

ORDINANCE NO. O2M25-4852

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALHAMBRA, CALIFORNIA, AMENDING CHAPTER 9.18 (SMOKING REGULATED OR PROHIBITED) OF THE ALHAMBRA MUNICIPAL CODE TO PROHIBIT SMOKING IN MULTI-UNIT RESIDENCES OF THREE (3) OR MORE UNITS

THE CITY COUNCIL OF THE CITY OF ALHAMBRA DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council finds and declares as follows:

WHEREAS, the United States Surgeon General has concluded that eliminating smoking indoors is the only way to fully protect nonsmokers from secondhand smoke (SHS), and that there is no risk-free level of SHS exposure; and

WHEREAS, secondhand smoke can migrate between units in multi-unit residential buildings through shared ventilation systems, doorways, windows, and structural gaps, exposing nonsmokers to harmful contaminants; and

WHEREAS, members of the Alhambra community have expressed concern regarding the health impacts of secondhand and thirdhand smoke exposure in multi-unit housing; and

WHEREAS, numerous city and county governments throughout California have adopted smoke-free housing regulations to safeguard public health and improve indoor air quality; and

WHEREAS, the City Council of the City of Alhambra seeks to protect the health, safety, and welfare of its residents by reducing exposure to secondhand and thirdhand smoke within multi-unit residential properties; and

WHEREAS, on October 27, 2025, the City Council directed staff to prepare amendments to Chapter 9.18 of the Alhambra Municipal Code to include multi-unit residences of three (3) units or more within the City's smoking regulations.

SECTION 2. Chapter 9.18 of the Alhambra Municipal Code is hereby amended and supplemented, as set forth in the attached Exhibit A (redline version of the changes is included for reference).

SECTION 3. The Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment. This exemption applies to actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. The Ordinance is also exempt from CEQA pursuant to Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have passed this ordinance and each and

every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. Effective Date. This ordinance takes effect 40 days from the date of its adoption.

SECTION 6. Publication. The City Clerk is directed to certify this ordinance and cause it to be published in the manner required by law.

PASSED, APPROVED, AND ADOPTED THIS 8th DAY OF December, 2025.

/s/ Katherine Lee
Katherine Lee, Mayor

ATTEST:

/s/ Lauren Myles
Lauren Myles, City Clerk

APPROVED AS TO FORM

/s/ Joseph M. Montes
Joseph M. Montes, City Attorney

I, Lauren Myles, City Clerk of the City of Alhambra, certify Ordinance No. O2M25-4852 was adopted by the City Council at the adjourned regular meeting held on the 8th day of December, 2025, by the following vote to wit:

AYES: MAZA, MALONEY, WANG, ANDRADE-STADLER, LEE
NOES: NONE
ABSENT: NONE

Lauren Myles, City Clerk

CHAPTER 9.18: SMOKING REGULATED
OR PROHIBITED

Section

9.18.010 Purpose and findings

9.18.020 Definitions

9.18.030 Smoking prohibited

9.18.040 ~~Reserved~~ Posting of signs

9.18.050 ~~Reserved~~ Smoking prohibited in multi-unit residences

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~~9.18.065~~ ~~Posting of signs~~

9.18.070 Penalty

§ 9.18.010 PURPOSE AND FINDINGS.

The City Council hereby finds that the smoking of tobacco, or any other weed or plant, or vapor is a danger to health and a material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined spaces, and in order to serve public health, safety and welfare, the declared purpose of this Chapter 9.18 is to prohibit the smoking of tobacco, or any weed or plant, or vapor in public places, ~~and~~ places of employment, and in multi-unit residences of three (3) or more units as stated and required in this Chapter 9.18.

('86 Code, § 9.18.010) (Ord. 4089, passed - - ; Am. Ord. 4625, passed 10-28-13)

§ 9.18.020 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BAR. An area which is devoted to serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

COMMON AREA. Any indoor or outdoor area shared by residents of more than one unit, including but not limited to lobbies, hallways, stairwells, courtyards, laundry rooms, gyms, pools, and parking areas.

DESIGNATED SMOKING AREA. A clearly identified outdoor area where smoking is expressly permitted by a landlord or homeowners' association in accordance with §9.18.050(C). The area must be located at least twenty (20) feet from any dwelling unit, building entrance,

operable window, ventilation opening, or other nonsmoking area, and shall be maintained in compliance with all applicable provisions of this Chapter.

EMPLOYEE. Any person who is employed by any employer in consideration for monetary compensation or profit.

EMPLOYER. Any person, partnership, corporation, including municipal corporation, who employs the services of more than five persons.

ENCLOSED. Closed in by a roof and walls with appropriate openings for ingress and egress and is not intended to mean areas commonly described as public lobbies.

EXISTING UNIT. Shall mean a Unit in existence on or before January 17, 2026.

HOMEOWNERS' ASSOCIATION (HOA). An entity managing a common interest development, as defined by California Civil Code §4080.

LANDLORD. Any person or agent responsible for the rental or lease of a unit in a multi-unit residence. A tenant who sublets their unit is considered a landlord.

MULTI-UNIT RESIDENCE. A property containing three (3) or more renter-occupied or owner-occupied units within a single structure.

NEW UNIT. Means a Unit that is issued a certificate of occupancy on or after January 17, 2026.

OUTDOOR DINING AREA. Any publicly or privately owned outdoor area, including streets and sidewalks, that is available to or customarily used by the general public or an employee, and that is designed, established, or regularly used for consuming food or drink.

PARK or PUBLIC GROUNDS. As defined in § 14.04.010 of this code, as well as public and privately owned recreational facilities, parks, playgrounds, athletic fields restrooms, picnic areas, spectator and concession areas, walking paths, gardens, hiking trails, roller and ice-skating rinks, skateboard parks, amusement parks, zoos, and aquatic areas.

PLACE OF EMPLOYMENT or WORKPLACE. Any enclosed area of a structure or portion thereof under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias. A private residence is not a place of employment.

PRIVATE ENFORCEMENT. Any person acting in their own interest or on behalf of the public to enforce this chapter.

PUBLIC EVENT AREA. Any publicly or privately owned place used for an event open to the general public, regardless of any fee or age requirement, including a farmer's market, parade, fair, or festival.

PUBLIC ENFORCEMENT. Enforcement by the City through administrative citations, public nuisance abatement, or other lawful remedies, at the City's discretion.

PUBLIC PLACE. Any enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, educational facilities, health facilities, public transportation facilities, reception areas, lobbies, restaurants, retail food production and marketing establishments, retail stores, theaters, waiting rooms, offices, auditoriums, classrooms, conference and meeting rooms. A private residence is not a public place.

SERVICE AREA. Any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more persons to receive a service, wait to receive a service, or to make a transaction, whether or not such service or transaction includes the exchange of money. The term SERVICE AREA includes, but is not limited to, areas including or within 25 feet of information kiosks, automatic teller machines, service lines, bus stops or shelters, or cab stands.

SMOKE or SMOKING. Includes inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. SMOKING includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking. SMOKE and SMOKING and tobacco product includes those definitions set forth in Cal. Health and Safety Code § 104495, as that section may be amended from time to time. Plant product includes cannabis, as defined in Cal. Business and Professions Code § 26001, as that section may be amended from time to time.

UNIT. A personal dwelling space, including any associated exclusive-use area such as a balcony, porch, or patio.

('86 Code, § 9.18.020) (Ord. 4089, passed - - ; Am. Ord. 4526, passed 7-28-08; Am. Ord. 4625, passed 10-28-13; Am. Ord. 4785, passed 5-10-21)

§ 9.18.030 SMOKING PROHIBITED.

It shall be unlawful to smoke in the following places:

- (A) Any city-owned or city-operated building or vehicle;
- (B) Any public place, or in any similar enclosed area in private buildings generally used by and open to the public;
- (C) Any park or public grounds; excluding the Alhambra Municipal Golf Course;
- (D) Any outdoor dining area and within 25 feet of same;
- (E) Within 20 feet of any entryway to or operable window of any place where smoking is prohibited;
- (F) Any public event area;
- (G) Any service areas;

(H) Any sidewalks;

(I) Any common area of a multi-unit residence with three (3) or more units (except in designated smoking areas permitted under §9.18.050)~~private apartment and condo common areas in complexes of at least five units (except in landlord designated areas at least 20 feet from other prohibited areas);~~

(J) Within 20 feet of any vent into an enclosed area; and

(K) Any outdoor job or work sites (except in employer designated areas at least 20 feet from other prohibited areas).

('86 Code, § 9.18.030) (Ord. 4089, passed - - ; Am. Ord. 4101, passed - - ; Am. Ord. 4526, passed 7-28-08; Am. Ord. 4785, passed 5-10-21) Penalty, see § 9.18.070

§ 9.18.040 ~~RESERVED.~~ **POSTING OF SIGNS.**

Whenever in this code smoking is prohibited, conspicuous signs shall be posted so stating with letters of not less than one-inch in height on a contrasting background, or an international “no smoking” symbol, a red circle with a diagonal bar across it, be clearly and conspicuously posted. This includes multi-unit residential properties and all associated common areas. It shall be the duty of the owner, operator, manager, or other persons having control of such room, building, or other place where smoking is prohibited to post such signs or to cause such signs to be posted.

('86 Code, § 9.18.040) (Ord. 4101, passed - -) Penalty, see § 9.18.070

('86 Code, § 9.18.040) (Ord. 4089, passed ---) Penalty, see § 9.18.070

§ 9.18.050 ~~RESERVED.~~ **SMOKING PROHIBITED IN MULTI-UNIT RESIDENCES**

(A) New Units

Each new unit of a multi-unit residence with three (3) or more units is hereby designated as a nonsmoking unit as of January 17, 2026. This includes common areas and exclusive-use enclosed or unenclosed areas, such as private balconies, porches, decks, or patios.

(B) Existing Units – Future Prohibition and Temporary Exemption

All existing units of a multi-unit residence with three (3) or more units are hereby designated as nonsmoking units effective three (3) years from January 17, 2026, or upon the earliest of the following events:

- The unit becomes vacant;

- A change in occupancy occurs; or
- January 17, 2029.

This includes exclusive-use enclosed or unenclosed areas, such as private balconies, porches, decks, or patios.

Common areas are subject to the smoking prohibitions and enforcement provisions of section 9.18.030 and subsection (D) of this section, effective January 17, 2026.

(C) Designated Smoking Areas:

A landlord or homeowners' association may designate a limited outdoor smoking area for use by residents or guests, provided that:

The area is located at least twenty (20) feet from any dwelling unit, building entrance, operable window, ventilation opening, or other nonsmoking area;

The area is clearly identified by conspicuous 'Smoking Area' signage and includes appropriate waste-disposal receptacles;

The area is not located within or immediately adjacent to any common-use recreational or pedestrian area such as a pool, playground, courtyard, or walkway; and

The landlord or homeowners' association ensures the area is maintained in a clean and safe condition and complies with all other applicable laws.

Nothing in this subsection shall be construed to require a landlord or homeowners' association to establish a designated smoking area, nor to limit their authority to prohibit smoking entirely on the premises.

(D) Nature of Violation and Enforcement

A violation of section 9.18.050 is not a misdemeanor or an infraction. The enforcement of this section shall be by the private parties involved via civil action, including landlords, homeowners' associations, tenants, and residents. The City shall have no obligation or responsibility to enforce or seek legal redress, civil or criminal, for any violation of section 9.18.050. Nothing in this section shall create a right of action against the City or its agents to compel public enforcement, nor limit the City's authority to enforce smoking prohibitions in common areas as provided in section 9.18.030.

(~~86 Code, § 9.18.050~~) (Ord. 4089, passed --) Penalty, see § 9.18.070

§ 9.18.060 RESERVED. LANDLORD AND HOMEOWNERS' ASSOCIATION NOTIFICATION REQUIREMENTS

Landlords and Homeowner's Associations of multi-unit residences with three (3) or more units shall:

(A) Existing Tenants (Existing Units)

No later than twelve (12) months before January 17, 2029, landlords and homeowners' associations shall provide existing tenants and owners with the following:

1. Written notice that all existing units will be designated as nonsmoking as of January 17, 2029;
2. A copy of Chapter (9.18); and
3. Information and resources for smoking cessation and addiction treatment.

(B) New Tenants (New Units or New Occupancy)

For any new occupancy on or after January 17, 2026, landlords and homeowners' associations shall provide tenants and owners with the following:

1. Written notice that the unit and all common areas are designated as nonsmoking;
2. A copy of Chapter 9.18; and
3. Information and resources for smoking cessation and addiction treatment.

(C) Written Acknowledgement

Landlords and homeowners' s associations shall obtain a written acknowledgement from each tenant or owner confirming receipt of the notice under this section and acknowledgement that the unit is designated as nonsmoking as of the applicable effective date.

The acknowledgement shall be retained by the landlord or homeowners' association with the lease or occupancy records. Nothing in this section shall be construed to require submission of acknowledgements to the City or to create City obligation to monitor or enforce compliance with this requirement.

~~(86 Code, § 9.18.060) (Ord. 4089, passed --) Penalty, see § 9.18.070~~

~~§ 9.18.065 POSTING OF SIGNS.~~

~~—Whenever in this code smoking is prohibited, conspicuous signs shall be posted so stating with letters of not less than one inch in height on a contrasting background, or an international “no smoking” symbol, a red circle with a diagonal bar across it, be clearly and conspicuously posted. It shall be the duty of the owner, operator, manager, or other persons having control of such room, building, or other place where smoking is prohibited to post such signs or to cause such signs to be posted.~~

~~(86 Code, § 9.18.065) (Ord. 4101, passed --) Penalty, see § 9.18.070~~

§ 9.18.070 PENALTY.

Violation of any provision of this chapter [other than section 9.18.050](#) shall be subject to issuance of an administrative citation pursuant to Chapter 1.13. Alternatively, violation of any provision of this chapter shall also be an infraction, punishable as provided in this code by:

(A) A fine not exceeding \$100 for a first violation;

(B) A fine not exceeding \$200 for a second violation of the same section of this code or ordinance within one year;

(C) A fine not exceeding \$500 for each additional violation of the same section of this code or ordinance within one year.

('86 Code, § 9.18.070) (Ord. 4089, passed - - ; Am. Ord. 4785, passed 5-10-21)