



**TOWN OF FAIRFAX**  
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**Date:** June 20, 2011

**From:** Michael Rock, Fairfax Town Manager

**To:** Fairfax Business Owners and Managers

**Re:** Legal Requirements for Fairfax Ordinance # 754, Prohibiting Smoking in Public Places, Places of Employment, Other Areas, and Multi-Unit Housing.

The Fairfax Town Council at its regular meeting on June 1, 2011, adopted an ordinance that closes old loopholes and tightens smoking restrictions in Fairfax. This ordinance will benefit the public health and safety of Fairfax 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 secondhand smoke.

The **outdoor provisions** of the amended Smoke- Free Air Ordinance **will take effect on July 1, 2011**. The ordinance requires that you post the enclosed sign (adhesive decal) on your building entrance.

This ordinance protects the public from secondhand smoke exposure in the following outdoor places: parks, recreational areas, play areas, farmers' markets, and outdoor areas of restaurants and cafes, bus stops and shelters and a minimum of 80% of hotel and motel rooms.

The smoke-free provisions include 20 foot buffer zones from any entrance, window or air intake areas. 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.

The following tips may help you, your employees, clients and/or customers comply 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 prevent you from receiving a fine.
2. Since smokers tend to smoke near ashtrays, 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.

**Smoke-Free Multi-Unit Housing Implementation Requirements:** A minimum of 75% of units – up to 100% in a multi-unit residence must be permanently designated as non-smoking, including exclusive areas of the units such as private balconies, porches, decks, or patios. All units may be designated as non-smoking. The non-smoking units must be grouped together and physically separated from the smoking units to the maximum extent possible. Fairfax joins over 100 California communities, including San Anselmo, Ross, Larkspur, the County and Novato that have updated their smoke-free policies in the past few years.

- ◆ Note that the ordinance affects any four or more dwellings that share a common wall.
- ◆ Apartment owners and managers are required to notify all tenants during the next 12 months that lease renewals will include the smoke-free provisions that will go fully into effect on July 1, 2012.
- ◆ While the ordinance requires a minimum of 75% of units to be smoke-free, which have to be grouped together to the greatest extent practicable, property owners have the option of making the entire apartment complex 100% smoke-free. New tenants must be provided diagrams of smoking and non-smoking units.
- ◆ Enforcement is handled just as any other lease violation.

**For a full copy of the ordinance** and for more information on how to comply, go to ordinance database of protected communities at <http://www.smokefreemarin.com/areas.html> or <http://www.town-of-fairfax.org> or call 499-3020 for assistance.

**To file a complaint or** request an investigation of a violation of this ordinance, contact the Town of Fairfax at 453-1584.

Research shows that 80% of all smokers would like to quit and that smoke-free public places provide a more supportive environment. Employees and tenants can use the new smoke-free ordinances as an opportunity to go smoke-free. The following resources may help:

1. Bay Area Community Resources provides on-going quit classes at their San Rafael office. On-site classes may also be available at businesses or apartment complexes with enough participants. **415-755-2399.**
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](http://www.californiasmokershelpline.org).
3. Additional local classes and on-line quitting resources can be found at: <http://www.smokefreemarin.com/help.html>

The Town of Fairfax, 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 Fairfax residents, workers and visitors. If you have any questions or need additional information and/or signage, please contact the Town of Fairfax at 453-1584 or the Marin County Tobacco, Tobacco Related Disease Control Program at 499-3020 or visit [www.smokefreemarin.com](http://www.smokefreemarin.com).