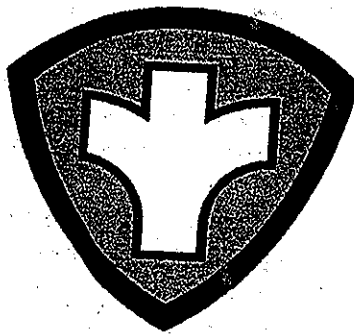


BROOKE COUNTY CLEAN AIR
REGULATION OF 2014



Public Health
Prevent. Promote. Protect.

By
BROOKE COUNTY BOARD OF HEALTH

Sylvia Taylor, Chair
John Cunningham, Vice-Chair
BOH members
Vicky Gallo
Joe Ierise
Rose Briggs

SECTION 1002. DEFINITIONS

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

- a. "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.
- b. "Employee" means any person employed by an employer for direct or indirect monetary wages or anything of value, or any person who volunteers for a non-profit entity.
- c. "Employer" means any entity or person who employs the paid or volunteer services of one or more persons.
- d. "Enclosed Area" means all space between a floor and ceiling which is enclosed, that is bounded on at least two sides by walls, doorways or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.
- e. "Healthcare Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, emotional, or other medical, physiological, or psychological conditions including but not limited to, hospitals, rehabilitation hospitals, weight control, laboratories, offices of surgeons, chiropractors, physical therapists, physicians, dentists and all specialist within these professions. Healthcare facility includes all waiting rooms, hallways, private rooms, semiprivate rooms, and any adjacent outdoor property under its control.
- f. "Hotel" means any facility, building or buildings, publically or privately owned (including a facility located in a state, county or municipal park), in which the public may, for a consideration, obtain sleeping accommodations. The term shall include, but not be limited to boarding houses, hotels, motels, inns, courts, condominiums, city parks offering accommodations. The term "hotel" shall not be construed to mean any hospital, sanitarium, extended care facility, nursing home or university or where a university or college housing unit provides sleeping accommodations for the general public for a consideration, the term "hotel" shall, if otherwise applicable apply to such accommodations for the purpose of this regulation.
- g. "Place of Employment" means any enclosed area under the control of a

1. Private residences, including individual apartments or housing units which are part of a multi-unit residential housing project or apartment building, except when used as a child care facility, adult care, foster care or other similar social care.

B. Notwithstanding any other provision of this section, any person who controls any establishment described in this section may declare that entire establishment as a non-smoking facility.

SECTION 1006. POSTING OF SIGNS

- A. Because rules regulating smoking are primarily self-enforcing, their success depends heavily upon adequate signage.
- B. "No Smoking" signs shall be prominently posted in every building or other place where smoking is controlled by this Regulation, by the owner, operator, manager or other person having control of such building or other place.
- C. Every public place where smoking is prohibited by this regulation shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.
- D. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited by this article by the owner, operator, manager or other person having control of such area.

SECTION 1007. ENFORCEMENT

- A. Enforcement of this article shall be implemented by the Brooke County Health Officer or his or her designee.
- B. Notice of the provisions set forth in this article shall be given to all applicants for a business license in the County of Brooke.
- C. Any citizen who desires to register a complaint under this chapter may initiate enforcement with the Brooke County Health Department.
- D. The Health Department shall inspect for compliance of this regulation.
- E. Any owner, manager, operator or employee of any establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.

Any person, who willfully violates this Clean Air Regulation, may be charged with a misdemeanor under WV Code §16-2-15 and, upon conviction, be subject to a monetary fine. At the time of the adoption of this Clean Air Regulation, West Virginia Code §16-2-15 provided as follows:

§16-2-15. Obstructing local health officers and others in the enforcement of public health laws; other violations; penalties.

Any person who willfully obstructs any local health officer, public health nurse, sanitarian or any other person charged with the enforcement of any public health law, in the performance of that person's legal duties in enforcing the law, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than fifty dollars and not more than five hundred dollars.

Any person who willfully violates any of the provisions of this article, or any of the rules or orders adopted or issued pursuant to the provisions, for which a penalty is not otherwise provided, is guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than two hundred dollars and not more than one thousand dollars.

Magistrates have concurrent jurisdiction with the circuit courts of this state for violations of provisions of this article.

SECTION 1012. EFFECTIVE DATE

This Regulation, as amended, shall become effective on 7-1-2015

This Regulation shall supersede previous Brooke County Health Department Clean Indoor Air Regulations.

SECTION 1013. REPEAL AND REPLACEMENT OF FORMER REGULATION

This regulation repeals and replaces the Brooke County Board of Health Clean Indoor Air Regulation of 2005.

Joseph DePetro
Joseph DePetro, MD, Health Officer

Sylvia Taylor
Sylvia Taylor, Board of Health Chair

Taken, subscribed and sworn to before me
this 26 day of Nov, 2014

Taken, subscribed and sworn to before me
this 26th day of November, 2014

AMENDED: _____

FILED: _____

Notary Public Seal:
OFFICIAL SEAL
NOTARY PUBLIC
STATE OF WEST VIRGINIA
MAUREEN E. WILLIAMS
BROOKE COUNTY SHERIFF'S OFFICE
632 MAIN STREET
WELLSBURG, WV 26070
My commission expires June 6, 2016
- Notary
My Commission Expires June 6, 2016
Maureen E Williams