

	Manual: Environmental Health Services
	Number: 1000.004
Prepared By:	Original Policy Date: 06-5-96
Revised By: Vivian Nelson	Last Revision Date: 11-5-10
Authorized By: Gary Erbeck, Director	Page 1 of 2
TITLE: Operating Without a Valid or Expired Health Permit	

AUTHORITY:

The State of California Health and Safety Code and the County of Santa Barbara ordinances, governing the operation of a retail food facility, organized camp, sewage pumper truck or water system, without a valid health permit. (Health & Safety Code Section 113700 and County of Santa Barbara Ordinance Chap. 16, Sec. 16-23 retail food facilities, County of Santa Barbara Ordinance: Chap. 16, Sec. 16.26 organized camps, Chap 16, Sec. 16.40 pumper truck, Chap. 16, Sec. 16.26 and Health and Safety Code 116525, public water systems)

POLICY:

It is the policy of this division that in the event a facility is found operating with an expired, or non-existent health permit, enforcement action will be processed according to these procedures.

PROCEDURES:

- I. If any facility indicated above, is operating with an **expired** health permit, the following procedures apply:
 - A. Ten days following a permit expiration, a representative of the Environmental Health Accounting Section will contact the Facility Owner and:
 1. Verify that the information pertaining to facility owner, address, and status of facility is correct.
 2. Inform the owner that s/he has failed to renew the facility health permit and operating without a valid permit is illegal.
 3. Recommend the owner secure a valid health permit at the closest Environmental Health office.
 4. By way of the Change Form or Envision Report, notify the respective Supervisor(s) of all expired permits.
 - B. Twenty days following a permit expiration and if the facility owner continues to operate without a valid health permit, the district Environmental Health Specialist will advise the operator by telephone or in person that operating without a valid health permit will result in closure of the facility.
 - C. If the facility owner does not respond to the above and continues to operate without a valid health permit for a thirty day period, the Environmental Health Specialist shall

in coordination with his/her Supervisor, deliver a written Notice of Violation (NOV) to the operator. The NOV will inform the operator to immediately cease operations until a valid health permit is obtained.

- D. The Environmental Health Specialist, in consultation with his/her supervisor may delay issuing a NOV if documentation of extenuating circumstance exist warranting an extension of the thirty day period. It is the responsibility of the Specialist to adequately document the reasons for the delay on the Inspection Report and forward it to his/her Supervisor.
- II. If for any reason, a facility owner **fails to obtain** a valid health permit prior to beginning operations, the following procedures apply:
- A. When the Environmental Health Specialist finds that a facility has begun operation without a valid health permit, s/he shall, in coordination with his/her Supervisor, issue a written NOV to the operator to close and remain closed until a valid health permit has been issued.
 - B. The Environmental Health Specialist may delay issuing a NOV, in consultation with his/her Supervisor, if documentation of extenuating circumstances exist warranting an extension. It is the responsibility of the Specialist to adequately record the reasons for the extension and forward to his/her Supervisor.
- III. The business shall undergo review and evaluation by a representative of Environmental Health Services prior to being allowed to operate. The EH Specialist must direct the operator in writing to apply for a plan check as necessary for the business to meet minimum code requirements for operational and infrastructure compliance. The incident shall be fully documented and submitted to the supervisor.
- IV. If this is the first time that the owner has operated without a valid health permit, the health permit shall be required to be paid in full retroactive to the date of when the operation opened for business. If the owner or operator should have been reasonably aware of the requirement to obtain a health permit prior to opening for business due to owning a similar business in the county, or having previously been documented as operating a similar business without first obtaining a valid health permit, then in addition to the health permit fee, a penalty of not greater than three times the annual health permit fee shall be also assessed and paid by the operator prior to being issued a health permit, as determined by the Supervisor in consultation with the Director. Other penalties may also be applied, as determined by the Director.