

City of San Mateo Amending
Chapter 7.40 “Smoking
Control,” and Section
13.20.010 of Chapter 13.20,
“Parks Regulations,” of the
San Mateo Municipal Code

7.40.020 DEFINITIONS.

The following words and phrases, whenever used in this article, shall be construed as defined in this section:

- (a) **“Dining Area”** means any indoor or outdoor area which is available to, or customarily used by, the general public and which is designed, established or regularly used for consuming food or drink.
- (b) **“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 non-profit entity.
- (c) **“Employer”** means any person, partnership, corporation, or non-profit entity, including a municipal corporation, who employs the services of one or more persons.
- (d) **“Enclosed”** means closed in by a roof and four walls with appropriate openings for ingress, egress, and windows.
- (e) **“Multi-Unit Residence”** means residential property containing two or more units, with one or more shared wall, floor, ceiling, roof or ventilation system, including apartments, condominiums, duplexes or townhomes and their patios and balconies. A multi-unit residence does not include:
- (1) A hotel or motel that meets the requirements set forth in California Civil Code section 1940(b)(2);
 - (2) A residential care facility or assisted living facility governed by federal or state community care licensing regulations;
 - (3) A detached single-family residence
- (f) **“Multi-Unit Residence Common Area”** means any indoor or outdoor common area of a multi-unit residence accessible to and usable by residents of different units, including halls and paths, lobbies, laundry rooms, common cooking areas, outdoor eating areas, play areas, shared patios, shared balconies, shared restrooms, elevators and stairwells, swimming pools, carpools, garages and parking areas.

(g) **“Non-Profit Entity”** means any corporation, unincorporated association, or other entity created for charitable, educational, political, social, or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a “non-profit entity” within the meaning of this section.

(h) **“Public Place”** means any enclosed or unenclosed area to which the public is invited or in which the public is permitted, including banks, bars, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, streets and sidewalks, theaters, and waiting rooms.

(i) **“Retail Tobacco Store”** means a retail store utilized primarily for the sale of tobacco and nicotine products and accessories.

(j) **“Service Area”** means 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 a service or transaction includes the exchange of money. The term “service area” includes but is not limited to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops, train stations, mobile vendor lines or taxi stands.

(k) **“Smoking”** means possessing a lighted or ignited tobacco, nicotine or marijuana product or paraphernalia; or engaging in an act that generates smoke (including, but not limited to, possessing a lighted or ignited pipe, hookah pipe, cigar, electronic cigarette or cigarette of any kind); or lighting or igniting a pipe, hookah pipe, cigar, electronic cigarette or a cigarette of any kind. Smoking includes the use of any product which emits smoke in the form of gases, particles, vapors or other by-products released by electronic cigarettes, tobacco cigarettes, herbal cigarettes, marijuana cigarettes and any other type of cigarette, pipe or other implement for the purpose of inhalation of vapors, gases, particles or there byproducts released as a result of combustion or ignition.

(l) **“Tobacco and Nicotine Product”** means any substance containing tobacco leaf, including cigarettes, cigars, loose tobacco, snuff, or any other preparation of tobacco which can be used for smoking, chewing, inhalation or other means of ingestion; and any electronic cigarette or other electronic device used to generate smoke; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product approved by the United States Food and Drug Administra-

tion for use in treating nicotine or tobacco dependence.

7.40.030 PROHIBITION OF SMOKING IN CITY FACILITIES AND ON CITY PROPERTY.

(a) Smoking is prohibited in all buildings, vehicles and other enclosed areas owned or leased by the City of San Mateo or otherwise operated by the City of San Mateo.

(b) Smoking is prohibited in all outdoor areas owned or leased by the City of San Mateo, including parking lots, park properties and facilities, golf courses, and any of the grounds surrounding the buildings, facilities or areas owned or leased by the City of San Mateo, including streets and sidewalks.

7.40.040 PROHIBITION OF SMOKING IN PUBLIC PLACES.

(a) Smoking is prohibited in all enclosed public places except hotel and motel lodging rooms rented to guests, provided that not more than 50% of the rooms may be designated as rooms where smoking is allowed.

(b) Smoking is prohibited in the following unenclosed public places:

- (1) Service areas
- (2) Dining areas
- (3) Lagoons and waterways

7.40.050 PROHIBITION OF SMOKING IN MULTI-UNIT RESIDENCES.

(a) Smoking is prohibited inside any multi-unit residence and within 40 feet of a multi-unit residence.

(b) Smoking is prohibited within any enclosed and unenclosed multi-unit residence common area.

7.40.060 WHERE SMOKING NOT REGULATED.

Notwithstanding any other provisions of this Chapter to the contrary, private vehicles and detached single-family residences, except during the time that the residence is used as a child care or a health care facility, shall not be subject to the smoking restrictions of this Chapter.



Where smoking is prohibited:

- **Inside Multi-unit Residences, including balconies, common areas, and within 40 feet of the building**
- **Inside City of San Mateo Buildings & Facilities, City of San Mateo Outdoor Areas, Parking Lots, Park Properties/ Golf Courses, and the Grounds surrounding these areas, including streets and sidewalks**
- **In Public “Service Areas” (refer to 7.40.020(j) for full definition) like: Public Dining Areas, ATM & Ticket Lines, Bus Stops & Taxi Stands, and Lagoons & Waterways**

Smoking is not regulated in:

- **Private Vehicles**
- **Single Family Residences (except when used as a childcare or health care facility)**

Medical Marijuana:

- **Permitted inside residence only**
- **PROHIBITED inside Multi-unit Residences and all public places**

Smoking Ordinance in Public Places

Effective November 5, 2015, the City of San Mateo updated the guidelines to the Smoking Control Ordinance, Section 7.40 of the San Mateo Municipal Code. This pamphlet contains a copy of the chapter amendments.

Smoking now includes e-cigarettes and marijuana.

This pamphlet is provided as a public service announcement to assist San Mateo residents, businesses, and patrons in complying with the new law. It summarizes provisions of the ordinance for easy reference.

The complete Ordinance is available at www.cityofsanmateo.org.

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Go to City Codes
Go to Title 7
Go to Chapter 7.40

CITY OF SAN MATEO

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CITY OF SAN MATEO

SAN MATEO POLICE
DEPARTMENT



Smoking Ordinance



Effective 11/5/15
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