



Wetzel-Tyler Health Department
425 South Fourth Avenue
Paden City, WV 26159
(304) 337-2001 fax (304) 337-2004

David Hess, MD, Health Officer
Ashley Guiler, BSN, RN, Administrator

PUBLIC COMMENT NOTICE

This rule is open for public comment. All public comments must be received by March 29, 2024 by 4pm. Public comments can be submitted to Wetzel Tyler Health Department, 425 S 4th Ave, Paden City, WV 26159.

We are proposing to adopt a local rule that establishes our fees for permits and services in anticipation of state legislation SB 17 that will repeal the current state rule 64CSR30 that gives local health departments the authority for our current environmental health fee schedule. The new local rule has an increase in fees to offset rising costs and requirements.

**WETZEL TYLER BOARD OF HEALTH
FEES FOR PERMITS & SERVICES**

GENERAL.

Scope -- This rule establishes the fees for services and permits issued by the Wetzel Tyler Health Department

Authority. -- W. Va. Code §16-2-11 et seq

Effective Date. – July 1, 2024

APPLICATION AND ENFORCEMENT.

Application -- This rule applies to the Wetzel Tyler Health Department which charges a fee for the issuance of permits and services that are covered by this rule.

Enforcement -- The enforcement of this rule is vested with the Wetzel Tyler Board of Health or the administrator of the Wetzel Tyler Health Department, or designee.

DEFINITIONS.

Bed and Breakfast -- An establishment providing lodging facilities in the form of sleeping accommodations and, at a minimum, a breakfast for a fee.

Department -- The Wetzel Tyler Health Department.

Campground -- A tract of land maintained and offered to the public for payment for the location or placement of two or more camping units as defined in the WV State Health Department's "General Sanitation" legislative rule, 64CSR18.

Care Facility -- Facilities included, but not limited to, public or private halfway houses, adult day care facilities, residential care facilities (such as juvenile group homes and work release centers), and non-disaster emergency shelters (such as homeless shelters and family violence protection centers). The term does not include health care facilities licensed by the Office of Health Facility Licensure and Certification in the Office of the Inspector General.

Childcare Center -- A facility where care is provided for seven or more children in a 24-hour period. The term does not include facilities excluded in the WV State Health Department's "Childcare Centers" legislative rule, 64CSR21.

Churches -- Churches are assessed at a yearly rate of \$100.00 for a Food Service Permit. To be eligible for this rate an organization should have certain characteristics that are generally attributed to churches (including mosques and synagogues). The department can use a combination of these characteristics, together with other facts and circumstances, to determine whether an organization will be assessed at the lower rate. These attributes of a church have been developed by the Internal Revenue Service and by court decisions. They include: Distinct legal existence; Recognized creed and form of worship; Definite and distinct ecclesiastical government; Formal code of doctrine and discipline; Distinct religious history; Membership not associated with any other church or denomination; Organization of ordained ministers; Ordained ministers selected after completing prescribed courses of study; Literature of its own; Established places of worship; Regular congregations; Regular religious services; Sunday schools for the religious

instruction of the young; Schools for the preparation of its members.

Developed Site -- A location for placement and hookup of a manufactured home.

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 is derived from the state code or the rule which authorizes the issuance of the particular permit.

Food Service Establishment -- Any fixed or mobile restaurant; coffee shop; cafeteria; short-order cafe; 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.

Fire Departments are assessed at a yearly rate of \$100.00 for a Food Service Permit. The department can use a combination of these characteristics, together with other facts and circumstances, to determine whether an organization will be assessed at the lower rate. These attributes of a church have been developed by the Internal Revenue Service and by court decisions.

Hotel/Motel -- Any temporary or permanent buildings or structures which are maintained, offered, or used as sleeping quarters for pay.

Individual Sewage Disposal System -- A system for the collection, treatment, and disposal of sewage which serves a single dwelling or establishment.

Industrial Campground -- A campground for the location or placement of two or more camping units as defined in 64CSR18, and to be occupied by workers employed for an industrial purpose and intended for long term stays of over 60 days.

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 "Sewage Treatment and Collection System Design Standards," legislative rule, 64CSR47, as an innovative or alternative system.

In State Vendor Mobile Permits -- A mobile food establishment permit issued to the vendor's county of residence.

In State Reciprocity Mobile Permits -- A permit issued by the department to a mobile food service vendor without a fee.

Labor Camp -- A labor camp includes any lumber, mining, agricultural, construction, or other industrial camp where 10 or more persons are employed and housed in temporary quarters, such as cars, motor homes, camper vehicles, wagons, tents, cabins, buildings, or other similar enclosures.

Mass Gathering -- Any group of 250 or more people assembled together for a meeting, festival, social gathering, concert, or other similar purpose. The term shall not include assembly in any permanent buildings or permanent structures designed, equipped, and intended for use by large numbers of people. The term shall not include assembly in any outdoor venue ordinarily used and equipped for such events. For the purposes of this rule, "equipped" means supplied with adequate sanitary facilities for the intended use.

Mobile Food Establishment -- A food establishment that is mobile by means of mechanical, electrical,

manual, or otherwise propelled vehicle operating on land or water that complies with State Health Department's "Food Establishments" legislative rule, 64CSR17, based on the menu of food items provided.

Manufactured Home Community -- Any site, area, tract, or parcel of land upon which four or more manufactured homes, used or occupied for dwelling purposes, are parked, either free of charge or for a monetary consideration.

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.

Recreational Water Facility -- A body of water, under the control of a person, which has been modified, improved, constructed, or installed for the purpose of public swimming or bathing. It includes, but is not limited to, bathing beaches; swimming, wading, and diving pools; water slides, spray pools, lazy rivers, and wave pools; spas, hot tubs, therapeutic pools, hydrotherapy pools, and whirlpools. A recreational water facility does not include a private residential swimming pool defined in subsection 2.10 of the "Recreational Water Facilities" legislative rule, 64CSR16.

Retail Food Store -- Any place, structure, premise, vehicle, or any 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" does 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.

School -- A public or private organization that provides instruction for the teaching of children. The term includes early childhood/primary education centers, middle school/junior high education centers, adolescent/high school education centers, and vocational education centers. The term does not include childcare centers as defined in the WV State Health Department's "Childcare Centers" legislative rule, 64CSR21.

Subdivision -- A tract of land which has been divided into two or more lots, tracts, parcels, plats, sites, areas, units, interests, or other division 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, or by act of construction.

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 W. Va. Code §16-6-3 to have a permit.

Temporary Tattoo Studio -- A single building structure, special event, area, or location where a tattooist performs tattooing for a maximum of 14 consecutive days.

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

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

PERMIT FEES.

1. Bed and Breakfast Permits expire June 30
Fee: \$72.00
2. Mass Gatherings Permits expire at the end of the event.
Fee: \$72.00
3. Care Facilities Permits expire June 30
Fee: \$72.00
4. Schools Permits expire June 30
Fee: \$72.00
5. Organized Camp Permits expire June 30
Fee: \$100.00
6. Recreational Water Facility Permits expire December 31
Fee: \$150.00
7. Retail Food Stores Permits expire June 30
Fee: \$72.00 per checkout
8. Mobile Retail Food Units Permits expire June 30
Fee: \$72.00
In-State Vendor County of Residence Permits \$125.00
In-State Reciprocity Permits \$0.00
9. Temporary Food Service Establishments Permits expire per date on permit. (maximum for 14 consecutive calendar days)
Fee: \$72.00
10. Vending Machine Permits expire June 30
Fee: \$72.00 per machine; max. \$432.00 per site
11. Water Well Permits (new or repair)
Fee: \$150.00
12. Campgrounds Permits expire June 30
Fee: \$7.00 per site, \$70 minimum fee
13. Childcare Centers Permits expire December 31
Fee:
Family Day Care (7-12 kids) \$72.00
Day Care Center (13-25 kids) \$150.00
Day Care Center (>26 kids) \$222.00

14. Food Service Establishments Permits expire June 30

Fee:

0-20 seats	\$150.00
21-50 seats	\$300.00
51-80 seats	\$450.00
>81 seats	\$600.00
Churches	\$100.00
Fire Dept	\$100.00

ADD \$150.00 IF THE ESTABLISHMENT HAS A LIQUOR LICENSE FROM WVABC

ADD \$150.00 FOR A SEPARATE DELI AND BAKERY

15. Mobile Food Establishment Units Permits expire June 30

Out of State Vendor Fee (only valid in Wetzel/Tyler County): \$125.00

In-State Vendor County of Residence Permits \$125.00

In-State Reciprocity Permits \$0.00

16. Hotel/Motel Permits expire June 30

Fee:

0-20 rooms	\$150.00
21-50 rooms	\$300.00
51-80 rooms	\$450.00
>81 rooms	\$600.00

17. Individual and Innovative and Alternative Sewage Systems

Fee:

Conventional Single-Family Dwelling	\$222.00
All Other Types of Systems	\$450.00

18. Manufactured Home Community Permits expire December 31

Fee:

0-10 parked manufactured home units	\$150.00
11-20 parked manufactured home units	\$180.00
21-30 parked manufactured home units	\$270.00
>31 parked manufactured home units	\$330.00

19. Labor Camp Permit Permits expire June 30

Fee: \$150.00

20. Industrial Campground Permits expire June 30

Fee: \$120.00

21. Tattoo Studios Permits are valid for 1 year from date of issuance.
Fee: \$200.00
22. Temporary Tattoo Studios Permits are valid for 14 consecutive days.
Fee: \$100.00
23. Body Piercing Studios Permits expire June 30
Fee: \$200.00
24. Sewage Cleaning (perTruck) Permits expire March 31
Fee: \$18.00
25. Heat Pump or Geothermal Well
Construction/Installation Heat Exchange Wells. Permit Fee is determined by the ton rating of the heat pump machine. When more than one heat pump machine is hooked together, the cumulative total of the ton rating is used to determine the fee:

One-to-fifty-ton heat pump system	\$180.00
Over fifty-ton system	\$360.00

FEES FOR SERVICE SCHEDULE.

26. Food Handlers Cards
Fee:
 - 1 Year \$10.00
 - 1 Year Statewide Card \$20.00
 - Setting fee \$100 if a special time/date requested
27. Food Manager Proctor
Fee: \$50
28. Water Testing
Fee: \$50
29. Re-Inspection Fee
Fee: \$60.00
Routine or complaint-based inspections do not apply to this fee. Criteria for the fee is defined in the Food Code (8-405.11, 8-405.20 and 8-406.11) and are billed to the facility.
30. Plan Review Fee
Fee: \$240.00
Conducted as part of the permitting process of a new food establishment, hotel/motel, tattoo parlor, piercing studio, retail establishment and childcare facility.
Also, a Plan of Review, Inspection and new Permit with fees charged is required for a change of ownership in businesses if there is any closure. Closure with ownership change will help assess and remedy issues within business to meet current food codes.

31. Homeowners Sewage Installation Test

Fee: \$50.00

For health department administered septic installer tests to homeowners only. Fee is required prior to taking the test.

32. Animal Sample/Rabies Testing Fee

Fee: TBA

Non-human exposure. Fee is the health department's cost of shipping specimen using Fed Ex/UPS. Resident is billed after shipment.

PRORATING OF FIXED EXPIRATION DATE PERMIT FEES.

The fee charged for an annual permit with a fixed expiration date must be prorated according to the formula shown in Table A of this rule.

Table A Prorated Fixed Expiration Date Permit Fees Formula

<u># of Months from Fixed Expiration Date</u>	<u>% Annual Fee to be Paid</u>
< 3 months	25% of annual fee
3 months to < 6 months	50% of annual fee
6 months to < 9 months	75% of annual fee
9 months to < 12 months	100% of annual fee

Table B Late Fee for Expired Permits

A late fee of 25 percent for all expired permits listed in this rule will be applied to the permit fee schedule. Payment must be received within 10 days of the expiration date to avoid the late fee assessment.

Environmental Fees effective March 6, 2006 (Last modified January 2022)

Neil Archer

From: Ashley M Guiler [*] <ashley.m.guiler@wv.gov>
Sent: Wednesday, February 28, 2024 11:27 AM
To: tylerco@clerk.state.wv.us; Jessica Davis
Subject: Fee for Permit changes
Attachments: WTHD Fees for Permit and Services 2024.docx; PUBLIC NOTICE.docx

Per 64CSR15, our appointing authorities (ie Commission) have to post this Public Notice for 30 days. Could you please post in your courthouses and on your website? Thanks!

Start: immediately
End: 3/27/2024

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Administrator

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