

SMOKING ORDINANCE

Answers to Frequently Asked Questions For Residents and Renters



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Q. Where is smoking prohibited in Fremont?

A. In Fremont, smoking, which includes cigarettes, electronic cigarettes (commonly known as e-cigarettes), and marijuana, is prohibited in the following places:

- All enclosed areas of buildings, which are public places or places of employment.
- All common areas, enclosed and unenclosed, in multi-unit residential buildings.
- Within all multi-unit residential buildings constructed after February 1, 2017.
- All residential units that were issued a certificate of occupancy after February 1, 2017.
- In public transit, vehicles for hire such as a taxicab, or employer pool vehicles.
- Service areas such as ATM lines, ticket lines, and bus stops.
- Outdoor dining areas.
- Stadiums, amphitheaters, and outdoor places of assembly.
- Private hotel or motel rooms rented to guests, although 40 percent of rooms may be designated for smoking guests.
- Private residences when used as family day care homes or health care facilities.
- Public places, when being used for a public event, including a farmers' market, parade, craft fair, and festival.
- Recreational areas.
- Commercial area sidewalks.
- Within 25 feet of any entrance, exit, operational window, or air intake vent to any building where smoking is prohibited.

Q. How do I find out if my rental complex has a no smoking complaint policy?

A. Contact the landlord or manager of your rental complex to determine what policy is in place. Fremont's Smoking Ordinance requires all property owners and landlords of a rental complex to have a policy in place for smoking-related notification.

Q. Should "No Smoking" signs be posted in the common areas of residential rental properties?

A. Yes. "No Smoking within 25 feet" signs should be posted at every entrance or exit to any building where smoking is prohibited. Signs need letters of at least 1" in height with the international "no smoking" symbols posted clearly and at conspicuous locations outside every building where smoking is prohibited. If your complex does not have posted signs, contact your complex manager.

Q. Who handles the enforcement of Fremont's Smoking Ordinance?

A. Enforcement of Fremont's Smoking Ordinance is handled through the City of Fremont Code Enforcement Division, the Fremont Police Department, the Fremont Fire Department, and the Park Rangers.

Q. What do I do if I am bothered by someone smoking?

A. The City's Smoking Ordinance gives residents the right to sue their neighbors for nuisance if that person's smoke travels to another's property, including a patio or backyard. A person can file a lawsuit with the local courts, and may want to consider consulting an attorney first. For more information about the local courts, visit www.alameda.courts.ca.gov.