

Cdyp #01

ORDINANCE NO.3590

**AN ORDINANCE AMENDING
TITLE 6 OF THE SAN LUIS OBISPO COUNTY CODE**

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

SECTION 1: Section 6.32 of Title 6 of the San Luis Obispo County Code, is hereby amended to add:

6.32.082 Penalties for violations

- (a) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Chapter is deemed guilty of a misdemeanor and a public nuisance. Any person convicted of a misdemeanor under the provisions of this Chapter, shall be subject to punishment by a fine, or by imprisonment in the county jail for a period not exceeding six months, or by both fine and imprisonment.
- (b) In addition to potential criminal penalties, any person that violates the provisions of this Chapter may be subject to civil actions, administrative fines, and enforcement action pursuant to County Code.
- (c) A violation of this Chapter shall be subject to an administrative fine of \$1,000 per violation.
- (d) Non-exclusivity of Penalties. The penalties set forth herein are not intended to be exclusive of other penalties and remedies and are intended to be in addition to any other remedies provided in this Code or any other law, statute, ordinance or regulation, including, without limitation, the California Health and Safety Code or California Penal Code with regard to the sale, use, possession, delivery, storage, and/or transportation of fireworks.

6.32.084 Separate offenses

Any person violating the provisions of this Chapter shall be deemed guilty of a separate offense for each violation that is committed, continued, or permitted by that person, and shall be punishable accordingly. Each and every unpermitted firework discharge shall constitute a separate offense.

6.32.086 Definitions

The following definitions shall apply to this Chapter:

- (a) "Department" means the Department of Planning and Building, which shall be the department responsible for administering [Administrative Appeal Hearings](#).

outlined in this Chapter, County Fire Department and the Sheriff's Office, which shall be responsible for enforcing this Chapter.

- (b) "Enforcement Officer." For purposes of this Section, the term "Enforcement Officer" means any law enforcement officer, County employee, or agent of the County, ~~or law enforcement officer~~ with the authority to enforce any provision of this Code, including, but not limited to, employees of the County Fire Department, the Sheriff's Office, and Department of Planning and Building.
- (c) "Response Costs." For the purposes of this Section, the term "response costs" means those reasonable and necessary costs directly incurred by the Enforcement Officer for a response to a violation of this Chapter, and include the cost of providing law enforcement, firefighting, and/or other emergency services at the scene of the violation, including, without limitation, the following:
1. Salaries and benefits of the Enforcement Officer for the amount of time spent responding to, remaining at, or otherwise dealing with the violation, and the administrative costs attributable to the response(s); and
 2. The cost of any medical treatment to or for any Enforcement Officer injured responding to, remaining at, or leaving the scene of the violation; and
 3. The cost of repairing any equipment used by the Enforcement Officer or property damage, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of the violation.
 4. The costs of disposal of any fireworks seized in accordance with this Chapter.
- (d) "Social Host." For the purposes of this Section, the term "Social Host" means:
1. Any owner of private property as listed on the most recent assessment roll; and/or
 2. Any person who has the right to use, possess or occupy a public or private property under a lease, permit, license, rental agreement, or contract; and/or
 - c. Any person who hosts, organizes, supervises, officiates, conducts, or accepts responsibility for a gathering on public or private property.
- (e). "Strictly Liable." For the purposes of this Section, the term "Strictly Liable" means liability for a wrongful act regardless of such person's intent, knowledge, negligence, or lack thereof in committing the wrongful act.
- (f) "Spectator." For the purposes of this Section, the term "Spectator" means any person present during an unpermitted fireworks discharge for the purpose of viewing, observing, watching, or witnessing the event. A person is "present" during an unpermitted fireworks discharge if that person is within two hundred (200) feet of the location of the fireworks discharge. Peace officers or their agents, or County employees

designated to enforce the provisions of this Code, who are acting in the course of their official duties, are not considered "spectators."

6.32.088 Social host, minor, and spectator liability.

- (a) Any social host shall be strictly liable for any violation of this Chapter occurring at the social host's property or gathering.
- (b) Any person having the care, custody, or control of any minor who violates this Chapter shall be strictly liable for the minor's violation of this Chapter. The person having the care, custody, or control of any minor who violates this Chapter need not be present when the minor violates the Chapter to be held strictly liable for the violation.
- (c) It shall be unlawful for any person to be knowingly present as a Spectator during an unpermitted fireworks discharge in violation of this Chapter.
- (d) No person who has the right to use, possess, or occupy a unit in a multifamily residential property under a lease, rental agreement, or contract shall be liable for violations of this Chapter occurring in the common areas of the property.

§ 6.32.090 Response cost.

In addition to any fines or penalties which may otherwise be levied by the County pursuant to this chapter, the County shall be entitled to recover from any person found to be in violation of any provision of this chapter, the County's full response costs.

6.32.091 Seizure of fireworks.

The enforcement officer may seize, take, remove or cause to be removed, at the expense of the licensee, all stocks of fireworks offered or exposed for sale, stored or held in violation of this Chapter when such violation creates an imminent threat to public health or safety.

6.324.092 Notice of Nuisance, Notice of violation Violation and Notice of administrative Administrative fineFine.

Upon the determination by the Enforcement Officer that a violation occurred, a Notice of Nuisance, Notice of Violation, and Notice of Administrative Fine may be prepared, with copies thereof to be served as provided by Section 6.324.0950957. The Notices of Violation and Fine shall include the following information.

- (a) The date and approximate time the violations occurred, and a legal description and street address, assessor's parcel number, or other description sufficient to identify the premises affected.
- (b) A description of the conditions causing the violation(s). The description shall specify the number of violation(s) observed.
- (c) The code sections that that were violated.
- (d) The amount of fines being imposed for each violation.
- (e) The amount of response costs being imposed for each violation.

- (f) A statement that the fine shall be paid directly to the Department that ~~is responsible for administering the code section(s) violated~~ issued the Notice of Nuisance, Notice of Violation, and Notice of Administrative Fine - within twenty days from the service of the Notice ~~Violation and Fine~~.
- (g) An explanation that the ~~Notice of Nuisance, Notice of Violation, and Notice of Administrative Fine~~ Notice of Violation and Fine may be appealed by submitting an appeal within twenty days of service of the notice to the Department. The explanation shall clearly detail the process for submitting an appeal, including the need to pay the fine amount in advance. An appeal shall be conducted in accordance with Section 6.34.096. The name and signature of the Code Enforcement Officer.

6.324.0935 Appeal of notice of violation and administrative fine

- (a) An appeal shall be filed with the Department ~~that issued the Notice of Nuisance, Notice of Violation, and Notice of Administrative Fine~~ within twenty days of the service of the Notice of Violation and Fine by the person upon whom the notice is served.
- (b) An appeal may contest that there was a violation or that the appellant is the responsible person. An appeal shall use the form provided by the Department and may include any other supporting materials the appellant wishes to furnish.
- (c) The appeal shall be submitted with an advanced deposit of the fine amount identified in the Notice of Violation and Fine.

6.32.094

6.34.96

Administrative Fine Appeal process

- (a) Pursuant to Government Code section 27721, the appeal shall be heard by the County Hearing Officer, established under Section 22.74.060 ~~and 23.10.030~~.
- (b) The Hearing Officer shall conduct the hearing as follows:
 1. The Hearing Officer will hear sworn testimony and consider other evidence concerning the violation(s).
 2. Respondents to enforcement actions may be present at the hearing, may be represented by counsel, may present testimony, evidence, and cross-examine witnesses.
 3. If the respondent does not appear and present evidence at the hearing, the Hearing Officer may base their decision solely upon the evidence submitted by the Enforcement Officer. Failure of the respondent to appear and present evidence at the hearing shall constitute a failure to exhaust administrative remedies.
 4. The hearing need not be conducted according to technical rules relating to evidence and witnesses, and may be continued from time to time.
 5. The hearing shall be conducted in the English language. The proponent of any testimony by a witness who does not proficiently speak the English language

shall provide an interpreter who has been certified as an interpreter by either the State of California or the County of San Luis Obispo.

6. The Hearing Officer will deliberate upon the evidence presented, and shall, within seven (7) calendar days after the close of the hearing, issue a written decision and order.
7. If the Hearing Officer determines that the notice of fine should be upheld, the fine amount on deposit with the department shall be retained by the Department.
8. If the Hearing Officer determines that the notice of fine should be reduced or canceled, and the fine was deposited with the Department, then the Department shall promptly refund the corresponding amount of the deposited fine.
9. The decision of the Hearing Officer shall be mailed to, or personally served upon, the respondent and any other party upon whom the notice of violation was served, and the Code Enforcement Officer.
10. The decision shall be final when signed by the Hearing Officer and served as herein provided.

6.34.97 6.32.095 Notices of Civil Violations

(a) Any notice required in compliance with this Chapter shall be served by the Enforcement Officer as follows, except where this Chapter provides otherwise.

1. A copy of the notice shall be either served personally or by mail, postage prepaid, certified, return receipt requested, to:
 - a. The owner of the affected premises as shown on the last equalized assessment role. If no address can be found or is known to the Code Enforcement Officer, then the notice shall be mailed to the person at the address of the premises affected by the proceedings.
 - b. Any lessees of record of the real property;
 - c. The record owner of any affected recreational vehicle, mobile home or other vehicle and any holders of security interest(s) in the recreational vehicles, mobile homes or other vehicles;
 - d. Any holder of a mortgage, deed of trust, lien or encumbrance of record on the real property; and
 - e. Any person in real or apparent charge or control of the affected property, mobilehome, recreational vehicle or other vehicles.
2. A copy of the notice shall be prominently and conspicuously placed upon the premises affected by the enforcement proceedings.
3. A copy of the notice shall be recorded in the ~~office~~ Office of the County Recorder of San Luis Obispo County within 45 days of service of the notice, unless payment of the administrative fine amount identified in the notice is paid in full

~~within that time, in which case the notice shall not be required to be recorded, except for a notice for a revocation of a bond or performance guarantee.~~

The failure of any person to receive the notice does not affect the validity of any proceedings taken hereunder.

6.32.098 Right to judicial review.

Any person aggrieved by an administrative decision of the County Hearing Officer on an administrative citation may obtain review of the administrative decision by filing an appeal to be heard de novo by the Superior Court in accordance with the timelines and provisions set forth in California Government Code Section 53069.4. If no notice of appeal of the hearing officer's administrative decision is filed within the period set forth in Section 53069.4, the hearing officer's decision shall be deemed confirmed.

SECTION 2: 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 3: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 4: These ordinance amendments are covered by a general rule exemption (State CEQA Guidelines section 15061(b)(3)) from the California Environmental Quality Act (CEQA) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 5: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 21st day of April, 2026, by the following roll call to vote, to wit:

AYES: Supervisors Heather Moreno, Bruce S. Gibson, John Peschong, Dawn Ortiz-Legg and Chairperson Jimmy Paulding

NOES: None

ABSENT: None

ABSTAINING: None



Jimmy Paulding
Chairperson of the Board of Supervisors

ATTEST:

MATTHEW P. PONTES
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin
Deputy Clerk

[SEAL]

Approved as to Legal Form and Effect:
JON ANSOLABEHERE
County Counsel

By: /s/ Benjamin Dore
Deputy County Counsel

Dated: April 25, 2025

STATE OF CALIFORNIA) ss.
COUNTY OF SAN LUIS OBISPO)

I, **MATTHEW P. PONTES**, Ex-Officio Clerk of the Board of Supervisors thereof, do hereby certify the foregoing to be a full, true and correct copy of an order entered in the minutes of said Board of Supervisors, and now remaining of record in my office.

Witness, my hand and seal of said Board of Supervisors on April 22, 2026.

MATTHEW P. PONTES
Chief Executive Officer, and
Ex-Officio Clerk of the Board of Supervisors

By: Niki Martin
Deputy Clerk

