

# MID-OHIO VALLEY BOARD OF HEALTH ENVIRONMENTAL HEALTH FEES FOR PERMITS AND SERVICES RULE

## 1. General.

1.1. Scope -- This rule establishes the fees for permits and services issued by the Mid-Ohio Valley Board of Health.

1.2. Authority. -- W. Va. Code §16-2-11-(a)(9), §16-2-11(b)(3).

1.3. Filing Date. -- April 1, 2024.

1.4. Effective Date. - (date approved).

## 2. Application and Enforcement.

2.1. Application -- This rule applies to any county or municipality governed by the Mid-Ohio Valley Board of Health.

2.2. Enforcement -- The enforcement of this rule is vested with the Mid-Ohio Valley Board of Health, Local Health Officer, or his or her designee.

## 3. Definitions.

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

3.2. Body Piercing Studio -- Means any room or space where body piercing is practiced or where the business of body piercing or any part thereof is conducted.

3.3. 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 bureau's "General Sanitation" rule, 64CSR18.

3.4. 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.

3.5. Child Care 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 bureau's "Child Care Centers" rule, 64CSR21.

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

3.7. Family Daycare Facility -- A child care center which is used to provide nonresidential child care for seven (7) to twelve (12) children, including children who are living in the household who are less than six (6) years of age. No more than four (4) of the total number of children may be less than twenty-four (24) months of age.

3.8. 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.

3.9. 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.

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

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

- 3.12. 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.
- 3.13. 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 Bureau for Public Health's rule, "Sewage Treatment and Collection System Design Standards," 64CSR47, as an innovative or alternative system.
- 3.14. 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.
- 3.15. Local Health Officer -- means the individual physician with a current West Virginia license to practice medicine or a licensed advanced practice registered nurse that has the ability to independently practice who supervises and directs the activities of the local health department services, staff and facilities and is appointed by the local board of health.
- 3.16. Mass Gathering -- Any group of 250 or more persons 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.
- 3.17. 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 64CSR17, Food Establishment Rule - FDA Food Code Mobile Food Establishment Matrix recommendations based on the menu of food items provided.
- 3.18. 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.
- 3.19. 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.
- 3.20. Potentially Hazardous Food or Drink (time/temperature control for safety food) - Any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea,<sup>3</sup> or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic micro-organisms.
- 3.21. 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 bureau's "Recreational Water Facilities" rule, 64CSR16.
- 3.22. 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.
- 3.23. Sewage Tank Cleaner -- Any person engaged in the collection, removal, transportation or disposal of sewage.
- 3.24. 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 child care centers as defined in the bureau's "Child Care Centers" rule, 64CSR21.

3.25. 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.

3.26. Tanning Facility -- Means any commercial location, place, area, structure or business where a tanning device is used for a fee, membership dues or other compensation.

3.27. Tattoo Studio -- Means any room or space where tattooing is practiced or where the business of tattooing or any part thereof is conducted.

3.28. 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.

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

3.30. 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.

3.31. Water Well (Heat Exchange) -- Any well constructed to use the heat exchange properties of either groundwater or of geologic material penetrated by the well.

#### **4. Option to Charge for Permits; Procedure and Implementation of Permit and Services Fee Schedule**

4.1. The Mid-Ohio Valley Board of Health shall charge a fee for the issuance of permits and services covered by this rule.

4.2. The Mid-Ohio Valley Board of Health shall follow the following procedures prior to implementation of a Permit Fee Schedule:

4.2.1 Present proposed fee schedule to the board of health for initial review and approval.

4.2.2 After the local board of health's approval of a proposed schedule of fees, the board shall place notice in the State Register and on the organization's web page setting forth a notice of proposed action, including the text of the new local health department rule or the amendment and the date, time, and place for receipt of public comment [§16-2-11(b)(3)(C)] and allow for a 30-day comment period.

4.2.3 Upon completion of the 30-day comment period, the board of health shall meet and review any public comments received prior to final approval of the fee schedule.

4.2.4 Once all public comments have been considered, the board shall vote on final approval of the proposed permit fee schedule and implementation date.

4.2.5 The Board of Health shall notify the appointing authority and request approval of the proposed fee schedule and provide the following information:

(a) A copy of the proposed fee schedule;

(b) A copy of comments received on the proposed fees; and

(c) A response to the comments.

4.2.6 With approval from the appointing authority, the board of health shall implement the Fees Schedule.

4.2.7 A copy of the final approved Fees for Permit Schedule shall be filed with the county clerk or the recorder of the municipality of the appointing authority(s).

#### **5. Permits and Services Fees**

5.1. The complete Mid-Ohio Valley Board Of Health Environmental Health Fee Schedule is attached below.

# Mid-Ohio Valley Board of Health Environmental Health Fee Schedule

## Fiscal Permits

\*Permits are valid from July 1st through June 30th.

<b>Bed and Breakfast</b>	\$72.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$72.00	\$54.00	\$36.00	\$18.00

<b>Campground</b>	\$72.00			
2-10 Sites				
Additional fee for each site over 10 (listed below)				
	July-June	Oct-June	Jan-June	April-June
2-10 Sites	\$72.00	\$54.00	\$36.00	\$18.00
Add for additional sites	\$7.20	\$5.40	\$3.60	\$1.80

<b>Care Facility/Group Home</b>	\$72.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$72.00	\$54.00	\$36.00	\$18.00

<b>Hotel/Motel</b>				
1-20 rooms	\$150.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$150.00	\$112.50	\$75.00	\$37.50
21-50 rooms	\$300.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$300.00	\$225.00	\$150.00	\$75.00
51-80 rooms	\$450.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$450.00	\$337.50	\$225.00	\$112.50
81+ rooms	\$600.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$600.00	\$450.00	\$300.00	\$150.00

<b>Industrial Camp</b>	\$120.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$120.00	\$90.00	\$60.00	\$30.00

<b>Labor Camp</b>	\$150.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$150.00	\$112.50	\$75.00	\$37.50

<b>Organized Camp</b>	\$108.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$108.00	\$81.00	\$54.00	\$27.00

<b>School Facility</b>	\$72.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$72.00	\$54.00	\$36.00	\$18.00

<b>Food Service Establishments</b>				
<b>0-20 Seats</b>	\$150.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$150.00	\$112.50	\$75.00	\$37.50
<b>21-50 Seats</b>	\$300.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$300.00	\$225.00	\$150.00	\$75.00
<b>51-80 Seats</b>	\$450.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$450.00	\$337.50	\$225.00	\$112.50
<b>81 Seats and Over</b>	\$600.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$600.00	\$450.00	\$300.00	\$150.00
<b>Mall Food Court Fee</b>	\$360.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$360.00	\$270.00	\$180.00	\$90.00
If the facility has a liquor license from the West Virginia Alcoholic Beverage Control Administration, the below additional fee shall be added to each seating capacity amount.				
<b>Alcohol &amp; Video Lottery</b>	\$150.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$150.00	\$112.50	\$75.00	\$37.50

<b>Mobile Food Establishment</b>	\$150.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$150.00	\$112.50	\$75.00	\$37.50

<b>Temporary Food Establishment</b>	\$72.00			
*Temporary Food Establishment Permits are only valid for the duration of the event, up to 14 days.				

Retail Food Establishment				
Per Checkout	\$72.00			
	July-June	Oct-June	Jan-June	April-June
Pro-Rated	\$72.00	\$54.00	\$36.00	\$18.00

Vending (Cold Food)	\$72.00	Per Machine
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## Calendar year permits

(Expires one year from issue date)

<b>Tattoo Studio</b>	\$200.00
Fee amount set in WV Code 16-38-6(e)	
<b>Body Piercing Studio</b>	\$200.00
Fee amount set in WV Rule 64CSR80	
<b>Tanning Facility</b>	\$240.00

## Annual Permits

\*Permits are valid from January 1st through December 31st.

Childcare Facilities				
<b>Family Daycare</b> (7-12 kids)	\$72.00			
	Jan-Dec	Apr-Dec	Jul-Dec	Oct-Dec
Pro-Rated	\$72.00	\$54.00	\$36.00	\$18.00
<b>Daycare Center</b> (13-25 kids)	\$150.00			
	Jan-Dec	Apr-Dec	Jul-Dec	Oct-Dec
Pro-Rated	\$150.00	\$112.50	\$75.00	\$37.50
<b>Childcare Center</b> (25 kids and over)	\$222.00			
	Jan-Dec	Apr-Dec	Jul-Dec	Oct-Dec
Pro-Rated	\$222.00	\$166.50	\$111.00	\$55.50

<b>Manufactured Housing Community</b>				
4-10 Lots	\$150.00			
	Jan-Dec	Apr-Dec	Jul-Dec	Oct-Dec
Pro-Rated	\$150.00	\$112.50	\$75.00	\$37.50
11-20 Lots	\$180.00			
	Jan-Dec	Apr-Dec	Jul-Dec	Oct-Dec
Pro-Rated	\$180.00	\$135.00	\$90.00	\$45.00
21-30 Lots	\$270.00			
	Jan-Dec	Apr-Dec	Jul-Dec	Oct-Dec
Pro-Rated	\$270.00	\$202.50	\$135.00	\$67.50
Over 30 Lots	\$330.00			
	Jan-Dec	Apr-Dec	Jul-Dec	Oct-Dec
Pro-Rated	\$330.00	\$247.50	\$165.00	\$82.50

<b>Recreational Water</b>				
	\$150.00			
	Jan-Dec	Apr-Dec	Jul-Dec	Oct-Dec
Pro-Rated	\$150.00	\$112.50	\$75.00	\$37.50

<b>Mass Gathering</b>		\$72.00
* Billed annually, permit only good for day(s) of event.		



## Miscellaneous

Plan Review	
Body Piercing Studio	\$120.00
Campground	\$120.00
Child Care Center	\$120.00
Family Day Care	\$60.00
Care Facility/Group Home	\$120.00
Hotel/Motel	\$120.00
Institution	\$120.00
Labor Camp	\$120.00
Manufactured Home Community	\$120.00
Organized Camp	\$120.00
School Facility	\$120.00
Mobile Food Truck	\$60.00
Tanning Facility	\$120.00
Tattoo Studio	\$120.00

Food Service Establishments - Plan Review	
Retail Food Service Establishment	\$60.00
Food Service Establishment Seating Capacity	
0 to 35	\$60.00
36 to 75	\$120.00
76 and Over	\$180

<b>Re-inspection Fee</b>	\$60.00
<b>An additional \$25.00 fee will be added with each subsequent re-inspection</b>	

<b>Clean Indoor Air Re-inspection</b>	
1st Offense	\$60.00
2nd Offense	\$120.00

<b>Sewage Systems</b>			
<b>Homeowner Test</b>	\$60.00		
<b>Conventional Single Family Dwelling</b>	\$222.00		
<b>Alternative System (Including HAU)</b>	\$450.00		
<b>Sub-division Approval (1-10 sites)</b>	\$120.00	Each additional lot over 10	\$14.40

**Septic Tank Registration Fee of \$30 is collected upfront on behalf of DEP**

<b>Sewage Tank Cleaner</b>	\$16.00	Per truck
Fee amount set in WV Rule 64CSR9		

<b>Potable Water</b>		
<b>Water Well Permit</b>	\$150.00	
<b>Water Sample</b>	\$60.00	*Additional fee billed from lab & paid to the lab.
<b>Chain of Custody Water Sample</b>	\$90.00	*Additional fee billed from lab & paid to the lab.
<b>Water well (heat exchange)</b>	\$150.00	1 to 50 ton system
Fees for a water well for the purpose of heat exchange is set in WV Rule 64CSR19		
Water Sample fee is applicable for when requested to take water samples. It does not apply to a water sample requested as part of a newly permitted and installed well, or water samples taken as part of routine surveillance.		

## Classes

Food Handler Card - Regional	\$12.00	*Additional service fee may be charged if taken online
State Food Handler Card	\$24.00	*Additional service fee may be charged if taken online
ServSafe Manager Book, Class and Proctored Exam	\$210.00	
ServSafe Class and Proctored Exam	\$120.00	
ServSafe Proctored Exam	\$120.00	
Off-site Food Handler Class	\$90.00	*In addition to individual card fee

## **Prorating of Fixed Expiration Date Permit Fees**

Less than 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

## **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.