

ORDINANCE NO. 118

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON
COMMUNITY SERVICES DISTRICT REPEALING ORDINANCE NO. 93
REGARDING ABATEMENT OF HAZARDOUS WEEDS, TREES AND DEBRIS**

WHEREAS, the San Simeon Community Services District ("District") is a community services district duly formed under Government Code Section 61000 et seq. to provide community services within the District's service area; and

WHEREAS, on February 9, 2000, the District Board of Directors adopted Ordinance No. 93 that provides for a procedure to abate weeds, dead trees and other debris that is accumulated on private property; and

WHEREAS, the ordinance was adopted pursuant to Government Code Section 61623.5 and Health and Safety Code Sections 14875 through 14922; and

WHEREAS, Government Code Section 61623.5, which was repealed effective January 1, 2006, provided that community service districts that were authorized to provide fire protection services had the authority to remove flammable material, weeds etc. pursuant to the Health and Safety Code; and

WHEREAS, Section 61623.5 has been replaced by Government Code Section 61100(t), which provides weed abatement authority for community services districts that have such authority; and

WHEREAS, the District currently has the following active powers as authorized by the Local Agency Formation Commission: road maintenance, water, sewer and street lighting;

WHEREAS, the District does not have fire protection or weed abatement powers; and

WHEREAS, as such, the District does not have fire protection or weed abatement authority to proceed in accordance with Health and Safety Code Sections 14875 through 14922; and

WHEREAS, therefore, the District seeks to repeal Ordinance No. 93.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:

SECTION 1. Recitals.

The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Repeal of Ordinance No. 93.

This Ordinance repeals Ordinance No. 93.

SECTION 3. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The District Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

SECTION 4. Effective Date.

This Ordinance shall take effect thirty days after its adoption.

SECTION 5. Publication.

A summary of this Ordinance shall be published in a newspaper of general circulation and a certified copy of the full text of the proposed Ordinance shall be posted in the office of the District at least five days prior to the meeting at which the proposed Ordinance is to be adopted. Within fifteen days after adoption of the Ordinance, the governing body shall publish a summary of the Ordinance with the names of those members voting for and against the ordinance and shall post in the office of the district a certified copy of the full text of the adopted Ordinance along with the names of those members voting for and against the Ordinance.

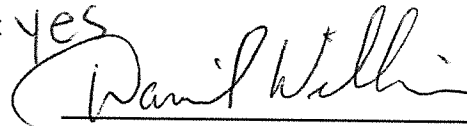
This Ordinance was passed and adopted at a meeting of the Board of Directors of the San Simeon Community Services District on September 13, 2017; Upon motion by Director Williams and seconded by Director Russell, by the following roll call vote:

Chairperson Williams: yes

Director Patel: yes

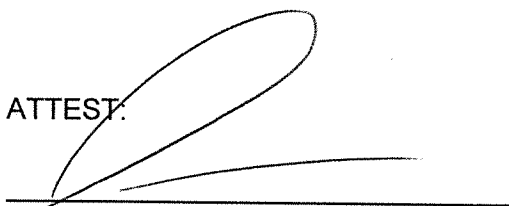
Director Russell: yes

Director McGuire: yes



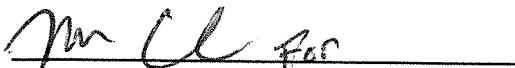
Daniel Williams, Chairperson

ATTEST:



Charles Grace
Secretary/General Manager

APPROVED AS TO FORM:



Heather K. Whitham
District Counsel