

ORDINANCE NO. 1648

AN ORDINANCE REPEALING CHAPTER 7.42 OF THE AMADOR COUNTY CODE AND RESOLUTION 04-045 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 Chapter 7.42 of the Amador County Code is hereby repealed in its entirety.

SECTION 2. A new Chapter 7.42 is hereby added to the Amador County Code which shall 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 California Health and Safety Code, Sections 101325 and 101280; California Health and Safety Code, 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 and the Amador County Auditor's Office. The Board of Supervisors establishes that the hourly rate for Environmental Health Department services shall be \$96.00. The Board may increase or decrease the hourly rate by ordinance revision 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.

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. Specific fee amounts are itemized in sections 7.42.050 through 7.42.160, inclusive. Established fees shall be reviewed for revision no less frequently than every three years.

7.42.050 RETAIL FOOD FACILITIES

A.	Bed and Breakfast	\$168.00
B.	Restaurant	
	1. 1 - 20 seats	\$168.00
	2. 21 - 50 seats	\$206.00
	3. 51 - 100 seats	\$255.00
	4. 101 + seats	\$351.00
	5. Plus Bar	\$63.00 additional
C.	Bar Only	\$128.00
D.	Temporary Food Facility	\$96.00
		<u>Fee reduced to \$32.00 per facility at an event where ten or more facilities are planned at least 14 days in advance.</u>
E.	Retail Markets	
	1. Liquor/Convenience store (prepackaged, no food preparation)	\$115.00
	2. Under 1000 sq. ft.	\$159.00
	3. 1000 - 5000 sq. ft.	\$288.00
	4. 5001 + sq. ft.	\$384.00
	5. Each add'l food prep site within market add	\$63.00
F.	Bakery	
	1. Under 1000 sq. ft.	\$240.00
	2. 1000 + sq. ft.	\$288.00
G.	Catering	\$168.00
H.	Meat Market	\$240.00
I.	Produce Stand	\$144.00

J.	Mobile or Stationary/Mobile Food Prep Unit	\$159.00
K.	Mobile Food Facility	\$120.00
L.	Commisary	\$48.00 additional
M.	Plan Review and Pre-opening Inspections	Deposit equal to 2X the annual permit fee. Additional time to be billed at \$96.00 per hour.
N.	School Food Prep Kitchen	\$159.00
O.	School Satellite Kitchen	\$96.00
P.	Vending Machine - potentially hazardous food	\$48.00/unit
Q.	CURFFL water system	\$96.00 additional

Annual fees are reduced 50% for those facilities opening on or after July 1.

Reduced fee does not apply to businesses closing prior to July 1.

Penalty for operating without valid permit is 3 times the normal permit fee per H & S Code Section 113923

7.42.060 WATER *

A.	Community System - 100+ service connections	\$550.00 (15.5 hrs)
B.	Community System - 25 - 99 service connections	\$440.00 (11.9 hrs)
C.	Community System - 15 - 24 service connections	\$275.00 (11.5 hrs)
D.	Non-Transient, Non-Community	\$385.00 (7.5 hrs)
E.	Non-Community (without add'l permitted facilities)	\$165.00 (8.33 hrs)
F.	Non-Community (with additional permitted facilities)	\$110.00 (3.2 hrs)
G.	State Small water system	\$83.00 (3.2 hrs)
H.	Water System plan check - one hour minimum	\$96.00/hour

* Water program annual fees will increase by 20% per annum until cost recovery target is reached. Hours listed reflect current average annual time demand by class of water system.

7.42.070 RECREATION

A.	Public Pool	\$144.00
B.	Each Additional Pool or Spa at Same Location	\$96.00
C.	Public Spa	\$128.00
D.	Beach/Freshwater Bathing Place	\$144.00
E.	Private Pool Site Inspection and Clearance	\$63.00
F.	Public Pool Plan Check and Const. Insp.	Deposit of \$384.00 - time required beyond 4 hours to be billed at \$96.00 per hour.

7.42.080 HOUSING AND INSTITUTIONS

A.	Detention Facility - approximately 8 hours/year	No charge
B.	Organized Camp (includes non-comm. water system)	\$609.00

7.42.090 SOLID WASTE

- A. Active Landfill
 - 1. Permitting Deposit of \$960.00 – time beyond 10 hours to be billed at \$96.00 per hour.
 - 2. Annual Fee \$2,304.00
- B. Closed Landfill - Annual Fee (post 1987) \$1,728.00
- C. Transfer Station - Annual Fee \$1,152.00
- D. Truck Inspection - Annual License Fee \$63.00
- E. Other Regulated Solid Waste Facilities Deposit of \$384.00 - time beyond 4 hours per year to be billed at \$96.00 per hour.

7.42.100 LIQUID WASTE

- A. Septic Tank Pumper \$192.00/Truck
- B. Chemical Toilet Company \$128.00
- C. Sewage Disposal
 - 1. Septic System Application
 - a. New Construction \$96.00
 - b. Repair/Replacement \$63.00
 - 2. Site Investigation (Soil Profiles) \$144.00
 - 3. Plan Review Deposit - 3 hours \$288.00
 - 4. Engineering Consultation Flat rate – at current rate of service
 - a. Expedited Review Flat rate – at current rate of service
 - 5. Septic System Permit
 - a. Conventional \$128.00
 - b. Non-Engineered with Pump Station \$192.00
 - c. Engineered - Non-Alternative \$255.00
 - d. Alternative \$576.00
 - e. Tank Set or Destruction Only \$96.00
 - f. Reinspection \$96.00/hour – 1/2 hr. increments
 - 6. Permit Renewal/Reactivation
 - a. Conventional \$96.00
 - b. Engineered \$144.00
- D. Holding Tank Use Permit \$192.00
- E. Alternative System Monitoring - CSA #6 (New enrollees only) \$211.00
- F. Winter Groundwater Monitoring \$192.00
- G. Mortgage Inspection - Septic System \$144.00
- H. Gray Water System
 - 1. Application \$77.00
 - 2. Site Investigation \$144.00
 - 3. Permit \$192.00
- I. Penalty for construction without permit is a minimum of 2 hours investigation, \$192.00, in addition to any application, site review, permit, or other fees.

7.42.110 WELLS

A.	Individual Water Supply Well Permit	\$288.00
B.	Well Deepening Permit	\$144.00
C.	Lab Fee	At current cost
D.	Monitoring Well Permit	\$211.00
E.	Soil Boring Permit (Groundwater Anticipated)	\$96.00
F.	Ground Source Heat Pump	
	1. First Well	\$211.00
	2. Additional Wells	\$63.00 each
G.	Well Destruction Permit	\$120.00
H.	Mortgage Inspection - water	\$96.00 + Lab Fee
I.	Penalty for construction without permit is minimum 2 hours investigation time, \$192.00, in addition to any other applicable fees.	

7.42.120 LAND DEVELOPMENT

A.	Land Divisions	
	1. Water Supply	
	a. Connecting to Ex. Pub. Water Sys.	\$6.40/parcel
	b. Proposing New Pub. Water Sys.	\$12.80/parcel
	c. Individual Wells	\$32.00/parcel
	2. Sewage Disposal	
	a. Connecting to Ex. Pub. Sewer	\$6.40/parcel
	b. Proposing New Pub. Sewage Sys.	\$19.20/parcel
	c. On Site Sewage Systems	\$256.00/parcel
		Includes application and site review for each undeveloped parcel.
	d. Developed Parcels (on site)	\$19.20/parcel
B.	Zone Change and/or General Plan Amendment	\$144.00
C.	Conditional Use Permit	\$192.00
D.	CEQA Review and Comment	
	1. Negative Declaration	\$96.00
	2. Environmental Impact Report	\$384.00 deposit for up to 4 hours review and comment.
E.	Boundary Line Adjustment	\$240.00/parcel to be investigated - includes sewage disposal application and site investigation.

7.42.130 UNIFIED PERMITS – CUPA

A.	Hazardous Materials Business Plan	
1.	Large Businesses	\$480.00
2.	Small Businesses	\$288.00
3.	Fuel Storage Only	\$144.00
4.	State Surcharge	At cost
B.	CAL-ARP	
1.	Initial Review	\$576.00
2.	Annual	\$288.00
3.	State Surcharge	At cost
C.	Underground Storage Tanks	
1.	Plan Check - New Installation	\$288.00 for up to 3 hours review and comment
2.	Annual Fee - First Tank	\$224.00
3.	Additional Tanks	\$128.00 each
4.	Tank or Piping Alterations	
a.	Plan Review	\$288.00 / 3 hours
b.	Inspections	\$96.00 / hour
5.	Tank Closure Permit	\$320.00
6.	Temporary Closure Permit	\$224.00
7.	State Surcharge	At cost
D.	Hazardous Waste Generators	
1.	Conditionally Exempt	\$96.00
2.	Small Quantity	\$192.00
3.	Large Quantity	\$384.00

7.42.140 BODY ART

A.	Facility Permit	\$144.00
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7.42.150 COMPLAINT INVESTIGATIONS

A.	Vector, Solid Waste, Housing, and other Nuisance Complaints	
1.	Initial Investigation, First Contact, and First Follow Up Inspection No Charge	
2.	Additional Follow Up Visits	<u>\$96.00/hour</u> - one hour minimum - 1/2 hour increments

7.42.160 ADMINISTRATIVE FEES

- A. Record Search
 - 1. Single file or document No charge
 - 2. Multiple files/documents \$6.00
- B. Office Consultation (requiring more than 10 minutes) \$96.00/hr – 1/2 hr. increments
- C. Copies - up to 5 copies at no charge - 11"X17" max \$0.25 per page
- D. Administrative/Appeal Hearing \$192.00
- E. Late Payment of Annual Permit Fees (90+ days) 50% of annual fee
- F. Returned Check Fee \$25.00
- G. Fee Refund Request Processing Charge \$30.00
- H. Replacement Permit \$24.00
- I. Requested inspections not otherwise identified are to be billed at cost for materials and third party services, and \$96.00/hour for staff time.

7.42.170 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.

7.42.180 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.

7.42.190 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. "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.

7.42.200 NONTRANSFERABILITY

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.

7.42.210 COLLECTION

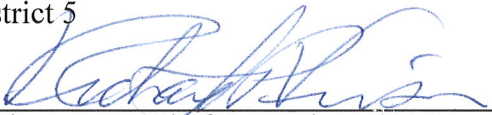
The Department shall be responsible for initial notification and collection of all fees prescribed by this Chapter. Fees over 90 days in arrears may be referred to the Amador County Collections department for further action. Additional costs which may arise in the collection process are not the responsibility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

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 6th day of June 2006, by the following vote:

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

NOES: None

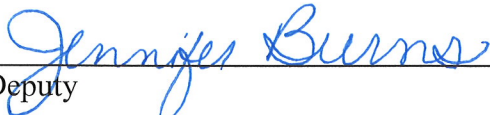
VACANT: District 5



Chairman, Board of Supervisors

ATTEST:

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



Deputy