

Frequently Asked Questions

About the Emeryville Smoking Pollution Ordinance

Q: Where exactly is smoking prohibited in multi-unit housing?

A: (EMC 5-29.04 b 1) In all areas, including common areas, and all units of a multi-unit residence, including any associated exclusive-use enclosed areas or unenclosed areas, such as, for example, a private balcony, porch, deck, or patio.

Q: How do you define "Multi-unit residence"?

A: (EMC 5-29.02 section e) "Multi-unit residence" means residential property containing two (2) or more units, with one (1) or more shared wall, floor, ceiling or ventilation system, including apartments, condominiums, duplexes or townhomes and their patios and balconies. A multi-unit residence does not include: a residential care facility or assisted living facility where smoking is governed by Federal or State community care licensing regulations; or a single-family residence, including one which has a detached permitted accessory dwelling unit on the same lot, unless the single-family residence is used as a day care center.

Q: How do you define "Common area"?

A: (EMC 5-29.02 section b): "Common area" means every enclosed area and every unenclosed area of a multi-unit residence that residents of more than one (1) unit are entitled to enter or use, including without limitation halls, pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.

Q: I'm a smoker and would like to comply with the ordinance. How far away should I be from multi-unit residences while smoking?

A: (EMC 5-29.02 section g): You need to be a reasonable distance away. "Reasonable distance" means a distance of twenty-five feet (25') from any smoke-free area that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area.

Q: I live in a stand-alone building that is considered a "condo". Does the ordinance apply?

A: No.

Q: I live in a single-family home with a detached in-law in my backyard that I rent to a tenant. There are no shared walls or ceilings. Does the ordinance apply?

A: No.

Q: I own a condo that is a unit in a larger building. I share walls and ceilings with my neighbors. Does the ordinance apply?

A: Yes.

Q: Does the Emeryville Smoking Pollution Ordinance ban smoking in areas other than multi-unit housing?

A: Yes! Smoking is prohibited in the following locations and more as outlined in the Emeryville Municipal code:

- *Public Events* (**EMC 5-29.04 section a**): Smoking shall be prohibited in any and all public places within the City of Emeryville whether enclosed or unenclosed areas.
- *Hotels*: In all Emeryville hotel rooms, meeting/conference rooms, and indoor common areas (**EMC 5-29.04 b2**): All areas of a hotel, motel, or other similar transient lodging establishment, including guest rooms, meeting and banquet rooms, and all lobby areas. For purposes of this subsection, “lobby” means the common public area of an establishment in which registration and other similar or related transactions, or both, are conducted and in which the establishment’s guests and members of the public typically congregate.

For more information, please see the Emeryville Municipal Code:

<https://www.codepublishing.com/CA/Emeryville/html/Emeryville05/Emeryville0529.html>