

**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. )**

**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 §113700 et seq.) shall be with the local enforcement agency; and

**WHEREAS**, the Environmental Health Services Division of the Public Health Department (hereafter, 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 19-108, effective July 1, 2019; and

**WHEREAS**, California Assembly Bill 626 (AB626) chaptered on September 18, 2018 and amended by Assembly Bill 377 (AB377) chaptered on October 7, 2019 established a new category of food operation called *Microenterprise Home Kitchen Operations*, codified in the California Health & Safety Code §§114367, et seq.) which allows for the preparation and sale of certain foods from within a private home; and

**WHEREAS**, Health and Safety Code § 114367.2 provides that the County, as enforcement agency, may collect a fee for the issuance of a permit for Microenterprise Home Kitchen Operations chapter in an amount that does not exceed the reasonable administrative costs by the enforcement agency in issuing the permit.

**WHEREAS**, there are costs associated with the regulatory oversight of Microenterprise Home Kitchen Operations for which fees need to be established within this Fee Schedule; 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, subdivision (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, 101325 and 114367.2 of the California Health and Safety Code. Said fees are to be assessed against all persons as defined in Health and Safety Code §113855 and are to become effective thirty (30) days after adoption of this resolution.

Resolution 19-108, effective July 1, 2019, is hereby repealed on the date that the fees imposed by this resolution become effective. The repeal of Resolution 19-108 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 \_\_\_\_\_, 2021, by the following vote:

- AYES:
- NOES:
- ABSTAIN:
- ABSENT:

COUNTY OF SANTA BARBARA

Bob Nelson

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

ATTEST:  
MONA MIYASATO  
COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

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

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:  
BETSY M. SCHAFFER, CPA  
AUDITOR-CONTROLLER

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

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

APPROVED  
VAN DO-REYNOSO, MPH, PhD  
DIRECTOR  
PUBLIC HEALTH DEPARTMENT

By: \_\_\_\_\_  
Director

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

**1. Health Permit 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 as indicated in the "Type of Fee" column below. Food facilities include, but are not limited to: bakeries, bars, bed and 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, caterers, host kitchens, cottage food operations, microenterprise home kitchen operations and vending machines. Any other terms not specifically defined herein shall have the meanings set forth in Health and Safety Code §113728 et seq.

Service/Permit	Type of Fee	Fee
<b>Retail Food Facilities</b>		
Annual Health Permit: <500 square feet	Annual Fee	\$ 391
Annual Health Permit: 501-1500 square feet	Annual Fee	\$ 556
Annual Health Permit: 1501-3000 square feet	Annual Fee	\$ 842
Annual Health Permit: 3001-10,000 square feet	Annual Fee	\$ 922
Annual Health Permit: over 10,000 square feet	Annual Fee	\$1,017
Annual Health Permit: Low Risk	Annual Fee	\$ 244
<b>Mobile Food Facilities (MFF)</b>		
MFF: Mobile Food Facility and Mobile Support Unit	Annual Fee	\$ 310
MFF: Low Risk	Annual Fee	\$ 157
MFF: Preparation Unit	Annual Fee	\$ 468
<b>Other Food Facilities</b>		
Satellite Dining Facility	Annual Fee	\$ 410
School Dining Facility	Annual Fee	\$ 585
Vending Machine w/potentially hazardous food, each	Annual Fee	\$ 75
Cottage Food Operations: Class B Permit & Pre-operating Inspection (indirect sales)	Annual Fee	\$ 354
Microenterprise Home Kitchen Operations	Annual Fee	\$ 391
<b>Certified Farmers' Market</b>		
Certified Farmers' Market (non potentially hazardous) 2-10	Fixed Fee	\$ 385
Certified Farmers' Market (non potentially hazardous) 11 or more	Fixed Fee	\$ 674
Tier 1: Certified Farmers' Market w/potentially hazardous food 2-10	Fixed Fee	\$ 535
Tier 2: Certified Farmers' Market w/potentially hazardous food 11 or more	Fixed Fee	\$ 935
<b>Temporary Food Facilities (TFF)</b>		
TFF: Tier 1: Event Coordinator (2-6)	Fixed Fee	\$ 384
TFF: Tier 1: Event Coordinator (2-6) Non-Profit	New Fixed Fee	\$ 384
TFF: Tier 2: Event Coordinator (7 or more)	Fixed Fee	\$ 761
TFF: Tier 2: Event Coordinator (7 or more) Non-Profit	New Fixed Fee	\$ 761

Service/Permit	Type of Fee	Fee
TFF: Booth (max 500 sf) - One Time	Fixed Fee	\$ 196
TFF: Booth (max 500 sf) - One Time (Non-Profit)	New Fixed Fee	\$ 196
TFF: Booth - Low Risk (max 500 sf) - One Time	Fixed Fee	\$ 100
TFF: Booth - Low Risk (max 500 sf) - One Time (Non-Profit)	New Fixed Fee	\$ 100
TFF: Booth (max 500 sf) - Recurring	Fixed Fee	\$ 383
TFF: Booth - Low Risk (max 500 sf) - Recurring	Fixed Fee	\$ 190

## 2. **Plan Review Fees**, Application plus hourly fees

All proposed new, remodel, or change in operation of food facilities, including Microenterprise Home Kitchen Operations, must submit a Plan Review application, on a form approved by the EHS Director, with the appropriate application fee. The application fee shall also be applied when a facility re-initiates operations after having been closed for business. Note: Facilities that have been operating without benefit of permit will not be exempt from application fees.

A processing fee is required on all applications for plan review and approval to construct or remodel a permanent or mobile food facility. The application fee is part of the overall plan review project and is non-refundable.

Application Fee \$255

Hourly plan review fees include plan reviewing, construction evaluation and final inspection services. Plans that are found to be unsatisfactory will be returned for revision. Environmental Health Services will not issue plan approval or final construction approval until all applicable fees have been paid.

Hourly Plan Review Fee \$161/per hour

## 3. **Other Services – Hourly Rate**

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. Notices of Violation – Preparation, issuance and monitoring of compliance in conjunction with a Notice of Violation or other enforcement action.

Hourly Rate \$161

## 4. **Operating Without a Permit**

Pursuant to Health and Safety Code §114387, any person operating a food facility without a valid Health Permit shall 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 review/construction fee and the Health Permit fee required by this resolution.

### 5. Additional Program Charges

Photocopies, each	\$ 0.35
Returned Check fee	\$ 41.00

### 6. Prorating of Fees

The County reserves the right to prorate all fees described in this resolution at the discretion of the EHS Director.

### 7. 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 may be referred to either the County Treasurer/Tax Collector's office or the County's contracted collection agency for collection. In addition to the fee(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.

### 8. Contest of Charges

Any person required to pay fees or charges 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 EHS Director (or designee) for determination of the correct amount of fees due under this resolution.

Such written notice shall be filed with the EHS 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 EHS Director upon a showing of good cause. Upon receipt of such written notice of contest of fees, the EHS 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.

## **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 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.