

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR COMPLIANCE WITH STATE AND LOCAL PUBLIC HEALTH ORDERS AND TO ASSIST LOCAL BUSINESSES AND MEMBERS OF THE PUBLIC DURING THE CONTINUING PUBLIC HEALTH EMERGENCY

WHEREAS, the Board of Supervisors is empowered by Article XI, Section 7 of the California Constitution, with police power authorizing the Board to take actions determined to be necessary to protect public health, welfare and safety; and

WHEREAS, the County of Lake is complying with all State orders, State directives and Public Health Officer orders to address the current health emergency, for purposes of keeping as many Lake County residents as possible safe from COVID-19 infection; and

WHEREAS, as the County of Lake implements the process of reopening its economy and loosening public restrictions in accordance with and in compliance with applicable State regulations and directives, it is imperative to address the significant concerns of the public that the requirements which accompany this process are adhered to; and

WHEREAS, to ensure compliance with this process it is necessary for the County to provide local businesses and the public with education, training, and compliance assistance to ensure, to the extent possible, the successful reopening of the County of Lake without any undue risk to public health and safety; and

WHEREAS, although the vast majority of the local businesses and the public will work collaboratively with County and City officials to ensure this reopening complies with existing state and local public health orders, this Board believes that a deterrent must be established to those who violate said orders and who put the health of the general public at risk.

NOW, THEREFORE, THE LAKE COUTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

Section One: The above recitals are true and correct, are incorporated hereby by reference and hereby establish the factual basis supporting the adoption of this Ordinance.

Section Two: The Board hereby establishes that the County Public Health Department shall offer training, information, and other assistance to local businesses and members of the public as necessary in order to foster compliance with state and local public health orders and the County's reopening plan during this period of the gradual reopening of the County of Lake. Additional qualified employees may be hired temporarily if necessary. Additionally, qualified existing County employees not presently able to return to work shall be given the opportunity to perform such work on behalf of the Public Health Department under the direction of the Public Health Officer.

Section Three: In those rare instances where members of the public and/or local businesses reject offers of assistance and refuse to take corrective action to attain compliance with state and local public health orders and the County's reopening plan, a Notice of Violation may be issued by the Public Health Officer or his designee. Examples of violations include, but are not limited to: (1) a business operating when that business sector has been ordered closed, (2) failure to adhere to masking requirements, (3) failure to adhere to social distancing requirements, or (4) failure to adhere to mandated hygiene requirements.

a. Enforcement Authority. The Public Health Officer shall have the authority and powers necessary to determine whether a violation exists of this Ordinance, state and local public health orders, and/or the County's reopening plan and the authority to take appropriate action to gain compliance with the provisions of this Ordinance. Said authority and powers include the power to issue Notices of Violation and the power to enter and inspect public and private property.

b. The Public Health Officer and/or his designee(s) when acting under the Public Health Officer's direction, is/are authorized to enter upon any property or premises to ascertain whether there are violations of this Ordinance, local or state public health orders, and/or the County's reopening plan to inquire as to compliance concerns and/or issues. All such inquiries shall be made in a reasonable manner. If the property owner or other responsible person refuses permission to enter or inspect, the Public Health officer may seek an administrative inspection warrant pursuant to the California Code of Civil Procedure.

c. Notice of Violation: Upon determining that a violation exists and that correction efforts have been made but were unsuccessful, the Public Health Officer may issue to the person committing said violation a Notice of Violation and Order to Correct. Said notice may be made by personal service or by mail. The notice of violation shall contain:

1. The name and address of the violator;
2. A statement that a determination has been made that a violation of this Ordinance and/or existing state or local public health orders exists and the conditions constituting each and every violation;
3. A specified time period of not less than ____ days from receipt of the Notice of Violation within which the violation must be corrected. However, the Public Health officer may require immediate correction of a violation if the violation creates an immediate danger to the health and safety of a person or persons.
4. A statement advising the violator that in the event the violation is not corrected by the expiration of the time specified in the Notice of Violation the violators may be subject to penalties pursuant to State and local law.
5. A statement that the violator affected by the Notice of Violation may, within ____ calendar days after delivery or service of the Notice of Violation, request in writing administrative review to the Board of Supervisors of the findings and determinations in the Notice of Violation.
6. If the Public Health Officer determines that all reasonable efforts are being made to correct the violation, he or she may grant an additional period of time for correction of the violation.
7. Administrative Appeal: Any person upon whom a Notice of Violation is served may request administrative appeal of the findings and/or determinations, set out in the Notice of Violation pursuant to procedures set forth in Section 13-53 of the Lake County Code.
8. Enforcement: When a Notice of Violation has been issued and until it is rescinded, in addition to any penalties that may be imposed pursuant to existing law, the County may withhold issuance of licenses, permits and other entitlements to the property owner on any project, property or application of any kind. Additionally, the Notice of Violation shall be posted on the County's Internet Web Site for public review.

Section Four: It can be seen with certainty that there is no possibility this Ordinance may have a significant effect on the environment.

Section Five: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict and no further.

Section Six: This Ordinance shall take effect 30 days after adoption of its adoption.

The Foregoing Ordinance was passed and adopted by the Board of Supervisors on the ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT OR NOT VOTING:

COUNTY OF LAKE

Chair, Board of Supervisors

ATTEST: Carol J. Huchingson
Clerk of the Board

By: _____
Deputy Clerk

APPROVED AS TO FORM;

Anita L. Grant
County Counsel