

**WHEELING-OHIO COUNTY BOARD OF HEALTH
FEES FOR PERMITS & ENVIRONMENTAL HEALTH SERVICES**

GENERAL.

Scope – This rule establishes the fees for services and permits issued by the Wheeling-Ohio County 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 Wheeling-Ohio County 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 Wheeling-Ohio County Board of Health or the administrator of the Wheeling-Ohio County 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.

Body Piercing Studio – A Body Piercing Studios are defined in legislative rule, 64CSR80.

Department -- The Wheeling-Ohio County 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. Additional information in WV State Health Department’s “General Sanitation” legislative rule, 64CSR18.

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 Handler Card – This type of training is utilized to teach food workers, who work in a permitted food service establishment, the basics of food safety to prevent foodborne illness. W. Va. Code § 16-2-16 requires WV Bureau for Public Health (State Health Department) to set curriculum standards for this type of training and provide that if a local health department requires this certification that the cards be valid across the state (Statewide Card). It is required that all food service workers obtain a food handler card in Ohio County. A food handler card can be obtained, within thirty (30) days of hire, by attending a food service training delivered by the health department, either in person or offered through an approved online service.

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. A Food Service Establishment is defined in the WV State Health Department's "Food Establishment" legislative rule, 64CSR17.

Hotel/Motel -- Any temporary or permanent buildings or structures which are maintained, offered, or used as sleeping quarters for pay. Additional information in WV State Health Department's "General Sanitation" legislative rule, 64CSR18.

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. Additional information 16-2-18.

In State Reciprocity Mobile Permits -- A permit issued by the department to a mobile food service vendor without a fee. Additional information 16-2-18

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. Additional information in WV State Health Department's "General Sanitation" legislative rule, 64CSR18.

Portable Food Service Operation -- A food service operation that is portable by means of an approved set up which may include tent, tables, or other non-mechanical operation but does comply with State Health Department's "Food Establishments" legislative rule, 64CSR17, based on the menu of food items provided. The operation is only permitted in Ohio County.

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. Additional information in WV State Health Department's "Manufactured Home Community Rule" legislative rule, 64CSR40.

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. Additional information in WV State Health Department's "General Sanitation" legislative rule, 64CSR18.

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.

Tanning Facilities -- "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. Tanning Facilities are defined in WV State Code 16-45

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.

Tattoo Studio -- A Tattoo Studio is defined in WV State Code 16-38.

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.

ENVIRONMENTAL 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: \$108.00
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: \$125.00

In-State Vendor County of Residence Permits \$125.00
In-State Reciprocity Permits \$0.00
Out of State Vendor Fee (only valid in Ohio County) \$125.00

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: \$7.20 per site, \$72 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

15. Portable Food Service Operation Permits expire June 30

Fee: \$125

Permit is only valid in Ohio County

16. Mobile Food Establishment Units Permits expire June 30

Fee: \$125.00

In-State Vendor County of Residence Permits \$125.00

In-State Reciprocity Permits \$0.00

Out of State Vendor Fee (only valid in Ohio County) \$125.00

17. Farmers Markets Permits expire March 31

Fee:

Retail Farmers Market Permit

Consignment Farmer's Markets - \$72 per checkout

18. Hotel/Motel Permits expire June 30

Fee:

0-20 rooms \$150.00

21-50 rooms \$300.00

51-80 rooms \$450.00

>81rooms \$600.00

19. Individual and Innovative and Alternative Sewage Systems

Fee:

Conventional Single-Family Dwelling	\$222.00
All Other Types of Systems	\$450.00
Holding Tank (County/6-month limit)	\$1,000.00
System Modification	\$0.00

20. 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

21. Subdivisions No expiration date on permits

Fee: \$14.00 per lot, \$140.00 minimum fee

Sub-division Permits are issued with no fixed expiration date. Once the permit is issued the department will only be able to charge a one-time fee unless the number of lots increase. The above chart gives the maximum allowable permit fee for new sub-divisions after the department has implemented the new fees rule. The above amounts reflect each new year's fees for new sub-divisions.

22. Labor Camp Permit Permits expire June 30

Fee: \$150.00

23. Industrial Campground Permits expire June 30

Fee: \$120.00

24. Tanning Facility Permits are valid for 1 year from the date of issuance.

Fee: \$200.00

25. Tattoo Studios Permits are valid for 1 year from date of issuance.

Fee: \$200.00

26. Temporary Tattoo Studios Permits are valid for 14 consecutive days.

Fee: \$100.00

27. Body Piercing Studios Permits expire June 30

Fee: \$200.00

28. Sewage Cleaning Trucks Permits expire March 31

Fee: \$19.20

29. 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 (State Issued Permit)

ENVIRONMENTAL FEES FOR SERVICE SCHEDULE.

30. Food Handlers Cards

Fee:

- 2 Year \$10.00
- 2 Year Statewide Card \$20.00
- Volunteer Free (1 year)
- Replacement Card \$5.00
- Online Food Cards \$20.00 (StateFood) & \$19.95 (TAP Series)
- Add an additional \$10.00 for a Statewide Card
- Off-site non-scheduled food school \$50.00
- Volunteer cards can be issued at no cost to the organization or food handler. These cards cannot be used in a paid food service position.

31. Home Loan Inspections/Water Testing

Fee:

- Individual Water Wells \$50.00
Additional \$15.00 fee, payable to the City of Wheeling Water Department
- Sewage \$100.00
- Water & Sewage \$150.00
- Additional visits \$50.00

32. 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.

33. Plan Review Fee

Fee:

- Small food establishment (0-20 seats) \$100.00
- Medium food establishment (21-50 seats) \$200.00
- Large food establishment (51 & over seats) \$300.00
- Other (nonfood) facilities \$100.00

Conducted as part of the permitting process of a new food establishment and is based on seating of the proposed establishment. Fee is required prior to conducting the plan review and is separate from the Fee for Permit.

34. Permit Re-Issue Fee

Fee: \$10.00

All permits, including sewage, are issued through the health department.

35. 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.

36. 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.

The Proration of fees does not apply to the following:

- Body Piercing Studios
- Tattoo Studios
- Sewage Tank Cleaners
- Water Well (Heat Exchange)

(Table A)

# 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

LATE FEE FOR EXPIRED PERMITS (Table B)

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.

OPTION TO CHARGE FOR PERMITS; PROCEDURE AND IMPLEMENTATION OF PERMIT FEE SCHEDULE.

The Wheeling-Ohio County Board of Health (DBA Wheeling-Ohio County Health Department) shall charge a fee for the issuance of permits covered by this rule.

The Wheeling-Ohio County Board of Health shall follow the following procedures prior to implementation of a Permit Fee Schedule:

- Present proposed fee schedule to the board of health for initial review and approval.
- 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, and allow for a 30-day comment period.
- 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.
- Once all public comments have been considered, the board shall vote on final approval of the proposed permit fee schedule and implementation date.
- 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.

- With approval from the appointing authority, the board of health shall implement the Fees for Permit Schedule.
- A copy of the final approved Fees for Permit Schedule shall be filed with the county clerk.

Current version approved by the Wheeling-Ohio County Board of Health on March 12, 2024 in draft format for public comment.

Environmental Fees effective March 6, 2006 (Modified February 2012, July 2014, July 2015, March 2019, January 2022)