

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Board of Health TITLE NUMBER: 64

RULE TYPE: Legislative; CITE AUTHORITY §16-2A-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 30

TITLE OF RULE BEING AMENDED: Fees for Permits

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

DATE OF PUBLIC HEARING: May 23, 1990 TIME: 10:00 a.m.

LOCATION OF PUBLIC HEARING: Room 522

Building #3 (Motor Vehicles Building)

Capitol Complex

Charleston, WV 25305

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS:

Regulatory Development Section
Dept. of Health & Human Resources

Room 204, Building #3

Capitol Complex

Charleston, WV 25305

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL


Taunja Willis Miller, Secretary
Dept. of Health & Human Resources



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Building 3, Capitol Complex
Charleston, WV 25305

Gaston Caperton
Governor

April 20, 1990

The Honorable Ken Hechler
Secretary of State
State of West Virginia
State Capitol Building
Charleston, WV 25305

Dear Secretary Hechler:

The Fees for Permits rule is hereby approved for filing for public hearing and for emergency filing.

Sincerely,

A handwritten signature in cursive script, appearing to read "Taunja Willis Miller".

Taunja Willis Miller, Secretary
Department of Health and
Human Resources

TWM/jpg

FISCAL NOTE FOR PROPOSED RULES

Rule Title: FEES FOR PERMITS

Type of Rule: Legislative Interpretive Procedural

Agency Division of Health Address Building 3, Capitol Complex
Charleston, West Virginia 25305

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 and Alterations					
Equipment					
Other					

2. Explanation of above estimates.

The fees for Permit Rule allows local health departments the option to charge a fee for the issuance of a permit covered by the Rules. The health department may charge for any or all of the permits listed up to the maximum amount. Thirty-one of the 49 local health departments are presently charging for all or part of the permits they issue.

3. Objectives of these rules:

To supplement the budgets of county health departments which is necessitated by decreasing local revenues and, in the case of 22 counties, discontinued local revenues.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring transparency and accountability in the organization's operations. This section also outlines the various methods and tools used to collect and analyze data, highlighting the need for consistency and reliability in the information gathered.

2. The second part of the document focuses on the implementation of internal controls and risk management strategies. It details how these measures are designed to prevent fraud, reduce errors, and protect the organization's assets. The text also addresses the role of management in overseeing these processes and ensuring that they are effectively integrated into the organization's overall framework.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Since these fees will be assessed by county boards of health, there will be no economic impact on State Government.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

County health departments will be able to increase their funding which may mean the difference as to whether they can operate on a full-time basis to provide public health services.

C. Economic Impact on Citizens/Public at Large.

Since 31 county health departments are currently charging fees for permits, the public in most instances is accustomed to paying the fees. Even with the increase proposed, the fee structure is reasonable and in no way makes the environmental health program self-supporting. The increased fees are expected to generate \$218,075.

Date April 10, 1990

Signature of Agency Head or Authorized Representative



Taunja Willis Miller, Secretary
Department of Health and Human Resources

WEST VIRGINIA BOARD OF HEALTH
RULE ABSTRACT

Title: Fees for Permits

CSR Title and Series: 64 CSR 30

Type: Legislative

Summary: The amendments to this rule increase some of the fees for permits issued by a county, municipal or combined board of health.

For further information contact: Regulatory Development Section, Telephone 348-3223 or Ron Forren, Office of Environmental Health Services, telephone 348-2981, Division of Health, Building 3, Capitol Complex, Charleston, WV 25305.

[PROPOSED]

TITLE 64

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Fees for Permits

Series 30

1990

For Public Hearing

May 23, 1990

[PROPOSED]

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Fees for Permits

64 CSR 30

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[PROPOSED]
TITLE 64
WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

SERIES 30
FEES FOR PERMITS

FILED
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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§64-30-1. General

1.1. Scope - These legislative rules establish the fees for permits issued by a county, municipal or combined board of health.

1.2. Authority - W. Va. Code §16-2A-6

1.3. Filing Date -

1.4. Effective Date -

1.5. Public Hearing - May 23, 1990.

1.6. Approval - These rules were approved by the West Virginia Board of Health on _____.

§64-30-2. Application and Enforcement

2.1 Application - These legislative rules apply to any county, municipal or combined board of health which charges a fee for the issuance of such permits as covered by these legislative rules.

2.2. Enforcement - The enforcement of these legislative rules is vested with the director of the West Virginia department division of health or his lawful designee.

§64-30-3. Definitions

3.1. Bathing Beach - A public bathing place located on a natural stream, pond or lake or on an artificial pond or lake which is formed by impounding a natural waterway.

3.2. Child Care Center - A child care facility receiving seven or more children for all or part of a day.

~~3-1-~~ 3.3. Developed Site - A mobile home location for placement and hookup of a mobile home.

~~3-2-~~ 3.4. Fixed Expiration Date - An annual date at which time all permits of the same type expire. The fixed expiration date for each of the permits covered by this rule are derived from the state code or the rule which authorizes the issuance of the particular permit.

~~3-3-~~ 3.5. Food Service Establishment - Any fixed or mobile restaurant; coffee shop; cafeteria; short-order; soda fountain; tavern; bar; cocktail lounge; delicatessen; nightclub; roadside

stand; industrial feeding establishment; private, public, or non-profit organization or institution routinely serving food; catering kitchen; commissary or similar place in which food or drink is prepared for sale or service on the premises or elsewhere; and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

3.6. Food Service Manager - The individual in a food service establishment who is the supervisor responsible for the day-to-day operations of the establishment.

3.7. Food Service Worker - A person working in a food service establishment in a capacity so as to prepare, serve, or otherwise handle food intended for public consumption.

3.8. Hotel - Any tract or parcel of land on which temporary or permanent buildings or structures are maintained, offered, or used for dwelling or sleeping quarters for pay.

3.9. Individual On-Site Sewage Disposal System - A system serving a single dwelling or establishment for the collection, treatment and disposal of sewage.

3.10. Innovative Alternative Type Sewage System - A method of sewage disposal for a single family dwelling or establishment for which design standards have been prepared and listed in the West Virginia board of health interpretive rules as an innovative or alternative system.

3-4: 3.11. Mobile Food Unit - A vehicle-mounted food service establishment designed to be readily moveable.

3.12. Mobile Home Park - Any site, area, tract, or parcel of land upon which two or more mobile homes, used or occupied for dwelling purposes are parked, either free of charge or for monetary consideration.

3-5: 3.13. Organized Camp - Any area, place, parcel, or tract of land on which facilities are established or maintained to provide an outdoor group living experience for children or adults, or where one or more permanent or semi-permanent structures are established or maintained as living or sleeping quarters for children or adults, and operated for educational, social, recreational, religious instruction or activity, physical education or health, or vacation purposes either gratuitously or for compensation, provided, that this definition shall not be construed to include a hunting, fishing, or other camp privately owned and used exclusively for the personal pleasure of the owner.

3-6: 3.14. Potentially Hazardous Food - Any food that consists in whole or part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, in a form capable of supporting rapid and progressive growth of

infectious or toxigenic micro-organisms. The term does not include clean, whole, uncracked, odorfree shell eggs or foods which have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

3.15. Retail Food Store - Any place, structure, premise, vehicle, or any other part thereof in which food is sold retail, offered for retail sale, or served not to be consumed on the premises. For the purpose of this rule, the term "retail food store" shall not include establishments which handle only pre-packed, non-potentially hazardous foods; roadside markets that offer only fresh fruits or fresh vegetables; or the delicatessen operation of a retail food store.

3.16. Sewage Tank Cleaning Truck - A truck used for the removal, collection or transportation of sewage.

3.17. Subdivision - The partition or division of land into two or more lots, tracts, parcels, plats, sites, areas, units, interests or other division, any of which are less than two acres in size with an average frontage of less than 150 feet for the purpose of dwelling or establishment development and including the division of land by deed, metes and bounds description, lease, map, plat or other instrument.

3.18. Swimming Pool - Any artificial basin, chamber, or tank used or intended to be used by the public for swimming, diving, or recreational type bathing.

~~3-7-~~ 3.19 Temporary Food Service Establishment - A food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration and required by law to have a permit.

~~3-8-~~ 3.20. Tent and Travel Trailer Campground - A tract or parcel of land maintained, offered, or used for camping and parking of recreational house trailers. Wilderness camping areas are not included in this definition.

3.21. Vending Machine - A machine designed for the dispensing of food or drink to the public by a self-service method.

3.22. Water Well - Any excavation or penetration in the ground, whether drilled, bored, cored, driven, or jetted for a water supply, for the exploration of water, or for removal of water to dewater construction site(s).

\$64-30-4. Options to Charges for Permits

4.1. Any county, municipal or combined board of health may charge a fee for the issuance of a permit covered by these rules.

4.2. Any county, municipal or combined board of health may

charge for whichever permits listed and are not required to charge for all permits listed. The amount of each fee listed represents the maximum amount which shall be charged. Any county, municipal or combined board of health may charge any dollar amount up to the maximum. Provided, that a county, municipal or combined board of health shall not change the formulas utilized in ~~section-5-and-6:~~ \$64-30-5 and \$64-30-6.

\$64-30-5. Permits and Fees

5.1. Child Care Center Permit - \$35 \$25 per permit. Fixed expiration date - December 31.

5.2. Mobile Home Park Permit - ~~Fixed-expiration-date~~ - See Table 64-30A found at the end of this regulation.

5.3. Vending Machine Permit - Potentially hazardous food only, \$15 \$50 per machine. Fixed expiration date - June 30.

5.4. Mobile Food Unit Permit - Potentially hazardous food only, \$20 \$50 per unit. Fixed expiration date - June 30.

5.5. Bathing Beach and Swimming Pool Permit - \$50 per permit. Fixed expiration date - December 31.

5.6. Organized Camp Permit - \$75 per permit. Fixed expiration date - January 1.

5.7. Tent and Travel Trailer Campground - ~~\$35-per-permit-~~ Fixed-expiration-date---March-31- See Table 64-30B found at the end of this regulation.

5.8. Individual On-Site Sewage Disposal Systems and Innovative Alternative Type Sewage Systems ~~(excluding-pit-privies)-~~ \$50-per-permit-for-new-systems- See Table 64-30C found at the end of this regulation.

5.9. Sewage Tank Cleaning Truck Permit - ~~\$25-per-truck-~~ Fixed-expiration-date---December-31- \$50 per truck. Fixed expiration date - five years from the date of issuance.

5.10. ~~Milk-Transfer-Station-Permit---\$50-per-permit--Fixed~~ expiration-date---June-30-

5.11. 5.10. Temporary Food Service Establishment Permit - \$10 \$25 per unit. Fixed expiration date - June 30.

5.12. 5.11. Food Service Establishment - See Table 64-30A 64-30D found at the end of this regulation.

5.13. 5.12. Hotel/Permit - See Table 64-30b 64-30E found at the end of this regulation.

5.13. Water Well Permit (new or repair) - \$50 per well.

5.14. Retail Food Store Permit - \$25 per check-out, Maximum \$150.

5.15. Food Service Worker's Permit (annual) - \$5.

5.16. Food Service Managers Certification - \$50.

5.17. Subdivisions - See Table 64-30F found at the end of this regulation.

§64-30-6. Prorating of Fixed Expiration Date Permit Fees - The fee charged for an annual permit with a fixed expiration date shall be prorated according to the following formula: (See Table 64-30E 64-30G found at the end of this regulation.)

§64-30-7. Severability - If any provision of these rules or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or the application of the rules which can be given effect without the invalid provisions or application, and to this end the provisions of these rules are declared to be severable.

§64-30-8. Administrative Due Process - Those persons adversely affected by the enforcement of these legislative rules desiring a contested case hearing to determine any rights, duties, interests or privileges shall do so in a manner prescribed in the Rules of Procedure for Protested Case Hearings and Declaratory Rulings, West Virginia Board of Health Procedural Rules, Series-17-1983 64 CSR 1. ~~The--aforementioned--procedural--rules--are--incorporated herein--by--reference--~~

Table 64-30A

<u>Developed Sites</u>	<u>Fee for Permit</u>
<u>0-35</u>	<u>\$ 50</u>
<u>36-75</u>	<u>\$100</u>
<u>76 and over</u>	<u>\$150</u>

Fixed expiration date - December 31.

Table 64-30B

<u>Developed Sites</u>	<u>Fee for Permit</u>
<u>0-35</u>	<u>\$ 50</u>
<u>36-75</u>	<u>\$100</u>
<u>76 and over</u>	<u>\$150</u>

Fixed expiration date - March 31

Table 64-30C

<u>Type of System</u>	<u>Fee for Permit</u>
<u>Class I (New or Modified)</u>	<u>\$150</u>
<u>Class II (New or Modified)</u>	<u>\$150</u>
<u>Home Aeration Unit</u>	<u>\$150</u>

TABLE-64-30A Table 64-30D

<u>Seating Capacity</u>	<u>Fee for Permit</u>
<u>0-35</u>	<u>\$ 50</u>
<u>36-75</u>	<u>\$-75 \$100</u>
<u>76 and over</u>	<u>\$100 \$150</u>

Fixed expiration date - June 30.

TABLE-64-30B Table 64-30E

Number of Rooms	Fee for Permit
0-35	\$ 50
36-75	\$-75 <u>\$100</u>
76 and over	\$100 <u>\$150</u>

Fixed expiration date - June 30.

Table 64-30F

<u>Number of Lots</u>	<u>Fee for Approval</u>
<u>1-5</u>	<u>\$ 50</u>
<u>6-10</u>	<u>\$100</u>
<u>11-14</u>	<u>\$150</u>

TABLE-64-30C Table 64-30G

less than months	3 months to less than 6 months	6 months to less than 9 months	9 months to 3 less than 12 months
25% of annual fee	50% of annual fee	75% of annual fee	100% of annual fee