



Foster City Smoking Ordinance

Frequently Asked Questions – Multi-Family Residential Properties
(Apartments, Condominiums, Townhomes)

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

A. No. The ordinance applies to multi-family units (apartments, condominiums and townhomes) that share common walls, ventilation, floors, or ceilings.

Q. Where is smoking prohibited?

A. For apartments, condominiums, and townhomes, smoking is prohibited within 30 feet of all entrances and doorways, in common areas, and inside residential units and on all balconies and patios. This ordinance goes into effect immediately for common areas and all new apartment leases. Apartment units with existing leases are exempt until the lease agreement expires or twelve months after the ordinance's effective date. (The ordinance effective date was 11/5/2014.) Smoking is also prohibited on all sidewalks and streets in or adjacent to common interest developments, apartments, and shopping centers, including their parking lots (per an amendment to the ordinance, effective 9/19/2018).

Q. Where is smoking permitted?

A. Smoking is permitted in designated smoking areas. Outdoor designated areas must be located more than 30 feet from an entrance/doorway and be marked by conspicuous signage. Interior smoking is allowed only if the area is fully enclosed, separately ventilated, and not the only space available for a particular activity or service.

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, for apartment buildings and December 17, 2014, for condominiums and townhomes. Until January 1, 2015, first time violators will be subjected to a warning only.

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 notification requirements or designation of smoking areas should be addressed to the Foster City Community Development Department at 650-286-3225 or 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 apartment managers or homeowners associations under the ordinance?

A. Each owner, operator, manager or other person having control of places within which smoking is regulated shall be 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 residents of the new law using a noticing method deemed appropriate by the property owners or operators.

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. If I rent out a single family home, is smoking allowed in that residence?

A. Yes. The ordinance applies only to residential units that share walls, ceilings, or floors.

Q. What happens if a resident is complaining about drifting smoke from another unit?

A. The best course of action is to contact the smoker to remind them that smoking is not permitted in or around residential units that share common walls, ceilings or floors and to inform them of the location of designated smoking areas on the property. If the resident continues to smoke in the unit, violations in progress (“on-view violations”) of the ordinance can be reported to the Police Department at 650-286-3300.

Q. Where can I go for more information on this ordinance and resources for implementing a non-smoking multi-unit residential community?

A. General questions about the ordinance may be addressed to Management Analyst Vanessa Brannon at 650-286-3354 or vbrannon@fostercity.org. Questions about the ordinance’s signage and 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. To report a violation in progress (“on-view violation”) of the ordinance, call the Police Department at 650-286-3300. California Apartment Association (Tri-County) also has resources available to members and can be contacted at (408) 342-3500.

More information is also available at Foster City’s Smoking Ordinance Resource Page: <https://www.fostercity.org/citymanager/page/smoking-ordinance-update>