus stops and shelters (including a 20 foot buffer zone), and a minimum of 80% of hotel and motel rooms.

Over 100 California cities and counties have updated their local ordinances to provide similar protections. This ordinance will benefit the public health and safety of Larkspur residents, workers and visitors, since smoking is the leading cause of fire injuries and fatalities, and studies have shown that there is no known safe level of exposure to second hand smoke.

The legal requirements of the amended Smoke Free Air Ordinance *will take effect on May 20, 2011*. The ordinance requires that you post the enclosed sign (adhesive decal), on your building entrance.

The following tips may help make compliance easier for you, your employees, clients and/or customers (with the **Outdoor Smoke-Free provisions**):

1. Review and provide copies of the enclosed brochure to your employees, customers, clients, visitors and tenants (in commercial offices). Educating them will ensure expanded compliance with the ordinance and help avoid fines.
2. Since smokers tend to smoke near ash trays, place these at least **20 feet** away from any building entrance, vent or window. This is a minimum standard and you can extend that distance since California law permits you to make your entire property smoke free.

(See reverse side of page for additional requirements).

3. Please note that if your business entrance opens to a sidewalk, people can only smoke as long as they are **walking from one destination to another**, so that the smoke does not accumulate near open windows or doors.

Smoke-Free Multi-Unit Housing Implementation Requirements:

- ◆ Note that the ordinance affects any two dwellings that share a common wall.
- ◆ While the outdoor smoke-free provisions go into effect on May 20, 2011, Homeowners Associations of condominiums and townhouses have one year to comply with the minimum requirement of 80% smoke-free units or expand the policy to include 100% of units.
- ◆ Apartment owners and managers are required to notify all tenants that lease renewals will include the smoke-free clause that will go fully into effect on May 12, 2012.
- ◆ While the ordinance requires a minimum of 80% of units to be smoke-free, and these have to be grouped together, property owners have the option of making the entire apartment complex 100% smoke-free.
- ◆ Enforcement is handled just as any other lease violation.

For a full copy of the ordinance, and for more information on how to comply with the ordinance, go to: www.smokefreemarin.com or call 499-3020 for assistance.

Research shows that 80% of all smokers would like to quit and that smoke-free public places provide a more supportive environment. Experience shows that employees (or tenants) will use new smoke-free ordinances as an opportunity to go smoke-free.

The following resources may be of interest to your employees or tenants at this time:

1. Bay Area Community Resources provides on-going stop-smoking classes at their San Rafael office. On-site classes may also be available at businesses or apartment complexes with enough participants. Call 415-755-2399 for more information.
2. The Smokers' Helpline also provides free phone cessation services to all California smokers, at their convenience: 1-800-NO-BUTTS or www.californiasmokershelpline.org
3. Additional local classes and on-line stop-smoking resources can be found at: <http://www.smokefreemarin.com/help.html>

The City of Larkspur, County of Marin and the Smoke-Free Marin Coalition look forward to working with you to comply with this new law by creating a healthy smoke-free environment for all Larkspur residents, workers and visitors. If you have any questions, or need additional information and/or signage please contact the Marin County Tobacco, Tobacco Related Disease Control Program at 499-3020 or visit www.smokefreemarin.com