

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #7

FILED  
1989 MAY 19 AM 11:49  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF AN EMERGENCY RULE**

AGENCY: State Fire Commission TITLE NUMBER: 87

CITE AUTHORITY: Chapter 29, Article 3 - Section 12b Fees

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: \_\_\_\_\_

TITLE OF RULE BEING AMENDED: \_\_\_\_\_

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: Series 5

TITLE OF RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

Fees for Services Rendered

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE UPON FILING.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Currently no legislative rules are on file for the establishment of fees for services rendered by the State Fire Marshal.

The West Virginia Legislature authorized the State Fire Marshal to establish fees in accordance with Chapter 29, Article 3, Section 12b of the code.

In compliance with state law it is necessary to file these emergency rules for the purpose of implementing the provisions of 29-3-12b.

Use Additional Sheets If Necessary.



87CSR5

FILED

1989 MAY 19 AM 11:49

TITLE 87  
LEGISLATIVE RULES  
STATE FIRE MARSHAL'S OFFICE

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SERIES V  
FEES FOR SERVICES RENDERED

3-1. General

1.1 Scope - These legislative rules establish the fee to be charged by the State Fire Marshal for services rendered.

1.2 Authority - West Virginia Code, Chapter 29, Article 3, Section 12b.

1.3 Filing Date - May 19, 1989

1.4 Effective Date - May 19, 1989

3-2. Schedule Of Fees For Services Rendered By The State Fire Marshal For Blasters License, Pyrotechnics License, Fireworks Display, Inspections, Plan Reviews, and Electricians Licensing.

2.1 Blasters Permit To Use - \$50.00

2.2 Permit To Sell Explosives - \$50.00

2.3 Permit To Store Explosives - \$50.00

2.4 Pyrotechnics License - \$10.00

2.5 Public Fireworks Display Permit - 1% of cost of display with a \$100 maximum fee

2.6 Inspection Of School Or Day Care Facility - \$25.00

2.7 Inspection Of Hospital Or Nursing Home - \$100.00

2.8 Inspection Of Personal Care Home Or Board And Care Homes - \$50.00

2.9 Inspection Of Residential Occupancies - \$100.00

2.10 Inspection Of Mercantile Occupancies - \$100.00

2.11 Inspection Of Mercantile Occupancies On Justified Complaint - \$25.00

2.12 Inspection Of Business Occupancies - \$100.00

87CSR5

2.13 Inspection Of Business Occupancies On Justified Complaint - \$25.00

2.14 Inspection Of Class C Place of Assembly - \$50.00

2.15 Inspection Of Class B Place of Assembly - \$75.00

2.16 Inspection Of Class A Place of Assembly - \$100.00

2.17 Fire Safety Review of Architectural Plans and Specifications Of New and Existing Construction - \$10.00

2.18 Fire Safety Review of Sprinkler Plans and Specifications - \$10.00

2.19 Fire Safety Review of Fire Alarm Plans and Specifications - \$10.00

2.20 Fire Safety Review of Range Hoods Plans and Specifications - \$10.00

2.21 Fire Safety Review of Structural Barriers Plans and Specifications - \$10.00

2.22 Fire Safety Review of All Other Plans and Specifications - \$10.00

2.23 Walk-In Review Of Plans And Specifications - \$10.00

2.24 Field Review of Plans And Specifications - \$10.00

2.25 Review For Carpet Specifications for Certification - \$10.00

2.26 Review Of Plans and Specifications for Variance Requests - \$10.00

2.27 Renewal or Licensing of Electricians - \$50.00

2.28 Late Fee For Renewal of Electricians License - \$15.00

2.29 Examination of Master and Journeyman Electricians - \$25.00

2.30 Examinations of Apprentice Electricians - \$10.00

2.31 Re-examinations of Electricians - \$10.00

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

ROBERT E. WILKINSON  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 345-4000  
Corporations: 342-8000



STATE OF WEST VIRGINIA  
SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON  
Chief of Staff

RICHARD O. HARTMAN  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

SHEREE COHEN  
Special Assistant

(Plus all the volunteer  
help we can get)

June 30, 1989

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: State Fire Commissioner

RULE: New Rule, Series 5; Fees for Services Rendered

DATE FILED AS AN EMERGENCY RULE: May 19, 1989

DECISION NO. 8-89

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be approved. A copy of the complete decision with required findings is available from this office.

A handwritten signature in cursive script that reads "Ken Hechler".

KEN HECHLER  
Secretary of State

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE June 30, 1989  
ADMINISTRATIVE LAW DIVISION

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

ROBERT E. WILKINSON  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (204) 346-4000  
Corporations: 342-8000



STATE OF WEST VIRGINIA  
SECRETARY OF STATE

Charleston 25305

WILLIAM H. HARRINGTON  
Chief of Staff

RICHARD O. HARTMAN  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

SHEREE COHEN  
Special Assistant

(Plus all the volunteer  
help we can get)

DECISION                      EMERGENCY RULE DECISION  
(ERD 8-89)

AGENCY: State Fire Commission  
RULE: New Rule, Series 5, Fees for Services Rendered  
FILED AS AN EMERGENCY RULE: May 19, 1989

- par. 1 The State Fire Commissioner has filed the above new rule as an emergency.
- par. 2 West Virginia Code 29A-3-15A requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 3 Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [29A-3-15a(a)].
- par. 4 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Fire Commission (LRMRC).
- par. 5 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the ERD is issued or the expiration of the forty-two day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.
- par. 6 The Fire Commissioner has filed this emergency rule with supporting documents with the Secretary of State on May 19, 1989 and with the LRMRC on May 19, 1989.

par. 7 It is the determination of the Secretary of State that the Fire Commissioner has complied with the procedural requirements of WV Code §29A-3-15 for adoption of an emergency rule.

par. 8 (B) Statutory Authority -- WV Code §29-3-12b reads in part:

§29-3-12b. Fees.

(a) The state fire marshal may establish fees in accordance with the following:

- (1) For blasting. . .
- (2) For inspections of schools or day care facilities. . .
- (3) For inspections of hospitals or nursing homes. . .
- (4) For inspections of personal care homes or board and care facilities...
- (5) For inspections of residential occupancies. . .
- (6) For inspections of mercantile occupancies. . .
- (7) For business occupancies. . .
- (8) For inspections of assembly occupancies. . .

(b) The state fire marshal shall have the authority to establish a fee schedule for the fire safety review of plans and specifications for new and existing constructions as set forth in this article.

par. 9 It is the determination of the Secretary of State that the Fire Commissioner has not exceeded its statutory authority in promulgating this emergency rule.

par. 10 (C) Emergency: WV Code 29A-3-15(g) defines "emergency" as follows:

(g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.

par. 11 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.


par. 12 The facts and circumstances as presented by the Board are as follows:

Currently no legislative rules are on file for the establishment of fees for services rendered by the State Fire Marshal.

The West Virginia Legislature authorized the State Fire Marshal to establish fees in accordance with Chapter 29, Article 3, Section 12b of the code.

In compliance with the state law it is necessary to file these emergency rules for the purpose of implementing the provisions of 29-3-12b.

- par. 13 It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency.
- par. 14 This decision shall be cited as Emergency Rule Decision 8-89 or ERD 8-89 and may be cited as precedent. This decision is available from the Secretary of State's office and has been filed with the Fire Commissioner, the Attorney General and the Legislative Rule Making Review Commission.

  
\_\_\_\_\_  
KEN HECHLER  
SECRETARY OF STATE

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
Entered \_\_\_\_\_ THIS DATE June 30, 1989  
ADMINISTRATIVE LAW