

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF YOLO AMENDING CHAPTER 18 OF TITLE 6 OF THE YOLO COUNTY CODE REGARDING SMOKING IN AND AROUND MULTIUNIT RESIDENCES

The Board of Supervisors of the County of Yolo hereby ordains as follows:

SECTION 1. Background and Findings.

The purpose of these amendments is to promote public health and provide regulatory protection for residents of multiunit residences. Many studies show that tobacco smoke is a significant source of indoor air pollution. Inhaling secondhand smoke has been linked to serious health problems, including lung cancer, in people who don't smoke. Certain groups face even greater risks, such as older adults, individuals with heart conditions, and people who already have breathing difficulties like asthma or obstructive airway diseases. The U.S. Surgeon General has concluded that there is no risk-free level of exposure to secondhand smoke and neither separating smokers from nonsmokers nor installing ventilation systems effectively eliminates secondhand smoke. It is intended to supplement relevant provisions of Federal, State, and local law.

SECTION 2. The Title of Chapter 18, Title 6 is amended to read as follows:

Chapter 18 SMOKING IN WORKPLACES, ENCLOSED PUBLIC PLACES AND MULTIUNIT RESIDENCES

SECTION 3. Sec. 6-18.002 is amended to read as follows:

Sec. 6-18.002. Definitions.

The following words and terms are used and defined as follows for the purposes of this Chapter, unless the context in which any word or term is used requires another usage or meaning:

(a) "Bar" means an area or establishment which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food, if any, is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term bar shall not include the restaurant dining area.

(b) "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

(c) "Common Area" means every area of a Multiunit Residence that residents of more than one unit are entitled to enter or use, including, but not limited to, halls, pathways, lobbies, courtyards, elevators, stairs, community rooms, playgrounds, gym facilities, swimming pools, parking garages, parking lots, grassy or landscaped areas, restrooms, laundry rooms, cooking areas, and eating areas.

(d) “Common Interest Development” means:

(1) A community apartment project as defined in California Civil Code § 4105, or any successor legislation;

(2) A condominium project as defined in California Civil Code § 4125, or any successor legislation;

(3) A planned development as defined in California Civil Code § 4175, or any successor legislation; and

(4) A stock cooperative as defined in California Civil Code § 4190, or any successor legislation.

(e) “Electronic Smoking Device” means an electronic and/or battery-operated device, which can be used to deliver an inhaled dose of nicotine or other substances. "Electronic Smoking Device" includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor. "Electronic Smoking Device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease.

(f) “Employee” means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services for a nonprofit entity.

(g) “Employer” means any person, partnership, corporation, or governmental, public or other nonprofit entity, which employs the services of one or more employees.

(h) “Enclosed Area” or “Enclosed” means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of door or passage ways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling.

(i) “Homeowners Association” or “HOA” means an organization or entity established for the purpose of managing or maintaining a common interest development. A Homeowners Association shall also mean “association” as defined in California Civil Code § 4080, or any successor legislation.

(j) “Landlord” means any person or agent of a person who owns, manages, or is otherwise legally responsible for a unit in a Multiunit Residence that is leased to a residential tenant. For purposes of this ordinance, a tenant who sublets their unit (e.g., a sublessor) is not a landlord.

(k) “Multiunit Residence” means property containing two or more units, including, but not limited to, apartment buildings, common interest developments, senior and assisted living facilities, and long-term health care facilities. Residences do not include the following:

- (1) a hotel or motel that meets the requirements of California Civil Code § 1940(b)(2);
- (2) a mobile home park;
- (3) a campground;
- (4) a marina or port;
- (5) a single-family home, except if used as a health care facility subject to licensing requirements; and
- (6) a single-family home with an accessory dwelling unit or second unit permitted pursuant to California Government Code §§ 65852.1, 65852.2, or 65852.22, or an ordinance adopted by the County of Yolo pursuant to those sections, except that an accessory dwelling unit or second unit shall be considered a residence if it is (a) rented or leased to a tenant, or (b) used as a health care facility subject to state or local licensing requirements.

(l) “Nonsmoking Area” means any area in which smoking is prohibited by:

- (1) this Chapter or other law;
- (2) binding agreement relating to the ownership, occupancy, or use of real property; or
- (3) a person with legal control over the area.

(m) “Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, including government agencies.

(n) “Place of Employment” means any enclosed area under the control of an employer which one or more employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference and class rooms, employee cafeterias and hallways. A private residence is not a place of employment unless it is used as a child care, health care, or other care providing facility which is required by state law or regulation to be licensed as such.

(o) “Public Place” means any place to which the public is invited or in which the public is permitted, and includes without limitation those places specified in Section 6-18.003. A private residence is not a public place.

(p) “Restaurant” means any restaurant, coffee shop, cafeteria sandwich stand, private or public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities, except that the term restaurant shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a bar as defined in this Section.

(q) “Service Line” means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

(r) "Smoke" means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization of any substance, when the apparent or usual purpose of the combustion, electrical ignition, or vaporization is human inhalation of the byproducts, except when the combusting or vaporizing material contains no tobacco, nicotine, alcohol, nor controlled substance and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term "Smoke" includes, but is not limited to, tobacco smoke and smoke or vapors of any kind from Electronic Smoking Devices.

(s) "Smoking" means engaging in an act that generates smoke, such as, for example: possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, operating an Electronic Smoking Device, or a lighted cigarette, of any kind; or lighting or igniting a pipe, a hookah pipe, a cigar, a cigarette or an Electronic Smoking Device, of any kind.

(t) "Sports Arena" means a sports pavilion, gymnasium, health spa, boxing arena, swimming pool, roller or ice skating rink, bowling alley and other similar enclosed place where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sports events.

(u) "Tobacco Product" means any product that contains tobacco, is derived from tobacco, or contains synthetically produced nicotine and is intended for human consumption. "Tobacco Product" does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

(v) "Unit" means a personal dwelling space, even one lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use area, such as a private balcony, porch, deck, or patio. "Unit" includes, without limitation, an apartment; a condominium; a townhouse; a room in a senior facility; a room in a long-term health care facility, assisted living facility, community care facility, or hospital; a room in a hotel or motel; a dormitory room; a room in a single-room occupancy facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an accessory dwelling unit or second unit.

SECTION 4. Sec. 6-15.003 is amended to read as follows:

Sec. 6-18.003. Prohibition of smoking in county buildings, on county property, enclosed Public Places, and in and around Multiunit Residences.

(a) Smoking is prohibited in:

- (1) All enclosed areas of all buildings or other structures which are owned or leased by the county or any agency or department thereof; and
- (2) All vehicles which are owned or leased by the county or any agency or department thereof.

(b) Smoking is prohibited in all outdoor areas owned or leased by the county including, but not limited to, parking lots, walkways, and the grounds of all buildings owned or leased by the county. Smoking on county property will be allowed only at the following areas:

- (1) At the Day Reporting Center at the designated smoking area;
- (2) At the Sheriff's Office, Monroe Detention Center, and Juvenile Detention Facility in the designated employee smoking areas;
- (3) At the Public Defender's Office in all areas located 20 feet from entrances, exits, windows, and intake vents;
- (4) At the Yolo Emergency Communication Agency at the designated employee smoking areas.

(c) Smoking is prohibited in all those enclosed areas of any public place which are intended to be accessible to or which are customarily used by the general public. Such public places include, but are not limited to the following:

- (1) Buses, taxicabs and other means of public transit which are based in and subject to the authority of the County;
- (2) Public transit stations or depots;
- (3) Retail stores and any other commercial outlets open to all or any segment of the public;
- (4) Restaurants, including those in private clubs;
- (5) Bars, including those in private clubs;
- (6) Aquariums, galleries, libraries and museums;
- (7) Any theater or other facility which is primarily used for exhibiting any motion picture, stage, drama lecture, musical recital or other similar performance, except that actors may smoke as part of a stage production performed therein;
- (8) Sports arenas and convention halls;
- (9) Every room, chamber, or other place used for public meetings or public assembly while a meeting which is open to the general public is in progress and for a period of time preceding such meeting as necessary to ensure that residual smoke is not present during the meeting;
- (10) Waiting rooms, sleeping rooms, hallways, wards and semiprivate and private rooms of private and public health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices;
- (11) Malls and other multiple-unit commercial facilities;
- (12) Polling places;

(13) Bingo parlors;

(14) Offices when open to the public, including but not limited to attorneys' and other professionals' offices;

(15) Banks;

(16) Laundromats;

(17) Hotels and motels, except as provided in Section 6-18.005;

(18) Educational facilities;

(19) Retail service establishments; and

(20) Restaurants, hotel and motel conference or meeting rooms and public or private assembly rooms if one or more employees normally frequent the enclosed area during the course of employment and while the area is being used for private functions.

(d) Without limiting the generality of subsection (c) of this Section, smoking is specifically prohibited in the following areas of any public place:

(1) Waiting areas (only if the public place is enclosed);

(2) Restrooms;

(3) Service lines (only if the public place is enclosed);

(4) Elevators; and

(5) Lobbies, hallways and other common areas.

(e) Smoking is prohibited anywhere on the premises of a Multiunit Residence, including units, common areas, and other outdoor areas effective September 30, 2026, except as provided in subsection (e)(3).

(1) No person with legal control over any Multiunit Residence shall permit smoking anywhere on the premises of the multiunit residence, except in a designated smoking area established in accordance with this Section.

(2) No person with legal control over a common area in which smoking is prohibited by this Section or other law shall permit the presence of ashtrays, ashcans, or other receptacles designed for or primarily used for disposal of smoking waste within the area.

(3) A person with legal control over a Multiunit Residence may designate one or more outdoor smoking areas, provided that all of the following conditions are met:

(i) The designated smoking area is located at least 25 feet from any outdoor area where smoking is prohibited, including but not limited to common areas, playgrounds, walkways, entrances, exits, windows, and ventilation intakes; and

(ii) The designated smoking area is not located in any area where smoking is otherwise prohibited by state or local law.

(f) Notwithstanding any other provision of this Section, any owner, operator, manager, or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment, whether enclosed or not.

SECTION 5. Sec. 6-15.006 is amended to read as follows:

Sec. 6-18.006. Posting of signs.

(a) Signs saying “No Smoking” or displaying the international “No Smoking” symbol (consisting of a pictorial representation of a cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is prohibited by this Chapter, by the owner, operator, manager or other person having control of or occupying such building or enclosed area. The posting of any sign allowing or encouraging smoking in such a place is prohibited. Any failure to comply in whole or in part with the requirements of this Section shall not relieve any person or entity from any obligation to comply with any other provisions of this Chapter applicable to such person or entity.

(b) As of September 30, 2026, the person or persons with legal control over common areas of multiunit residences shall post and maintain clear and unambiguous “No Smoking” signs at entrances and exits, in common areas, and in conspicuous places adjoining the property grounds. In addition, the person or persons with legal control over the multiunit residences shall post and maintain signs in sufficient numbers and locations in the Multiunit Residence to indicate that smoking is prohibited in all units. The absence of signs shall not be a defense to a violation of any provision of this Chapter. “No Smoking” signs are not required inside or on doorways of units.

SECTION 6. Sec. 6-15.009 is amended to read as follows:

Sec. 6-18.009. Violations, penalties and enforcement.

(a) It is a violation of this Chapter for any person who owns, manages, operates or otherwise controls the use of any enclosed area of a public place subject to regulation under this Chapter to fail to comply with any applicable provision of this Chapter. However, an owner, manager, operator or employee of an enclosed area described in Section 6-18.003(b) or (c) is not obligated to enforce the prohibition against smoking in the enclosed area against a customer or other member of the public visiting the enclosed area, and the failure to enforce the prohibition shall not subject the owner, manager, operator or employee to prosecution under this Chapter.

- (b) It is a violation of this Chapter for any person to smoke in any area where smoking is prohibited by the provisions of this Chapter.
- (c) Any person in violation of any provision of this Chapter shall be guilty of an infraction, punishable by a civil fine not exceeding one hundred dollars for each violation.
- (d) A separate offense is committed for each and every day, or part of a day, during which any violation is caused, committed, continued or permitted. Each offense is punishable separately from every other offense.
- (e) Enforcement of this Chapter shall be implemented by the Yolo County Tobacco Prevention Program.
- (f) Any citizen who desires to register a complaint under this Chapter may initiate enforcement with the Yolo County Tobacco Prevention Program.
- (g) Any owner, manager, operator or employee of any establishment regulated by this Chapter shall have the right to inform persons violating this Chapter of the appropriate provisions thereof.
- (h) Notwithstanding any other provision of this Chapter, a private citizen may bring legal action to enforce this Chapter.
- (i) Notwithstanding any other provision of this Chapter, enforcement for violations by multi-housing residents shall be governed by this Section.
- (j) No person shall intimidate, harass, or otherwise retaliate against any person who seeks compliance with this Chapter. Any person in violation of this subsection is subject to a civil fine not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1,000) per violation.
- (k) Any person who desires to register a complaint under this Section may initiate enforcement with the Yolo County Tobacco Prevention Program.
- (l) Upon a finding that a Person has violated any provision of this Chapter, the enforcement officer designated by the Yolo County Tobacco Prevention Program shall give written notice of the violation to the Person in possession of the Unit; or to an owner, Landlord, or homeowners' association for a violation of this Chapter. Such notice shall be provided in person or by pre-paid certified mail, return receipt requested and shall include a copy of this Chapter and a statement describing the section(s) found to be violated.
- (m) The enforcement officer designated by the Yolo County Tobacco Prevention Program may impose the following administrative penalties, which penalties may be assessed at the time of the notice of violation:
- (1) Administrative penalties shall not be imposed upon a person unless the Yolo County Tobacco Prevention Program has issued at least three written warnings to the person and given resources to cessation services.

(2) A \$100 fine upon finding the first violation within any three-year period.

(3) A \$200 fine upon finding a second violation within any three-year period.

(4) A \$500 fine upon finding a third or subsequent violation within any three-year period.

(n) In addition to other remedies provided by this Chapter or otherwise available at law or in equity, any violation of this Chapter may be remedied by a civil action brought by the Office of the County Counsel, including, without limitation, administrative or judicial nuisance abatement proceedings, civil code enforcement proceedings, and suits for injunctive relief.

SECTION 7. Sec. 6-15.012 is amended to read as follows:

Sec. 6-18.012. Notice requirements for multiunit residences.

(a) On or before September 30, 2026, every landlord shall deliver to each unit a copy of this Chapter and a written notice clearly stating that:

(1) All units shall be designated nonsmoking units and smoking is prohibited in a unit, including any associated private balcony, porch, deck, or patio, as of January 1, 2027; and

(2) Smoking in all common areas or outdoor areas, except for specifically designated smoking areas, is a violation of Chapter as of January 1, 2027.

(b) As of September 30, 2026, every landlord shall provide prospective tenants with written notice clearly stating that:

(1) Smoking is prohibited in units, including any associated private balcony, porch, deck, or patio, as of January 1, 2027; and

(2) Smoking is prohibited in all common areas and outdoor areas, except for specifically designated smoking areas, as of January 1, 2027.

(c) Landlords with knowledge of violations shall take reasonable steps to investigate and enforce the regulations, including a written notice to the resident of the landlord's knowledge of the violation, a request to cease the violation, and the course of action to be taken if the violation is not corrected. The landlord shall also distribute resources provided for free by the Yolo County Tobacco Prevention Program to assist with cessation resources.

SECTION 8. Sec. 6-15.013 is amended to read as follows:

Sec. 6-18.013. Required lease terms for all new leases in multiunit residences.

(a) After September 30, 2026, every lease or other rental agreement for the occupancy of a unit in a Multiunit Residence entered into, renewed, or continued month to month shall be amended to include the following provisions:

(1) A clause providing that as of January 1, 2027, it is a material breach of the agreement to smoke or allow smoking:

(i) in the unit, including exclusive-use areas such as balconies, porches, or patios; and

(ii) in any common area of the multiunit residence, other than a designated smoking areas.

(2) A clause providing that it is a material breach of the agreement for tenants to violate any law regulating smoking while anywhere on the property, or to allow any other person subject to the control of the tenant to engage in such behavior.

(3) A clause expressly conveying third-party beneficiary status to all occupants of the Multiunit Residence as to the smoking provisions of the lease or other rental agreement.

(b) A tenant who breaches, or allows any other person subject to the control of the tenant to breach, a smoking provision of a lease or other rental agreement for the occupancy of a unit in a Multiunit Residence shall be liable for the breach to:

(1) the landlord; and

(2) any occupant of the Multiunit Residence who is exposed to smoke or who suffers damages as a result of the breach.

(c) Failure to enforce any smoking provision required by this Chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.

SECTION 9. Sec. 6-15.014 is amended to read as follows:

Sec. 6-18.014. Nuisance, Other.

(a) The provisions of this Chapter shall be liberally construed to protect the public health to the maximum effect possible. Notwithstanding any provision of this Chapter or of this Code, any failure by any person to restrict smoking under this Chapter, or any explicit or implicit provision of this Code that allows smoking in any place, nothing in this Code shall be interpreted to limit any person's legal rights under other laws with regard to smoking, including rights in nuisance, trespass, property damage, and personal injury or other legal or equitable principles.

(b) Any violation of this Chapter is hereby declared to be a public nuisance.

(c) Nonconsensual exposure to smoke from smoking occurring on or drifting into residential property is a nuisance.

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SECTION 10. Severability.

If any section, sub-section, sentence, clause, or phrase of this ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance, and each section, sub-section, sentence, clause, and phrase hereof, irrespective of the fact that one or more sections, sub-sections, sentences, clauses, and phrases be declared invalid.

SECTION 11. Effective Date.

This ordinance shall take effect and be in force thirty (30) days after its passage, and prior to expiration of fifteen (15) days after its passage thereof, shall be published by title and summary only in the Davis Enterprise together with the names of members of the Board of Supervisors voting for and against the same.

Introduced at a regular meeting of the Board of Supervisors held on the 5th day of May, 2026, and passed and adopted by the Board of Supervisors of the County of Yolo, State of California, on the 26th day of May, 2026, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTENTION:

Sheila A. Allen, Chair
Yolo County Board of Supervisors

Attest: Julie Dachtler, Senior Deputy Clerk
Yolo County Board of Supervisors

Approved as to Form:
Philip J. Pogledich, County Counsel

By: _____
Deputy (Seal)

By: Hope P. Welton
Hope P. Welton, Senior Deputy