

## CITY OF BURBANK SMOKING ORDINANCE BASICS

### What is the Secondhand Smoke Control Ordinance?

- On April 3, 2007, the Burbank City Council adopted an ordinance that limits exposure to secondhand smoke by prohibiting smoking at certain locations in the City of Burbank. The ordinance became effective on May 12, 2007.

### Why was this law enacted?

- The Burbank City Council adopted the secondhand smoke control ordinance with the goal of limiting secondhand smoke exposure to Burbank residents, workers, and visitors. The reasons for adoption of the ordinance are due to the proven and documented negative health effects of secondhand smoke as well as the irritation and annoyance that secondhand smoke causes.

### Does this law replace the state workplace smoking law?

- No. The California workplace smoking law prohibits smoking in indoor locations at places of employment. The intent of the State law is to protect employees from exposure to secondhand smoke. Burbank's Smoke Control law supplements the state law. The intent of Burbank's law is to protect residents, workers, and visitors from being exposed to secondhand smoke in locations not already covered under the state law.

### Does this mean I can't smoke at all in Burbank?

- No. Burbank's law prohibits smoking only at specified locations. It is not a blanket prohibition against smoking. Smoking is still allowed in outdoor areas not covered by the law and indoor areas not covered by the state workplace smoking law. Smoking is allowed in certain designated smoking areas.

# What If...?

### ...I see someone smoking in a prohibited area?

- If a person is smoking on a restaurant patio or other private area controlled by a business, you may notify an employee of the business in order for them to take appropriate measures.
- Businesses are required to enforce the smoking prohibition in areas under their control and can be cited if they knowingly allow smoking in a prohibited area.
- If you feel comfortable approaching the person responsible for violating smoke control laws, you may notify this person that they are violating the law and ask them to stop or leave the area.
- You may also call the Burbank Police Department at (818) 238-3000. Please be aware that the Police Department is busy handling many different issues throughout Burbank. *Please do **not** call 911 to report violations of the Secondhand Smoke Control Ordinance.*

### ...I smoke in a prohibited area?

- Any violation of the law is subject to citation and may be prosecuted as an infraction.



**STILL HAVE QUESTIONS?**

Contact James Rigor, Secondhand Smoke Control Education Ambassador:

 (818) 238-5282 OR  [jrigor@ci.burbank.ca.us](mailto:jrigor@ci.burbank.ca.us)



City of Burbank  
Community Development Department  
License and Code Services Division  
150 N. Third Street  
Burbank, CA 91502  
(818)238-5282  
[www.ci.burbank.ca.us](http://www.ci.burbank.ca.us)

# City of Burbank

Community Development Department  
LICENSE & CODE SERVICES DIVISION



## What You Should Know About Burbank's Secondhand Smoke Control Law



City of Burbank  
Community Development Department  
License and Code Services Division  
150 N. Third Street  
Burbank, CA 91502  
(818)238-5282

## Burbank Secondhand Smoke Control Ordinance

### WHERE IS SMOKING PROHIBITED IN BURBANK?

Smoking is prohibited in the following locations, except within a designated smoking area, if provided.

#### CITY PROPERTIES

- All City parks, city facilities as well as all areas within 20 feet of these properties
- City transit vehicles and transit platforms and all areas within 20 feet of facilities. This *excludes* MTA bus stops.
- Chandler Bikeway and all public areas within 20 feet of Chandler Bikeway

#### CITY WIDE

- Within 20 feet of all entrances, exits, and open windows of buildings open to the public
- Outdoor dining area and all areas within 5 feet of the outdoor dining area
- Outdoor waiting lines and service areas and all areas within 20 feet of outdoor waiting lines and service areas
- Outdoor gathering places and event areas and all areas within 20 feet of outdoor gathering places and event areas
- Pedestrian areas at outdoor shopping areas and centers and all areas within 20 feet of pedestrian areas at outdoor shopping areas and centers
- All elevators
- Any area designated as non-smoking by property owner

#### DOWNTOWN BURBANK

- All sidewalks and pedestrian areas in Downtown Burbank as well as all areas within 5 feet of all sidewalks and pedestrian areas, except in approved designated smoking areas on private properties

#### RESIDENTIAL

- Indoor common areas of multi-family residential properties
- Outdoor common areas within 5 feet of entrances, exits, walkways, and hallways
- Any area designated as non-smoking by property owner

### WHAT'S NEW FOR 2011 (EFFECTIVE MAY 1, 2011)

On May 1, 2011, smoking will be prohibited in multi-family properties in the following locations:

- Private balconies
- Private patios
- In and around all swimming pool, Jacuzzi, spa and hot tub areas when children (17 years of age or younger) are using such areas for their intended use and not just passing through the area
- Where 2 or more residences share common heating or cooling systems that utilizes a common duct system which results in secondhand smoke from one residence being distributed into another residence
- Play areas specifically designed for children
- Enclosed common areas including hallways, stairways, elevators, lobbies, laundry rooms, trash rooms, recreation rooms, and gyms
- Within five feet of all entrances, exits, walkways and hallways in residential development properties including, but not limited to apartments, condominiums, retirement homes, nursing homes, assisted living facilities, and residential portions of mixed-use projects except within smoking areas designated pursuant to Title 4-1-705 of the Burbank Municipal Code

**Does this apply to condominiums as well as apartments?**

- Yes. Multi-family secondhand smoke control prohibitions apply to all residential development properties including apartments, condominiums, retirement homes, nursing homes, assisted living facilities, and residential portions of mixed-use properties.

**Can a resident in a multi-family unit smoke in their own unit?**

- Yes. Smoking is permitted inside attached and detached private residences, except when a residence is being used for child care or as a health care facility subject to applicable licensing requirements, or where 2 or more residences share common heating or cooling systems which utilize the same ducting system which results in secondhand smoke from one unit being distributed to another unit. This does not preclude a person or entity that owns or controls private residential property, including but not limited to a condominium association or an apartment complex owner, from prohibiting smoking within private residences under its control.

### ADDITIONAL INFO FOR BUSINESSES AND PROPERTY OWNERS

**Do I have to post any signs?**

- Yes. Businesses and property owners are responsible for posting signs in specified locations. Sign requirements and specifications are available on the City's web site at [www.ci.burbank.ca.us/license](http://www.ci.burbank.ca.us/license) or you can call (818) 238-5282 for more information.

**Do businesses and property owners have to ensure compliance with Smoke Control Laws?**

- Yes. Property owners and businesses are responsible for ensuring compliance with the law in areas under their control. They should take appropriate steps to achieve compliance with the law.

**Can a designated smoking area be allowed?**

- Yes. Any property owner or business may designate an approved smoking area in any outdoor dining area, outdoor gathering place or event area, outdoor shopping area, or outdoor shopping center if they so choose.
- All designated smoking areas must meet certain criteria and must have signs to clearly designate the location as a smoking area. The criteria are available on the web at [www.ci.burbank.ca.us/license](http://www.ci.burbank.ca.us/license) or by calling (818) 238-5282 for further information.

**Can there be an outdoor designated smoking area at a multi-family property?**

- Yes. Any property owner may designate an outdoor smoking area in a multiple family residential properties in a location where smoking would otherwise be prohibited as long as the area meets certain criteria.