

**RESOLUTION OF THE BOARD OF SUPERVISORS  
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**IN THE MATTER OF ADOPTING FEES )  
FOR ENVIRONMENTAL HEALTH )  
SERVICES PURSUANT TO THE )  
CALIFORNIA RETAIL FOOD CODE, )  
HEALTH & SAFETY CODE § 113700, )  
et seq. )**

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**RESOLUTION NO.** \_\_\_\_\_

**WHEREAS**, California Health and Safety Code §113713 provides that primary responsibility for enforcement of the provisions of the California Retail Food Code (Health and Safety Code §13700 et seq.) shall be with the local enforcement agency; and

**WHEREAS**, the Environmental Health Services Division of the Public Health Department (Environmental Health Services) is the designated agency to administer the California Retail Food Code within the County of Santa Barbara; and

**WHEREAS**, California Health and Safety Code §114381 provides that the County Board of Supervisors may establish fees for permits and related services for food facilities, and that such fees shall be sufficient to cover the actual expenses of administering and enforcing the California Retail Food Code; and

**WHEREAS**, California Health and Safety Code §101325 provides that the Board of Supervisors may adopt a resolution prescribing fees to pay the reasonable expenses of the health officer incurred in the enforcement of any statute or regulation relating to public health; and

**WHEREAS**, the present fees for certain specified services, including retail food facilities services, have remained unchanged since the adoption of Resolution 04-145, effective July 1, 2004; and

**WHEREAS**, the fees established by this resolution are reasonably related to the burden imposed on the County and will recover a portion of the costs of administering and enforcing the California Retail Food Code within the County of Santa Barbara; and

**WHEREAS**, the Board of Supervisors finds that the fees set forth in this resolution are exempt from California Environmental Quality Act of 1970 (CEQA) review pursuant to 14 CCR 15273 and Public Resources Code §21080, subd. (b)(8)(A) and (B) in that the fees will be used for operating expenses and for the purchase of supplies, equipment and materials; and

**WHEREAS**, the County of Santa Barbara has, in connection with the above fees, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered, in accordance with Government Code §6062a; and

**WHEREAS**, the fees may be revised as needed by the Santa Barbara County Board of Supervisors, and if the revision does not occur, the existing fees shall remain in effect,

**NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED**, as follows:

That the permit, service, approval to construct, and enforcement fees which are set forth in the attached schedule of fees are hereby adopted pursuant to §114381 and §101325 of the California Health and Safety Code. Said fees are to be assessed against all persons as defined in §113855 and are to become effective on December 1, 2007.

Resolution 04-145 effective July 1, 2004, is hereby repealed on the above-mentioned date that the fees imposed by this resolution become effective. The repeal of Resolution 04-145 shall not affect any obligation to pay any fees incurred under said resolution, and said obligation shall continue in effect after said resolution is repealed, and the County of Santa Barbara may take any appropriate action in regard to any delinquent fees imposed pursuant to said resolution.

**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

By \_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:  
MICHAEL F. BROWN  
CLERK OF THE BOARD

By \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
SHANE STARK  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:  
ROBERT GEIS  
AUDITOR-CONTROLLER

By \_\_\_\_\_  
Celeste Andersen, Deputy County Counsel

By \_\_\_\_\_

**SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT  
ENVIRONMENTAL HEALTH SERVICES FEE SCHEDULE  
RETAIL FOOD FACILITIES**

**1. Annual Fees**

An annual Health Permit is required for the operation of all retail food facilities. The annual permit fee shall be based on the total square footage of floor space of the food facility (including any room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, transporting, salvaging, or otherwise handling food at the retail level) unless assigned a fixed fee in subsection B. Food Facilities include, but are not limited to, bakeries, bars, bed & breakfasts, cafeterias, certified farmers' markets, coffee shops, convenience stores, commissaries, grocery stores, licensed health care facilities, mobile food facilities, mobile support units, produce stands, restaurants, snack bars, temporary food facilities and vending machines. Any other terms not specifically defined herein shall have the meanings set forth in Health and Safety Code §113728 et seq.

<u>A. Floor Space</u>	<u>Fee</u>
≤ 150 square feet	\$ 436
151-500 square feet	324
501-1,500 square feet	628
1,501-3,000 square feet	700
3,001 - 10,000 square feet	795
Over 10,000 square feet	965
<u>B. Fixed Fees</u>	
Food Facility, Prepackaged Nonpotentially Hazardous Food	\$ 145
-Food facility not exceeding 3,000 sf total building floor area with inventory limited to commercially prepackaged, nonpotentially hazardous food and/or whole uncut (not ready to eat) produce	
Liquor Store	305
-Permanent food facility not exceeding 3,000 sf total building floor area in which at least 75% of inventory consists of prepackaged, nonpotentially hazardous beverages with the remainder limited to commercially prepackaged food or beverage	
Certified Farmers Market (produce only)	565
Certified Farmers Market w/ potentially hazardous food	705
Satellite Dining Facility	155
School Dining Facility	185
Mobile Food Facility	185
Mobile Food Facility – Low Risk	150
-Limited to prepackaged, nonpotentially hazardous or frozen food	
Mobile Support Unit	150
Mobile Food Preparation Unit	290
Seasonal Mobile Food Facility (2 <sup>nd</sup> Permit)	120
Seasonal Mobile Food Preparation Unit (2 <sup>nd</sup> Permit)	225

Mobile Food Facility – Low Risk (2 <sup>nd</sup> Permit)	120
Mobile Support Unit (2 <sup>nd</sup> Permit)	120
Vending Machine w/ potentially hazardous food, each	50

Temporary Food Facilities:

Event Organizer	445*
Temporary Food Facility (booth)	155*
Temporary Food Facility (for-profit, very low risk) -Food service limited to commercially prepackaged, nonpotentially hazardous food	75
Annual Event Organizer (for-profit) -Recurring swap meet or event at a single location, limited to temporary food facilities w/ annual permits	445
Annual Temporary Food Facility (for-profit, low risk booth) -Recurring swap meet or Community Event at a single location, limited to commercially prepackaged, nonpotentially hazardous food and/or whole uncut (not ready to eat) produce	155
Annual Temporary Food Facility (for-profit booth) Recurring swap meet or Community Event at a single location, limited to nonpotentially hazardous food	310

\* Fees for Event Organizers and Temporary Food Facilities will be waived for non-profit charitable organizations (as defined the in California Retail Food Code, §113841) operating no more than four times per year for no more than three days in duration. Fee waiver is contingent on submittal of proof of non-profit status and a complete permit application to Environmental Health Services at least two weeks prior to the event.

**2. Construction/Plan Check Fees, One-time fees**

A fee is required for plan review and approval to construct or remodel a food facility, based upon the project category or square footage of area(s) being constructed or remodeled as follows:

<u>Floor Space</u>	<u>Fee / Hours</u>
≤ 150 square feet	\$ 645 / ( 5 hrs)
151-500 square feet	770 / ( 6 hrs)
501-1,500 square feet	1415 / (11 hrs)
1,501-3,000 square feet	1540 / (12 hrs)
3,001-10,000 square feet	1670 / (13 hrs)
>10,000 square feet	2575 / (20 hrs)
Mobile Food Facility	385 / ( 3 hrs)
Minor Equipment Change or Addition <sup>1</sup>	520 / ( 4 hrs)
Minor Remodel (Ventilation hood change or addition)	385 / ( 3 hrs)
Minor Remodel (Dining area change)	260 / ( 2 hrs)

<sup>1</sup> This fee shall apply when there is a change or addition of one major item of equipment, such as a dishwasher or walk-in refrigerator.

Plan check fees include plan checking, construction evaluation and final inspection services. Plans that are found to be unsatisfactory will be returned for revision. Plans which are unusually complex or which must be resubmitted with significant changes and require staff time in excess of the hours noted above shall be charged the standard hourly rate for the excess hours. Environmental Health Services will not issue plan approval until all applicable fees have been paid.

3. **Hourly Rate** \$110  
 An hourly rate fee, determined by the number of person-hours expended by Environmental Health Services personnel, including reasonable travel time and rounded up to the nearest one-quarter hour, shall be charged for the following services:

- A. Non-Compliance Reinspection Fee (each occurrence) – Follow-up investigations and/or reinspections when violations remain uncorrected after a routine/original inspection and one scheduled reinspection. The hourly rate shall apply to the second reinspection and all subsequent reinspections, including reasonable travel time, until all violations have been corrected.
- B. Consultation Services - Special inspections or consultations requested by operators or prospective new facility operators.
- C. Plan Check Charge - Plan reviews that require staff time in excess of the hours noted in Section 2, Construction/Plan Check Fees, shall be charged the hourly rate for the excess hours.
- D. Notices of Violation - Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation

4. **Operating without a Permit**  
 Pursuant to Health and Safety Code §114387, any person operating a food facility without a valid Health Permit shall, in addition to the penalties prescribed under §114405, be subject to closure of the food facility and a penalty not to exceed three times the cost of the Health Permit. This financial penalty shall be in addition to the plan check/construction fee and the Health Permit fee required by this resolution.

5. **Lost Health Permit/Lost Vehicle Sticker** \$ 25

6. **Replacement Permit Fee** \$ 40  
 A fee shall apply to the re-issuance of a Health Permit when a partner is added to or deleted from the ownership of a food facility, upon a change in the legal name of the permittee(s), upon the forming of a corporation by the permittee(s), or upon change of the business name of a food facility.

7. **Additional Program Charges**

Photocopies, each	\$ 0.35
Check returned for non-sufficient funds	\$ 34.00

8. **Prorating of Fees** The County reserves the right to prorate, in quarterly increments, all fees described in this resolution.

## 9. **Delinquent Fees**

Fees invoiced by Environmental Health Services as outlined in this fee resolution that are not paid by the due date on the invoice shall be considered delinquent, and the following additional charges added:

- A. During the first thirty days of delinquency, any unpaid portion of the fee will have a penalty of 10% assessed.
- B. After thirty days of delinquency, an additional penalty of 15% of the unpaid balance will be assessed and a Final Notice will be issued.
- C. If the delinquent fee is for a required Health Permit and such permit is not obtained within two weeks from the issuance of a Final Notice, a Notice of Violation will be issued for operating without a valid Health Permit and the facility owner will have 48 hours to obtain a valid permit or face closure. At this time, the operator will be required to pay for a valid Health Permit, as well as any penalty fees assessed during the delinquent period, before resuming operation.
- D. If the fee, including any penalty assessed pursuant to this resolution, is not paid within three weeks from the date of the Final Notice the unpaid balance will be referred to the County Treasurer/Tax Collector's office for collection. In addition to the fees(s) and any penalties associated with delinquent fee(s) described above, accounts referred for collection shall be charged the actual cost associated with collection efforts. The delinquency fees are in addition to any other remedies available to the County.
- E. If any person required to pay a fee pursuant to this resolution has an outstanding balance due for any service rendered by Environmental Health Services, any past due amount shall be paid before Environmental Health Services will approve a subsequent application from that person or renewal of an existing permit for that person, unless such past due amount is waived or reduced as provided in this resolution.

## 10. **Contest of Charges**

Any person required to pay fees pursuant to this resolution may file a written notice of contest of charges accompanied by such materials as will support the claim for relief, including payment in full as invoiced, with the Director (or designee) of the Environmental Health Services Division for determination of the correct amount of fees due under this resolution. If the staff time required to review and approve construction plans addressed by this resolution is at least 30 minutes less than that allotted for that particular fee category, the applicant may request a partial refund of the fee paid.

Such written notice shall be filed with the Director (or designee) within 45 days after mailing or personal delivery of the fee invoice. This period may be extended by the Director upon a showing of good cause. Upon receipt of such written notice of contest of fees, the Director (or designee) shall make a decision on the contested fees. The decision shall be final with no further right of review. Failure to include payment in full as invoiced will result in denial of review.

Refunds made as a result of this process shall be paid by Environmental Health Services and shall not include interest.

## 11. **Fee Waiver**

Any person required to pay fees pursuant to this fee resolution may file a written application, including payment in full as invoiced, with the Board of Supervisors for a waiver or reduction of any said fees, or any part thereof. The Board of Supervisors may waive or

reduce the fees to the extent permitted by law and public policy, upon a showing of good cause by the applicant. The application shall be filed with the Clerk of the Board of Supervisors within 45 days after mailing or personal delivery of the fee invoice. Failure to include payment in full as invoiced will result in denial of review.

Refunds made as a result of this process shall be paid by Environmental Health Services and shall not include interest.

## NOTICE OF EXEMPTION

TO: Santa Barbara County Clerk of the Board of Supervisors

FROM: Public Health Department

Based on a preliminary review of the project the following activity is determined to be exempt from further environmental review requirements of the California Environmental Quality Act (CEQA) of 1970, as defined in the State and County Guidelines for the implementation of CEQA.

APN(s) N / A Case No: N / A

Location: COUNTY OF SANTA BARBARA

Project Title: ADOPTION OF FEE RESOLUTION

Project Description: RESOLUTION ESTABLISHING FEES FOR ENVIRONMENTAL HEALTH SERVICES PURSUANT TO THE CALIFORNIA RETAIL FOOD CODE, HEALTH AND SAFETY CODE §1137100 ET SEQ.

Exempt Status: (Check One)

Ministerial  Statutory  Categorical Exemption  Emergency Project

No Possibility of Significant Effect [Sec 15061(b,3)].

Cite specific CEQA Guideline Section:

14 CCR 15273 \* PUBLIC RESOURCES CODE SECTION 21080(b)(8)(A) &(B)

Reasons to support exemption findings (attach additional material, if necessary):

FEES WILL BE USED TO MEET OPERATING EXPENSES AND FOR THE PURCHASE OF SUPPLIES, EQUIPMENT, AND MATERIALS.

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Elliot Schulman, MD, MPH  
Director, Public Health Department

Date

NOTE: A copy must be posted at the Santa Barbara County Planning & Development Department at least 6 days prior to consideration of the activity by the decision makers to comply with County CEQA guidelines and a copy must be filed with the County Clerk of the Board after project approval to begin a 35 day statute of limitation on legal challenges.

Distribution: Planning & Development Department

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Date Filed with the County Clerk