



Protect Your Tenants



City Of Fortuna

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Attention multi-unit housing managers: The City of Fortuna has adopted a policy to protect the public health and reduce exposure to secondhand smoke.

The policy affecting Fortuna multi-unit housing prohibits smoking in all indoor and outdoor common areas, and 30 feet from all building entrances, including windows, ventilation intakes, balconies and patios. Building managers are advised to inform all tenants of the new smoke-free policy (may use tear-out at bottom of page to copy and distribute) and post no smoking signs accordingly.

The policy also requires managers to disclose locations of designated smoking areas and any units where smoking is allowed (if any) to prospective tenants.

Things you must do to comply with the new policy:

- 1) Post “Smokefree” or “No Smoking” signs at all building entrances and in all indoor and outdoor common areas including playgrounds, benches, garages, and other places people congregate. (See reverse for exact posting requirements and information on designating specific smoking areas (optional).
- 2) Remove any tobacco/cigarette butt receptacles from areas smoking is prohibited.
- 3) If tenants refuse to comply, be sure they are aware this is Fortuna law and that they may be fined (brochure available at City Hall and website www.friendlyfortuna.com
- 4) Provide to every prospective tenant a diagram depicting the location of the designated nonsmoking units in relation to all other units and any designated smoking areas.

If, as the manager, you have complied with all of these steps you will not be held liable.



Notice to all tenants: Chapter 8.28 of the Fortuna Municipal Code prohibits smoking, including marijuana and electronic smoking devices, in all indoor and outdoor common areas, and 30 feet from all building entrances, windows, building ventilation systems, and on all common area and private balconies and patios. Failure to comply may be punishable by fine, criminal or civil charges, and may violate your lease agreement.

Posting of Signs

A Person, Landlord, Employer, or Nonprofit Entity that has legal or de facto control of an Enclosed or Unenclosed area in which Smoking is prohibited by this chapter shall post a clear, conspicuous and unambiguous "No Smoking" or "Smokefree" sign at each point of ingress to the area, and in at least one other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include 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). Signs posted on the exterior of buildings to comply with this section shall include the Reasonable Distance requirement set forth in § 8.28.040 (No Smoking Within 30 Feet).

Signs are available through the City of Fortuna and the Tobacco Free Humboldt program while supplies last. Downloadable version also available on the City of Fortuna and Tobacco Free Humboldt websites:

www.friendlyfortuna.com

<http://humboldt.gov/662/Tobacco-Free-Humboldt>

Designating smoking areas:

A Person with legal control over a Common Area may designate a portion of the Unenclosed Area of the Common Area as a designated Smoking area if the area meets all of the following criteria:

- a. The area must be located a Reasonable Distance from any Unit or Enclosed Area where Smoking is prohibited by this chapter or by other law; by binding agreement relating to the ownership, occupancy, or use of real property; or by designation of a Person with legal control over the property. A Person with legal control over a Common Area in which a Smoking area has been designated shall modify, relocate or eliminate that designated Smoking area so as to maintain compliance with the requirements of this division as laws change, as binding agreements are created, and as nonsmoking areas on neighboring property are established.
- b. The area must not include, and must be a Reasonable Distance (30 feet) from, Unenclosed Areas primarily used by children and Unenclosed Areas with improvements that facilitate physical activity including, for example, playgrounds, tennis courts, swimming pools, school campuses, and sandboxes;
- c. The area must be no more than 10% of the total Unenclosed Area of the Multi-Unit Residence for which it is designated;
- d. The area must have a clearly marked perimeter;
- e. The area must be identified by conspicuous signs;
- f. The area must be completely within an Unenclosed Area; and
- g. The area must not overlap with any Enclosed or Unenclosed area in which Smoking is otherwise prohibited by this chapter or other provisions of this code, state law, or federal law.

Disclosure of non-smoking units by Landlord:

A Landlord of a Multi-Unit Residence with less than one hundred percent (100%) nonsmoking Units shall provide to every prospective tenant, prior to entering into a new lease or other rental agreement for the occupancy of a Unit, a diagram depicting the location of the designated nonsmoking Units in relation to all other Units and any designated Smoking areas.

For information on how to make your entire property smoke-free contact the Tobacco Free Humboldt Program at 268-2132.