

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

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #4 ■

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: STATE FIRE MARSHAL TITLE NUMBER: 103

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

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.


Authorized Signature

\$3.60



WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

Senator Mike Ross, Cochair
Delegate Virginia Mahan, Cochair
Debra A. Graham, Counsel
Joseph A. Altizer, Associate Counsel

Rita A. Pauley, Associate Counsel
Connie A. Bowling, Associate Counsel
Daniel E. Kimble, Associate Counsel
Teri Anderson, Administrative Assistant

November 20, 2003

NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

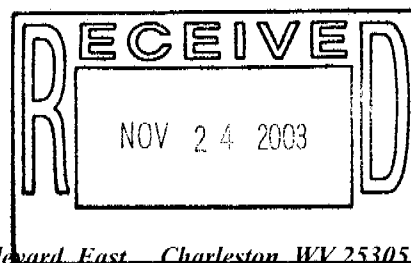
TO: A.B. Corley
Fire Marshal, Office of the
1207 Quarrier St. 2nd Floor
Charleston, WV 25301

FROM: Legislative Rule-Making Review Committee

Proposed Rule: Fees for Licenses, Permits, Inspections, Plans, Review and Other Services Rendered. 103CSR2

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative rule
 - (a) as originally filed
 - (b) as modified by the agency
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached.
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached.
- 5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached.



A.B. Corley

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November 20, 2003

If the first page of this form indicates that your agency has agreed to modify the proposed rule in accordance with a motion adopted by the Committee, your agency should consult with the Committee's Counsel on the preparation of the modifications. By **Friday, December 5, 2003** your agency must file 1 copy of your modified rule with the Secretary of State's Office and 10 copies with the Legislative Rule-Making Review Committee.

W.Va. Code §29A-3-12 requires that this Committee submit its report to the full Legislature by the twentieth day of the Regular Session, and by that time, all Bills of Authorization must be ready for introduction. The date that you filed your modified rule in the Secretary of State's Office must be included in the Bill of Authorization.

Please disregard this notice if you have already filed your final, modified rule. Committee rules state that a copy of this letter must be on file for each agency filing a rule.

Sincerely,

A handwritten signature in cursive script, appearing to read "Teri Anderson".

Teri Anderson
Administration Assistant

Sterling Lewis

Fees for Licenses, Permits, Inspections, Plans, Review and Other Services Rendered, 103CSR2

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

103-1 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.
- 1.4 Filing Date:
- 1.5 Effective Date:

103-2 Definitions:

- 2.1 NFPA-----National Fire Protection Association
- 2.2 NFC-----National Fire Codes
- 2.3 Manufacturing-----Mixing, blending, extruding, assembling, disassembling, chemical synthesis, and other functions involved in making a product or device that is intended to explode.
- 2.4 Manufacturer-----Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution.
- 2.5 Manufacturer-limited-----Any person engaged in the business of manufacturing explosive materials for his own use and not for sale or distribution.
- 2.6 Dealer-----Any person engaged in the business of distributing explosive materials at wholesale or retail.

103-3 Explosives: as defined in NFC Sections 495, 1124, and 1126
Exception: Chapter 11 of Section 495

3.1 Permits to use explosives:

<u>CLASS</u>	<u>CATEGORY</u>	<u>BLASTING PERMITTED</u>	<u>ANNUAL PERMIT FEE</u>
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 the licenses in this subdivision	\$40.00

3.2 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

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

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

103-4 Explosives as defined in NFC Section 495, Chapter 11

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

103-5 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.

103-6 Inspections

- 6.1 Public/Private Schools: Preschool-12th Grade:----- \$25.00 per bldg.
per year
- 6.2 Day Care Occupancy:----- \$25.00 per bldg.
per year
- 6.3 Hospitals:
 - 6.3.1 100 or more beds-----\$100.00 per bldg.
per year
 - 6.3.2 99 or less beds-----\$ 75.00 per bldg.
per year
- 6.4 Nursing Homes:
 - 6.4.1 100 or more beds-----\$100.00 per bldg.
per year
 - 6.4.2 99 or less beds-----\$ 75.00 per bldg.
per year
- 6.5 Limited-Care Occupancy-----\$50.00 per bldg.
per year
- 6.6 Board and Care Occupancy:
 - 6.6.1 Small (up to 16 residents) ----- \$ 30.00 per bldg. per year
 - 6.6.2 Large (more than 16 residents) ----- \$ 50.00 per bldg. per year
- 6.7 Residential Occupancy:
 - 6.7.1 Hotels/Motels-----\$ 2.00 per guest room
with a minimum of
\$25.00 per inspection
Maximum of \$100.00
 - 6.7.2 Dormitories-----51 or more beds-----\$ 100.00 per inspection
50 or less beds-----\$ 50.00 per inspection
 - 6.7.3 Apartments-----13 or more units per bldg. ----- \$ 100.00 per inspection
12 or less units per bldg. - ----- \$ 50.00 per inspection

- 6.7.4 Lodging/Rooming occupancies-----\$ 30.00 per inspection
- 6.8 Mercantile Occupancy:
 - 6.8.1 Covered malls (Concourse) -----\$100.00 per inspection
 - 6.8.2 Combined mercantile and residential occupancy-----\$ 75.00 per inspection
 - 6.8.3 Class A mercantile-----\$ 100.00 per inspection
 - 6.8.4 Class B mercantile-----\$ 100.00 per inspection
 - 6.8.5 Class C mercantile -----\$ 50.00 per inspection
- 6.9 Business Occupancy:
 - 6.9.1 City Halls-----\$ 50.00 per inspection
 - 6.9.2 Courthouses-----\$ 50.00 per inspection
 - 6.9.3 Dentist and doctors offices-----\$ 50.00 per inspection
 - 6.9.4 General offices-----\$ 50.00 per inspection
 - 6.9.5 Outpatient clinics, ambulatory care-----\$100.00 per inspection
 - 6.9.6 Colleges and universities including instructional building, classrooms under
50 persons, and instructional laboratories-----\$ 100.00 per inspection
- 6.10 Assembly Occupancy:
 - 6.10.1 Occupant load of 1000 + persons-----\$ 100.00 per inspection
 - 6.10.2 Occupant load of 301 – 999 persons ----- \$ 75.00 per inspection
 - 6.10.3 Occupant load of 50 – 300 persons ----- \$ 50.00 per inspection
- 6.11 Detention/Correction Occupancy:
 - 51 or more beds-----\$100.00 per inspection
 - 50 or less beds-----\$50.00
- 6.12 AGST/LP installations (above ground storage tanks) -----\$50.00 per site
- 6.13 Fire Protection System: The state fire marshal may charge the following fee for acceptance inspection of a newly installed fire protection system in existing buildings.
 - 6.13.1 Fire alarm system-----\$ 50.00 per inspection
 - 6.13.2 Sprinkler system-----\$ 50.00 per inspection
 - 6.13.3 Kitchen AES-----\$ 25.00 per inspection
 - 6.13.4 FM 200-----\$ 25.00 per inspection

6.13.5 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.

6.14 Inspection upon written complaint:

Unjustified Complaint-----Fee to complainant will be the same as listed per above respective occupancy.

6.15 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)

6.16 Review of Sprinkler Plans and Specifications:

6.16.1 13 D Sprinkler system-----\$85.00

6.16.2 13 and 13 R sprinkler system (based on number of sprinkler heads)

6.16.2.1 1-200 heads-----\$ 85.00

6.16.2.2 201-300 heads-----\$100.00

6.16.2.3 301-750 heads-----\$120.00

6.16.2.4 750 + heads-----\$120.00 plus 10 cents per head over 750 heads

6.17 Review of Fire Alarm Plans and Specification:-----\$50.00 per 10,000 square foot building with \$50.00 being the minimum cost

6.18 Review of Range Hood Plans and Specifications:-----\$25.00 per hood

6.19 Review of FM 200 Plans and Specifications:-----\$100.00 per system

6.20 Review of AGST/LP Installation Plans and Specifications:-----\$50.00 per tank (above ground storage tanks)

6.21 Review for Carpet Specifications of Certification/Approval:-----\$20.00

6.22 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.

103-7 Administration Fees

- 7.1 Document Research:
 - 7.1.1 In office -----\$10.00 per hour
 - 7.1.2 In archives -----\$25.00 per hour
- 7.2 Document Duplications:
 - 7.2.1 First Page-----\$2.00
 - 7.2.2 each additional page-----\$.25
- 7.3 Copies of Public Records----- \$10.00 per hour with a
minimum of 1 hour,
plus duplication/copy charges
- 7.4 Fire Department Mailing Labels-----\$50.00 per set
- 7.5 Written confirmation of license or permits-----\$25.00
- 7.6 Fire Investigation Reports-----\$25.00
- 7.7 Fire Incident Reports-----\$10.00
- 7.8 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.