



## NOTICE OF NUISANCE ABATEMENT, NOTICE OF VIOLATION, ORDER TO ABATE, AND NOTICE OF HEARING

SITE ADDRESS:

ASSESSOR PARCEL NUMBER

PROPERTY OWNER AND LAST KNOWN ADDRESS

OCCUPANT

INSPECTION DATE:

OFFICER:

AGENCY CASE NUMBER:

TO ALL OWNERS, OCCUPANTS, AND ALL OTHERS WITH ANY POSSESSORY INTEREST IN THE ABOVE IDENTIFIED PREMISES: YOU ARE HEREBY NOTIFIED THAT: unlawful cultivation of industrial hemp exists on the premises, constituting a public nuisance under County Code section 22.30.244.; unlawful cannabis activity exists on the premises, constituting a public nuisance under Chapters 22.40 or 23.08.420 et seq. Of the San Luis Obispo County Code. Such condition(s) violate(s) the following specific provision(s) of the San Luis Obispo County Code and must be abated in the following manner:

- ☐ Unlawful cultivation of industrial hemp (§22.30.244)
  - ☐ Site does not meet minimum outdoor cultivation site requirement of 400 acres or larger (§22.30.244.A.3)
  - ☐ Site does not meet locations standard because it is located within 2,000 feet from adjacent property line (§22.30.244.C.1.a)
  - ☐ No industrial hemp registration (§22.30.244.C.3, Cal. Food & Ag Code §81000 et seq.)
  - ☐ Illegal cultivation in hoop houses (§22.30.244.C.4.)
  - ☐ Violations (§22.30.244.D.2)
- ☐ Unlawful cultivation of cannabis (§§22.40 or 23.08.420 et seq.):
  - ☐ Cultivation Site Not Permitted. Property does not have a cannabis cultivation or nursery land use permit and cannabis plants being grown are not exempt from land use permit requirements under County Code (maximum six cannabis plants and 100 square feet of total canopy area per legal dwelling unit, grown indoors in a legally established dwelling or accessory structure are exempt from land use permit requirements). (§ 22.40.030)
  - ☐ Excessive Canopy Size for Permitted Site. You must reduce the canopy size of cannabis cultivation to what is listed in and allowed by the property's land use permit
- ☐ Other Cannabis Activity (§§22.40 or 23.08.420 et seq.):
- ☐ The Following Additional Cannabis Activity Related Violations Exist on the Property:

## ORDER TO ABATE

YOU ARE REQUIRED TO ABATE THE UNLAWFUL CANNABIS AND INDUSTRIAL HEMP ACTIVITY AND ANY OTHER VIOLATIONS DESCRIBED ABOVE BY

## NOTICE OF HEARING

You will have an opportunity to contest the Code Enforcement Officer's determination that a nuisance exists upon your property by appearing at the hearing that is scheduled on the following date and time:

**Date:**

**Time:**

**Location:** Board Chambers 1055 Monterey Street, San Luis Obispo CA 93408

**NOTE: ADMINISTRATIVE FINES WILL CONTINUE TO ACCRUE THROUGH THE HEARING PROCESS UNTIL ABATEMENT HAS BEEN CONFIRMED**

**\*\*SEE FOLLOWING PAGES FOR IMPORTANT ADDITIONAL INFORMATION\*\***

## NOTICE IS FURTHER GIVEN:

San Luis Obispo County Code §§ 22.40.130, 22.74, 23.08.432, 23.10 and 1.05 provide for the issuance of notices of nuisance abatement, orders of abatement, notices of violation and assessment of administrative fines, and for the automatic scheduling of hearings for Cannabis Activity related violations.

### Consequences of Failure to Correct Violation(s):

- **Administrative Fines:**

Pursuant to San Luis Obispo County Code §1.05, each day a violation exists after the deadline given in your *Notice of Nuisance Abatement*, *Notice of Violation*, *Order to Abate*, and *Notice of Hearing* is a separate offense, and will carry an additional administrative fine. If you fail to correct the violation(s) noted on the front side of this notice within the time specified, fines may be imposed in the amount of as much as **\$500.00 per day per plant/violation** and shall continue to accrue daily until the violation has been fully abated and verified by the Enforcing Officer.

- **Abatement by Enforcing Officers:**

If you do not abate the violation(s) noted on the front side of this notice within the time specified, the enforcing officer will seek an order for abatement at the scheduled hearing and will abate the nuisance as soon as possible after issuance of the Hearing Officer's order. *If the County is required to abate the nuisance, a lien may be recorded against the subject property for the recovery of the actual and administrative costs of the abatement.*

### Administrative Hearing:

You have been assigned a hearing date pursuant to County Code §§ 22.40.130 and 23.08.432. The date and time of that hearing is listed on the first page of this Notice. The hearing is subject to informal procedures. You may exercise your right to contest this notice by attending that hearing and presenting and eliciting testimony and/or other evidence that:

- I. There is good cause why the stated conditions should not be found to be a nuisance and why the nuisance should not be abated by the County; and/or
- II. The administrative fines against you should not be imposed; and/or
- III. That the stated conditions have been abated

**IF YOU FAIL TO APPEAR AT THE HEARING, THE FINDINGS OF THE CODE ENFORCEMENT OFFICER THAT A NUISANCE EXISTS ON THE PROPERTY MAY BECOME A FINAL ADMINISTRATIVE ORDER. FAILURE TO APPEAR AND PRESENT EVIDENCE AT THE HEARING SHALL CONSTITUTE A FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES.** If you wish to provide any written material or documentary evidence to support your case, you may deliver such materials to the Clerk of the County Cannabis Hearing Officer prior to your hearing date or present them at the hearing itself. You can deliver material to the Clerk of the County Cannabis Hearing Officer at San Luis Obispo County Planning and Building, 976 Osos Street, #300, San Luis Obispo CA 93408. Final Administrative Orders may be appealed pursuant to California Code of Civil Procedure §§ 1094.5, 1094.6, or Government Code § 53069.4(b). You should consult with an attorney to learn more. The agenda and staff report will be posted under Upcoming Events on the following website before the hearing: <https://www.slocounty.ca.gov/Departments/Planning-Building/Boards-and-Commissions.aspx>

### **How to Pay Fines and Administrative Costs:**

The amount of the fine imposed will depend upon how soon you respond to this notice. Your fines will continue to accrue after expiration of the period identified in this notice until such time as you have provided adequate evidence of abatement to the Code Enforcement Officer handling your case. If you eradicate your plants or reduce the canopy to the size allowed under County Code **and provide evidence of having done so to the satisfaction of Code Enforcement** by the date noted on the front side of this notice, then you will not owe any

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finer. If fines are assessed by the Hearing Officer, **payment may be made by in person or by mail to San Luis Obispo County, Code Enforcement at 976 Osos Street #300, San Luis Obispo CA 93408.** Payments may be made by cash, personal check, cashier's check or money order. Make your check payable to **San Luis Obispo County**, attach a copy of this citation, and please write the applicable APN number in the memo line of your check or money order. **Do not mail cash.**

**Consequences of Failure to Pay:**

The County has the authority to collect all fines accrued, administrative costs associated with compliance, and actual costs of abatement. The failure to pay these fines and costs may result in the matter being referred to County Counsel to initiate a civil action against you.

**NOTICE IS FURTHER GIVEN THAT PRIOR TO ABATEMENT OF THE VIOLATIONS, YOU SHOULD FIRST CONTACT STATE AND FEDERAL AGENCIES INCLUDING, BUT NOT LIMITED TO, THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE AND THE UNITED STATES DEPARTMENT OF FISH AND WILDLIFE, TO DETERMINE IF THERE ARE ANY CONDITIONS REQUIRED BY THEIR AGENCIES RELATED TO THE ORDERED ABATEMENT, INCLUDING BUT NOT LIMITED TO AGENCY PERMITS OR PROTOCOLS RELATED TO THREATENED OR ENDANGERED SPECIES. THIS NOTICE SHALL NOT BE CONSTRUED AS DIRECTING OR AUTHORIZING ANY CONDUCT WHICH WOULD OTHERWISE CONSTITUTE A VIOLATION OF ANY STATE OR FEDERAL LAW.**

**If you need further clarification, please call the Code Enforcement Officer at (805)788-2959**

The cost of abatement and the cost of administration may be made a special assessment added to the County tax roll and become an abatement lien on the premises or be collected from the responsible parties on the County's unsecured tax roll.

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DATE OF SERVICE

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ENFORCING OFFICER