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Public Notice for Comment from the Gilmer County Health Department

At a meeting held on March 21, 2025, the Gilmer County Board of Health voted to adopt a proposed rule entitled "Gilmer County Health Department Fees for Permits & Services". The proposed rule establishes fees for environmental permits and services. The Gilmer County Health Department is seeking approval of this newly proposed rule by the Appointing Authorities of the Board of Health. Citizens wishing to obtain a copy of the proposed rule can do so by contacting the Gilmer County Health Department at 809 Medical Drive, Suite 3, Glenville, WV 26351, 304-462-7351. The proposed rule is available for review at the Gilmer County Health Department from 8:00 am to 4:00 pm, Monday through Friday, except for legal holidays. Comments must be received in writing to be considered by the Gilmer County Board of Health.

**GILMER COUNTY HEALTH DEPARTMENT
FEES FOR PERMITS & SERVICES**

General.

1.1. Scope -- This rule establishes the fees for permits and services issued by the Gilmer County Board of Health.

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

1.3. Filing Date. -- **May 3, 2025.** *proposed upon approval after 30 day comment*

1.4. Effective Date. -- **May 3, 2025.** *proposed upon approval after 30 day comment*

Application and Enforcement.

2.1. Application - This rule applies to the Gilmer County Board of Health which charges a fee for the issuance of permits and services that are covered by this rule.

2.2. Enforcement - The enforcement of this rule is vested with the Gilmer County Health Officer or his or her designee.

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. 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.

3.8. 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.

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

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

3.11. 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.

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

3.13. 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.

3.14. 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.

3.15. Mobile Food Establishment (includes Reciprocity Permit) - 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.

3.16. 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.

3.17. 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.

3.18. 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, or other ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms.

3.19. 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.

3.20. 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 prepackaged non-potentially-hazardous foods; roadside markets that offer only fresh fruits or fresh vegetables; or the delicatessen operation of a retail food store.

3.21. Sewage Tank Cleaner - Any person engaged in the collection, removal, transportation or disposal of sewage.

3.22. 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.

3.23. 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.

3.24. Tattoo studio - means any room or space where tattooing is practiced or where the business of tattooing or any part thereof is conducted

3.25. 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.

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

3.27. 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.

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

Option to Charge for Permits; Procedure and Implementation of Permit and Service Fee Schedule.

4.1. The Gilmer County Board of Health shall charge a fee for the issuance of permits and services covered by this rule.

4.2. The Gilmer County Board of Health shall follow the following procedures prior to implementation of a Permit and Service 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)], provide the notice to the board's appointing authority with a request for publication on the authority's website and in its public offices, place a one-time Class II Legal Advertisement in the local newspaper 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 and service 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 the posted notice of the proposed fees and a description of the public notice process;
 - (c) A copy of comments received on the proposed fees; and
 - (d) A response to the comments.
- 4.2.6 With approval from the appointing authority, the board of health shall implement the Fees for Permit and Service Schedule.
- 4.2.7 A copy of the final approved Fees for Permit and Service Schedule shall be filed with the county clerk.

Permits and Service Fees.

5.1 The list of permits, services, and corresponding fees are listed in Table 1 attached below.



Gilmer County Health Department Fees for *Service* & Permit

Permit or <i>Service</i> Fee Description	Permit or <i>Service</i> Fee Amount	Expiration Date (Annually)
ADMINISTRATION		
<i>Copies of Public Records</i>		
	<i>Fee per page black & white</i>	\$0.50
	<i>Fee per page color</i>	\$1.00
<i>Consultations (any program)</i>		\$75.00
<i>Plan Review Fee (any program)</i>		\$75.00
<i>Reinspections for non-compliance (any program)</i>		\$50.00
FOOD SANITATION		
<i>Food Service Establishment</i>		6/30
	<i>Seating Capacity</i>	
	0 – 20	\$125.00
	21 – 50	\$250.00
	51 – 80	\$375.00
	81 and over	\$500.00
	* If the facility has a liquor license from the West Virginia Alcoholic Beverage Control Administration – an additional \$150 fee shall be added to each seating capacity amount.	\$125.00
<i>Retail Food Store per checkout</i>		\$61.00
<i>Mobile Food Establishment</i>		\$125.00
<i>Temporary Food Service Establishment (maximum 14 days per event) per unit</i>		\$61.00
<i>Vending Machine per machine per site</i>		\$61.00
<i>Food Training</i>		
	<i>County Food Handler (FH) Training</i>	\$10.00
	<i>State Food Handler (FH) Training</i>	\$20.00
	<i>Certified Food Protection Manager (CFPM) Training, Book, Exam Sheet</i>	\$175.00
	<i>CFPM Test Proctoring, Book, Exam Sheet</i>	\$150.00
	<i>CFPM Test Proctoring Only</i>	\$50.00
	<i>Off Site Food Training</i>	\$75.00
<i>Duplicate Food Handler Card</i>		\$5.00

Permit or Service Fee Description	Permit or Service Fee Amount	Expiration Date (Annually)
GENERAL SANITATION		
Bed and Breakfast	\$61.00	6/30
Campground fee per site	\$6.00	6/30
Minimum fee	\$60.00	
Care Facility	\$61.00	6/30
Child Care Center per number of children		12/31
Family Day Care Facility (7-12)	\$61.00	
Day Care Center (13-25)	\$125.00	
Day Care Center (26 and over)	\$186.00	
Hotel/Motel per number of rooms		6/30
0 – 20	\$125.00	
21 – 50	\$250.00	
51 – 80	\$375.00	
81 and over	\$500.00	
<i>Home Loan Evaluation</i>		
Sewage & Water	\$150.00	
Sewage	\$75.00	
Water	\$75.00	
Consultations (any program)	\$75.00	
Plan Review Fee (any program)	\$75.00	
Industrial Campground	\$110.00	6/30
Labor Camp	\$125.00	6/30
Mass Gathering per event	\$61.00	End of Event
Manufactured Home Community fee per lot	\$6.00	12/31
Minimum fee	\$125.00	
Organized Camp	\$91.50	6/30
Recreational Water Facility	\$125.00	12/31
Schools (Facility) fee per site	\$61.00	6/30
SEWAGE SANITATION		
Individual Sewage Disposal Systems and Innovative Alternative Type Sewage Systems		1 year from date of issue
Conventional Single-Family Dwelling	\$250.00	
All other types of systems	\$375.00	
Subdivision fee per lot	\$12.00	
Minimum Fee	\$120.00	
Homeowner's Septic Installer Exam	\$100.00	
DRINKING WATER SANITATION		
Water Well	\$125.00	1 year from
Water Sample Collection	\$100.00	
Pump Installer Exam	\$100.00	

The following permit fees are set by WV Legislative Code or Rule and cannot be changed

Permit or Service Fee Description	Permit or Service Fee Amount	Expiration Date (Annually)
Body Piercing [WV Rule 64CSR80]	\$200.00	6/30
Tattoo Studio [WV Code §16-38-6(e)]	\$200.00	6/30
Sewage Tank Cleaner [WV Rule 64CSR9]	\$16.00	1 year from date of issue
Statewide Mobile Food Permit/Reciprocity...In process with current Legislative Session [WV Code §16-2-18]	TBD	6/30
Water Well (Heat Exchange) [WV Rule 64CSR19]		1 year from date of issue
1 to 50 ton heat pump system	\$150.00	
Over 50 ton system	\$300.00	
Prorating of Fixed Expiration Date Permit Fees		
	# of Months from Fixed Expiration Date	% Annual Fee to be Paid
	< 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
*	The fee charged for an annual permit with a fixed expiration date.	
**	Proration of fees does not apply to fees set by WV Code or Rule	
Late Fee for Expired Permits		
*	A late fee of 25 percent for all expired permits listed and 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.	
**	Late fee does not apply to fees set by WV Code or Rule	