

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

**IN THE MATTER OF ADOPTING FEES)
FOR ENVIRONMENTAL HEALTH SER-)
VICES RELATING TO:)
1. CHAPTER 16, ARTICLE III, SEC-)
TION 16-47 OF THE COUNTY)
CODE)
2. SEWAGE VIOLATION INSPEC-)
TIONS PURSUANT TO HEALTH &)
SAFETY CODE SECTION 5410 ET)
SEQ, AND SWIMMING POOL)
SANITATION PURSUANT TO)
HEALTH AND SAFETY CODE SEC-)
TION 116025 et seq.)**

RESOLUTION NO. _____

WHEREAS, Santa Barbara County Code §16-40 requires any person engaged in the business of cleaning or disposing of the contents of septic tanks, cesspools, sewage seepage pits, or chemical toilets to obtain an annual registration permit from the health officer; and

WHEREAS, California Health and Safety Code Article 2, §§5410 - 5416, Sewage and Other Wastes, is enforced by the Environmental Health Services Division of the Public Health Department when sewage is discharged to the surface of the ground and the illegal discharge must be abated; and

WHEREAS, California Health and Safety Code §18897.4 requires that every local health officer shall enforce minimum standards adopted by the California Department of Health Services related to organized camps as defined in Health and Safety Code §18897; and

WHEREAS, California Health and Safety Code Article 5, §§116025 -116068, Swimming Pool Sanitation, and related rules and regulations are enforced by the Environmental Health Services Division of the Public Health Department to ensure the sanitary, healthful and safe operation of public swimming pools; approval of construction plans, and abatement of nuisances; and

WHEREAS, Santa Barbara County Code §16-39 provides that every person owning or operating a public swimming pool or an organized camp shall pay for enforcement of State Department of Health Services rules and regulations and inspection services by the health officer; and

WHEREAS, Santa Barbara County Code §16-47 provides that the Board of Supervisors may adopt by resolution a schedule or schedules of required fees for specified public health services; 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 have remained unchanged since the adoption of Resolution 04-152, 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 actual costs of providing such services and of administering and enforcing said state statutes; 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 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 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 fees that are set forth in the attached schedule of fees are hereby adopted pursuant to Santa Barbara County Code §16-47 and California Health and Safety Code §101325. Said fees are to become effective on December 1, 2007.

That portion of Resolution 04-152 of effective July 1, 2004, that addresses the programs and services that are addressed by this resolution is hereby repealed on the above-mentioned date that the fees imposed by this resolution become effective. The repeal of Resolution 04-152 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

By _____
Celeste Andersen, Deputy County Counsel

APPROVED AS TO ACCOUNTING FORM:
ROBERT GEIS
AUDITOR-CONTROLLER

By _____

**SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SERVICES FEE SCHEDULE
POOLS, SPAS, ORGANIZED CAMPS, BACTERIOLOGICAL SAMPLING, SEPTIC TANK PUMPER
TRUCKS - LIQUID WASTE HAULERS, AND SEWAGE DISCHARGES**

1. Pools, Spas, Wading Pool

A. Annual Fees - Fixed Rate

An annual fee shall be assessed for every public swimming pool to cover the costs of administration and enforcement of Health & Safety Code §§116025 - 116068, in order to ensure the sanitary, healthful and safe operation of public swimming pools.

Primary or Wading Pool	\$ 285
Secondary Pool or Spa (at the same location)	175

B. Construction /Plan Check Fees - One time fees

A fee is required for plan review and approval to construct or remodel a public pool. This fee covers the costs of plan checking; plan approval, construction evaluation and final approval of the pool(s), deck, equipment and ancillary facilities.

New Construction	\$ 1505 / (10 hrs)
Secondary Pool Construction (concurrent review)	1205 / (8 hrs)
Remodel, Major	830 / (5.5 hrs)
Remodel, Minor	300 / (2 hrs)

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.

2. Organized Camps - Annual Permits

The annual inspection fee for an organized camp, as defined by the Health & Safety Code, §18897., is as follows:

Organized Camps	\$ 715
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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 - Inspection or other services required to obtain compliance with Health and Safety Code §§116025 – 116068, Swimming Pool Sanitation, and related rules and regulations 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 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 1 B, Construction/Plan Check Fees, shall be charged the hourly rate for the excess hours.

- D. Day-Use Camps – Operators of day-use-only organized camps shall pay an hourly rate fee for inspection or other services required to administer and enforce applicable statutes and regulations, pursuant to Health and Safety Code §§18897 – 11897.7.
- E. Notices of Violation - Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation

4. Bacteriological Water Sampling

The fee for bacteriological water sampling shall include the collection of a sample, analysis of the sample by a state-approved water testing laboratory, and the submission of the results of the sample analysis.

Bacteriological sampling and analysis \$ 100

5. Septic Tank Pumper Trucks - Liquid Waste Haulers

Annual registration permit fee for each vehicle engaged in the business of pumping septic tanks, cesspools, seepage pits, or chemical toilets.

Annual registration permit fee, each vehicle \$230

6. Sewage Discharges

An hourly rate fee, as described in Section 3, shall be charged for response to confirmed complaints of sewage discharges to the surface of the ground (in violation of Health & Safety Code § 5411). This fee shall be assessed to the owner of the property upon confirmation of the sewage discharge violation and shall include all time rounded to the nearest quarter hour actually expended by County personnel in the investigation and abatement of the sewage discharge, including reasonable travel time.

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 that are invoiced by Environmental Health Services as outlined in this fee schedule, which 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 permit 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 an annual fee for operation of a swimming pool, spa or wading pool, organized camp, or a septic tank pumper truck/liquid waste hauler registration permit fee, and such fee is not paid within two weeks from the issuance of a Final Notice, a Notice of Violation will be issued for operating without having paid the required fee. The operator will have 48 hours to pay the required fee and any penalty assessed during the delinquent period or cease the activity subject to the annual fee.
- 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 fee(s) and any penalties associated with delinquent fee(s) as described above, accounts referred for collection shall be charged for 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, said 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 HEALTH AND SAFETY CODE SECTION 101325

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.

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

Date Filed with the County Clerk