



Secondhand Smoke Ordinance No. 21-2227: Frequently Asked Questions

On June 1, 2021, the Cupertino City Council adopted an ordinance that requires many outdoor areas and multi-unit residences to be smoke-free. The new law is designed to protect Cupertino residents, employees, and visitors from the harmful effects of secondhand smoke.

1. What is “smoking”?

Smoking includes the use of cigarettes, cigars, cigarillos, hookah, pipes, electronic smoking devices, and marijuana.

2. Where is smoking prohibited?

As of October 1, 2021, smoking is prohibited in

- **Multi-unit residences** (defined in this ordinance as two or more attached residences that share a wall or floor/ceiling, which could include apartments, condominiums, townhomes, attached single-family homes, duplexes, triplexes, fourplexes, etc.), including:
 - Inside any unit of a multi-unit residence, including private and shared balconies, porches, decks, and patios
 - Indoor and outdoor common areas of multi-unit residences, such as lobbies, hallways, pathways, courtyards, community rooms, playgrounds, swimming pools, grassy or landscaped areas, laundry rooms, parking lots, and garages
 - Within 30 feet from any operable doorway, window, opening, or vent of a multi-unit residence
- **Entryways** – in outdoor areas within 30 feet of entrances to places where smoking is prohibited, including businesses, offices, grocery stores, restaurants, bars, places of worship, etc.
- **Public events**, such as farmers’ markets and street fairs
- **Service areas**, such as ATMs, store lines, bus stops or shelters
- **Outdoor worksites**, such as construction sites

Smoking is already prohibited in:

- **Recreational areas**
- **Outdoor dining areas**
- **Indoor locations** that are places of employment or that are open to the public

3. Where is smoking allowed?

Residents may smoke in outdoor areas (such as streets or sidewalks) that are at least 30 feet from a multi-unit residence or other buildings where smoking is prohibited.

Owners or managers of multi-unit residences and other buildings where smoking is prohibited may create a designated smoking area so long as it: (1) is outdoors; (2) is located at least 30 feet away from multi-unit residence doorways and windows; from buildings on adjacent private property; and from areas primarily used by children and recreational areas; (3) has receptacles for cigarette butts that are maintained free of tobacco litter; and (4) has conspicuous signs and a clearly marked area.

4. What are my requirements under the law?

If you are an owner, operator, or manager of a multi-unit residence or an officer of a homeowners' association, you are required to:

- Post no-smoking signs where smoking is prohibited. Signs must have the "No Smoking" symbol or "No Smoking" in words with letters at least one inch in height. Signs are not required inside any unit of a multi-unit residence.
- Notify residents and/or tenants about the no-smoking requirements.
- Incorporate the requirements of the law into leases or rental agreements entered into, renewed, or continued month-to-month after October 1, 2021.
- Make sure that all common areas do not have ash cans or tobacco waste (e.g., cigarette butts), except in designated smoking areas.

If you are an owner, operator, or manager of a commercial establishment in Cupertino, you are required to:

- Post no-smoking signs where smoking is prohibited. Signs must have the "No Smoking" symbol or "No Smoking" in words with letters at least one inch in height.
- Ask individuals to stop smoking in areas that are under the owner's control and where smoking is prohibited.

5. Where can I get no-smoking signs to post on my property?

Businesses may create their own signs that meet the requirements listed in the law. The City is providing a limited number of "No Smoking" signs for businesses and Multi-Unit Housing properties in Cupertino. Visit cupertino.org/smoking to submit an online form.

6. What are the penalties for violating the law?

The City expects a high degree of compliance with the laws once individuals are aware of the updated smoking laws. However, owners, operators, and property managers who do not fulfill the requirements above, and individuals who smoke where smoking is prohibited may be subject to fines and/or prosecution. For renters, smoking in violation of the law is also a violation of the lease and is subject to enforcement by the landlord or other tenants.

7. What should I do if I see someone violating the ordinance?

If you are a resident, please report the problem to your landlord, property manager, or condominium association so that she or he can take steps to resolve the problem. You can also try talking to your neighbor to inform them of the law and ask them to stop smoking. If you are not able to resolve the problem through these conversations, you may report the potential violation to the City at Cupertino.org/311 or 408-299-2311.

8. Where can I get additional information?

For more information, and to view the full ordinance, visit cupertino.org/smoking. The ordinance is reflected in [Municipal Code Chapter 10.90](#). This FAQ is intended only as a guide for general and easy reference. Resources to help quit smoking or vaping are available at <https://publichealth.sccgov.org/health-information/tobacco-free-communities/quitting-tobacco>.