



## **Foster City Smoking Ordinance**

### Frequently Asked Questions – Retail and Commercial Properties

**Q. Are all commercial properties in Foster City impacted by this ordinance?**

A. Yes.

**Q. Where is smoking prohibited?**

A. At retail/commercial properties, smoking is prohibited within 50 feet of all entrances and doorways and on sidewalks on commercial property except within outdoor eating areas of restaurants, in which 50% of seating is permitted to be designated as smoking, even if it is within 50 feet of an entrance.

**Q. Where is smoking permitted?**

A. At retail/commercial properties, smoking is permitted outdoors in any area that is not within 50 feet of a doorway or on a sidewalk or pathway.

**Q. Are electronic cigarettes included in the ordinance?**

A. Yes. The city defines “smoke or smoking” as inhaling or exhaling upon, burning or carrying any lighted cigarette, cigar, pipe, hookah, weed, plant or other combustible substance used for the personal habit commonly known as smoking or an activated electronic cigarette or similar device used for the personal habit commonly known as vaping.

**Q. When does the ordinance go into effect?**

A. The ordinance went into effect on November 6, 2014.

**Q. What are the fines and penalties?**

A. Any person who violates the ordinance may be cited for an infraction, punishable by:

- A fine not exceeding two hundred fifty dollars (\$250) for a first violation
- A fine not exceeding five hundred dollars (\$500) for a second violation within one year
- A fine not exceeding one thousand dollars (\$1,000) for each additional violation within one year

**Q. How will the ordinance be enforced?**

A. Violations of the signage or notification requirements or questions about designation of smoking areas should be addressed to the Foster City Community Development Department at 650-286-3225 or [planning@fostercity.org](mailto:planning@fostercity.org). To report a violation in progress (“on-view violation”) of the ordinance, call the Police Department at 650-286-3300.

**Q. What are the responsibilities of property owners/managers under the ordinance?**

A. Each owner, operator, manager or other person having control of places within which smoking is regulated are considered in compliance upon conspicuously posting “No Smoking” signs with letters not less than one inch high or the

international “No Smoking” symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. At least one sign shall be placed at the entrance to every applicable facility. The City has provided signage guidance at its website (see link at the end of this document). Property owners and operators are also required to notify tenants of the law.

**Q. Is smoking allowed in the outdoor eating area of restaurants on my property?**

A. Smoking may be allowed in up to 50% of outdoor seating of restaurants, even if they are located within 50 feet of the entrance with proper signage. Signage should indicate that smoking is allowed in the area and at least 50% of tables must be individually designated with “no smoking” signs.

**Q. Can I establish non-smoking policies that are stronger than what is required under the ordinance?**

A. Yes. The ordinance does not prevent property owners from establishing more stringent non-smoking requirements.

**Q. How do I handle complaints about smoking?**

A. The best course of action is to contact the offender to remind them that smoking is not permitted in specific areas and to inform them of the location of designated smoking areas on the property. If they do not discontinue smoking, violations in progress (“on-view violations”) can be reported to the Police Department at 650-286-3300.

**Q. Where can I go for more information and resources on this ordinance?**

A. General questions may be addressed to Management Analyst Andra Lorenz at 650-286-3215 or [alorenz@fostercity.org](mailto:alorenz@fostercity.org). Questions about the ordinance’s notification requirements or designation of smoking areas may be addressed to the Foster City Community Development Department at 650-286-3225 or [planning@fostercity.org](mailto:planning@fostercity.org). To report a violation in progress (“on-view violation”), call the Police Department at 650-286-3300.

More information is also available at Foster City’s Smoking Ordinance Resource Page: [www.fostercity.org/departmentsanddivisions/citymanager/smokingordinanceupdate.cfm](http://www.fostercity.org/departmentsanddivisions/citymanager/smokingordinanceupdate.cfm)