

PROPOSED CHANGES TO PROPOSED ORDINANCE NO. 2017-16

Green: **Undisputed changes made in response to 9/26/17
Board direction and further negotiation**

Purple-strikeout: **Staff changes made in response to 9/26/17 Board
direction, and disputed by the Joint Haulers**

Blue-strikeout: **Joint Haulers' changes submitted on 10/16/17 but
not in response to 9/26/17 Board direction, and
disputed by staff**

Red: **Staff changes in response to disputed 10/16/17
Joint Haulers' revisions, and additional edits**

[Bracketed text]: **Staff comments**

ORDINANCE NO. 2017-16

(Solid Waste Collection and Transportation)

The Contra Costa County Board of Supervisors ordains as follows:

SECTION I. SUMMARY. This ordinance amends Chapter 418-2 of the County Ordinance Code to establish permit requirements for the collection and transportation of solid waste in the unincorporated area of Contra Costa County.

SECTION II. AUTHORITY. This ordinance is adopted pursuant to Article 11, section 7 of the California Constitution, Public Resources Code section 40059 and Vehicle Code section 21100.

SECTION III. Chapter 418-2 of the County Ordinance Code is amended to read:

Chapter 418-2 Solid Waste Collection and Transportation

418-2.002 Definitions.

For purposes of this chapter, the following words and phrases have the following meanings:

~~(a) “Applicable laws and regulations” means federal, state or local law, regulations, rules, ordinances and final administrative action that affect solid waste collection and transportation.~~ [Comment: Staff opposes this definition because it is excessive and unwarranted. As used in the ordinance, among other things, the definition would require permittees to comply with requirements that may not apply to them, and would give rise to a permit revocation for violations outside the County’s jurisdiction, even if operations under the permit conform to all applicable laws and regulations.]

~~(b)~~(a) “Solid waste” means all solid waste as defined in Public Resources Code section 40191 as may be amended from time to time.

~~(e)~~(b) “Solid waste facility” means a solid waste facility as defined in Public Resources Code section 40194 as may be amended from time to time. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.004 Permit requirement.

Effective ~~January~~**March** 1, 2018, [Comment: Staff will need more time to implement this ordinance, including outreach activities.] no person shall collect solid waste from any location in the unincorporated area and transport it over the public streets or highways of the unincorporated area except under a valid permit issued under this chapter, unless an exemption **under this chapter** applies. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.006 Territorial limits; solid waste types.

(a) A permit issued under this chapter authorizes the permittee to collect specified types of solid waste within a specified territory in the unincorporated area and to transport it over the public streets and highways of the unincorporated area, **in accordance with the terms and conditions of the permit.**

(b) A person may obtain a permit under this chapter to collect solid waste from territory in the unincorporated area only to the extent that another person does not have an exclusive privilege or right to collect that solid waste from that territory under a valid franchise agreement.

(c) A permit issued under this chapter does not authorize, and shall not be construed to authorize, the permittee to collect solid waste within territory in the unincorporated area when another person has an exclusive privilege or right to collect that solid waste within that territory under a valid franchise agreement.

(d) A permit issued under this chapter does not authorize, and shall not be construed to authorize, the collection and transport of solid waste within any incorporated area. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.008 Exemptions.

The requirement to obtain a permit under Section 418-2.004 does not apply to any of the following:

(a) The collection and transport of solid waste by the owner or occupant of the real property where the solid waste was generated.

(b) The collection and transport of solid waste that is generated on real property in the course of a service provided to the owner or tenant of that property by a building contractor or landscape contractor, if the solid waste is collected and transported by the contractor.

(c) The collection and transport of solid waste under a valid federal **or state permit if the federal or state permit requirement preempts the permit requirement under this chapter.**

(d) **The collection and transport of solid waste under a valid permit issued by the county under Chapter 413-3 or by** [Comment: Septage haulers must have environmental health permits. Staff does not see the need to subject these haulers to dual permit requirements.] **a sanitary district, community services district, or joint powers authority with jurisdiction over solid waste handling.**

(e) The collection and transport of solid waste **by the franchisee** under a valid franchise agreement.

(f) ~~The collection and transport of solid waste generated at a manufacturing plant.~~ **The collection and transport of solid waste generated at a manufacturing plant.** [Comment: Staff revised this subsection in response to the Board's 9/26/17 direction. The previous language provided an exemption for the collection and transport of solid waste generated in a "mechanized manufacturing process." The Board determined that the term needed to be defined. The Joint Haulers were to provide a definition but instead deleted the entire exemption. The deletion was not consistent with the Board's direction, so staff reinserted its revision (now in red). The revised language would exempt the collection and transport of all solid waste generated at a manufacturing plant. This provision is included in a revised ordinance recommended for adoption. See 11/14/17 Board Order for additional discussion about this exemption.]

(g) ~~The collection and transport of solid waste not collected and transported by a franchised hauler pursuant to a franchise agreement that is generated at a publicly operated treatment works.~~ [Comment: Staff objects to the hauler's proposed edit to this exemption because it is too vague. A non-franchised hauler who services a publicly operated treatment works would not know, based on the terms of this ordinance, whether or not a permit was required. This could lead to enforcement challenges for the County. The revision by the Joint Haulers was also not consistent with the Board's 9/26/17 direction.]

(h) ~~The collection and transport of source-separated recyclable material.~~ **The collection and transport of source-separated recyclable material.** [Comment: The joint haulers' deletion of this exemption was not consistent with the Board's direction, so staff has reinserted the same language. The Joint Haulers offered to, but did not provide, a definition for use in clarifying this exemption. See 11/14/17 Board Order for additional discussion about this exemption.] (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.010 Application.

(a) A person may apply for a solid waste collection and transportation permit by submitting an application to the Contra Costa County Health Services Department, Environmental Health Division, and paying an application fee established by the board by resolution. The application must be made using a form approved by the health officer and include all of the following:

(1) The full **legal** name, address and telephone number(s) of the applicant, ~~including full legal name of applicant and type of business together with any fictitious business name statement(s), articles of incorporation, certificates of partnership or limited partnership,~~

~~copies of business licenses.~~ **If the applicant is a sole proprietor who will operate under a fictitious business name, the applicant must provide a copy of a valid fictitious business name statement for the business. If the applicant is a business entity, the applicant must provide written documentation that the entity may lawfully conduct business in the unincorporated area.** [Comment: Staff proposes the change in red, which articulates the kind of information that would be relevant to the application process.]

(2) Identification of all ~~equipment and~~ [Comment: Staff finds the term “equipment” to be overbroad and vague. It is not clear how non-vehicular equipment could be specifically identified.] vehicles proposed to be used in the collection and transport of solid waste under the permit, including legible copies of valid California registration cards for each vehicle, ~~license plate number for each vehicle, vehicle identification number(s) (VIN), type of vehicle, number of axles~~ [Comment: The deleted text is not necessary, because it lists types of information that are provided on vehicle registration cards. ~~and identification of specific vehicles using roll off boxes or containers.~~ [Comment: Staff objects to the wording but not the substance of this change by the Joint Haulers. Staff has substituted acceptable language in red below, which would require all vehicles equipped to provide drop-off services to be called out, even if drop box services are not proposed.] **If any of the above vehicles is equipped to provide drop box services, that information must also be provided.**

(3) **Proof of possession of a valid motor carrier identification number in good standing issued under California Vehicle Code section 34507.5, if applicable.**

(4) **Identification** of all individuals who will operate any of the vehicles described in Section 418-2.010(a)(2) **and written documentation of their** legal authority to operate those vehicles, including legible copies of valid California driver’s licenses.

(5) Identification of the types of solid waste to be collected and transported.

(6) Identification of the types of locations where solid waste will be collected.

(7) Identification of the specific territory to be served.

(8) Identification of the location(s) to which the solid waste will be transported.

(9) A description of any services to be provided to a customer related to the collection and transport of solid waste for that customer.

~~(10) Evidence of liability insurance policy for purposes of compliance with Section 418-2.018(b).~~ [Comment: A requirement that a permit applicant have insurance at the application stage is unwarranted. An applicant may wish to make sure it is feasible to obtain a permit before committing resources to obtain this insurance. Insurance that is effective at the time of permit issuance is sufficient from the standpoint of public protection.]

(b) A copy of the application will be provided by the health officer to the director of the department of conservation and development for review to determine whether any other person has obtained an exclusive right or privilege from the county to collect and transport the same type of solid waste described in Section 418-2.010(a)(5) from the same territory described in Section 418-2.010(a)(7). The review will be conducted and completed no later than 30 calendar days following the date that the application is submitted.

(c) A copy of the application will be provided by the health officer to local public agencies that have jurisdiction over solid waste handling within the territory described in Section 418-2.010(a)(7), including sanitary districts and community services districts, for review to determine whether any other person has obtained an exclusive right or privilege from the agency to collect

and transport the same type of solid waste described in Section 418-2.010(a)(5) from the same territory described in Section 418-2.010(a)(7). (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.012 Vehicle inspections.

(a) All vehicles proposed to be used for collection and transport of solid waste under a permit issued under this chapter shall be made available for inspection by the health officer.

(b) Before a new or renewed permit is issued under this chapter, the health officer shall inspect all vehicles proposed to be used for collection and transport of solid waste under the permit to determine compliance with the following minimum standards:

(1) The vehicle must be designed, constructed and configured for safe handling and to securely contain the type of solid waste proposed to be collected; and

(2) The vehicle must be prominently marked with the name and telephone number of the applicant. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.014 Permit issuance; grounds for denial.

(a) After receipt of an application, ~~and~~ payment of a permit fee established by the board by resolution, ~~and a valid certificate of liability insurance issued to the applicant that conforms to the coverage requirement set forth in Section 418-2.018(b),~~ [Comment: Staff inserted in this language to take the place of the Joint Haulers' recommended revision, which would require the insurance to be in place at the time of submission of an application. This language would require an applicant to provide proof of liability insurance coverage prior to permit issuance, but affords the applicant the option of waiting until just before permit issuance to provide that documentation. An applicant who already has insurance -- such as a permittee who is seeking a permit renewal -- could also opt to provide it at the time of application.] and following the review ~~by the director of the department of conservation and development opportunities provided~~ under Sections 418-2.010(b)-(c), [Comment: This change clarifies that a permit is not issued until after DCD and other local agencies have had a chance to comment. DCD must perform that review within 30 days. Other local agencies will be given a similar period of time in which to respond voluntarily.] the health officer shall issue a solid waste collection and transportation permit ~~to the applicant~~ unless any of the following grounds for denial exists:

(1) The director of the department of conservation and development or a local public agency identified in Section 418-2.010(c) advises the health officer that another person has an exclusive right or privilege to collect ~~and transport the same all of the~~ types of solid waste described in Section 418-2.010(a)(45) ~~from within~~ the same territory described in Section 418-2.010(a)(7). [Comment: During negotiations with the Joint Haulers following the Board's September 26 meeting, there was preliminary agreement to change the phrase "the same type of solid waste described in . . ." to "one or more of the types of solid waste described in . . ." This change was erroneous, in that it would have compelled denial of issuance of a permit if one of the Joint Haulers collected just one of the types of waste that an applicant proposed to collect in franchise territory. The revised language clarifies the intended process, which is to deny issuance of a permit under this subsection if the applicant proposes to collect only waste types collected by a franchised waste hauler in only the franchise territory. A revision to Section 418-2.016(a)(6), below, provides additional clarification.]

(2) The application is incomplete or inaccurate.

(3) A permit issued to the applicant under this ~~S~~section has been revoked within 12 months prior to the date of the application.

(4) The applicant has failed to pay an outstanding fine.

(5) The health officer determines that a vehicle proposed to be used in the collection and transport of solid waste under the permit does not conform to the minimum standards set forth in Section 418-2.012(b).

(b) The health officer shall provide written notice to the applicant of any denial of a permit under this chapter and the reasons for the denial. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.016 Terms and Conditions.

(a) Terms. A permit issued under this chapter will include ~~a requirement for~~ [Comment: The word “requirement” is not appropriate here. The permit will state, not require, the terms that follow.] **all of the following:**

(1) Identification of the permittee ~~as described in Section 418-2.010(a)(1).~~ [Comment: In lieu of the citation to Section 418-2.010(a)(1), which refers to the name of the applicant, a change was made to Section 418-2.014(a) to clarify that the applicant will be the permittee.]

(2) Identification of all equipment, including vehicles, [Comment: Non-vehicular equipment cannot be identified by license plate or VIN, and it is not clear how they could be specifically identified. The Joint Haulers did not provide a reason why they desire this provision to apply to other equipment, or what they meant by the term equipment. The matter was not raised before the Internal Operations Committee. See also comment on Section 418-2.010(a)(2).] **by license plate and VIN-vehicle identification numbers, that may be used under the permit** ~~as described in Section 418-2.010(a)(2).~~ [Comment: Staff deleted the reference to Section 418-2.010 because it is erroneous. That section describes preliminary information about the operations that the applicant seeks to conduct under the permit. The operation actually allowed under a permit – including the list of authorized vehicles -- may be more restrictive than the operation described in the application. ~~Permittee shall have signage or placarding on any container utilized in the collection and transportation of solid waste, stating the permittee’s name, contact information and permit number, clearly and legibly marked on the container.~~ [Comment: Although staff finds the state regulations to be adequate with regard to container markings, staff is willing to consider including a container marking requirement in this ordinance. However, staff does not agree to this language, or its placement here, since this requirement would more properly be considered a permit condition than a term. See Section 418-2.016(b)(7) for a revised requirement.]

(3) Identification of all individuals who may operate the vehicles described in Section 418-2.016(a)(42) under the permit.

(4) Identification of all types of solid waste that may be collected and transported as described in Section 418-2.010(a)(5) [Comment: Staff deleted the reference to Section 418-2.010 because it is erroneous. That section describes preliminary information about the operations that the applicant seeks to conduct under the permit. The description of authorized waste types under the permit may be more restrictive than the waste types proposed in the application, particularly if the applicant proposes to operate in an area where a franchised waste hauler operates.] **under the permit and, if applicable, the specific**

services that must be provided to customers in connection with the collection of specified types of solid waste.

(5) Identification of all types of locations where specified types of solid waste may be collected under the permit ~~as described in Section 418-2010(a)(6)~~. [Comment: Staff deleted the reference to Section 418-2.010 because it is erroneous. That section describes preliminary information about the operations that the applicant seeks to conduct under the permit. The description of authorized locations where solid waste may be collected under the permit may be more restrictive than the waste types proposed in the application, particularly if the applicant proposes to operate in an area where a franchised waste hauler operates.]

(6) Identification of the specific territory within which the permittee may collect ~~specified types of solid waste under the permit as described in Section 418-2010(a)(7)~~. [Comment: Staff deleted the reference to Section 418-2.010 because it is erroneous. That section describes preliminary information about the operations that the applicant seeks to conduct under the permit. The description of the territory where solid waste may be collected under the permit may be more restrictive than the territory proposed in the application, particularly if the applicant proposes to operate in an area where a franchised waste hauler operates.] **If another person has an exclusive privilege or right under a valid franchise agreement to collect a specified type of solid waste identified by the permit, the territory within which the specified type of solid waste may be collected will not include any portion of the franchise territory.** [Comment: Staff added this sentence to clarify that a permit will not authorize waste hauling activities that infringe upon the rights of a franchised waste hauler. If an applicant proposes to collect the same type of waste as a franchised waste hauler in territory that overlaps the franchise area, the territory proposed by an applicant would need to be reduced to exclude the franchise areas.]

(7) Effective and expiration dates of the permit.

~~(8) Permittee to carry proof of insurance in any hauling vehicle as required by Section 418-2.018(b).~~ [Comment: Staff deleted the above language because it is misplaced. The permit conditions subsection is the better place to include a requirement to carry proof of liability insurance. A new provision has been included below (see Section 418-2.016(b)(6).)]

(b) **Conditions.** The following requirements are conditions of operation under a permit issued under this chapter:

(1) The permittee must comply with all ~~A~~applicable laws and regulations. [Comment: See comment on the proposed definition of “Applicable laws and regulations” in Section 418-2.002.]

(2) A copy of the permit must be kept in each **motorized** vehicle [Comment: **It is not practical to store paperwork in vehicles that are not motorized, such as trailers.**] used for solid waste collection and transportation under the permit and produced immediately in response to a demand of the health officer or any peace officer.

~~(c) All solid waste must be transported only to:~~

~~—— (1) A solid waste facility that is lawfully operated under all required state and local permits, registrations and enforcement agency notifications; or~~

~~—— (2) A recycling facility that, as its principal function, receives wastes that have already been separated for reuse and are not intended for disposal, and is lawfully operated in accordance with all Applicable laws and regulations.~~ [Comment: The deleted

language above no longer belongs in the permit conditions section. In negotiations, staff and the Joint Haulers agreed to move this requirement into the prohibitions section below (Section 418-2.024), so that it would apply to all persons subject to the permit requirement and not just permittees.]

(3) Each **motorized** vehicle used for solid waste collection or transportation under the permit must prominently display, on **both sides and** the rear of the vehicle, a permit decal issued by the health officer. **[Comment: Decals on trailers are not necessary for enforcement purposes, because they will need to be pulled by motorized vehicles that will need to display decals. The Internal Operations Committee did not direct a decal requirement for trailers to be included in the ordinance.]**

(4) Each **motorized** vehicle used for solid waste collection or transportation under the permit must be marked with the name and telephone number of the permittee. Markings must be in sharp contrast to the background and of such size as to be readily visible during daylight hours from a distance of 50 feet. Markings must be applied to each sidewall of a **motorized** vehicle. **[Comment: There is a separate marking requirement applicable to trailers and containers. See Section 418-2.016(b)(7).]**

(5) Each vehicle used for solid waste collection or transportation under the permit must be regularly cleaned and maintained to prevent the creation of a nuisance.

(6) **In each vehicle described in Section 418-2.016(b)(2), the permittee shall carry proof of liability insurance coverage in the amounts set forth in Section 418-2.018(b).** **[Comment: Provision added here in lieu of Joint Haulers' proposed 418-2.016(a)(8).]**

(7) **Each container of one cubic yard or more that is used by the permittee and used in the course of operations under the permit must be marked with the name and telephone number of the permittee. All containers must be maintained in a clean and sound condition. For the purposes of this subsection, containers include trailers but do not include motorized vehicles.** **[Comment: Staff drafted this new container marking requirement to replace language proposed by the Joint Haulers in Section 418-2.016(a)(2). Staff is amenable to a container marking requirement that is consistent with state regulations.]**

(8) The permittee must maintain, on a rolling basis, original records showing, for the immediately preceding 12 months, the type and weight of all solid waste collected, the location where each load of solid waste was collected, and the disposal site or other final destination of each load collected. Copies of these records must be submitted to the health officer upon request.

(9) The permittee must submit quarterly reports to the health officer showing the type and weight of solid waste collected, the location where solid waste was collected, and the disposal site or other final destination of, **and solid waste or recycling facility receipt number for,** each load collected.

(Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.018 Bond and Insurance Requirements.

(a) A permittee must file with the county and maintain until permit expiration a performance bond or equivalent security of the type and in the amount set by the board by resolution.

(b) **A permittee must have and maintain until permit expiration liability insurance coverage with limits of no less than \$1 million per claim and \$1 million in the aggregate.** **[Comment: Previous language proposed by the Joint Haulers and presented to the Board,**

which would have required a permittee to provide evidence of insurance coverage and carry it in hauling vehicles, would have conflicted with the Joint Haulers' more recent suggestion to require that information to be provided at the time of application, as well as with staff's recommendation that proof of insurance be provided before a permit is issued but not at the time of application. The revision above would impose a requirement for a permittee to be covered by liability insurance for the entire term of a permit. Other proposed revisions will require evidence of that coverage to be provided prior to permit issuance and carried in hauling vehicles.] (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.020 Permit expiration and renewal.

(a) A permit issued under this chapter remains valid until the permit expires or is revoked under Section 418-2.022.

(b) A permit expires on the last day of December unless it is renewed prior to expiration. A permittee may apply for renewal of the permit by submitting an application that conforms to the requirements set forth in Section 418-2.010 and payment of a permit fee established by the board by resolution. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.022 Revocation.

(a) Grounds. A permit issued under Section 418-2.014 may be revoked by the health officer in accordance with the procedure set forth in this section if the health officer determines that:

(1) The permittee has failed to comply with a term or condition of operation under the permit ~~following written notice and a reasonable opportunity to cure the violation;~~

[Comment: The Joint Haulers added the language above after it had already been deleted by staff. It is not known why the Joint Haulers reinserted it. Staff has determined this requirement to be unnecessary.]

(2) ~~If~~ The permittee's conduct under the permit constitutes a nuisance; or

(3) During the permit period, the permittee collected and transported solid waste in territory where another person had a concurrent [Comment: The Joint Haulers' 10/16/17 proposed revisions deleted the word "concurrent." Staff has reinserted the word because it is necessary in this context. The exclusive right or privilege must exist at the same time as the collection and transport of solid waste in the described territory in order to create cause for revocation.] exclusive right or privilege under a valid franchise agreement to collect and transport that solid waste. In evaluating the evidentiary basis for a revocation under this subsection, the health officer and, in the event of a hearing, the fact-finder, will do both of the following:

(A) Determine the nature and extent of exclusive rights and privileges under a franchise agreement based on the terms of the agreement, the franchisor's written interpretation of the agreement, if submitted, and any other relevant evidence; and

(B) Give great weight to ~~the franchisor's written interpretation of its franchise agreement and/or evidence of a franchisor's written interpretation of its franchise agreement and/or a final written administrative or judicial determination in which the permittee was found to have collected and transported solid waste in territory where another person had an exclusive right or privilege under a valid franchise agreement to collect and transport that solid waste.~~ performed the act upon which the revocation is based. [Comment: Subsections (3)(A)-(B) were drafted in response to the Board's direction, after the Joint Haulers expressed the desire that a permittee's wrongful conduct

under a permit not be “relitigated” if it had already been the subject of other official action. Evidence needed to support a revocation under Subsection (3) will include evidence of the franchise agreement’s terms and evidence of the permittee’s conduct. Subsection (3)(A) was drafted to specifically focus on the franchise agreement’s terms. Subsection (B) addresses the permittee’s conduct. The Joint Haulers’ proposed changes to subsection (3)(B) are misplaced and confusing.]

(b) Notice. The health officer will provide written notice of intent to revoke a permit to the permittee at the address provided on the permittee’s application. The notice will state all applicable grounds for the revocation and the permittee’s right to a hearing under this section.

(c) Hearing. Within 15 days after the date of the notice of intent to revoke, the permittee may request a hearing before the **director of environmental health** by completing and submitting a written hearing request form and paying a fee established by the board by resolution. The hearing will be held no sooner than 20 days and no later than 45 days following the date of the written request for hearing.

(d) Effective date. If no hearing is timely requested, the revocation is effective 15 days after the date of the notice of intent to revoke. If a hearing is held, a revocation order issued by the health officer will be effective when the time to appeal under Chapter 14-4 expires, unless an appeal to the board is timely filed under Chapter 14-4. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.024 Prohibitions.

(a) No person shall engage the service of a person for compensation to collect solid waste from any location in the unincorporated area and transport it over a public street or highway in the unincorporated area unless the person whose service is engaged has obtained and operates in compliance with a permit issued under this chapter or is exempt from the permit requirement **under this chapter.**

(b) No person subject to the permit requirement in this chapter shall transport solid waste to any location other than:

(1) A solid waste facility that is lawfully operated under all required state and local permits, registrations and enforcement agency notifications; or

(2) A recycling facility that, as its principal function, receives wastes that have already been separated for recycling and are not intended for disposal, and is lawfully operated in accordance with all applicable laws and regulations. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.026 Investigations.

Whenever it is necessary to inspect a vehicle or other property to enforce the provisions of this chapter, or whenever the health officer has cause to believe that there exists on any property any violation of this chapter, the health officer may enter the property to inspect and gather evidence or perform the duties imposed on the health officer by this chapter. Entry may be made at any reasonable time upon advance notice to the owner or occupant of the property. If entry is refused, the health officer is authorized to proceed pursuant to Code of Civil Procedure section 1822.50 and following, as may be amended from time to time, and any and all other remedies provided by law to secure entry. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

418-2.028 Construction.

Nothing in this chapter shall be construed in a manner that conflicts with Vehicle Code section 21100, subdivision (b), as may be amended from time to time. (Ords. 2017-16 § 3, 91-26, 88-49, 82-42, 1443.)

SECTION IV. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published in the East Bay Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code section 25124, with the names of the supervisors voting for and against it.

PASSED on _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: David J. Twa, Clerk of the Board
of Supervisors and County Administrator

By: _____
Deputy

Board Chair

[seal]

LW/

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