

PUBLIC HEALTH DEPARTMENT  
ENVIRONMENTAL HEALTH SERVICES

TATTOOING, BODY PIERCING  
AND PERMANENT COSMETICS

ATTACHMENT D

**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 )  
CALIFORNIA HEALTH & SAFETY )  
CODE §119300 ET SEQ., RELATING )  
TO TATTOOING, BODY PIERCING )  
AND PERMANENT COSMETICS )**

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

**WHEREAS**, the California Health & Safety Code §§119300 – 119309, Tattooing, Body Piercing, and Permanent Cosmetics, (all section references are to the Health & Safety Code unless otherwise specified) provides that primary enforcement of the provisions of that chapter shall be with county health departments; and

**WHEREAS**, the Environmental Health Services Division of the Public Health Department (hereafter, Environmental Health Services) is the designated agency to administer provisions of the California Health and Safety Code governing tattooing, body piercing, or permanent cosmetics within the County of Santa Barbara; and

**WHEREAS**, §119303(a)(3) and (4) require every person engaged in the business of tattooing, body piercing, or permanent cosmetics to pay the local health department a registration fee and an annual inspection fee; and

**WHEREAS**, §119303(b) does not preclude a county from charging an additional amount, if necessary, to cover the cost of registration and inspection; and

**WHEREAS**, §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**, §119303(c) provides that fees established by this act shall be used exclusively in support of activities pursuant to this chapter; and

**WHEREAS**, §119306 provides that persons who fail to register as required by §119303 or violate the sterilization, sanitation, and safety standards after December 31, 1998, shall be subject to civil penalties; 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 fees set by the State of California Health and Safety Code shall remain in effect.

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

That the registration, inspection, consultation and enforcement fees, which are set forth in the attached schedule of fees are hereby adopted pursuant to §119303 of the California Health & Safety Code. Said fees are to be assessed against all persons as defined in §119303 and are to become effective December 1, 2009.

Resolution 07-316, effective December 1, 2007 is hereby repealed on the above-mentioned date that the fees imposed by this resolution become effective. The repeal of Resolution 07-316 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 \_\_\_\_\_, 2009, 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:  
DENNIS MARSHALL  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:  
ROBERT GEIS  
AUDITOR-CONTROLLER

By: \_\_\_\_\_  
Deputy County Counsel

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

**SANTA BARBARA COUNTY PUBLIC HEALTH DEPARTMENT  
ENVIRONMENTAL HEALTH SERVICES FEE SCHEDULE  
TATTOOING, BODY PIERCING OR PERMANENT COSMETICS**

**1. Annual Fees, Fixed Rate**

An annual inspection fee shall be assessed for every tattooing, body piercing, or permanent cosmetics practitioner as defined in the Health and Safety Code §119303(a)(4), in order to ensure sanitary, healthful, and safe operation for all clientele.

Annual Inspection Fee, Practitioner	\$125
Annual Inspection Fee, Facility	250
Festival Organizer	500
Festival Practitioner (includes registration)	95

**2. Registration Fee**

Every person engaged in the business of tattooing, body piercing, or permanent cosmetics as defined in Health and Safety Code §119303(a)(3) shall pay a one-time registration fee for each work location utilized by the practitioner. Registration fees for festivals are valid only for that specific festival time and location.

Registration Fee	\$ 25
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**3. Hourly Rate**

\$136

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) – An hourly rate fee will be charged to facilities and/or practitioners 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. Notices of Violation – Preparation, issuance, and monitoring of compliance in conjunction with a Notice of Violation or other enforcement action
- D. Complaint Response – An hourly rate fee shall be charged for investigation and abatement of confirmed complaints of alleged tattooing, body piercing, or application of permanent cosmetics in violation of Health and Safety Code §119309. This fee shall be charged to the practitioner and/or facility operator upon finding the complaint to be valid.

**4. Additional Program Charges**

Photocopies each	\$ 0.35
Check returned for non-sufficient funds or closed account	35.00

**5. Replacement Certificate of Registration**

\$28.00

A fee shall apply to the re-issuance of a lost Certificate

**6. Prorating of Fees**

The County reserves the right to prorate, in quarterly increments, all fees described in this resolution.

**7. Delinquent Fees**

Fees that are invoiced by Environmental Health Services as outlined in this fee schedule and which are not paid by the due date on the invoice shall be considered delinquent and the following charge(s) 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 15% penalty of the unpaid balance will be assessed and a Final Notice will be issued.
- C. If the delinquent fee is for a one-time registration 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 engaging in the business of tattooing, body piercing, or permanent cosmetics without a valid Certificate of Registration and the person who failed to register will have 48 hours to obtain a valid Certificate or be subject to a civil penalty in accordance with §119306 of the Health and Safety Code.
- D. If the fee, and any penalty assessed pursuant to this resolution, is not paid within three weeks from the date of the Final Notice, the unpaid balance may be referred to the Santa Barbara 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.

**8. 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 Environmental Health Services for determination of the correct amount of fees due under this resolution.

Such written notice shall be filed with the Director (or designee) within 45 days after mailing or personal delivery of the fee invoice or other notification of fees due. 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 regarding 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.

9. **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 fee(s), or any part thereof. The Board of Supervisors may waive or reduce the fee(s) to the extent permitted by law and public policy, upon a showing of good cause by the applicant for fee waiver. 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 TATTOOING, BODY PIERCING, OR PERMANENT COSMETICS ACT, HEALTH AND SAFETY CODE §119303 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) and (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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Michele Mickiewicz, MPH  
Interim Director, Public Health Department

\_\_\_\_\_ Date

NOTE: A copy must be posted in the County of Santa Barbara Planning and 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 and Development Department

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Date Filed with the County Clerk