

CHAPTER 8.05. COUNTY ENVIRONMENTAL HEALTH PERMIT¹

Sec. 8.05.010. Title.

This chapter shall be known and may be referred to in all proceedings as the County Environmental Health Permit Ordinance.

(Code 1997, § 8.05.010; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.020. Purpose.

The purpose of this chapter is to establish fees to partially defray the reasonable expenses of the Department of Environmental Management of the County in enforcing State statutes, orders, quarantines and rules and regulations of the State and the departments of the State relating to public health.

(Code 1997, § 8.05.020; Ord. No. 3642, § 3(part), 1986; Ord. No. 5051, § 2, 4-18-2017)

Sec. 8.05.021. Authority.

The authority of this chapter is contained in Health and Safety Code §§ 101025 and 101325 and following.

(Code 1997, § 8.05.021; Ord. No. 3642, § 3(part), 1986)

State law reference(s)—Authority of governing body of County to adopt ordinance or resolution prescribing fees to pay reasonable expenses of Health Officer incurred in the enforcement of any statute, order, quarantine, or regulation relating to public health, Health and Safety Code § 101325.

Sec. 8.05.022. Area of application.

This chapter shall be enforced in the territory in which the Department of Environmental Management and Director enforce all State statutes, orders, quarantines, rules or regulations of the State relating to public health.

(Code 1997, § 8.05.022; Ord. No. 3642, § 3(part), 1986; Ord. No. 5051, § 2, 4-18-2017)

Sec. 8.05.030. Definitions.

The following terms used in this chapter shall have the meanings designated and set forth hereinafter, unless the context or subject matter otherwise requires:

Department of Environmental Management means the Department of Environmental Management of the County.

¹State law reference(s)—Authority of County Board of Supervisors to take necessary measures to preserve and protect the public health in the unincorporated territory of the County, Health and Safety Code § 101025.

Director means the administrative head of the Community Development Agency, or his or her duly authorized representative or deputy.

Permit means a written permit or activity approval or an entitlement issued by the Department of Environmental Management approving an activity, business, premises, device or apparatus in accordance with the health, sanitary or safety requirements, rules, laws, ordinances or regulations pertaining to the public health and safety.

(Code 1997, § 8.05.030; Ord. No. 3642, § 3(part), 1986; Ord. No. 5051, § 2, 4-18-2017)

Sec. 8.05.040. List and definitions of business activities subject to this chapter.

The following businesses, activities, premises or apparatus defined and designated hereinafter are subject to the provisions of this chapter and may be engaged in only by persons holding valid and subsisting permits issued by the Department of Environmental Management:

- A. *Food establishment.* The term "food establishment" as used in this chapter is as similarly defined as the term "food facility" in Health and Safety Code § 113789.
- B. *Food facility.* The term "food facility" as used in this chapter is as defined in Health and Safety Code § 113789.
- C. *Public swimming pool and spas.* The terms "public swimming pool" and "public spa" as used in this chapter are as defined in Sections 65501 and 65503 of Title 22 of the California Code of Regulations.
- D. *Public water system.* The term "public water system," for domestic purposes, as used in this chapter is defined in Section 64411 of Title 22 of the California Code of Regulations and shall include those systems not regulated by the State.

(Code 1997, § 8.05.040; Ord. No. 3642, § 3(part), 1986; Ord. No. 5051, § 2, 4-18-2017)

State law reference(s)—California Retail Food Code, Health and Safety Code § 113700 et seq.; regulation and enforcement of public swimming pool sanitation, Health and Safety Code § 116025 et seq.

Sec. 8.05.050. Fees.

- A. *Service fees.* Environmental health services shall be rendered only after payment of the applicable user fee as set forth by resolution of the Board of Supervisors.
- B. *Permit fee.* Each application and application renewal for a permit shall be by a fee as set forth by resolution of the Board of Supervisors.

(Code 1997, §§ 8.05.050, 8.05.140; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.060. Permit.

Any person who conducts or proposes to conduct or engage in any activity defined in Section 8.05.040 shall first apply to the Department of Environmental Management for a permit or activity approval or entitlement, on a form to be provided by the Department of Environmental Management, accompanied by the payment of the fee required herein. A permittee or an applicant for such a permit shall provide the Director with any information relevant to the activity or proposed activity upon request.

(Code 1997, § 8.05.060; Ord. No. 3642, § 3(part), 1986; Ord. No. 5051, § 2, 4-18-2017)

Sec. 8.05.070. Issuance of permit.

Upon proper application, the Department of Environmental Management shall issue a permit for the activity if it finds that the proposed activity is proposed to be, or designed to be, carried on in accordance with the laws, rules and regulations pertaining to the public health and safety.

(Code 1997, § 8.05.070; Ord. No. 3642, § 3(part), 1986; Ord. No. 5051, § 2, 4-18-2017)

Sec. 8.05.075. Duration of permit.

Permits issued under this chapter shall be for a duration of one year, unless otherwise specified by the Department of Environmental Management or by State law.

(Ord. No. 5051, § 2, 4-18-2017)

Sec. 8.05.080. Revocation of permits.

Permits issued under this chapter may be revoked by the Director if he or she finds that the activity has been, or is being carried on or engaged in, contrary to laws, ordinances, rules and regulations pertaining to the public health and safety, or that the activity is a threat to the public health or safety, or that the activity violates a condition of the permit.

(Code 1997, § 8.05.080; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.090. Revocation of or denial of issuance of permits; appeal.

In the event the Director denies or revokes a permit issued under this chapter and the permittee wishes to contest the denial or revocation, he or she may do so by filing a written notice of appeal to the Board of Supervisors in accordance with the provisions under Chapter 2.09 et seq.; unless the appeal is for a retail food facility, then the aggrieved party shall file notice of appeal within 15 days of the revocation of the permit, unless the revocation is based upon public health or safety violations.

(Code 1997, § 8.05.090; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.100. Appeal hearing before the Board of Supervisors.

Upon receipt of a written notice of appeal, the Board of Supervisors shall schedule and set a hearing of said matter to take place within 30 days of receipt of the notice, unless the appeal is for a retail food facility, in which case the hearing shall be set to occur within 15 days. The hearing shall be conducted in accordance with the provisions under Chapter 2.09 et seq.

(Code 1997, § 8.05.110; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.110. Term of permit.

A permit, other than a temporary permit, shall be valid for the period of 12 calendar months from the date of issuance.

(Code 1997, § 8.05.110; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.120. Existing permits.

- A. Existing permits shall be considered valid until their expiration. However, prior to expiration of the existing permit, permittee is required to make application pursuant to this chapter prior to the issuance of a new permit. Failure to obtain a new permit prior to the expiration of the existing permit shall be penalized as a failure to renew, as set forth in Section 8.05.130.
- B. Upon receipt of an application for a new permit, the Director shall issue the permit, upon approval of the activity, and upon payment of a fee. Under such circumstances, the Director shall compute the amount to be charged to cover the period of time between the expiration of the existing permit and the issuance of a new permit, in addition to the fee for the new period of 12 calendar months thereafter.

(Code 1997, § 8.05.120; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.130. Penalty charge.

Prior to expiration of a permit under this chapter, the permittee shall renew the permit in like manner to the issuance of a new permit. In the event the permittee fails to renew the permit prior to its expiration date, he or she shall then pay a penalty sum in an amount equal to two times the ordinary fee. Failure to obtain an initial permit will result in the penalty set forth in this section.

(Code 1997, § 8.05.130; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.140. Reserved.

Sec. 8.05.150. Temporary permit.

A person intending or proposing to conduct an activity regulated under this chapter on a temporary basis, may obtain a temporary permit from the Department of Environmental Management authorizing him or her to do so for a period not to exceed 90 days in any calendar year, upon application submitted and approved and upon payment of a fee equal to one-third of the annual fee for such activity (except public pools and spas, which pay the full amount of the fee without regard to the term of the permit).

(Code 1997, § 8.05.150; Ord. No. 3642, § 3(part), 1986; Ord. No. 5051, § 2, 4-18-2017)

Sec. 8.05.160. Separate activities.

When a person conducts more than one of the activities for which a permit is required under this chapter, he or she shall first obtain a separate permit for each activity.

(Code 1997, § 8.05.160; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.170. Rules and regulations.

The Director shall administer this chapter, and may issue rules and regulations to achieve efficient administration thereof, subject to approval of the Board of Supervisors by resolution. The rules and regulations shall become effective upon adoption by the Board of Supervisors of the resolution.

(Code 1997, § 8.05.170; Ord. No. 3642, § 3(part), 1986)

Sec. 8.05.180. Violation.

It is unlawful and a misdemeanor punishable according to the general penalties described in Chapter 1.24 for any person, firm, partnership, association, corporation or other entity to conduct any activity described in this chapter without a valid and subsisting permit hereunder where such permit is required, and each calendar day of conduct shall be a separate misdemeanor. At the discretion of the Community Development Department, or District Attorney, the violation may be reduced to an infraction with a maximum fine of \$500.00.

(Code 1997, § 8.05.180; Ord. No. 3831, § 2, 1988)