

RESOLUTION NO.: 2012-13
SUBJECT: 2013 Fee Schedule
EFFECTIVE DATE: November 19, 2012

RESOLUTION OF THE EL PASO COUNTY
BOARD OF HEALTH

WHEREAS, pursuant to Section 25-1-506(3)(b)(XI), C.R.S., the El Paso County Board of Health (“Board of Health”) has the power and duty to initiate and carry out health programs consistent with state law that are necessary or desirable to protect public health and the environment; and,

WHEREAS, pursuant to Section 25-1-508(5)(g), C.R.S., the Board of Health has the power and duty to adopt rules not inconsistent with the public health laws of this state; and,

WHEREAS, pursuant to Section 25-1-508(5)(j), the Board of Health has the power and duty to provide environmental health services, and to adopt fees to offset the cost of environmental health services, and other public health fees in El Paso County to carry out its powers and duties; and,

WHEREAS, El Paso County Public Health (“Public Health”) recommended that the Board of Health amend El Paso County Board of Health Regulations Chapter 3 Fee Schedule and Civil Penalties, Section 3.1: Fees, and Section 3.2: Retail Food Establishment Civil Penalties, by adoption of certain amendments for 2013, all as indicated in Attachment “A” hereto, and incorporated herein by reference; and,

WHEREAS, the Board of Health has conducted a public hearing on November 19, 2012, to consider amendments indicated in Attachment “A” and, has received and considered public comments relating thereto;

NOW, THEREFORE, BE IT RESOLVED BY THE EL PASO COUNTY BOARD OF HEALTH:

1. That fees, and other regulations, previously adopted by the Board of Health for fiscal year 2012 currently provided in El Paso County Board of Health Regulations, Chapter 3 Fee Schedule and Civil Penalties,

Section 3.1: Fees, and Section 3.2: Retail Food Establishment Civil Penalties, shall remain in effect through December 31, 2012.

2. That, thereafter, effective January 1, 2013, El Paso County Board of Health Regulations, Chapter 3 Fee Schedule and Civil Penalties, Section 3.1: Fees, and Section 3.2: Retail Food Establishment Civil Penalties, are hereby amended as provided in Attachment "A" hereto, and incorporated herein by reference.

MOVED, SECONDED AND ADOPTED BY THE EL PASO COUNTY BOARD OF HEALTH AT ITS REGULAR MEETING HELD NOVEMBER 19, 2012.

EL PASO COUNTY BOARD OF HEALTH

BY: _____
President

ATTEST: _____
Secretary

ATTACHMENT “A”

**REGULATIONS OF THE EL PASO
COUNTY BOARD OF HEALTH**

EL PASO COUNTY, COLORADO

Chapter 3

Fee Schedule and Civil Penalties

El Paso County Public Health

CHAPTER 3

FEE SCHEDULE AND CIVIL PENALTIES

SECTION 3.1: FEES

A. Effective January 1, 2013, the following fees are adopted by the Board of Health pursuant to Subpart 3 of Part 5 of Title 25, C.R.S., and shall be charged by Public Health for services indicated:

2013 FEE SCHEDULE	
SERVICE	FEE
Air Quality	
Construction Activity Permit (Per Six Months)	\$209 per six months
Body Art	
Body Art Infection Control Training	\$20.00 per attendee
Body Art Plan Review (including pre-operational inspections)	\$302.00
Body Art Establishment License	\$285.00
Temporary Event Fee	\$87.00 per vendor
Body Art Change in Ownership	\$176.00
Food Safety	
Food Handler Training	\$13.00 per attendee
Review of Potential Retail Food Establishment Site (1)	\$100.00 (non-refundable)
Preoperational/Change in Ownership Inspection (2)	\$125.00 (non-refundable)
RFE Plan Review Application	\$100.00 (non-refundable)
RFE Plan Review and Pre- opening Inspection	\$51.00 per hour not to exceed \$580.00
RFE Equipment/Product Review Application	\$100.00 (non-refundable)
RFE Equipment/Product Review	\$51.00 per hour not to exceed \$280.00
RFE HACCP Plan Review (Written) (3)	\$51.00 per hour not to exceed \$80.00
RFE HACCP Plan Review (Operational) (4)	\$51.00 per hour not to exceed \$200.00
RFE Other Services Requested	\$51.00 per hour

Individual Sewage Disposal System/Onsite Wastewater System (OWS)	
OWS Installer Exam/3-year License	\$125.00 per 3-year license
New Onsite Wastewater (OWS) Permit	\$440.00/permit + \$23.00 CDPHE Charge PLUS applicable fee for EPC Development Services Department Surcharge/Review Charge
OWS Return Trip Fee (5)	\$54.00 per hour
Major Repair OWS Permit (6)	\$494.00/permit
Minor Repair OWS Permit (7)	\$188.00/permit
OWS Variances	\$59.00 per hour (non-refundable)
Altered / Renewed OWS Permit	\$62.00 \$70.00 per permit
Pumper Truck Inspection (Systems Cleaner)	\$90.00 per truck
Recreational Water (Commercial Pools/Spas)	
Plan Review	\$241.00
Inspections – Year Around Pool/Spa	\$181.00
Inspections – Seasonal Pool/Spa	\$106.00
Follow-Up Inspections	\$49.00
Additional Body(s) of Water	\$25.00 per body of water
Additional Services Pool/Spa Program	\$49.00 per hour
Compliance and Enforcement	
Certificate of Non-Compliance Release	\$100.00
Administration	
Copy of State/Local Regulations	\$5.00 per copy
File Search	\$50.00 per search
Non-Sufficient Funds	\$30.00
Other Administrative Requested Services	\$30.00 per hour

- (1) An onsite evaluation of a potential retail food establishment location.
- (2) An onsite inspection of an approved retail food establishment that has undergone a change in ownership or an establishment that otherwise needs an onsite inspection prior to opening and for which changes to the facility do not meet the requirements of a plan review.
- (3) A written document, based on HACCP (Hazard Analysis Critical Control Point) principles developed by the National Advisory Committee on Microbiological Criteria for Food, which formally identifies specific hazards that can adversely affect the safety of a food product and proposes control measures to maintain food safety.
- (4) An observed process, based on HACCP principles developed by the National Advisory Committee on Microbiological Criteria for Food, that is conducted at an establishment and which formally identifies specific hazards that can adversely affect the safety of a food product and provides control measures to maintain food safety.
- (5) "Return Trip" is defined as a revisit to a property by a member of the EHS staff to complete an inspection of an OWS that was not ready or installed improperly for the inspection on the day and time of the request. The fee is based on an hourly rate including travel and inspection time by the EHS staff member.
- (6) Repair, alteration or addition to the absorption area.
- (7) Repair or replacement of any portion of the system from the structure to the absorption area with the exception of repair or replacement of tank baffles and collapsed lines as depicted in the as-built drawings on file at Public Health.

B. Failure to pay any fee required by subpart A. of this Section is an unlawful act and, except as otherwise provided by Section 2, is subject to the assessment of a civil penalty of not more than \$100 per day, until the fee is paid in full.

C. Effective January 1, 2013, the following Child Care Health and Sanitation Inspection fees are adopted by the Board of Health and shall be charged by Public Health for the services indicated:

2013 CHILD CARE HEALTH AND SANITATION INSPECTION FEES				
TYPE OF FACILITY	ROUTINE	PRE-OPERATIONAL (1)	FOLLOW-UP	ROOM CHANGE (2)
Child Care	\$143	\$143	\$82	\$64 plus pro-rated hourly rate
School Age (Before and After)	\$117	\$117	\$76	\$64 plus prorated hourly rate
Preschool	\$119	\$119	\$83	\$64 plus prorated hourly rate
Group Homes	\$124	\$124	\$93	\$64 plus prorated hourly rate
Residential Summer Camps	\$261	\$261	\$167	\$64 plus prorated hourly rate
Large Summer Camps	\$175	\$175	\$112	\$64 plus prorated hourly rate
Residential/Day Treatment Center	\$182	\$182	\$117	\$64 plus prorated hourly rate
Child Care Plan Review	\$86			

Definitions:

Routine inspections are conducted every two years per licensing guidelines for an existing facility.

Pre-operational inspections are required per licensing guidelines and are conducted upon request of the owner/operator prior to opening a new facility.

Follow-up inspections are conducted at the discretion of Public Health as a follow-up to a routine or pre-operational inspection to assure follow-up and compliance with critical violations and other health hazards identified during a prior routine or pre-operational inspection.

Room change inspections are required per licensing guidelines and are conducted at the request of the facility when room changes are being made.

(1) Pre-operational inspection fees shall be collected in advance of the scheduled visit.

(2) Costs associated with room changes - Inspection costs for room changes are directly related to the time needed to inspect all new rooms in an existing facility as required by licensing regulations. A base fee of \$64 applies to a 30 minute site inspection which includes additional associated costs such as mileage and travel time to the site, supplies and administrative time. Additional time required beyond a 30 minute site inspection will be charged at an hourly rate of \$46 per hour, accrued in 15 minute increments.

Other Notes:

1. All fees are on a per visit fee basis.
2. No fees will be assessed for complaint investigations or communicable disease investigation visits.
3. Public Health may require payment at time of service and may send outstanding account balances to collections.

SECTION 3.2: RETAIL FOOD ESTABLISHMENT CIVIL PENALTIES

A. Public Health shall assess penalties against retail food establishments for violations in accordance with the Colorado Food Protection Act.

B. To encourage compliance with the Colorado Food Protection Act, Public Health may allow the owner of a retail food establishment to use an assessed civil penalty fee, or any part thereof, to pay for employee training, or for the cost of needed improvements to the establishment.

C. Public Health may waive civil penalty fees, or any part thereof, upon a written request by the owner of a retail food establishment that demonstrates that any violations that caused the penalties to be assessed have been corrected, and that extenuating circumstances existed that reasonably justified the failure to achieve compliance in a timely manner.

D. Public Health is authorized to administratively impose these penalties in enforcement proceedings pursuant to the Administrative Hearing Procedure.

E. Each administrative enforcement proceeding, and any penalty imposed as a result thereof, is separate from, and cumulative to, any other enforcement proceeding or penalty imposed hereunder.