

ORDINANCE NO. 3416

AN ORDINANCE AMENDING TITLE 1 OF THE SAN LUIS OBISPO COUNTY CODE BY AMENDING SECTION 1.05.080 REGARDING INDUSTRIAL HEMP RELATED VIOLATIONS

SECTION 1. Section 1.05.080 Cannabis Activity Related Violations – of the San Luis Obispo County Code is amended to read as follows (for the sections listed below only; sections not listed are not amended by this section):

1.05.080 – Cannabis Activity and Industrial Hemp Related Violations.

For violations which relate to or arise from a cannabis or industrial hemp activity, as those terms are defined in Section 22.80.030, the administrative fines identified in a notice of violation issued under Section 1.05.030 by the code enforcement officer shall become effective immediately upon expiration of the correction period identified in the notice of violation, and no further notice of fine is required under Section 1.05.050 in order for the administrative fines to become effective, and the fines shall continue to accrue daily until the violation has been fully abated and verified by the code enforcement officer. The correction period identified in the notice of violation shall be no less than five (5) calendar days after service of the notice. Pursuant to Government Code sections 53069.4 and 27721, for all violations of County Code which relate to or arise from a cannabis or industrial hemp activity, whether or not such cannabis or industrial hemp activity is ongoing, dormant or abandoned, the code enforcement officer may seek final determination of any administrative fines levied pursuant to this Chapter by the Office of County Cannabis Hearing Officer, established under Section 22.40.130.C, in lieu of any appeal rights under Section 1.05.060. In such event, notice to appear before the Cannabis Hearing Officer at a stated time and place not less than five (5) calendar days after service of the notice should be provided to the responsible persons. The notice of violation and/or notice of fine may be consolidated with a notice(s) of nuisance abatement under Sections 22.40.130.B, 22.74.150, 23.08.432.b and 23.10.150. The Cannabis Hearing Officer shall issue a written decision which affirms, reverses or modifies the administrative fines within two (2) calendar days after the hearing. The decision shall be mailed to, or personally served upon, the responsible persons and the code enforcement officer. The decision shall be final when signed by the Cannabis Hearing Officer and served as herein provided, and only subject to judicial review in accordance with the timelines and provisions as set forth in Government Code section 53069.4.

SECTION 2: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 3: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 4: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 5: That the project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

SECTION 6: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

RECOMMENDED at a hearing of the San Luis Obispo County Planning Commission held on the 23rd day of January, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 5th day of May, 2020, by the following roll call to vote, to wit:

AYES: Supervisors Debbie Arnold, Adam Hill, John Peschong, and Chairperson Lynn Compton

NOES: Supervisor Bruce S. Gibson

ABSENT: None

ABSTAINING: None

Lynn Compton
Chairperson of the Board of Supervisors

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: Annette Ramirez
Deputy Clerk