

Introduced by Councilmember Robinson

ORDINANCE NO. 7208

**AN ORDINANCE OF THE CITY OF PASADENA AMENDING THE TOBACCO USE PREVENTION ORDINANCE, CHAPTER 8.78 OF THE PASADENA MUNICIPAL CODE, TO REDUCE DRIFTING TOBACCO SMOKE IN MULTI-UNIT HOUSING**

The People of the City of Pasadena ordain as follows:

**SECTION 1.** A new section 8.78.085 is hereby added to Title 8, Chapter 8.78 (Tobacco Use Prevention Ordinance) of the Pasadena Municipal Code to read:

“8.78.085 Reduction of Drifting Tobacco Smoke in Multi-Unit Housing

A. The following words and phrases, whenever used in this section, shall have the following meanings:

1. “Common area” means every interior or exterior space of Multi-Unit Housing that residents of more than one unit are entitled to enter or use, including, without limitation, halls and paths, lobbies and courtyards, elevators and stairs, community rooms and playgrounds, gym facilities and swimming pools, parking garages and parking lots, shared restrooms, shared laundry rooms, shared cooking areas, and shared eating areas.

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2. "Multi-Unit Housing" means residential property containing two or more dwelling units but does not include a hotel or motel that meets the requirements set forth in California Civil Code section 1940(b)(2) or a mobile home park.

3. "New unit" means, for new construction, a unit that is issued a certificate of occupancy on and after July 1, 2011, or, for buildings already constructed, a unit that is leased or rented for residential use for the first time on and after July 1, 2011.

4. "Nonsmoking area" means any unit or common area of Multi-Unit Housing in which smoking is prohibited by this section.

5. "Unit" means a personal dwelling space, even where lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use enclosed area or unenclosed area, such as, without limitation, a private balcony, porch, deck or patio. "Unit" includes without limitation: an apartment; a condominium; a townhouse; a room in a long-term health care facility, assisted living facility, or hospital; a room in a single room occupancy facility; and a room in a homeless shelter.

**B. Nonsmoking Areas in Multi-Unit Housing**

1. It is unlawful to smoke in all common areas of multi-unit housing.

2. It is unlawful to smoke in all new units of multi-unit housing.

3. It is unlawful to smoke in all multi-unit housing units on and after July 1, 2013.

#### C. Disclosure of the Requirements of this Section

1. Every lease or other rental agreement for the occupancy of a multi-unit housing unit entered into, renewed or continued month-to-month on and after January 1, 2012 shall contain a reference to this section and attach a copy of this section.

2. Every purchase agreement for the sale of a multi-unit housing unit entered into on or after January 1, 2012 shall contain a reference to this section and attach a copy of this section.

#### D. Violations and Enforcement

1. It is unlawful for any person to violate the provisions of this section.

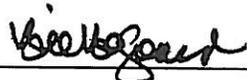
2. Notwithstanding section 8.78.110 or any other provision of this code, a violation of this section shall be punishable under the administrative citation procedures set forth in Sections 1.25 and 1.26. The fine imposed for a particular violation shall be in the amount set forth in the administrative citation schedule established by resolution of the city council pursuant to Section 1.26.060.

3. The provisions of this section shall be enforced by the health officer of the city or an authorized designee in the environmental health division. An owner, operator, manager, landlord, home owners association, or other person having

control of a multi-unit housing unit shall post signs as required by Section 8.78.080, however, said persons may, but are not hereby required, to assist with enforcing the provisions of this section and shall not be deemed in violation of this section by failure to assist its enforcement.”

**SECTION 2.** This ordinance shall take effect thirty days after its publication.

Signed and approved this 11th day of  
July, 2011.

  
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Bill Bogaard  
Mayor

I HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council at its meeting held July 11, 2011, by the following votes:

AYES: Councilmembers Holden, Madison, Masuda, Robinson, Tornek, Vice Mayor McAustin, Mayor Bogaard

NOES: None

ABSENT: Councilmember Gordo

ABSTAIN: None

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Pasadena Journal

  
\_\_\_\_\_  
Mark Jonsky, CMC  
City Clerk

APPROVED AS TO FORM:

  
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Michele Beal Bagneris  
City Attorney