

## **ORDINANCE 2013-\_\_\_\_\_**

### **AN ORDINANCE AMENDING TITLE 17 OF THE GENERAL ORDINANCE CODE OF THE COUNTY OF ALAMEDA REGULATING THE PLACEMENT OF UNATTENDED COLLECTION BOXES**

The Board of Supervisors of the County of Alameda ordains as follows:

#### **SECTION I**

In enacting this ordinance, the Alameda County Board of Supervisors makes the following findings:

1. The Alameda County Planning Department did submit to this Board of Supervisors ("Board") its report recommending that the Board amend the Alameda County General Ordinance Code to regulate unattended collection boxes in Unincorporated Alameda County.
2. The Alameda County Planning Commission did hold five public meetings and hearings on the proposed Ordinance on the October 15, November 5 and December 17, 2012 and February 4, and March 4, 2013 at the County of Alameda, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law, and at which time the Commission took public testimony.
3. The Alameda County Planning Commission did review this draft Ordinance in accordance with the provisions of the California Environmental Quality Act, and considered an exemption under Section 15061(b)(3).
4. This Board did hold a public hearing on the Unattended Collection Box Ordinance of Alameda County at the hour of 1:00 PM on Tuesday the 7th day of May 2013, in the Board Chambers, County Administration Building, 1221 Oak Street, Oakland, for which notice was given as required by law and at which the Board took public testimony.
5. This Board did review this Ordinance amendment in accordance with the provisions of the California Environmental Quality Act (CEQA). Under Section 15061(b)(3) of CEQA, as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
6. It is the finding of this Board that the approval of the Unattended Collection Box Ordinance is in the public interest for the reasons that it would establish a discretionary review process intended to reduce blight and public health or safety hazards.

#### **SECTION II**

Section 17.04.010 of the General Ordinance Code of the County of Alameda is amended by adding the following definition:

## UNATTENDED COLLECTION BOXES

"Unattended Collection Box" means any unattended container, receptacle, or similar device that is located on any property within unincorporated Alameda County, used for soliciting and collecting items of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable materials governed or regulated pursuant to the Alameda County General Ordinance Code.

### SECTION III

Section 17.08.040 of Title 17 of the General Ordinance Code of the County of Alameda is amended to read as follows:

#### **17.08.040 - Conditional uses.**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in an R-1 district, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. Parking lot, only when established to fulfill the residential parking requirements of this title for a use on an abutting lot or lots;
- D. Plant nursery or greenhouse used only for the cultivation and wholesale of plant materials;
- E. Medical or residential care facility for seven (7) or more persons per unit as regulated in Section 17.54.133 (Conditional Uses- Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- F. Licensed transitional or supportive housing for seven (7) or more persons per unit as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- G. Mobilehome parks subject to the provisions provided in sections 17.52.1000 to 17.52.1065; and
- H. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

### SECTION IV

Section 17.10.030 of the General Ordinance Code of the County of Alameda is amended to read as follows:

#### **17.10.030 - Conditional uses.**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in R-2 districts, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. Parking lot, only when established to fulfill the residential parking requirements of this title for a use on an abutting lot or lots;
- D. Plant nursery or greenhouse used only for the cultivation and wholesale of plant materials;
- E. Medical or residential care facility for seven (7) or more persons per unit as regulated in Section 17.54.133 (Conditional Uses- Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- F. One dwelling or a dwelling group containing altogether not more than three dwelling units, where the lot has an area not less than seven thousand five hundred (7,500) square feet;

## UNATTENDED COLLECTION BOXES

- G. Licensed transitional or supportive housing for seven (7) or more persons per unit as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- H. Mobilehome parks subject to the provisions provided in sections 17.52.1000 to 17.52.1065; and
- I. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

## SECTION V

Section 17.12.040 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.12.040 - Conditional uses—Board of zoning adjustments.**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in R-S districts, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. Parking lot, as regulated in Section 17.08.040C;
- D. Plant nursery or greenhouse used only for the cultivation of plant materials;
- E. Medical or residential care facility for seven (7) or more persons per unit as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- F. Mobilehome parks, as regulated by Chapter 17.52, Sections 1000-1065, of this title;
- G. Licensed transitional and supportive housing for seven (7) or more persons per unit as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities); and
- H. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

## SECTION VI

Section 17.14.030 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.14.030 - Conditional uses—Board of zoning adjustments.**

In addition to the uses listed for Sections 17.52.480 and 17.52.580, the following are conditional uses in R-3 districts, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Community clubhouse;
- C. Medical or residential care facility for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- D. Plant nursery, or greenhouse used only for the cultivation of plant materials;
- E. Parking lot, as regulated in Section 17.08.040C;
- F. Licensed transitional and supportive housing for seven (7) or more persons per unit as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);

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- G. Mobilehome parks subject to the provisions provided in sections 17.52.1000 to 17.52.1065; and
- H. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

## SECTION VII

Section 17.16.030 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.16.030 - Conditional uses—Board of zoning adjustments.**

In addition to the uses listed for Sections 17.52.480 and 17.52.580, the following are conditional uses in an R-4 district, and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Parking lot, as regulated in Section 17.08.040C;
- C. Clubhouse;
- D. Medical or residential care facility for seven (7) or more persons as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- E. Boarding house;
- F. Fraternity or sorority house, accredited by an institution of higher learning;
- G. Single room occupancy facility subject to the provisions of 17.54.134 (Conditional Uses - Single Room Occupancy (SRO) Facilities);
- H. Licensed transitional and supportive housing for seven (7) or more persons per unit as regulated in Section 17.54.133 (Conditional Uses- Residential, Medical Care, Transitional and Supportive Housing Facilities);
- I. Mobilehome parks subject to the provisions provided in sections 17.52.1000 to 17.52.1065; and
- J. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

## SECTION VIII

Section 17.34.025 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.34.025 - Conditional uses—Planning commission.**

The following are conditional uses and shall be permitted in a C-O district only if approved by the planning commission, sitting as a board of zoning adjustments, as provided in Sections 17.54.135 and 17.34.010:

- A. Church, library, school, hospital, clinic;
- B. Clubhouse, or rooms used by members or an organized club, lodge, union or society; and
- C. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

## SECTION IX

Section 17.38.030 of the General Ordinance Code of the County of Alameda is amended to read as follows:

## UNATTENDED COLLECTION BOXES

### **17.38.030 - Conditional uses—Board of zoning adjustments.**

The following are conditional uses in C-1 districts and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Community facility;
- B. Animal hospital, kennel;
- C. Clubhouse, or rooms used by members of an organized club, lodge, union or society;
- D. Mortuary;
- E. Commercial recreation facility other than a theater, if within a building;
- F. Storage garage, and storage lots for recreational vehicles and boats;
- G. Theater, drive-in theater;
- H. Drive-in business;
- I. Hotel, motel, boarding house;
- J. Automobile sales lot;
- K. Service station, Type A; or a facility retailing automotive parts and supplies which are installed and serviced on the site but does not include, engine, transmission or differential rebuilding or body repair;
- L. Plant nursery including the sale of landscaping materials, excluding wet-mix concrete sales providing all equipment, supplies, and merchandise other than plant materials are kept within a completely enclosed building;
- M. Tavern;
- N. Massage parlor;
- O. Recycling centers, when operated in conjunction with a permitted use on the same premises;
- P. Advertising signs, provided that no single sign shall be flashing or intermittent, contain moving parts or be located so as to be directed towards lands in any adjacent R district, except pursuant to Section 17.52.515(A)3 and in conformance with Section 17.54.226;
- Q. In-patient and out-patient health facilities as licensed by the State Department of Health Services;
- R. Tattoo studio;
- S. Alcohol outlet;
- T. Firearms sales;
- U. Beauty school or business school; and
- V. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

## SECTION X

Section 17.40.030 of the General Ordinance Code of the County of Alameda is amended to read as follows:

### **17.40.030 - Conditional uses—Board of zoning adjustments.**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are conditional uses in C-2 districts and shall be permitted only if approved by the board of zoning adjustments as provided in Section 17.54.130:

- A. Animal hospital, kennel;
- B. Mortuary;
- C. Community facility;
- D. Drive-in theater, drive-in business; recreation facility;
- E. Service station, Type A and Type B;

## UNATTENDED COLLECTION BOXES

- F. Automobile, camper, boat and trailer sales, storage or rental lot;
- G. Plant nursery including the sale of landscaping materials, excluding wet-mix concrete sales, providing all equipment supplies and merchandise other than plant materials are kept within a completely enclosed building;
- H. Auto sales and service agency;
- I. Advertising sign, provided that no single sign shall exceed three hundred (300) feet in area and no sign shall be flashing or intermittent, contain moving parts or be located so as to be directed towards lands in any adjacent R district, except pursuant to Section 17.52.515(A)3 and in conformance with Section 17.54.226;
- J. Tavern;
- K. In-patient and out-patient health facilities as licensed by the State Department of Health Services;
- L. Tattoo studio;
- M. Alcohol outlets;
- N. Firearms sales;
- O. Trade school; and
- P. Unattended collection box(es) placed in conjunction with an approved community facility as defined in Section 17.04.010.

## SECTION XI

The following sections are added to Chapter 17.52 of the General Ordinance Code of the County of Alameda:

### **17.52.1170 – Title.**

This Section and the following Sections shall be known as the Unattended Collection Box Ordinance of Alameda County.

### **17.52.1180 – Purpose and Intent.**

The purpose of this Ordinance is to regulate the placement of Unattended Collection Boxes within unincorporated Alameda County. The procedures and requirements of this chapter are enacted to:

- A. Promote the community's health, safety, and welfare by regulating Unattended Collection Boxes for clothing or other salvageable personal property within the County.
- B. Ensure that Unattended Collection Boxes do not pose a hazard to pedestrian and vehicular traffic.
- C. Ensure that material is not allowed to accumulate outside of the Unattended Collection Boxes where it can be scattered by adverse weather conditions, animal contact, or human activities;
- D. Establish criteria that avoid attracting vermin, unsightliness, and public health or safety hazards.
- E. This Ordinance shall also apply to parcels within a Specific Plan.

### **17.52.1190 – Definitions.**

- A. "Permittee" means the Property Owner who has been issued a permit authorizing the placement of an Unattended Collection Box.
- B. "Property Owner" means the person, entity, association, or organization who owns the real property where the Unattended Collection Box is proposed to be located.

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### **17.52.1200 – Permits.**

- A.** It shall be unlawful and a public nuisance to place, operate, maintain or allow Unattended Collection Boxes on real property unless the Property Owner first obtains a conditional use permit pursuant to this chapter and sections 17.54.130 (Conditional uses), 17.54.140 (Conditional uses—Action), 17.54.150 (Conditional uses—Changes and renewals), 17.54.160 (Conditional uses—Combined applications), 17.54.170 (Conditions), 17.54.180 (Prior uses), and 17.54.190 (Conditional uses—Effective date) of the Alameda County General Ordinance Code and the Unattended Collection Box is placed, operated, and maintained in accordance with all provisions in this chapter.
- B.** The permit application shall be made on a form provided by the County and shall include the following information:
  - 1. The name, address, e-mail, website (if available) and telephone number of the Operator.
  - 2. The text of the disclosures that will be made on the Unattended Collection Box as required in Section 17.52.1230 (A)(3) and (A)(4).
  - 3. The physical address of the Property Owner's real property and a drawing sufficient to indicate the proposed location of the Unattended Collection Box on the Property Owner's real property, as well as the size of the proposed Unattended Collection Box, and consent of the Property Owner to place the Unattended Collection Box on its real property.
- D.** The County shall not issue a permit unless:
  - 1. The applicant has submitted a complete and accurate application accompanied by the applicable fee.
  - 2. Written consent of the Property Owner is provided.
  - 3. The proposed location and placement of the Unattended Collection Box on the Property Owner's real property is in compliance with all applicable laws.
- E.** A permit issued hereunder shall be valid for one Unattended Collection Box. A second unattended Collection Box may be approved only if the following findings are made:
  - 1. The daily collection of items from the unattended collection box fails to provide adequate overflow abatement.
  - 2. The volume of materials collected daily, and for a period no less than thirty (30) days, would exceed the internal capacity of an Unattended Collection Box that is eighty-two (82) inches high, fifty-six (56) inches wide and forty-nine (49) inches deep.
  - 3. The additional Unattended Collection Box could be placed in accordance with Section 17.52.1220.
- F.** No Permittee shall transfer, assign, or convey such permit to another party.
- G.** If approved, a permit for an Unattended Collection Box shall be for a term not less than three (3) years.

### **17.52.1210 – Renewal of Permits.**

- A.** A Permittee may apply for permit renewal by submitting to the County a renewal application and a deposit in an amount set by resolution of the Board of Supervisors before the expiration of the permit.
- B.** The County may renew the permit if no circumstances existed during the term of the permit, at the time of submission of an application for renewal, or at any time during the review of the application for renewal, that are inconsistent with any finding required for approval of a new permit as specified in Section 17.52.1200 or that would justify the revocation of the permit as specified in Section 17.52.1240.

### **17.52.1220 – Modification of Permits.**

- A.** If during the term of the permit, a Permittee desires to change the operator of the Unattended Collection Box, would like to change the location of the Unattended Collection

## UNATTENDED COLLECTION BOXES

Box or would like to place an second Unattended Collection Box, the Permittee may request a modification to the permit by submitting to the County an application and a deposit in an amount set by resolution of the Board of Supervisors.

- B. The County may approve the modification if no circumstances existed during the term of the existing permit, at the time of submission of an application for modification, or at any time during the review of the application for modification, that are inconsistent with any finding required for approval of a new permit as specified in Section 17.52.1200 or that would justify the revocation of the permit as specified in Section 17.52.1240.
- C. The in-kind replacement of an Unattended Collection Box, that is operated by the same vendor and is positioned at the same location on the parcel as the previous Unattended Collection Box placed in accordance with this chapter, shall not constitute a modification of a permit.

### **17.52.1230 – Requirements and Maintenance.**

- A. The Permittee shall be responsible for operating and maintaining, or causing to be operated and maintained all Unattended Collection Boxes located in the unincorporated Alameda County as follows:
  - 1. Unattended Collection Boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust, and shall be free of graffiti.
  - 2. Unattended Collection Boxes shall be locked or otherwise secured.
  - 3. Unattended Collection Boxes shall contain the following contact information in two-inch font visible from the front of each Unattended Collection Box: The name, address, e-mail, and phone number of the person(s) responsible for maintaining the Unattended Collection Box.
  - 4. The front of every Unattended Collection Box shall display conspicuously a statement in at least two-inch font that either reads, "This collection box is owned and operated by a for-profit organization." or "This collection box is owned and operated by a nonprofit organization." For purposes of this Chapter, a commercial fundraiser shall be classified as a for-profit organization.
    - (a) If the Unattended Collection Box is owned by a nonprofit organization, the front of the Unattended Collection Box shall also display conspicuously a statement describing the charitable cause that will benefit from the items collected.
    - (b) If the Unattended Collection Box is owned by a for-profit entity, the front of the Unattended Collection Box shall also conspicuously display a statement that reads, "This collection is not tax deductible." If the Unattended Collection Box is owned and operated by a commercial fundraiser, the commercial fundraiser may post notice of collections to a charitable cause only on the sides of the box. This notice shall always be smaller in size than the for-profit entity's name and address and shall constitute only 25 percent of the notice space of the box.
  - 5. Unattended Collection Boxes shall be serviced and emptied as needed, but at least every forty-eight (48) hours.
  - 6. Unattended Collection Boxes shall be no more than eighty-two (82) inches high, fifty-six (56) inches wide and forty-nine (49) inches deep.
  - 7. Unattended Collection Boxes shall be marked clearly to identify the type of material to be deposited.
  - 8. Unattended Collection Boxes shall be free of any advertising which is unrelated to the business of the operator of the Unattended Collection Box.
  - 9. Unattended Collection Boxes shall remain only in the exact location for which they have been permitted and may not be moved unless the box is entirely removed from the property or replaced with an identical box in the same location.
  - 10. Unattended Collection Boxes shall be located in a well lit area.

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- 11.** Unattended Collection Boxes shall be subordinate to the principal use of the property.
- B.** The Permittee shall be responsible for maintaining or causing to be maintained a ten foot area surrounding the Unattended Collection Box. This area shall be free of any junk, garbage, trash, debris, or other refuse material as defined in Chapter 6.65 of the Alameda County Ordinance Code.
  - C.** The Permittee shall be responsible for abating and removing all junk, garbage, trash, debris, and other refuse material as defined in Chapter 6.65 of the Alameda County Ordinance Code within the ten foot area surrounding the Unattended Collection Box within 24 hours of written notice from the County.
  - D.** The Permittee shall be responsible for all costs for abating and removing any junk, garbage, trash, debris and other refuse material as defined in Chapter 6.65 of the Alameda County Ordinance Code from the area surrounding the Unattended Collection Boxes.
  - E.** It shall be unlawful for any party to place an Unattended Collection Box in any District or any adopted specific plan area; provided, however, that the County may approve a permit for an Unattended Collection Box on a parcel with a Community Facility as defined in Chapter 17.04 of the Alameda County General Ordinance Code.
  - F.** Unless a second Unattended Collection Box has been permitted by the County, no Unattended Collection Box shall be placed within two thousand five hundred (2,500) feet of another Unattended Collection Box.
  - G.** No Unattended Collection Box shall be placed in required parking spaces, required landscaping, setbacks, or the public right of way as defined in Title 17 of the Alameda County General Ordinance Code.
  - H.** No more than one Unattended Collection Box shall be placed on each parcel of real property. If daily collection of items from this the box does not provide adequate overflow abatement, a Permittee may apply for one additional box to relieve this issue as provided in Sections 17.52.1200 and 17.52.1220.
  - I.** The Permittee shall provide information to the County regarding the quantity and type of materials collected from an Unattended Collection Box. The Permittee shall also specify the quantity and type of materials collected from the box that have been recycled, reused or discarded as waste. This information shall be provided annually and be submitted in the manner specified by the Planning Director.

### **17.52.1240 – Revocation of Permit**

The Board of Zoning Adjustments shall have the right to revoke any permit issued hereunder if any of the grounds to refuse issuance of the initial permit exists. In addition, the failure of the Permittee to comply with the provisions of this Chapter, or other provisions of this Code or other law, shall also constitute grounds for revocation of the permit. The County shall provide a written notification to the Permittee stating the specific grounds for revocation. Upon revocation, the Unattended Collection Box shall be removed from the Permittee's real property within thirty (30) calendar days and if not removed within this time period the County may remove and dispose of the Unattended Collection Box at the Permittee's sole cost and expense.

### **17.52.1250 – Removal of Unattended Collection Boxes and Liability.**

Upon discovering the existence of Unattended Collection Box on private property within the County-lacking the required Permit, the Planning Director or designee shall have the authority to cause the abatement and removal thereof in accordance with the procedure outlined in Chapter 17.59 - Abatement

### **17.52.1260 – Removal of an Unattended Collection Boxes by the Property Owner.**

**A.** A Property Owner who causes the removal of an Unattended Collection Box shall send a written notice of removal to the address that is conspicuously displayed on the front of every

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Unattended Collection Box pursuant to Section 17.52.1230. That notice shall be mailed within five (5) days of removal and include the current location of the box. This paragraph shall not apply if no address appears on the front of the Unattended Collection Box.

**B.** Except as provided in paragraph C, a Property Owner shall not have immunity from civil liability if he or she has given written consent for the Unattended Collection Box to be placed on the private property.

**C.** An owner of property who has given written consent for the placement of an Unattended Collection Box on their property may rescind his or her consent by providing written notice of the rescission to the collection box owner or operator. For purposes of this subdivision, consent shall be deemed rescinded ten (10) calendar days after the owner of private property deposits a written notice of rescission in the United States mail, postage prepaid, addressed to the address displayed on the Unattended Collection Box pursuant to Section 17.52.1230.

**D.** A property owner who causes the removal of an Unattended Collection Box to a storage facility, or otherwise disposes of an Unattended Collection Box, despite valid written consent from the Property Owner at the time of removal, shall be civilly liable to the owner or operator of the Unattended Collection Box for four times the amount of the towing and storage charges, or one thousand dollars (\$1,000), whichever is higher.

**E.** Paragraph D shall not apply to make a person liable for removal of an Unattended Collection Box where removal is necessary to comply with enforcement of applicable permitting, zoning, or other local ordinances.

### **17.52.1270 – Appeals.**

Appeals shall be handled in accordance with Section 17.54.670 of this Code.

### **17.52.1280 – Violations.**

Any violation of the provisions of this section is a public nuisance and shall be subject to enforcement remedies, penalties, and abatement provided by Title 6.65 , 17.58 and 17.59 of the Alameda County General Ordinance Code.

### **17.52.1290 – Implementation and Construction.**

**A.** The provisions of this Chapter shall apply to all Unattended Collection Boxes located within unincorporated territory of the County as of the effective date of this Ordinance. All property owners of parcels on which Unattended Collection Boxes exist as of the effective date of this Ordinance shall have sixty (60) days from that date to file a permit application as provided for in this Chapter.

**B.** Nothing in this Ordinance is intended to diminish or otherwise alter the requirements of any other federal, state, or municipal law governing regulation of Unattended Collection Boxes.

### **17.52.1300 – Exemption.**

Unattended Collection Boxes located entirely within the interior of a building are exempt from the requirements of this Chapter.

## SECTION XII

### **17.54.142 – Conditional Uses – Unattended Collection Boxes.**

In addition to the findings required of the Board of Zoning Adjustments under Sections 17.54.130 (Conditional Uses) and 17.54.140 (Conditional Uses--Action), a conditional use permit for any conditionally permitted Unattended Collection Box may only be granted upon determination that the proposal conforms to the additional use permit criteria in Section 17.52.1190. If the application is to allow the continued use of an Unattended Collection Box or to modify a conditional use permit for which approval was previously granted by the County, the

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Board of Zoning Adjustments shall also find that there are no circumstances that would justify revocation of the Conditional Use Permit or removal of the Unattended Collection Box as specified in Section 17.52.1230.

### SECTION XIII

Should any section or other portion of this chapter be determined to be unlawful or unenforceable by a court of competent jurisdiction, the remaining section(s) and portion(s) of this chapter shall be considered severable and shall remain in full force and effect.

### SECTION XIV

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen (15) days after its passage and ordinance summary, pursuant to Government Code section 25124(b)(1), shall be published in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California,  
\_\_\_\_\_, 2013 by the following called vote:

AYES:

NOES:

EXCUSED:

\_\_\_\_\_  
KEITH CARSON  
President of the Board of Supervisors  
County of Alameda, State of California

ATTEST: Clerk of the Board of Supervisors, County of Alameda

By \_\_\_\_\_

Approved as to Form:  
DONNA ZIEGLER, County Counsel

By \_\_\_\_\_  
BRIAN WASHINGTON  
Chief Assistant County Counsel