

ORDINANCE NO. 3545

**AN ORDINANCE AMENDING TITLE 16 OF THE SAN LUIS OBISPO COUNTY CODE,
FIRE PREVENTION, TO PROVIDE FOR ABATEMENT OF
FIRE HAZARDOUS WEEDS AND RUBBISH IN UNINCORPORATED
SAN LUIS OBISPO COUNTY**

WHEREAS, it is the desire and intent of the Board of Supervisors of San Luis Obispo County to provide citizens with the greatest degree of protection from fire; and

WHEREAS, the Board of Supervisors of San Luis Obispo County adopted Fire Hazard Severity Zones as recommended by the Office of the State Fire Marshal pursuant to Government Code Section 51178; and

WHEREAS, this Ordinance will amend the San Luis Obispo County Code so that it includes those Local Responsibility Areas (LRAs) of the County that are designated in the Very High Fire Hazard Severity Zones for maintenance of defensible space on occupied dwellings/structures.

NOW THEREFORE, The Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

Section I: The purpose and Intent of this Ordinance is to amend the title and 9 sections of chapter 16.30 of the San Luis Obispo County Code to expand the scope of 16.30, which governs hazard abatement by the County of San Luis Obispo Fire Department, to apply throughout the Local Responsibility Area serviced by the County Fire Department. All other sections shall remain unchanged and in full force and effect.

**Chapter 16.30 ~~SAN LUIS OBISPO COUNTY CAYUCOS~~ HAZARD ABATEMENT
ORDINANCE ~~SERVICE AREA NO. 10 AND 10A-CAYUCOS~~**

- **16.30.010 - Legislative authority.**

Pursuant to the authority granted to it by sections 14930 and 14931 of the Health and Safety Code of the State of California, the Board of Supervisors does enact this chapter for the abatement of fire hazardous weeds and prohibited materials in ~~County Service Area No. 10 and 10A-Cayucos~~ the Local Responsibility Area in County Fire Authority Area.

- **16.30.020 - Policy.**

- (a) The purpose of this chapter is to authorize the abatement of fire hazardous weeds and prohibited materials in the town of Cayucos in the Local Responsibility Area in County Fire Authority Area as a component of fire protection service provided by the county fire department.
- (b) The uncontrolled growth and/or accumulation of prohibited materials on parcels as defined in this chapter is hereby found to create a condition that is a fire hazard and potentially injurious to the health, safety, and general welfare of the public and first responders.

- **16.30.030. - Effect.**

This chapter is not the exclusive regulation of fire protection, including hazardous weeds and prohibited materials, for ~~Cayucos~~ the County Fire Authority Area. It shall supplement and be in addition to the provisions of Title 16 which incorporates the California Fire Code with local amendments, and the regulating statutes and ordinances heretofore or hereafter enacted by the state, the county, or any other legal entity or agency having jurisdiction.

- **16.30.050 - Declaration of nuisance.**

Weeds, grass, rank growths and combustible vegetation growing or accumulating upon private property within ~~County Service Area No. 10 and 10A~~, the Local Responsibility Area in County Fire Authority Areas, which do, or will when dry, create a fire hazard and which by virtue thereof constitute a danger to neighboring property or the health or welfare of residents of the vicinity are hereby declared to constitute a public nuisance which may be abated in accordance with the provisions of this chapter.

- **16.30.060 - Definitions.**

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter:

"Abatement costs" means both cost of administration and cost of abatement.

"Cost of abatement" means any and all costs incurred by the County of San Luis Obispo to abate the hazardous weeds or combustible material on any property pursuant to this ordinance, including physical costs and any additional actual costs incurred by the San Luis Obispo County Fire Department for the abatement proceeding.

"Cost of administration," means the cost to the county of doing the acts required under this chapter, except the actual cost of abatement. When a hearing is held to review the determination of the fire code official that a nuisance exists, the reviewing authority shall determine the actual cost of administration attributable to that parcel. When no request for a hearing is timely made, the fire code official shall determine the actual cost of administration. For the purpose of determining the cost of administration, all contiguous property owned by the same person or persons shall be deemed to be a single parcel, even though the contiguous property may be designated with more than one assessor's parcel number.

~~"County Service Area No. 10 and 10A" is any area within San Luis Obispo County service area No. 10 and 10A as established by County Ordinance No. 3386.~~

"County Fire Authority Area is any area within San Luis Obispo County under County Fire jurisdiction, as shown by the boundary map in Section 16.30.220.

"Defensible space" means the area around a structure within a one-hundred-foot radius or to the property line, whichever is less, in which combustible vegetation and other prohibited materials must be treated, cleared, or reduced to slow the spread of fire to and from the structure. Defensible space also includes the removal of combustible materials within the interior property lines to minimize fire risk.

"Fire code official" means the fire chief of the San Luis Obispo County Fire Department or his/her designated representative.

"Grass" means any herbaceous plant which is cultivated, and which attains, when mature, if uncontrolled, such a height as to be a medium for the rapid spread of fire.

"Local Responsibility Areas (LRAs)" are areas such as incorporated cities, urban regions, agricultural lands, and portions of the desert where the local government is responsible for wildfire protection. This responsibility is typically handled by City fire departments, fire protection districts, Counties, or by CAL FIRE under contract. The LRA boundaries are shown in the boundary map in Section 16.30.220

"Prohibited materials" means combustible vegetation, green waste, rubbish, or weeds, readily flammable products.

"Rank growth" or "hazardous vegetation" means a cover of vegetation of any type, cultivated or not, including trees, which has attained or will, if allowed to mature, attain such a height and density as to be a medium for the rapid spread of fire.

"Weed" means any plant, whether herbaceous or woody and of whatever height, except a tree, which grows wild.

- **16.30.070 - Duty to maintain defensible space.**

Property owners shall service a defensible space as defined by this chapter. The following conditions within ~~Cayucos areas designated 10 and 10A~~ the County Fire Authority Area are declared to be nuisances and shall be abated by the owner of each parcel or property where such conditions exist, at the sole expense:

- (1) The presence of prohibited materials within the defensible space surrounding any structure.
- (2) The presence of prohibited materials on undeveloped parcels that are one acre or less in size within developed neighborhoods, tracts, developments.
- (3) The presence of prohibited materials that contribute to the fuel load or hinder the clearing of properties or delay firefighting operations on any parcel.
- (4) A portion of any tree that extends within ten feet of the outlet of any chimney or stovepipe.
- (5) The accumulation of dead or dying wood in any tree **shrub, or other plant** , adjacent to or overhanging a structure.
- (6) The presence of prohibited materials on the roof or in the rain gutter of any structure.
- (7) Lots one acre or more require mowing or disking of a thirty foot (30') wide break around the property perimeter cut down to 4" in height

(a) The following shall be exempt from the requirements of this Chapter :

- (1) Fenced pastures where existing livestock will significantly reduce weeds and grasses.
- (2) Growing hay and grains that will be cut at harvest time; any hay or grain uncut will be subject to abatement.
- (3) Vineyards when vineyard rows are maintained down to dirt or have minimal vegetation not exceeding 4" mowed height.
- (4) Single specimens of trees, ornamental shrubbery, or cumulative groundcover such as green grass, ivy, succulents or similar plants used as groundcover, provided they do not form a means of readily transmitting fire.

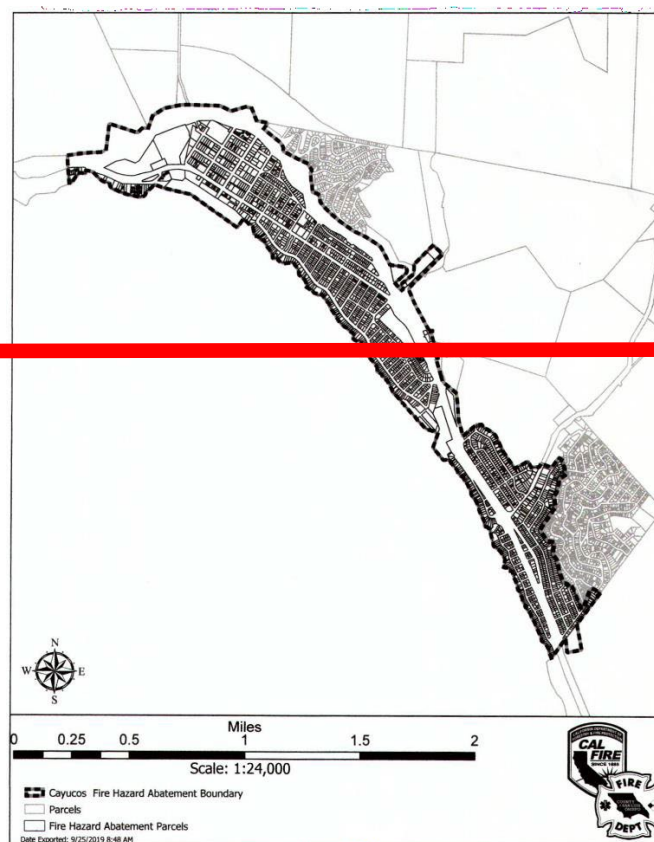
- **16.30.080 - Notice of nuisance and order to abate.**

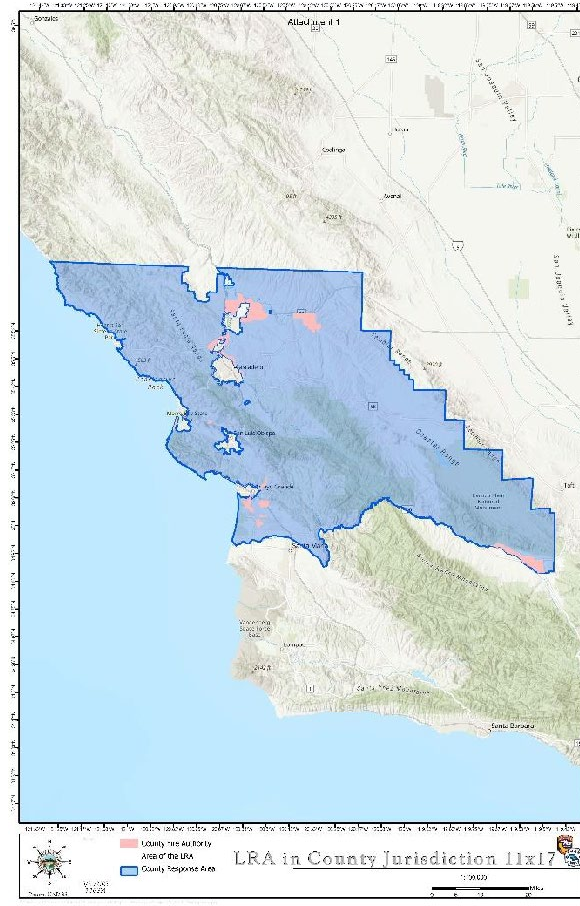
Whenever the fire code official determines that a nuisance described in Section 16.30.050 of this chapter exists upon any private property within the ~~County Service Area No. 10 and 10A~~ County Fire Authority Area, the fire code official shall notify the owner of the existence of the nuisance.

- **16.30.110 - Establishment of hearing board.**

A hearing board is hereby established in order to conduct hearings pursuant to this chapter. The hearing board shall be comprised of three persons as follows: one member shall be an officer of the department of the issuing agency selected by the department head, but not the issuing officer; and two members shall be selected by the ~~board of supervisors.~~ County Administrative Officer. Members shall serve at the pleasure of the ~~board of supervisors.~~ County Administrative Officer.

- **16.30.220 - Boundary Map.**





SECTION II: 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 III: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, a summary shall be published once in a newspaper of general circulation 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 IV: The Board of Supervisors hereby finds that the adoption of this ordinance is exempt from review under the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty that the adoption of the ordinance is not a project that may have a significant effect on the environment. The proposed ordinance amendments qualify for a Common-Sense Exemption because it can be seen with certainty that they will not result in a direct or indirect physical effect to the environment. Therefore, the adoption of this ordinance and changes to the County's zoning code qualifies for the common-sense exemption under CEQA Guidelines Sections 15061 (b)(3) and no further environmental review is required.

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

INTRODUCED at a regular meeting of the Board of Supervisors held on the 8th of July, 2025, and **PASSED and ADOPTED** by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 19th of August, by the following roll call vote, to wit:

AYES:	Supervisors Jimmy Paulding, Bruce S. Gibson, Heather Moreno and Chairperson Dawn Ortiz-Legg
NOES:	None
ABSENT:	Supervisor John Peschong
ABSTAINING:	None



Dawn Ortiz-Legg
Chairperson of the Board of Supervisors
County of San Luis Obispo

ATTEST:

Matthew P. Pontes
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin, Deputy Clerk