

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark In This Box

FILED

2003 JUN 25 P 2: 37

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: State Fire Commission/ State Fire Marshal TITLE NUMBER: 103

RULE TYPE: Legislative CITE AUTHORITY: 29-3-12b

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 PROPOSED: 2


TITLE OF RULE BEING PROPOSED: Fees for Licenses, Permits, Inspections, Plans Review and Other
Services Rendered

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 25, 2003 AT 16:00 hours ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

ATTN: Fees for Services
State Fire Marshal's Office
1207 Quarrier Street, Second Floor
Charleston, West Virginia 25301

304-558-2191

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

WEST VIRGINIA
STATE FIRE CODE

TITLE 103, SERIES 2

FEEES FOR LICENSES, PERMITS, INSPECTION, PLANS REVIEW & OTHER
SERVICES RENDERED

Rules
Of the West Virginia
State Fire Marshal

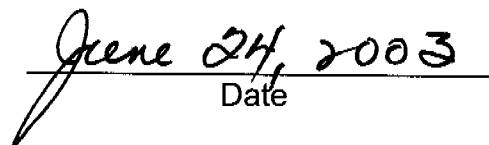
Approved by Secretary, Department of Military Affairs and Public Safety


Joe Martin


Date

Approved by State Fire Marshal




Date

STATE FIRE COMMISSION
1207 Quarrier Street, 2nd Floor
Charleston, WV 25301

**Proposed Legislative Rule
Title 103 Series 2**

**State Fire Marshal
“Fees for Services”**

SUMMARY:

This rule repeals title 87 Series 5 previously authorized by the State Fire Commission in accordance with WV State Code 29-3-12b, 1989.

Changes in the State Code removes the fees charged from statute and authorizes the State Fire Marshal to establish a fee schedule by rules by State Code 29-3-12b 2002.

CIRCUMSTANCES:

To comply with recently passed legislation that authorizes the Fire Marshal to set a fee schedule by rules and which will place the operations of the State Fire Marshal's operation primarily under "Appropriated Special Revenues" beginning July 1, 2004.

This rule will direct revenue beginning July 1, 2004 to the Special Revenue Fund. Current Statutory requirement, under State Code 29-3 will be funded from the Special Revenue Fund.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Fees for License, Permits, Inspections, Plans Review & Other Services Rendered

Type of Rule: xxx Legislative _____ Interpretive _____ Procedural

Agency: State Fire Commission/ State Fire Marshal

Address: 1207 Quarrier Street, Second Floor, Charleston, West Virginia 25301
Contact: Arnett B Corley, Jr. 304-558-2191

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	-0-	-0-	-0-	-0-	-0-
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

No additional cost is expected to the agency. Recent changes in the statutes authorized the State Fire Marshal to set fees by rules instead of the fees being established by statute

3. Objectives of These Rules:

To provide revenue for the operation of the State Fire Commission/State Fire Marshal's Office.

Rule Title: Fees for Licenses, Permits, Inspections, Plans Review & Other Services Rendered

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

Provide revenue for the operations of this agency.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: minimal increase in the fees from the statutory amounts established in 1989 for those who avail themselves of the services of the State Fire Marshal with regard to licenses, permits, review of plans, inspections, disposal of explosives, etc.

C. Economic Impact on Citizens/Public at Large.

very minimal to none.

Date: June 25, 2003

Signature of Agency Head or Authorized Representative:

D. B. Corley, Jr.
*Admin Asst to the
State Fire Marshal*

Title 103

Legislative Rule

State Fire Marshal

Series 2

Fees for Licenses, Permits, Inspection,

Plans Review & Other Service Rendered

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

103-2-1 General.

- 1.1 Scope: This Legislative Rule establishes the fees to be charged by the State Fire Marshal for services rendered.
- 1.2 Repeal: This rule repeals Rule Title 87, Series 5 "Fees for Services Rendered" effective date March 30, 1990
- 1.3 Authority: WV Code § 29-3-12b. Effective Date: June 7, 2002 c 149.
- 1.4 Filing Date:
- 1.5 Effective Date:
- 1.6 Definitions:
 - 1.6.1 NFPA-----National Fire Protection Association
 - 1.6.2 NFC-----National Fire Codes
 - 1.6.3 Manufacturing-----Mixing, blending, extruding, assembling, disassembling, chemical synthesis, and other functions involved in making a product or device that is intended to explode.
 - 1.6.4 Manufacturer-----Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution.
 - 1.6.5 Manufacturer-limited-----Any person engaged in the business of manufacturing explosive materials for his own use and not for sale or distribution.
 - 1.6.6 Dealer-----Any person engaged in the business of distributing explosive materials at wholesale or retail.

103-2-2 Explosives: as defined in NFC Sections 495, 1124, and 1126
Exception: Chapter 11 of Section 495

2.1 Permits to use explosives:

CLASS	CATEGORY	BLASTING PERMITTED	ANNUAL PERMIT FEE
A	Unlimited	All types of blasting	\$75.00
B	General aboveground	All phases of blasting operation in quarries, open pit mines, and aboveground construction.	\$75.00
C	General underground	All phases of blasting operations in underground mines, shafts, tunnels, and drifts. Exception, underground coal mining.	\$75.00
D	Demolition	All phases of blasting in demolition projects	\$75.00
E	Seismic	All phases of blasting in seismic prospecting	\$50.00
F	Agriculture	All phases of blasting in agriculture, but limited to not more than 50 lbs. (22.7 kg) per blast.	\$15.00
G	Special	Special blasting as described on the permit	\$40.00
H	Pyrotechnicians	Indoor Fireworks Display's	\$200.00
I	Pyrotechnicians	Outdoor Fireworks Display's	\$200.00
	Initial Application/Test Fee	For Application Review and any testing for above licenses	\$40.00

2.2 Permit to sell Explosives

Initial Application and Review Fee-----	\$40.00
Manufacturer, site—site specific-----	\$1,000.00 annual fee
Manufacturer—limited, site specific-----	\$250.00 annual fee
Dealer (state wide) -----	\$500.00 annual fee

2.3 Permit to store Explosives-----\$100.00
per magazine

2.4 Public Fireworks Display and Storage Permit (for each display) -----1% of invoiced
display with a
minimum fee of
\$25.00

103.2.3 Explosives as defined in NFC Section 495, Chapter 11

Permit to store and sale on premises-----\$50.00
annual fee

**103.2.4 Removal, Transportation & Disposal of explosive/hazardous materials,
or other legally confiscated items or material**

Actual cost of personnel, materials, transportation, and other miscellaneous and related cost
necessary to mitigate the situation plus 30% overhead charges.

103.2.5 Inspections

5.1 Public/Private Schools: Preschool-12th Grade:

5.1.1 Up to 50,000 square foot building-----\$25.00 per bldg.
per year

5.1.2 50,001 + square foot building-----\$ 50.00 per bldg.
per year

5.2 Day Care Occupancy:

5.2.1 Group day care (up to 12 occupants) ----- \$25.00 per bldg.
per year

5.2.2 Day Care (12 + occupants) (2500 sq ft or less) ----- \$25.00 per bldg.
per year

5.2.3 Day Care (12 + occupants) (over 2500 sq ft) ----- \$50.00 per bldg.
per year

5.3 Hospitals:

5.3.1 100 or more beds-----\$300.00 per bldg.
per year

5.3.2 99 or less beds-----\$100.00 per bldg.
per year

5.4 Nursing Homes:

5.4.1 100 or more beds-----\$200.00 per bldg.
per year

5.4.2 99 or less beds-----\$100.00 per bldg.
per year

5.5 Limited-Care Occupancy-----\$50.00 per bldg.
per year

5.6	Board and Care Occupancy:	
	5.6.1	Small (up to 16 residents) -----\$ 30.00 per bldg. per year
	5.6.2	Large (more than 16 residents) -----\$ 50.00 per bldg. per year
5.7	Residential Occupancy:	
	5.7.1	Hotels/Motels-----\$ 2.00 per guest room with a minimum of \$25.00 per inspection
	5.7.2	Dormitories-----51 or more beds-----\$ 100.00 per inspection 50 or less beds-----\$ 50.00 per inspection
	5.7.3	Apartments-----13 or more units per bldg. -----\$ 100.00 per inspection 12 or less units per bldg. - -----\$ 50.00 per inspection
	5.7.4	Lodging/Rooming occupancies-----\$ 30.00 per inspection
5.8	Mercantile Occupancy:	
	5.8.1	Covered malls (Concourse) -----\$200.00 per inspection
	5.8.2	Combined mercantile and residential occupancy-----\$ 75.00 per inspection
	5.8.3	Class A mercantile-----\$ 200.00 per inspection
	5.8.4	Class B mercantile-----\$ 100.00 per inspection
	5.8.5	Class C mercantile -----\$ 50.00 per inspection
5.9	Business Occupancy:	
	5.9.1	City Halls-----\$ 50.00 per inspection
	5.9.2	Courthouses-----\$ 50.00 per inspection
	5.9.3	Dentist and doctors offices-----\$ 50.00 per inspection
	5.9.4	General offices-----\$ 50.00 per inspection
	5.9.5	Outpatient clinics, ambulatory care-----\$100.00 per inspection
	5.9.6	Colleges and universities including instructional building, classrooms under 50 persons, and instructional laboratories-----\$ 100.00 per inspection
5.10	Assembly Occupancy:	
	5.10.1	Occupant load of 1000 + persons-----\$ 300.00 per inspection
	5.10.2	Occupant load of 301 – 999 persons ----- \$ 100.00 per inspection
	5.10.3	Occupant load of 50 – 300 persons -----\$ 75.00 per inspection

- 5.11 Detention/Correction Occupancy:
- 51 or more beds-----\$100.00 per inspection
 - 50 or less beds-----\$50.00
- 5.12 AGST/LP installations (above ground storage tanks) -----\$50.00 per site
- 5.13 Fire Protection System: The state fire marshal may charge the following fee for acceptance of a newly installed fire protection system in existing buildings.
- 5.13.1 Fire alarm system-----\$ 50.00 per inspection
 - 5.13.2 Sprinkler system-----\$ 50.00 per inspection
 - 5.13.3 Kitchen AES-----\$ 25.00 per inspection
 - 5.13.4 FM 200-----\$ 25.00 per inspection
- 5.13.5 If the owner or occupant of any occupancy arranges a time and place for an inspection with the state fire marshal's office and is not ready for the occupancy to be inspected at the appointed time and place, the owner or occupant thereof shall be charged the inspection fee provided in this section, unless at least forty-eight hours prior to the scheduled inspection the owner or occupant requests the state fire marshal to reschedule the inspection. In the event a second inspection is required by the state fire marshal as a result of the owner or occupant failing to be ready for the inspection when the state fire marshal arrives, the state fire marshal shall charge the owner or occupant of the occupancy the inspection fees set forth above for each inspection trip required.
- 5.14 Inspection upon written complaint:
- Unjustified Complaint-----Fee to complainant will be the same as listed per above occupancy.
- 5.15 Review of Architectural Plans and Specifications of New and Existing Construction:
- One dollar for each one thousand dollars of construction cost up to the first one million dollars. Thereafter, the fee is eighty cents for each one thousand dollars of construction cost. (fee includes all construction inspections and final inspection for a certificate of occupancy)
- 5.16 Review of Sprinkler Plans and Specifications:
- 5.16.1 13 D Sprinkler system-----\$85.00
 - 5.16.2 13 and 13 R sprinkler system (based on number of sprinkler heads)
 - 5.16.2.1 1-200 heads-----\$100.00
 - 5.16.2.2 201-399 heads-----\$150.00
 - 5.16.2.3 400-749 heads-----\$200.00
 - 5.16.2.4 750 + heads-----\$200.00 plus 20 cents per head over 750 heads

- 5.17 Review of Fire Alarm Plans and Specification:-----\$50.00 per 10,000 square
foot building with \$50.00
being the minimum cost
- 5.18 Review of Range Hood Plans and Specifications:-----\$50.00 per hood
- 5.19 Review of FM 200 Plans and Specifications:-----\$50.00 per system
- 5.20 Review of AGST/LP Installation Plans and Specifications:-----\$50.00 per tank
(above ground storage tanks)
- 5.21 Review for Carpet Specifications of Certification/Approval:-----\$20.00
- 5.22 Inspection of any building, structure, facility, etc. for the purpose of condemning
same due to significant structural damage that would render the facility unsafe
for human habilitation.
(ex. Damage to structure as a result of fire, earthquake, landslide, flood, etc) -----\$250.00/unit.

103.2.6 Administration Fees

- 6.1 Document Research:
 - 6.1.1 In office -----\$10.00 per hour
 - 6.1.2 In archives -----\$25.00 per hour
- 6.2 Document Duplications:
 - 6.2.1 First Page-----\$2.00
 - 6.2.2 each additional page-----\$.25
- 6.3 Copies of Public Records----- \$10.00 per hour with a
minimum of 1 hour,
plus duplication/copy charges
- 6.4 Fire Department Mailing Labels-----\$50.00 per set
- 6.5 Written confirmation of license/permits-----\$25.00
- 6.6 Invoices and billing are due within 30 days of services date.
Past due accounts will accrue interest at the rate of
1 ½ % per month on the unpaid balance of the account.
- 6.7 Fire Investigation Reports-----\$25.00
- 6.8 Fire Incident Reports-----\$10.00