

**Mercer County Board of Health  
Mercer County Health Department  
Blue Prince Family Health**

**Daniel Wells, PharmD  
Chairman**

**Michael R. Mills, D.O.  
Health Officer**

**Members  
Nicole Coeburn  
Jason Conner, RN  
Robb Williams, M.B.A**

**Gene Buckner  
Vice Chairman**

# **PUBLIC NOTICE**

**April 1, 2024**

Mercer County Health Department is providing for public review a list of its Public Health Fees-for-Permit. Please post for 30 days from today's date April 1, 2024. The fees schedule includes fees changed for permits issued by the Mercer County health Department. These fees are set in accordance with West Virginia Code 16-2-11(a)(9), 16-2-11(b)(3). The West Virginia Code allows the Mercer County Health Department Board of Health to charge fees for permits.

Mercer County health Department Board of health, at it's meeting on March 27, 2024, adopted the fees for permit rule. A complete listing of all projected permit fees is available for review by the general public at Mercer County health Department between the hours of 8:00am and 4:00pm, Monday through Friday.

The public is granted a 30-day time period from the date of this notice (April 1 through April 30, 2024) to provide written comments to the Administrator of the Mercer County Health Department at 978 Blue Prince Road, Bluefield, WV 24701. Said public comments will be taken into consideration for this and future rate setting and will be provided to the Mercer County Commission, Princeton WV.

**978 Blue Prince Road, Bluefield, WV 24701  
Phone: (304) 324-8367 Fax: (304) 324-8843**

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April 1, 2024

Mercer County Health Department is providing for public review a list of its Public Health Fees-for-Permit. Please post for 30 days from today's date April 1, 2024. Direct any comments Daniel Wells, PharmD. Chairman at 978 Blue Prince Road Bluefield WV 24701.



\_\_\_\_\_  
Daniel Wells, PharmD  
Chairman, Mercer County Board of Health



\_\_\_\_\_  
Date

# MEMORANDUM

**To:** Mercer County Board of Health  
**From:** Debra L. Legg, Interim Administrator  
**Date:** April 1, 2024  
**Re:** This rule establishes the fees for permits issued by the Mercer County Board of Health

## Background

All of us engaged in public health must constantly strive to make best use of our limited dollars to provide effective health services. The operational expenses incurred within Environmental Health Services have continued to rise while revenue opportunities remain limited or restricted. One source for securing additional revenue is to adjust our permit fees. Authority, W.Va. Code (16-2-11(a)(9), 16-2-11(b)(3).

## Recommendation

It is recommended that the current fees for permits in Environmental Health be reinstated. This recommendation has been reviewed and approved by the Mercer County Board of Health this day.

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Daniel Wells, PharmD.  
Mercer County Board of Health



## MERCER COUNTY HEALTH DEPARTMENT FEES FOR PERMITS AND SERVICES

### General.

1.1. Scope -- This rule establishes the fees for services from and permits issued by the Mercer County 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. -- TBD.

### Application and Enforcement.

2.1. Application - This rule applies to the Mercer County Board of Health, which charges a fee for services and issuing permits covered by this rule.

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

### Definitions.

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

3.2. Body Piercing Studio - 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 healthcare 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 providing care for seven or more children. The term excludes facilities 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 when all permits of the same type expire. The fixed expiration date for each permit covered by this rule derives from the state code or the authority



authorizing the permit issuance.

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 maintained, offered, or used as sleeping quarters for pay.

3.10. Individual Sewage Disposal System - A system for collecting, treating, and disposing of sewage that 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 ten 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 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 this rule, "equipped" means supplied with adequate sanitary facilities for the intended use.

3.15. Mobile Food Establishment - A food establishment that is mobile using 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 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. Recreational Water Facility - A body of water, under the control of a person, which has been modified, improved, constructed, or installed for 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, as defined in subsection 2.10 of the bureau's "Recreational Water Facilities" rule, 64CSR16.

3.19. 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 this rule, the term "retail food store" does not include establishments that handle only pre-packed foods that do not meet the definition of time/temperature control for food safety; roadside markets that offer only fresh fruits or fresh vegetables; or the delicatessen operation of a retail food store.

3.20. Sewage Tank Cleaner - Any person collecting, removing, transporting, or disposing of sewage.

3.21. School - a public or private organization that provides instruction for teaching children. The term includes early childhood/ primary education centers, middle school/junior high education centers, adolescent/high school, and vocational education centers. The term does not include child care centers as defined in the bureau's "Child Care Centers" rule, 64CSR21. This term does not include micro-schools.

3.22. Subdivision - A tract of land that has been divided into two or more lots, tracts, parcels, plats, sites, areas, units, interests, or other divisions for dwelling or establishment development, including the division of land by deed, metes and bounds description, lease, map, plat, or other instrument, or by act of construction.

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

3.24. Temporary Food Service Establishment - A food service establishment that operates at a fixed location for not more than 14 consecutive days in conjunction with a single event or celebration is required by W. Va. Code §16-6-3 to have a permit.

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

3.26. Time/Temperature Control for Food Safety - Food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation.

3.27. Vending Machine - A machine designed to dispense potentially hazardous food or drink to the public through self-service.

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

3.29. Water Well (Heat Exchange) - Any Well constructed to use the heat exchange properties of



groundwater or geologic material penetrated by the well.

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

4.1. The Mercer County Board of Health shall charge a fee for issuing permits covered by this rule.

4.2. The Mercer County Board of Health shall follow the following procedures before implementing a Permit Fee Schedule:

- 4.2.1 Present the proposed fee schedule to the Board of Health for 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 before final approval of the fee schedule.
- 4.2.4 Once all public comments have been considered, the board shall vote on the final approval of the proposed permit fee schedule and implementation date.
- 4.2.5 The Board of Health shall notify the Mercer County Commission to 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 Mercer County Commission, the Board of Health shall implement the Fees for Permit Schedule.
- 4.2.7 A copy of the final approved Fees for Permit Schedule shall be filed with the county clerk.

#### **Permit and Service Fees.**

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

#### **Table 1**



Permit	Permit Fee Guideline		Expiration Date (Annually)
	Previous	Proposed	
Bed and Breakfast	\$60.00	\$70.00	6/30
Campground			6/30
Fee per site	\$6.00	\$7.00	
Minimum fee	\$60.00	\$70.00	
Care Facility & Group Homes	\$60.00	\$70.00	6/30
Child Care Center			12/31
Number of Children			
Family Day Care Facility (7-12)	\$60.00	\$70.00	
Day Care Center (13-25)	\$125.00	\$150.00	
Day Care Center (26 and over)	\$185.00	\$220.00	
Food Service Establishment			6/30
Seating Capacity			
0 – 20	\$125.00	\$125.00	
21 – 50	\$250.00	\$250.00	
51 – 80	\$375.00	\$375.00	
81 and over	\$500.00	\$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	\$150.00	
Hotel/Motel			6/30
Number of Rooms			
1 – 8 (Category added for vacation rentals)	-	\$70.00	
8 – 20	\$125.00	\$150.00	
21 – 50	\$250.00	\$300.00	
51 – 80	\$375.00	\$450.00	
81 and over	\$500.00	\$600.00	
Individual Sewage Disposal Systems and Innovative Alternative Type Sewage Systems			One year from the date of issue
Type of System			
Conventional Single-Family Dwelling	\$185.00	\$220.00	
All other types of system	\$375.00	\$450.00	
Industrial Campground	\$100.00	\$120.00	6/30
Labor Camp	\$125.00	\$150.00	6/30



Permit	Permit Fee Guideline		Expiration Date (Annually)
	Previous	Proposed	
Mass Gathering	\$60.00	\$72.00	End of Event
Mobile Food Establishment	\$125.00	\$150.00	6/30
Manufactured Home Community	# of Home Sites		12/31
	4-20:	\$125.00 \$150.00	
	21-50:	\$250.00 \$300.00	
	51-80:	\$375.00 \$450.00	
	>80:	\$500.00 \$600.00	
Organized Camp	\$90.00	\$108.00	6/30
Recreational Water Facility	\$125.00	\$150.00	12/31
Retail Food Store			6/30
Fee per checkout	\$60.00	\$70.00	
Schools (Facility)			6/30
Fee per site	\$60.00	\$70.00	
Subdivision			N/A
Fee per lot	\$12.00	\$14.00	
Minimum Fee	\$100.00	\$120.00	
Temporary Food Service Establishment (maximum 14 days per event)			Noted on permit
Fee per unit	\$60.00	\$70.00	
In-State Vendor Temporary Food Service Establishment (non-potentially hazardous food only)			One year from the date of the issue
Fee per unit	\$60.00	\$72.00	
Vending Machine			6/30
Fee per machine	\$60.00	\$70.00	
Maximum Fee per site	\$360.00	\$420.00	
Water Well	\$125.00	\$150.00	One year from
Follow-up Inspection	1 <sup>st</sup> Follow-up inspection: \$150.00 2 <sup>nd</sup> Follow-up inspection: \$300.00 3 <sup>rd</sup> Follow-up inspection: \$450.00 Subsequent Follow-ups: + \$150.00 per visit		

Permit	Permit Fee Guideline	Expiration Date (Annually)
<b>WV Legislative Code or Rule sets the following permit fees, which cannot be changed.</b>		
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	One year from the date of the issue
Water Well (Heat Exchange) [WV Rule 64CSR19]		One year from the date of the issue
	1 to 50-ton heat pump system	\$150.00
	Over 50-ton system	<del>\$300.00</del>
		Must be issued by OEHS
<b>Prorating of Fixed Expiration Date Permit Fees</b>		
# of Months from Fixed Expiration Date	% Annual Fee to be Paid	
< 3 months	25% of the annual fee	
Three months to < 6 months	50% of the annual fee	
Six months to < 9 months	75% of the annual fee	
Nine months to < 12 months	100% of the annual fee	
*	The fee is charged for an annual permit with a fixed expiration date.	
**	Proration of fees does not apply to fees set by the WV Code or Rule.	
<b>Late Fee for Expired Permits</b>		
*	A late fee of 25 percent for all expired permits is listed and will be applied to the permit fee schedule. Payment must be received within ten days of expiration to avoid the late fee assessment.	
**	Late fees do not apply to fees set by the WV Code or Rule.	
<b>Services</b>		<b>Service Fee Guideline</b>
Water Sample Analysis		\$60.00
Non-Exposure Rabies Pick-up		\$30.00
Plan Review Fee (For initial permit applications and after remodeling.)		\$50.00