



# **County of San Luis Obispo**

## **Cannabis Enforcement**

### **Outline**

#### **Local Administrative Enforcement = Nuisance Abatement Process**

- What constitutes a public nuisance subject to abatement?
  - Violations of Titles 6, 8, 19 or 22 of County Code which relate to or arise from a cannabis or industrial hemp activity (§22.74.150.G)
  - Any condition caused or allowed to exist in violation of any of the provisions of Chapter 22.40 (§22.40.130)
  - Any condition caused or allowed to exist in violation of any of the provisions of this Chapter 23.08 (§23.08.432)
  - Any violation of County Code or state law related to industrial hemp (§22.30.244.D.2)

#### **How is one put on notice of violation?**

- Notice of nuisance abatement, notice of violation, order to abate and notice of hearing (§§ 22.40.130.B., 23.08.432.b)
  - Lists the violations, timeline by which to abate, hearing date and time, potential administrative fine amount, statement regarding intent to charge administrative costs and ability for costs to be made special assessment and become lien on property
- Notice requirements (§§22.74.070.A, 23.10.040):
  - Notice shall be issued to property owner (as shown on last equalized assessment roll) and tenant (if there is one)
  - Served personally or by mail, postage prepaid, certified, return receipt requested
  - Posted on the property
  - Recorded at County Recorder

#### **Administrative Hearing Process**

- The County Board of Supervisors has delegated the duties of administrative hearings to Cannabis Hearing Officers
- Cannabis Hearing Officers have all authority set forth in sections 27721 and 27722 of the Government Code, including, but not limited to:
  - Authority to conduct the hearing
  - issue subpoenas

- receive evidence
- administer oaths
- Authority to rule on questions of law and the admissibility of evidence
- make findings of fact and conclusions of law
- prepare a record of the proceedings
- Authority to, in his or her discretion, continue hearings
- Authority to uphold fines and abatement orders and order that the cost of the abatement be specially assessed against the parcel.
- See §§22.74.150.G, 22.40.130.C, 23.10.150.g, 23.08.432.c
- Costs of abatement and all administrative costs are recoverable
  - Authority to collect costs (§§22.74.080, 22.74.150.F, 23.10.050, 23.10.150.f)
  - Administrative hearings (subsequent to abatement hearings) are also held to confirm costs (§§22.74.150.G, 23.10.150.g)

### **Appeals**

- File a writ of mandate, pursuant to Code of Civil Procedure §§1094.5 and 1094.6, within 90 days of the decision
- File an appeal, pursuant to Government Code §53069.4 (b), within twenty days after service of the decision or notice of final adjusted fine.