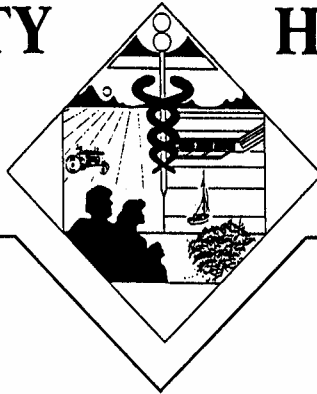


GRANT COUNTY

County Courthouse
P.O. Box 37
Ephrata, WA 98823
(509) 754-6060



HEALTH DISTRICT

1038 W. Ivy Avenue
Moses Lake, WA 98837
(509) 766-7960

POLICY AND PROCEDURE

Subject:**GENERAL ENFORCEMENT OF I-901****Index: ADMINISTRATION****ENVIRONMENTAL HEALTH****Number: EH.3.General Enforcement I-901****Effective Date:****March 8, 2006****Approved by:****Health Officer***/s/Dr. Brzezny 03/13/06***Supersedes:****(none)****Page 1 of 3**

1.0 PURPOSE/REFERENCES:

To establish a procedure for enforcement of smoking restrictions at public places and places of employment, in keeping with RCW 70.160 as amended by Initiative 901. Grant County Health District Ordinance 2006-1 (local Food Code) is referenced with respect to food establishments.

2.0 SCOPE:

This policy applies to public places and places of employment, enforced by the Environmental Health Division. Personal Health division staff may assist in providing educational materials regarding smoking rules and signage.

3.0 DEFINITIONS:

GCHD - Grant County Health District

Documented Violation – A violation of "no smoking" requirements that is personally witnessed by GCHD enforcement staff, OR witnessed by a complainant who signs a declaration as to the verity of the complaint, indicating willingness to testify regarding same.

4.0 POLICY:

- 4.1** Smoking violations within licensed food establishments will be enforced according to provisions of GCHD Ordinance 2006-1, specific to the rules related to signage, presence or evidence of smoking.
- 4.2** Complaints outside the scope of GCHD Ordinance 2006-1 regarding violation of RCW 70.160 will be investigated and enforced by the Environmental Health Division.
- 4.3** GCHD will call or refer calls to local law enforcement as appropriate, regarding smoking of an individual in a setting not allowed by law.

5.0 PROCEDURES:

- 5.1** Complaints of violation of RCW 70.160 outside the scope of GCHD Ordinance 2006-1 will be investigated within 5 working days.
 - 5.1.1** Complaints will be documented by the complainant's signature of a declaration, or by enforcement staff witnessing the violation.
 - 5.1.2** Photos or illustrations from complainant or staff person are encouraged.
 - 5.1.3** Educational materials regarding RCW 70.160 will be provided to a employer or business owner when there has been a complaint, whether documented or not.
- 5.2** A documented violation will result in the following actions:
 - 5.2.1** Creation of a file regarding the complaint, including written description of the complaint, and all communications and supporting documentation.
 - 5.2.2** A written warning will be sent to the business owner or employer responsible, as required by Initiative 901, section 5 (2).
 - 5.2.2.1** Receipt of written warning will be verified by certified return receipt mail, delivery service records, or signature of copy upon receipt by GCHD enforcement staff.
 - 5.2.3** Educational materials regarding RCW 70.160 will be provided to any employer or business owner receiving a written warning.
 - 5.2.4** Enforcement staff will visit to check compliance within 10 working days.

- 5.3** A second documented violation will result in a letter of violation, to be sent to the business owner or employer, requesting immediate compliance.
 - 5.3.1** Receipt of written warning will be verified by certified return receipt mail, delivery service records, or signature of copy upon receipt by GCHD enforcement staff.
 - 5.3.2** A copy of the letter of violation may be sent to any regulator/permitting/licensing agency having jurisdiction at the business location.
 - 5.3.3** Enforcement staff will visit to check compliance within 5 working days.
- 5.4** For any further documented violation, the business owner or employer will be fined the amount of \$100 for each day of violation.
- 5.5** Upon continued failure to comply, GCHD will refer all documentation to the prosecuting attorney's office for further action, as allowed by RCW 70.160.
- 5.5** Grant County Health District will assure due process.