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Chapter 060 Construction & Severability

- **Section 010 Definitions**
 - As used in this code, the following words and phrases have the meaning and usage indicated below, unless the context in which any such word or phrase is used requires another meaning or usage.
 - A. "Agent" means any person not a county employee who performs services for or on behalf of the county pursuant to a contract with the county, or any board, commission, committee or advisory body of the county formed pursuant to state or federal law or county enactment, and includes the members of each of them.
 - B. "County enactment" means:
 - 1. This code and any ordinance, resolution, policy, regulation, directive, rule, decision or other enactment adopted, enacted, promulgated, made or approved either explicitly or implicitly by the Board of Supervisors.
 - 2. Any decision or administrative policy, regulation or directive made or promulgated by any authorized county officer, agent or employee.
 - 3. Any condition or limitation imposed upon or any denial of any permit, license, entitlement, or other approval issued or made by the county or any of its boards, commissions, agencies or officers or other authorized personnel.
 - C. "Date of accrual of the cause of action" means:
 - 1. As to any county enactment against which relief is sought or for which money or damages is sought, the date the enactment was adopted, enacted, promulgated, made or approved either explicitly or implicitly.
 - 2. As to inaction or alleged improper performance as to any matter, the date on which the act sought to be compelled should have been performed or properly performed.
 - 3. As to any other incident or circumstance, the date the act or omission occurred that caused the alleged injury.

(Ord. 1060 § 5, 1995.)

• **Section 020 Limitations on Liability & Actions**

○ A. Nothing in this code or any other county enactment is intended, or shall be deemed or construed, to impose liability upon the County of Glenn, or any of its officers, agents or employees, for any injury to persons or damage to property alleged to result from any act or omission by the county or any of its officers, agents or employees, beyond the liability imposed by the laws of the State of California or the United States. Nothing in this code or any other county enactment is intended, or shall be deemed or construed, to impose a mandatory duty upon the county, or any of its officers, agents or employees, for the purpose of determining entitlement to equitable relief or liability for any injury to persons or for damage to property alleged to result from the failure of the county or any of its officers, agents or employees to discharge a mandatory duty imposed by any county enactment or other law.

B. Except as otherwise provided by law, any of the following judicial actions or proceedings against the county, or any of its officers, agents or employees, shall not be maintained by any person unless the action or proceeding is commenced and service of summons effected upon the county within 90 days after the date of accrual of the cause of action:

1. To attack, review, set aside, void or annul any decision of any matter subject to this code, any other county enactment, or state law.
2. Concerning any of the proceedings, acts or determinations taken, done or made prior to such a decision or enactment.
3. To determine the reasonableness, legality or validity of any condition attached to any such decision or enactment.
4. To compel action or to seek relief from inaction as to any matters set forth in paragraphs 1 through 3, above.
5. For money or damages.

Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of any of those decisions, proceedings, acts, determinations, or conditions.

(Ord. 1060 § 5, 1995.)

• **Section 030 Construction and Severability**

○ A. The provisions of county enactments, and all proceedings under them, are to be construed so as to effect their objectives and to promote justice.

B. It is the policy and intent of the board of supervisors to avoid infringing upon any constitutional right of any person. Every county enactment shall be interpreted and construed in accordance with that principle. If any provision of any county enactment is capable of more than one interpretation, the interpretation which most avoids infringement upon any right guaranteed by the United States

Constitution or the California Constitution shall be deemed to be the intended construction. If any provision of any county enactment may be applied to a particular set of facts in more than one manner, the application which most avoids infringement upon any right guaranteed by the United States Constitution or the California Constitution shall be deemed to be the intended application.

C. If any provision of a county enactment or the application of any provision of a county enactment to any person or circumstance is held invalid, that invalidity shall not affect any other provision or application of the enactment which can be given effect without the invalid provision or application, and to this end the provisions of each county enactment are expressly made severable.
(Ord. 1060 § 5, 1995.)

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Section 040 Administrative Limitations

- A. All county officers, commissions, boards, departments and employees vested with the duty or authority to issue or approve permits, licenses or other entitlements shall do so subject to the requirements and limitations of this code. No permit, license or other entitlement shall be issued or approved for any purpose or in any manner which substantially conflicts with the provisions of this code. Any permit, license or other entitlement issued or approved without substantial compliance with any applicable provision of this code is null and void as of the date of issuance or approval.

- B. Nothing in this code shall be deemed or construed to conflict with any provision of state law that authorizes or requires any county officer to enforce or administer any regulatory or prohibitory provision of state law or local ordinances.
(Ord. 1060 § 5, 1995.)

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