

Public Health Department

Environmental Health Services

Body Art

(Tattooing, Body Piercing and Permanent Cosmetics)

Attachment E1

**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 BODY ART)**

RESOLUTION NO. _____

WHEREAS, in 2012, California Health and Safety Code, Chapter 7 was repealed and replaced with Chapter 7 (commencing with Section 119300), Part 15 of Division 104, the Safe Body Art Act (the "Act"); and

WHEREAS, Health & Safety Code Sections 119300 – 119328 provide 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 (collectively known as "Body Art") within the County of Santa Barbara; and

WHEREAS, Health & Safety Code §119306 requires every practitioner engaged in the business of Body Art to register with the local health department with a registration fee at an amount not to exceed the costs of administering the program; and

WHEREAS, Health and Safety Code §119312 requires every Body Art facility to obtain a health permit; and

WHEREAS, Health and Safety Code §119318 requires every temporary Body Art event to obtain a health permit; and

WHEREAS, Health and Safety Code §119317.5 authorizes the local enforcement agency to establish fees to cover the cost of enforcement of temporary Body Art facility requirements; and

WHEREAS, Health & Safety Code §119324 and §101325 provide 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 specified services have remained unchanged since the adoption of Resolution 12-292, effective January 11, 2013; and

WHEREAS, Health & Safety Code §119324.5 provides that fees established by this Act shall be used to cover the costs of operating the program activities pursuant to this chapter; and

WHEREAS, §119323 provides that persons who fail to register and obtain a health permit shall be subject to administrative and criminal 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 fees, which are set forth in the attached schedule of fees, are hereby adopted pursuant to §119306, §119312, §119317.5, §119318, §119323, §119324, §119324.5, §119328 and §101325 of the California Health & Safety Code. Said fees are to be assessed against all practitioners as set forth in Health & Safety Code §119306-§119311 and assessed against all facilities as set forth in Health & Safety Code §119312-§119315 and are to become effective July 1, 2019.

Resolution 12-292, effective January 11, 2013, is hereby repealed on the above-mentioned date that the fees imposed by this resolution become effective. The repeal of Resolution 12-292 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 _____, 2019, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

COUNTY OF SANTA BARBARA

STEVE LAVAGNINO

Chair, Board of Supervisors

Date: _____

ATTEST:
MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

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

2. Facility Plan Review Fees

Construction/Remodel Plan Review Fees, Application plus hourly fees

All proposed new or remodel Body Art facilities must submit a Plan Review application, on a form approved by the Director of Environmental Health Services, 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.)

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

Application Fee	\$255
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Hourly plan review fees include plan review, 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
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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) – An hourly rate fee will be charged to Facilities, Vehicles 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 Owners 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 Owner upon finding the complaint to be valid.

Hourly Rate	\$161 per hour
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4. Additional Program Charges

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

5. Prorating of Fees

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

6. 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 required Health Permit or practitioner registration and such permit or registration 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 permit or Certificate of Registration. Facility owners will have 48 hours to obtain a permit or face closure. Practitioners will have 48 hours to obtain a valid Certificate or be subject to a penalty in accordance with §119323 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 either the Santa Barbara 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) 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.

7. 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 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.

8. 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.