

## ORDINANCE NO. 1590

AN ORDINANCE REPEALING CHAPTER 7.42 OF THE AMADOR COUNTY CODE AND RESOLUTIONS 90-363 AND 93-290, AND ADDING A NEW CHAPTER 7.42 OF THE AMADOR COUNTY CODE RELATING TO ENVIRONMENTAL HEALTH DEPARTMENT FEES

The Board of Supervisors of the County of Amador, State of California, ordains as follows:

SECTION 1. Chapter 7.42 of the Amador County Code and Resolutions 90-363 and 93-290 are hereby repealed in their entirety.

SECTION 2. Chapter 7.42 is hereby added to the Amador County Code to read as follows:

### 7.42.010 TITLE

This ordinance shall be known as the Environmental Health Department Fee ordinance.

### 7.42.020 PURPOSE

The provisions of this Chapter establishing fees associated with Environmental Health Services are enacted pursuant to the provisions of Health and Safety Code, Sections 101325 and 101280; Division 20, Chapter 6.5 (commencing with Section 25100), Chapter 6.7 (commencing with Section 25280), Chapter 6.95 (commencing with Section 25500) and Chapter 6.11 (commencing with Section 25404); California Water Code (commencing with Section 13700), and California Constitution, Article XI, Section 7.

Fees are necessary as a source of revenue to defray the costs of personnel, materials, support services, and other costs incurred by the County in conducting the regulatory programs established by State and local laws and regulations. The costs incurred by the County for the majority of such regulatory purposes are not met by any grants by the State of California.

### 7.42.030 HOURLY RATE

The term "Hourly Rate" refers to the rate used to calculate the majority of program fees. The rate is calculated using methodologies approved by the Amador County Board of Supervisors. The Board of Supervisors shall establish the hourly rate for up to three years in advance based on methods approved by the Amador County Auditor's Office. The Board may increase or decrease the hourly rate at any time if it determines that there has been a significant change in program or departmental costs. The hourly rate shall be reviewed and, if necessary, revised no less frequently than once every three years. The hourly rate in effect at any given time shall be established by resolution of the Board of Supervisors.

#### 7.42.040 BASIS FOR FEES

Fees are based on the expected time and materials required to conduct inspections, review plans, program administration, or processing the necessary information for the normal maintenance of records and issuance of those permits or registrations, or other services rendered by the Environmental Health Department. Unusual circumstances requiring additional staff time in excess of that budgeted for the adopted fee shall require payment of additional fees to be levied by the department at the hourly rate, based on one half hour increments, at the time the service is rendered. Cost recovery for materials or services required above and beyond standard forms, tests, laboratory services, etc., will be charged to the permittee, registrant, or responsible party and shall be due and payable within thirty days of the invoice date. Actual fee amounts shall be established by resolution of the Board of Supervisors. Established fees shall be reviewed for revision no less frequently than every three years.

#### 7.42.050 EMERGENCY INCIDENT RESPONSE.

Costs incurred by the Director for services provided in the event of a response to hazardous material release, threatened release, or other emergency response incident based on the current hourly rate established pursuant to Section 7.42.030 shall be reimbursed by the Responsible Party for each hour expended or portion thereof per responding Environmental Health Department staff member, plus contractor, laboratory, and materials costs, if any, to mitigate the incident.

#### 7.42.060 STATE SURCHARGE FOR CUPA PROGRAM ELEMENTS

For all facilities which fall under one or more CUPA oversight program elements, the applicable State Surcharge in the amount prescribed by or pursuant to law shall be collected in addition to fees established pursuant to this ordinance. The State Surcharge fees shall be established by the State of California.

#### 7.42.070 PERMIT OR LICENSE - DENIAL, SUSPENSION, REVOCATION

Except as prohibited by Federal or State law or regulation, or local ordinance or regulation, the Director shall be authorized to deny, suspend, revoke, or refuse to renew any permit or license to any party or responsible parties wherein any license, permit, or program cost recovery fees are unpaid and delinquent pursuant to this Chapter. Any decision of the Director to deny, suspend, revoke, or refuse to renew any permit or license may be appealed to the Hearing Authority pursuant to procedures adopted by the Director. Any such appeal shall be in writing, shall state the specific reasons therefore and grounds asserted for relief, and shall be filed with the Director not later than fifteen (15) days after the date of service of any such decision. If an appeal is not filed within the time or in the manner prescribed above, the right to review shall be deemed to have been waived. A Hearing Authority

shall be deemed to refer to the Land Use and Community Development Committee unless or until another body is appointed this duty by the Amador County Board of Supervisors.

7.42.080 NON-TRANSFERABILITY

Unless specific provision to the contrary is found in law, permits or registrations issued by this office for programs addressed by this ordinance may not be transferred to successors in interest. Exceptions to this section include permits for individual on site wastewater systems and individual water supply wells.

7.42.090 COLLECTION

The Department shall be responsible for initial notification and collection of all fees prescribed by this Chapter. Fees over 90 days in arrears may be referred to the Amador County Collections department for further action. Additional costs which may arise in the collection process are not the responsibility of the Department.

SECTION 3. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on January 27, 2004 at which time further reading was waived by the unanimous vote of the Supervisors present.

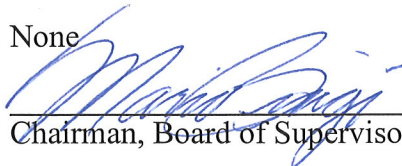
This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Amador.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 3rd day of February 2004, by the following vote:

AYES: Mario Biagi, Richard M. Forster, Rich F. Escamilla, Richard P. Vinson, and Louis D. Boitano

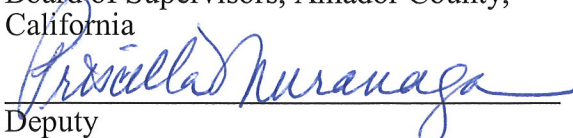
NOES: None

ABSENT: None

  
Chairman, Board of Supervisors

ATTEST:

MARDELL ANDERSON, Clerk of the  
Board of Supervisors, Amador County,  
California

  
Deputy