



REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of July 24, 2018

TO: Mayor Kelley and Members of the City Council

SUBMITTED BY: Patrick Tang, City Attorney
David Biggs, City Manager

SUBJECT: Discuss whether restrictions on smoking in multi-unit housing as adopted by Contra Costa County should be considered in Hercules

RECOMMENDED ACTION: Discuss and provide direction to staff.

FISCAL IMPACT OF RECOMMENDATION:

There would be some expense associated with providing notice to residents and affected businesses if additional restrictions were adopted. There would be an undetermined cost associated with code enforcement efforts in the event enforcement were required.

DISCUSSION:

Earlier this year, the City Council voted to adopt a revised smoking ordinance that amends and updates the City's outdated smoking restrictions. The new ordinance does not regulate smoking within private residences in multi-unit complexes. A copy of the ordinance as adopted by Council is attached for your reference (Attachment 3).

During the discussion of the updated proposed ordinance, council was made aware of new legislation adopted by the County that has imposed additional restrictions to limit smoking in private residences within multi-unit developments. The County's ordinance (Attachment 2) does not apply within the city limits of Hercules. Council directed staff to include as a future agenda item a discussion of the County's ordinance, to determine whether it is desirable and/or feasible to adopt a similar ordinance that would limit smoking in residences within multi-unit properties within Hercules. This staff report is responsive to the Council's request; relevant information regarding the new restrictions is being provided as attachments to this report (Attachment 3).

ATTACHMENTS:

1. [County Multi-Unit Smoking Ordinance.](#)
2. [County educational materials explaining the new policy.](#)
3. The Revised Hercules Smoking Ordinance.