



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of March 26, 2019

TO: Members of the City Council

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

SUBJECT: Possible Multi-Family Smoking Ordinance

RECOMMENDED ACTION: Receive Update, Discuss, and Provide Direction, if any.

FISCAL IMPACT OF RECOMMENDATION: None as a result of this item, though, the adoption of restrictions on smoking in Multi-Family units may result in enforcement obligations and costs in the future.

DISCUSSION: On July 24, 2018, the City Council has a preliminary discussion about the desirability of restricting smoking in multi-family units. The staff report and attachments from that meeting are attached (Attachment 1). Since that time, the City Attorney has been further exploring the issues associated with the adoption of such a prohibition, including having reached out to the County of Contra Costa to discuss the possibility of the County enforcing such an ordinance should one be adopted either as a stand-alone ordinance or if the County's current restrictions were adopted by reference, as the City has done with animal control.

In the instance of animal control, the City contracts with the County for animal control services. While the City contracts with the County for plan check and building inspection services, and some limited code enforcement, smoking enforcement would not be part of these contract services. The County's Health Services has expressed a willingness to serve as a resource, but would not be able to provide actual enforcement services. As such, City staff is concerned that the adoption of a non-smoking ordinance for multi-family units would create expectations for enforcement which the City would not be able to fulfill.

This item is being presented to allow the City Council to determine if staff should bring back an ordinance for consideration which would implement Multi-Family Smoking Restrictions in the context of the limited ability to enforce here in Hercules. If the City Council would like to proceed, it is recommended that the City adopt by reference the County's code as to facilitate possible future involvement by the County in enforcement should that become an option at a later date.

ATTACHMENTS:

1. Staff Report from July 24, 2018 and attachments

<i>Financial Impact</i>			
Description:			
Funding Source:			
Budget Recap:			
Total Estimated cost:	\$	New Revenue:	\$
Amount Budgeted:	\$	Lost Revenue:	\$
New funding required:	\$	New Personnel:	\$
Council Policy Change: Yes <input type="checkbox"/> No <input type="checkbox"/>			