ANALYSIS

This ordinance amends Title 2 - Administration; Title 3 - Advisory Commissions and Committees; and Title 17 - Parks, Beaches, and Other Public Areas of the Los Angeles County Code relating to the operation of beaches located in the County that are owned, controlled, or managed by the County, and to the powers and duties of ocean lifeguards. Among other things, the ordinance explicitly establishes that ocean lifeguards shall be under the direct control of the Fire Chief of the Consolidated Fire Protection District, and amends the County Code relating to the authority and responsibilities of the Fire Chief, Sheriff, Director of the Department of Beaches and Harbors, and ocean lifeguards.

The ordinance also imposes restrictions on certain beach and surf activities, clarifies certain license requirements on various enumerated events and activities at the beach, and amends the appointment and length of service requirements for members of the Beach Commission.

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LLH:gl

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ORDINANCE NO. 2012-0005

An ordinance amending Title 2 - Administration, Title 3 - Advisory Commissions and Committees and Title 17 - Parks, Beaches, and Other Public Areas of the Los Angeles County Code, relating to the operation and use of beaches that are owned, controlled, or managed by the County, to the authority of the Fire Chief of the Consolidated Fire Protection District, Sheriff, Director of the Department of Beaches and Harbors, and ocean lifeguards in governing these beaches, and to the appointment and length of service requirements for members of the Beach Commission.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 2.20.081 is hereby added to read as follows:

2.20.081 Fire Chief authority over ocean lifeguards.

The Fire Chief of the District is charged with the responsibility for the operation, supervision, and control of the County ocean lifeguard services, as defined in this chapter.

SECTION 2. Section 2.20.082 is hereby added to read as follows:

2.20.082 Ocean lifeguard services.

A. Ocean lifeguard services shall mean all service duties performed by ocean lifeguards, including rescues, rescue preventions, code enforcement, first aid, advanced and basic life support, beach and waterway patrols, rescue boat and other craft operations, marine firefighting, marine search and rescue, underwater rescue and recovery, inland waterway response, youth program instruction, and response to major coastal incidents.

B. Ocean lifeguards shall exercise the powers and duties set forth in this chapter relating to ocean lifeguards, along with any other duties that may be specified from time to time by the Fire Chief of the District.

C. When exercising their powers and duties, ocean lifeguards shall wear the uniforms prescribed by the Fire Chief of the District, as these uniforms may change from time to time.

SECTION 3. Section 2.20.083 is hereby added to read as follows:

2.20.083 Enforcement of violations on public beaches.

The Fire Chief and ocean lifeguards shall have the same authority as the Director of the Department of Beaches and Harbors, as set forth in Section 2.116.170 of this code, to enforce any applicable provision of this code and the violation of any other ordinance, regulation, or policy that occurs on any beach, as that term is defined in Section 17.12.030 of this code. The Los Angeles County Sheriff shall have the authority to train the ocean lifeguards in any skills necessary to carry out their code enforcement duties described in this section.

SECTION 4. Section 2.20.084 is hereby added to read as follows:

2.20.084 Fire Chief service to other beaches.

In addition to performing the duties specified in this chapter relating to ocean lifeguards, the Fire Chief shall also furnish ocean lifeguard and related services to beaches outside the jurisdiction of the District that are owned, controlled, or managed by the County.

SECTION 5. Section 2.20.085 is hereby added to read as follows:

2.20.085 Other powers and duties.

In addition to the powers and duties set forth in this chapter, the Fire Chief of the District and the ocean lifeguards shall have the applicable powers and duties delegated to them in Chapters 17.12 and 19.12 of this code.

SECTION 6. Section 2.116.020 is hereby amended to read as follows:

2.116.020 Director -- Powers and duties.

The ~~d~~Director of the ~~d~~Department of ~~b~~Beaches and ~~h~~Harbors shall, ~~for and~~ subject to the authority of the ~~b~~Board of ~~s~~Supervisors, protect, develop, manage, regulate, and have complete and exclusive charge and control, except as provided in subsection C of this section, below, or as is otherwise delegated to the Fire Chief of the District, ocean lifeguards, or the Sheriff pursuant to Chapters 2.20, 17.12, or 19.12 of this code, of all harbors and beaches ~~under the jurisdiction of~~that are owned, controlled, or managed by the ~~c~~County, including the harbor known as the Marina del Rey. His duties shall include, but not be confined to:

A. The establishment and enforcement of rules and regulations pertaining to the use of the harbors and beaches~~;~~.

B. The imposition and collection of charges, rates, and rentals for the use of the facilities of the harbors and beaches~~;~~.

C. 1. The leasing, subleasing, ~~or~~ licensing, or permitting the use, individually or collectively, of portions of the harbors and beaches and the imposition

and collection of rentals, charges, and rates therefor, and enforcement of license or permit agreements by suit against any person in breach of contract with the department for the use of a facility that is owned, ~~or~~ controlled, or managed by the ~~c~~County within those areas and for which the ~~d~~Director is responsible. The licensing or permitting authority under this subsection shall be pursuant to and consistent with the delegation and related provisions of California Government Code section 25537, except that the maximum monthly rental amount for any license or permit issued pursuant to this subsection shall be $15,000. This licensing or permitting authority shall be used for, among other things, licensing or permitting beach events and activities on beaches and the public areas of Marina del Rey, as such events and activities are described in Sections 17.12.345 and 19.12.1292 of this code. The terms and conditions of any such license or permit issued pursuant to this subsection shall be enforceable by the Director, the Director's representatives, the Fire Chief of the District, and ocean lifeguards, as applicable;

2. No suit shall be filed by the ~~d~~Director without the concurrence of the ~~c~~County ~~c~~Counsel; and

3. The ~~c~~Chief ~~e~~Executive ~~c~~Officer shall participate with, and assist the ~~d~~Director in, negotiating the terms and conditions of leases of ~~c~~County-owned properties in the Marina del Rey~~;~~.

D. The development, improvement, expansion, maintenance, operation, and supervision of the use of the harbors and beaches, and facilities thereon~~;~~.

E. ~~The operation, supervision and control of the county beach life guard service;~~The issuance of right-of-entry permits to third parties for construction-related activities, and parking permits for parking-related activities in any area under which the Director has jurisdiction.

F. The determination of the kind and extent of recreational programs to be carried out at the harbors and beaches~~;~~.

G. The development of a program of community relations with citizens residing in the harbor and incorporated and unincorporated beach areas~~;~~.

H. The delegated authority on behalf of the ~~b~~Board of ~~s~~Supervisors to enter into contracts pursuant to California Government Code section 25559(a) for the furnishing of music and musical entertainment to the public at the harbors, either by employment of individual musicians or by entering into contracts, with or without bids, with orchestras, bands, symphony associations, or other organizations. Expenditures authorized for such events may also include event--related catering, transportation, lodging, and security services, and rental of performance, sound and lighting equipment, dressing rooms, and tents, which shall be procured through the ~~i~~Internal ~~s~~Services ~~d~~Department. To the extent available, proceeds from public-private partnerships established by the ~~b~~Board of ~~s~~Supervisors to sponsor musical entertainment events shall be used to fund expenditures authorized by this section; any ~~c~~County funds necessary to augment the funding for such expenditures shall only be committed by the ~~d~~Director with the prior approval of the ~~c~~Chief ~~e~~Executive ~~o~~Officer, from funds appropriated for such purposes by the ~~b~~Board of ~~s~~Supervisors~~;~~.

I. Any other authority and duties possessed by the dDepartment of ~~b~~Beaches and ~~d~~Department of ~~s~~Small ~~c~~Craft ~~h~~Harbors and the ~~d~~Directors thereof prior to July 1, 1982, the time that such departments were merged into the ~~d~~Department of ~~b~~Beaches and ~~h~~Harbors, and not enumerated above~~;~~, except for any authority or duty delegated solely to the Fire Chief of the District, the ocean lifeguards, or the Sheriff, in Chapters 17.12 and 19.12 of this code.

J. Such other authority and duties as the ~~b~~Board of ~~s~~Supervisors shall delegate to the ~~d~~Director.

SECTION 7. Section 2.116.160 is hereby deleted in its entirety.

~~**2.116.160 Lifeguards and other rescue personnel -- Powers and duties.**~~

~~The captains of lifeguards, the lieutenants of lifeguards and the skippers of rescue boats shall exercise the powers granted by Section 2.116.170, and perform such other duties as may be specified from time to time by the director of beaches and harbors.~~

SECTION 8. Section 2.116.170 is hereby amended to read as follows:

2.116.170 ~~Citations for~~Enforcement of violations ~~in~~on public beaches and in public areas of the County's harbors.

~~Pursuant to Section 5380 of the Public Resources Code, i~~In order to protect and preserve the peace on public beaches ~~areas bordering the Pacific Ocean which~~that are owned, controlled, or managed ~~or controlled~~ by the ~~c~~County or in public areas of the County's harbors, ~~in incorporated or unincorporated territory, from damage, and in order~~

~~to preserve the peace therein,~~ the ~~d~~Director, ~~assistant director, executive assistant, captains of lifeguards, lieutenants of lifeguards, beach lifeguards (excluding recurrent lifeguards) and skippers of rescue boats in~~of the ~~d~~Department of ~~b~~Beaches and ~~h~~Harbors and any of his/her designees ~~may issue citations in accordance with the provisions of Chapter 5b (commencing with Section 853.1) and Chapter 5c (commencing with Section 853.6) of Title 3 of Part 2 of the Penal Code, for misdemeanor violations of laws of this state and ordinances of a city or of the county when such misdemeanor violations or ordinance violations are committed within such public beach areas and within their presence~~shall have the authority to cite as an infraction and punish by fine in accordance with California Government Code section 25132 any violation of any ordinance, regulation, or policy occurring on any beach, as that term is defined in Section 17.12.030 of this code, governed by the provisions of Chapter 17.12 of this code, the violation of which by the applicable law is an infraction. Any such individual or official shall also have the authority under Chapter 1.25 of this code to issue notices of violation, impose administrative fines and/or non-compliance fees, and carry out any other appropriate measure pursuant to, and in accordance with, said chapter. The remedies available under this section shall be cumulative to any other remedy allowed under this code or otherwise allowed by law.

SECTION 9. Section 2.116.180 is hereby deleted in its entirety.

~~**2.116.180 Lifeguards and other rescue personnel -- Uniforms.**~~

~~While exercising the powers granted by Section 2.116.170, the persons described in Section 2.116.160 shall wear the uniforms prescribed from time to time by the director of beaches and harbors.~~

SECTION 10. Section 2.116.190 is hereby deleted in its entirety.

~~**2.116.190 Lifeguards and other rescue personnel -- Training.**~~

~~The sheriff may train persons holding positions described in Section 2.116.160 in the performance of the duties specified in Section 2.116.170.~~

SECTION 11. Section 2.116.200 is hereby amended to read as follows:

2.116.200 Services to other beaches authorized when.

In addition to performing the duties specified above, the ~~d~~Director shall furnish ~~lifeguard services and~~ beach maintenance and related services to beaches not owned, leased, managed, or operated by the ~~c~~County of Los Angeles where the ~~b~~Board of ~~s~~Supervisors has entered into contracts for the furnishing of such services.

SECTION 12. Section 2.116.210 is hereby deleted in its entirety.

~~**2.116.210 Pay-per-call surf and weather service.**~~

~~Pursuant to Sections 25330 through 25339 of the Government Code, the director is authorized to establish and maintain an enhanced pay-per-call surf and weather information service more detailed than generalized surf and weather reports, and more specifically focused upon providing pertinent information to meet recreational interests~~

~~including, but not limited to, parking availability, boating, scuba diving, surfing, wind surfing and youth programs. A fee not to exceed $1.20 shall be set by the director and may be charged for each minute of each telephone call made by members of the public to access this optional and enhanced service.~~

SECTION 13. Section 2.116.250 is hereby amended to read as follows:

2.116.250 Beach Commission -- Length of service -- Vacancy.

Each member of the Beach Commission shall serve at the pleasure of the Board of Supervisors. The term of office ~~of~~for each member~~s of the beach commission~~ and ~~occurrence of~~the process to fill vacancies shall be as ~~prescribed by Section 3.100.020 of the county code. The provisions of Chapter 5.12 of the county code shall not apply to the beach commission.~~follows:

A. The term for each Commission member shall be four years.

B. No member of the Commission may serve more than two consecutive full terms. The Board of Supervisors may by order, and as it deems appropriate, extend this length of service or waive this limit for individual members, or for the Commission as a whole.

C. Nomination of a candidate for appointment to the next vacant position for a full term on the Commission, or for the remainder of an unexpired term, shall be made by the Supervisor of the Supervisorial District whose nominee was last appointed to such position.

D. A member's position on the Commission shall become vacant upon his or her death, resignation, or removal by the Board of Supervisors.

E. The provisions of Chapter 5.12 of the County Code shall not apply to the Beach Commission.

SECTION 14. Section 3.100.020 is hereby amended to read as follows:

3.100.020 Length of service -- Certain bodies.

A. 1. At the expiration of the current terms of members of the following bodies serving upon the effective date of the ordinance codified in this section, appointments to the vacancies created shall be for the period of service stated:

Body	**Period of Service**
Architectural Evaluation Board	Four years
~~Beach Commission~~	~~Two years~~
Public Library Councils	Two years

. . .

SECTION 15. Section 17.12.030 is hereby amended to read as follows:

17.12.030 Beach.

"Beach" means a public beach or shoreline area, inclusive of all appurtenant areas such as, by way of illustration and not by limitation, beach facilities, bicycle paths, promenades, service and emergency roads, parking lots, pedestrian stairways and accessways, landscaping, slopes, jetties, creek beds, revetments, drains, and all navigable waters within one thousand feet from the public beach or shoreline area, bordering the Pacific Ocean owned, controlled, or managed ~~or controlled~~ by the ~~c~~County, in incorporated or unincorporated territory.

SECTION 16. Section 17.12.035 is hereby added to read as follows:

17.12.035 Code enforcement officer.

"Code enforcement officer" means an employee of the Department of Beaches and Harbors who has been authorized to enforce any and all statutes, ordinances, regulations, or policies pertaining to the beaches, and who has successfully completed a basic course approved by the California Commission on Peace Officer Standards and Training pursuant to California Penal Code section 832(a) to act in this capacity.

SECTION 17. Section 17.12.050 is hereby amended to read as follows:

17.12.050 Director.

"Director" means the ~~d~~Director of the ~~d~~Department of ~~b~~Beaches and ~~h~~Harbors, his/her Chief ~~d~~Deputy, or any other person authorized or designated by ~~him pursuant to the law~~the Director or the Chief Deputy to act in his/her stead.

SECTION 18. Section 17.12.051 is hereby added to read as follows:

17.12.051 District.

"District" means the Consolidated Fire Protection District of the County.

SECTION 19. Section 17.12.053 is hereby added to read as follows:

17.12.053 Fire Chief.

"Fire Chief" means the Fire Chief of the District or any other person authorized or designated by the Fire Chief to act in his/her stead. For purposes of this chapter, any reference to the Fire Chief, or to the powers and duties of the Fire Chief, pertain only to

his/her role as the official responsible for the function, supervision, and control of the ocean lifeguards.

SECTION 20. Section 17.12.055 is hereby added to read as follows:

17.12.055 License or permit.

"License" or "permit" shall mean an entitlement issued by the Director granting permission for the non-exclusive use of any specified area of any beach owned, controlled, or managed by the County. These entitlements shall include, but not be limited to, right-of-entry permits for construction-related activities on the beach, parking permits for parking at the beach, and licenses issued for beach events or activities of the type described in Section 17.12.345 or any policy or regulation promulgated thereunder.

SECTION 21. Section 17.12.057 is hereby added to read as follows:

17.12.057 Ocean lifeguard.

"Ocean Lifeguard" means a lifeguard employed by the County to provide lifesaving services as described in Chapter 2.20 of this code.

SECTION 22. Section 17.12.060 is hereby amended to read as follows:

17.12.060 Person.

"Person" includes every person~~, firm~~ or ~~corporation~~non-governmental entity.

SECTION 23. Section 17.12.090 is hereby amended to read as follows:

17.12.090 Vessel.

"Vessel" means and includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. "Vessel" ~~includes a raft and a personal motorized water craft, but~~ does not include a sailboard, surfboard, kite board, paddleboard, ~~boogie board~~bodyboard, standard surf mat, or any similar device~~s~~.

SECTION 24. Section 17.12.115 is hereby added to read as follows:

17.12.115 Compliance with enforcement order.

It shall be unlawful for any person to fail to comply with any order, signal, or direction of the Director, Fire Chief, ocean lifeguard, or code enforcement officer who is seeking to enforce any applicable provision of this code or any other applicable law in the course of his/her duties pertaining to any activity or conduct on the beach.

SECTION 25. Section 17.12.120 is hereby amended to read as follows:

17.12.120 Liability limitations.

A person exercising any of the privileges authorized by this chapter does so at his own risk without liability on the part of the ~~e~~County or the District for any injury to person or property resulting therefrom.

SECTION 26. Section 17.12.130 is hereby amended to read as follows:

17.12.130 Enforcement authority.

The ~~d~~Director, as well as the Fire Chief, ocean lifeguard, and any peace or code enforcement officer, shall have the authority to enforce the provisions of this chapter.

SECTION 27. Section 17.12.140 is hereby amended to read as follows:

17.12.140 Delegation of powers.

Whenever a power is granted to, or a duty is imposed upon the ~~d~~Director, Fire Chief, or other ~~public~~peace officer, the power may be exercised or the duty performed by a ~~d~~Deputy of the Director, Fire Chief, or other peace officer, or by an ocean lifeguard, code enforcement officer, or other person authorized~~, pursuant to law,~~ by the ~~d~~Director, Fire Chief or other peace officer, unless this chapter expressly provides otherwise.

SECTION 28. Section 17.12.150 is hereby amended to read as follows:

17.12.150 Violation -- Penalty.

A. ~~Any person who, within the unincorporated territory of the county of Los Angeles,~~It is unlawful to violate~~s~~ any provision of this chapter, the conditions of any permit or license issued pursuant thereto, or any rule, ~~or~~ regulation, or policy relating to beaches~~,~~ duly adopted by the Board of Supervisors or the Director or Fire Chief when properly adopted under his/her delegated authority, and any person committing such violation is guilty of an infraction, punishable by a fine in accordance with California Government Code section 25132.

B. Notwithstanding the ~~above~~ provisions in subsection A, a violation of Sections ~~17.12.320, insofar as it prohibits the consumption of alcoholic beverages, 17.12.330, 17.12.340,~~ 17.12.360, ~~17.12.400,~~ 17.12.410, ~~17.12.420,~~ 17.12.440, and 17.12.480 of this chapter is a misdemeanor, punishable by a fine ~~of up to $500.00~~not exceeding $1,000 and/or imprisonment in the County Jail for a period ~~of up to~~not exceeding six months, or both.

C. A repetition or continuation of any violation of any provision of this chapter, or of any order or direction of the ~~d~~Director, Fire Chief, ocean lifeguard, or peace or code enforcement officer, on successive days~~,~~ constitutes a separate offense for each day during any portion of which such violation is committed, continued, or permitted.

SECTION 29. Section 17.12.180 is hereby amended to read as follows:

17.12.180 Exceptions to Part 3 regulations.

The provisions of this Part 3 are not applicable to acts performed:

A. In an emergency, for the purpose of protecting life or property~~;~~.

B. By duly-authorized County employees ~~of the~~or ~~c~~County contractors, ~~or by employees of the state or other public body maintaining a beach,~~ for the purpose of performing their duties~~;~~.

C. ~~For the purpose of giving instruction, training or exhibitions, w~~When specific permission to ~~give~~carry out such act or acts has been ~~received from~~given by the ~~d~~Director, Fire Chief, an ocean lifeguard, or a code enforcement officer.

SECTION 30. Section 17.12.205 is hereby added to read as follows:

17.12.205 Sand -- Digging prohibited.

No person shall dig a hole deeper than eighteen inches (18") into the sand, or dig into any vertical sand embankment.

SECTION 31. Section 17.12.210 is hereby amended to read as follows:

17.12.210 Structures and equipment -- Injuring or defacing prohibited.

A person~~, other than a duly authorized beach employee in the performance of his duties,~~ shall not:

A. Cut, break, injure, deface, or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment, or property on a beach, or any portion thereof~~;~~, whether any of the aforementioned are temporary or permanent.

B. Mark or place thereon or on any portion thereof, any mark, writing, or printing~~;~~.

C. Attach thereto any sign, card, display, or other similar device.

SECTION 32. Section 17.12.230 is hereby amended to read as follows:

17.12.230 Motor vehicle restrictions.

If the ~~d~~Director finds that at certain times, or under specified restrictions, or at designated places a person can so operate a motor vehicle so as to not interfere in any way with the use of any beach, he may grant such person permission so to operate such motor vehicle. Otherwise, a person shall not bring to or operate on any beach any

motor vehicle except as permitted by the ~~d~~Director, and subject to all of the conditions which are a part of such permission. If permission to operate a motor vehicle is granted, a person shall park such motor vehicle only in those areas designated by the director for parking. ~~Vehicles displaying valid veterans special license plates issued pursuant to the provisions of California Vehicle Code sections 5007(a)(2) (disabled veteran), 5101.3 (Pearl Harbor survivor), 5101.4 (Medal of Honor and Distinguished Service Cross), 5101.5 (former American prisoner of war), 5101.6 (Congressional Medal of Honor), or 5101.8 (Purple Heart recipient) shall be exempt from the payment of any fees for parking in beach parking lots during such days and times that parking fees at such lots are required to be deposited into a parking meter or paid directly to a parking attendant, but not where entrance or exit from the involved lot is controlled solely by an automated system. This fee exemption shall not apply on weekends or holidays, other than Veterans Day, to the extent parking fees are otherwise payable on such days. Vehicles entitled to the above fee exemption shall be subject to any other applicable restrictions pertaining to parking at the involved location.~~

SECTION 33. Section 17.12.232 is hereby added to read as follows:

17.12.232 Motor vehicle parking.

A. Designated Spaces. No person shall park any vehicle at any beach public parking lot other than in an established or designated parking space for such vehicle and only if the vehicle displays a current registration decal/sticker or permit, as applicable. No part of any vehicle, including any awnings or other property of the owner, operator, or person in charge of the vehicle, may extend beyond the markings of

the designated parking space. All parking at a beach public parking lot shall be in accordance with the posted signs at such location and/or pursuant to the instruction of any attendant.

B. Double Parking. No person shall double-park any vehicle at any beach public parking lot without the prior written permission of the Director.

C. Trailers. The vehicle owner or operator of any vehicle with a trailer must obtain advance written permission from the Director prior to parking such vehicle at any beach public parking lot. All such trailers must be connected to their tow vehicles.

D. Camping and Recreational Vehicles Restricted. Camping and recreational vehicles, and any other vehicle designed, built, or modified for camping or for any form of human habitation, shall be parked only in areas specifically designated for such parking, except as otherwise authorized under Section 17.12.250. No person parking such a vehicle shall operate a generator outside of the vehicle.

E. Parking Overnight Restriction. No vehicle may park overnight in any beach public parking lot except with advance written permission from the Director, or in accordance with Section 17.12.250.B.

F. Oversized Vehicles Prohibition. Any vehicle that fails to fit within one designated parking space is defined to be an oversized vehicle and must park in tandem or in a designated parking area authorized by the parking attendant. Any vehicle greater than 40 feet in length is prohibited from being and/or parking on any beach public parking lot without the prior written permission from the Director.

G. Commercial Vehicle Prohibition. No commercial vehicle may park overnight in any beach public parking lot or other area designated for public parking without the prior written permission from the Director.

H. Parking Only. All beach public parking lots, and all other areas designated for public parking, are for parking purposes only, unless an exemption is granted by the Director. No person shall inhabit any area of any beach public parking lot, nor shall any person place or store any property, personal belongings, or belongings of others, on any beach public parking lot. Furthermore, no person on any beach public parking lot shall conduct, perform, or cause to be performed any repairs, alterations, maintenance, cleaning, or other work on any vehicle or trailer, or cause any materials or substance, including, paint, oil, or other petroleum products, dirt, paint sandings or chips, wood sandings, or other residue or debris to be deposited on any beach or facility owned, controlled, or managed by the County, or to enter the Pacific Ocean.

I. Parking Fee Exemption. Any vehicle that displays a valid veterans special license plate issued pursuant to the provisions of California Vehicle Code sections 5007(a)(2) (disabled veteran), 5101.3 (Pearl Harbor survivor), 5101.4 (Medal of Honor and Distinguished Service Cross), 5101.5 (former American prisoner of war), 5101.6 (Congressional Medal of Honor), and/or 5101.8 (Purple Heart recipient) shall be exempt from paying parking fees on any County-owned, County-controlled, or County-managed public parking lot where entrance or exit to or from the involved lot is not controlled solely by an automated system. This fee exemption shall not apply on weekends or holidays, other than Veterans Day, to the extent that a parking fee is

otherwise payable on such days. Notwithstanding the provisions of this subsection, any vehicle eligible for a parking fee exemption shall be subject to all other applicable parking restrictions at the involved location.

SECTION 34. Section 17.12.240 is hereby amended to read as follows:

17.12.240 Bicycle paths.

The ~~d~~Director, or the Director of the County Department of Public Works, may from time to time designate, by sign or postings, certain areas to be used exclusively by persons ~~using or operating~~riding bicycles upon bicycle lanes or paths set aside for that use on the beach.

SECTION 35. Section 17.12.250 is hereby amended to read as follows:

17.12.250 Overnight ~~use~~sleeping and camping prohibited.

A. Except as otherwise provided in this section, a person shall not camp on or use for overnight sleeping purposes any beach, or bring a house-trailer, camper, or similar vehicle onto any beach.

B. A person may, upon issuance of an overnight parking permit by the ~~d~~Director, park and sleep overnight in a camper or similar recreational vehicle ~~at~~in the Dockweiler Beach Recreational Vehicle Park. The ~~d~~Director may, in the interest of public health and safety, place reasonable conditions on the issuance of overnight parking permits.

~~C. A person may camp on or use for overnight sleeping purposes any beach between July 13, 1984, to August 26, 1984, at any site(s) designated by the director as a place of temporary accommodation for visitors to the 1984 Los Angeles Olympic~~

~~Games within the assigned space(s) for the period of authorized use upon securing authorization to use the campsite(s), payment of the use fee, and compliance with conditions of use.~~

SECTION 36. Section 17.12.260 is hereby amended to read as follows:

17.12.260 Tents and other shelters -- Permitted when.

Except as otherwise permitted by the Director with a license or otherwise, ~~A~~a person shall not erect, construct, build, create, maintain, use, or occupy on a beach any canopy, tent, lodge, shelter, or structure unless such canopy, tent, lodge, shelter, or structure shall be less than 10 feet by 10 feet and have two sides thereof entirely open, and unless there shall be an unobstructed view into such canopy, tent, lodge, shelter, or structure from the outside thereof on at least two sides thereof. Under no circumstance shall any canopy, tent, lodge, shelter, or structure be used as a dwelling place or for habitation, or be left overnight on any beach.

SECTION 37. Section 17.12.270 is hereby amended to read as follows:

17.12.270 Tents and other shelters -- Guy wires and supports.

A person shall not fasten or maintain any guy wire, guy rope, or exterior bracing or support of any canopy, tent, lodge, shelter, or structure between it or any portion thereof, and any structure, stake, rock, or thing outside of such canopy, tent, lodge, shelter, or structure.

SECTION 38. Section 17.12.310 is hereby amended to read as follows:

17.12.310 Disturbances prohibited.

A person shall not disturb the peace and quiet of any beach by:

A. Playing, causing, or producing Aany unduly loud music or any boisterous or unusual noise, including amplified sound exceeding exterior levels specified for residential areas under the Noise Ordinance of the Los Angeles County Code (Section 12.08.430 et seq.); or unless authorized by permit, license, or other means by the Director.

B. ByCausing or producing any repetitive tooting, blowing, or sounding of any automobile siren, horn, signal, or noise-making device; or.

C. By aAny tumultuous conduct; or.

D. By tThe use of any vulgar, profane, or indecent language therein.

E. Operating a vessel or vehicle motor in such a manner that engine or exhaust noise is unusually loud.

SECTION 39. Section 17.12.320 is hereby amended to read as follows:

17.12.320 Alcoholic beverages restricted.

A person shall not enter, be, or remain on any beach while in possession of any can, bottle, or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, or while consuming any alcoholic beverages except at a concession facility duly authorized by the bBoard of sSupervisors or in connection with a special event duly authorized by the dDirector of the dDepartment of bBeaches and hHarbors for which the sponsoring

organization is properly licensed by the State Department of Alcoholic Beverage Control. The authority granted to the ~~d~~Director under this section is personal and nondelegable.

SECTION 40. Section 17.12.330 is hereby deleted in its entirety.

~~**17.12.330 Intoxicated persons prohibited.**~~

~~An intoxicated person or a person in an intoxicated condition shall not enter, remain on or be on any beach.~~

SECTION 41. Section 17.12.340 is hereby amended to read as follows:

17.12.340 Soliciting or selling merchandise prohibited -- Exceptions.

A person shall not sell, ~~or~~ offer for sale, offer for sample, or give away any goods, wares, or merchandise on a beach, except:

A. ~~By any~~Pursuant to a concessionaire ~~operating under a lease~~agreement granted by the ~~b~~Board of ~~s~~Supervisors of the ~~c~~County, or by the Director, as the case may be; ~~and~~or

B. When found by the ~~d~~Director to be consistent with the policies of the ~~d~~Department of ~~b~~Beaches and ~~h~~Harbors or to promote the program of such department, under conditions prescribed by ~~him~~the Director.

SECTION 42. Section 17.12.345 is hereby added to read as follows:

17.12.345 License or permit requirement for events and activities.

A. Basic Requirement. Prior to holding an event or activity at a beach of the type described in this section, a license or permit must first be obtained for the non-

exclusive use of that beach. The events or activities covered by this requirement include those that involve:

1. An organized group or sponsored gathering of 50 persons or more;

2. A wedding, wedding reception, memorial service, or other ceremonial event;

3. The placement of canopies or tents on the beach that are larger than 10 feet by 10 feet;

4. The use of amplified sound;

5. Cooking, except as otherwise authorized by Section 17.12.370;

6. The use of generators;

7. Commercial and/or sporting events, including, but not limited to, surf or other water sport contests, volleyball tournaments, private parties, marathons, triathlons, 5K/10K runs, and organized walks;

8. A school or organized youth group event, including a field trip and beach cleanup;

9. Classes, lessons, clinics, training, recreational camps, day camps, and boot camps for children and/or adults related to surfing, kayaking, canoeing, exercising, yoga, physical fitness, or similar activity;

10. The use of alcohol in connection with an event described in Section 17.12.320;

11. The use of signage or structures such as banners or inflatables;

12. Commercial filming or photography; and

13. Any other activity or event determined by the Director to be the type requiring a license or permit.

B. Decision of the Director. The decision of the Director on a license or permit application shall be final and shall not be subject to any administrative appeal.

C. Violation of license or permit. Any person violating the terms and/or conditions of a license or permit issued pursuant to this section, or any person participating in an event or activity without a properly issued license or permit, may be subject to removal from the beach by a peace officer in addition to any other enforcement measure or penalty authorized by this chapter or otherwise by law.

D. Modification or Revocation of License or Permit. If the Director, Fire Chief, ocean lifeguard, or peace or code enforcement officer, has cause to believe that an event or activity conducted pursuant to a license or permit issued under this section poses a danger to public health or safety, or prevents the orderly use of any beach or facility owned, controlled, or managed by the County, or is in violation of any federal, state, or local law or ordinance, such official, ocean lifeguard, or enforcement officer shall be authorized to modify or revoke such license or permit at any time during the event or activity.

SECTION 43. Section 17.12.360 is hereby amended to read as follows:

17.12.360 Nudity and disrobing.

. . .

~~C. This section shall not apply to persons engaged in a live theatrical performance in a theater, concert hall, or similar establishment which is primarily devoted to theatrical performances.~~

SECTION 44. Section 17.12.365 is hereby added to read as follows:

17.12.365 Smoking prohibited.

Consistent with Section 11.64.030(G) of this code, smoking shall be prohibited within any area of a public beach, exclusive of parking areas designated for use by the public, within the unincorporated area of the County.

SECTION 45. Section 17.12.370 is hereby amended to read as follows:

17.12.370 Fires prohibited.

A. A person shall not light or maintain any fires on any beach except within the following:

1. A fire pit at Dockweiler Beach installed by the Department of Beaches and Harbors;

2. One of the stationary barbecues located at, or any personal barbecue brought to, Dockweiler RV Park; and

3. A personal barbecue brought to the Marina Beach picnic shelters;

B. No material other than charcoal, firewood, non-treated lumber, lighter fluid,

or newspaper may be used to ignite a fire in the fire pits at Dockweiler Beach, and no material other than charcoal, newspaper, or lighter fluid may be used to ignite a fire in any of the stationary or personal barbecues at Dockweiler RV Park, or any personal barbecue at the Marina Beach picnic shelters. All such ignition materials shall remain where they were ignited until extinguished except at the Marina Beach picnic shelters, where concrete hot coal containers can be used to deposit ignited materials.

C. No self-made fire pits shall be allowed, and no hot or cold coals shall be disposed of in the sand of any beach.

D. No private barbecue shall be allowed at the Dockweiler RV Park or in the Marina Beach picnic shelters unless it has at least 18 inch legs.

E. No personal barbecue of any type shall be used on any picnic table or bench.

F. No cooking shall be allowed in any beach parking lot unless a license or permit has first been obtained, which license or permit shall be available for inspection upon demand.

SECTION 46. Section 17.12.380 is hereby amended to read as follows:

17.12.380 Rubbish disposal requirements.

A person shall not throw, place, or dispose of any garbage, ~~refuse~~food, beverage, container, plastic or paper bag, bottle, or can in any place on a beach other than into a garbage can or other receptacle maintained therein for that purpose. A person shall not throw, place, or dispose of coals, ashes, any wastepaper, or flammable

or combustible ~~refuse~~material in any place on a beach other than into an incinerator or into some box, can, ~~trench~~ or receptacle maintained therein for that purpose.

SECTION 47. Section 17.12.400 is hereby amended to read as follows:

17.12.400 Fireworks.

A person shall not take or transport onto any beach, or have in his or her possession therein, or fire or discharge therein, any firecracker, rocket, torpedo, or fireworks unless he or she first obtains ~~a permit to do so~~prior written approval from the ~~d~~Director and the Fire Chief.

SECTION 48. Section 17.12.425 is hereby added to read as follows:

17.12.425 Model operation prohibited.

No person shall operate any model airplane, boat, helicopter, or similar craft in, on, or over any beach or the Pacific Ocean except in an area that may be established and/or designated for such use by the Director, and subject to all rules and regulations pertaining to such area.

SECTION 49. Section 17.12.430 is hereby amended to read as follows:

17.12.430 Ball-playing restrictions.

A. General Prohibition. It is unlawful for any person to cast, toss, throw, kick, or roll any ball, tube, or any light object other than ~~inflated rubber balls not less than 10 inches in diameter~~a beach ball or beach volleyball upon or over any beach ~~regulated by this Part 3, or upon or~~, except any of the following:

1. In an area that may be established and/or designated for such use by the Director.

2. When the person first obtains a permit by the Director to conduct such activity.

3. When using a water polo ball in or over the Pacific Ocean opposite such beach.

4. When using any other object over ~~any waters of~~or in the Pacific Ocean opposite such beach, the person first obtains previous authorization from the Fire Chief or ocean lifeguard to conduct such activity.

B. Exception for off-season. The ball-playing restrictions set forth in subsection A shall not be applicable during the period between Labor Day and Memorial Day, provided the involved ball-playing activity is carried out in such a manner so as not to endanger any person or property on or near the beach. In no event shall any structure or improvement used for ball-playing purposes be placed on the beach without the previous authorization of the Director.

SECTION 50. Section 17.12.440 is hereby amended to read as follows:

17.12.440 Hazardous conditions -- ~~Areas designated for swimming and other water activities prohibited when~~In the ocean and the surf.

A. General prohibition. Whenever an ~~county~~ocean lifeguard finds a hazardous condition of the ocean, tideland, and/or submerged land within 200 yards seaward from the shore of any beach regulated by this Part 3 that makes the area unsafe, ~~to swim, bathe, surf, surfboard, boardsail, snorkle or scuba dive, or launch or~~

~~land a vessel at the beach,~~ the ocean lifeguard may prohibit persons from engaging in ~~these~~any and all activities within the dangerous area during the time that the hazardous condition exists. A person shall not engage in the prohibited activity within the dangerous area, until the ocean lifeguard finds the hazardous condition no longer exists.

B. Specific uses prohibited. Whenever an ocean lifeguard or peace officer determines there to be potentially hazardous surf conditions related to weather or otherwise, it shall be unlawful for a person to use, operate, manipulate, or handle any surfboard, sailboard, paddleboard, kite board, ocean kayak, surf ski, rigid hull surf-craft, or similar device used for aquaplaning, or other surf wave-riding equipment or device in, or fail to remove the same from, the surf of the Pacific Ocean when the ocean lifeguard or peace officer provides notice or otherwise indicates that any such use is prohibited.

SECTION 51. Section 17.12.450 is hereby amended to read as follows:

17.12.450 Swimming and other water activities -- Restrictions.

A person shall not swim, bathe, or immerse himself or herself in the Pacific Ocean opposite any beach regulated by this Part 3 more than 200 yards seaward from the shore except:

A. A person who is the owner of a vessel, or who acts at the request of such owner while engaged in servicing or repairing such vessel, and then only in the immediate area of such vessel~~;~~.

B. A person engaged in the operation of a personal watercraft or otherwise engaged in the sports commonly known as aquaplaning, water skiing, or any derivations

thereof, provided that such person is at all times wearing a ~~safety belt~~personal flotation device approved by the ~~director;~~United States Coast Guard.

C. A person who ~~dives~~engages in the sport of skin or scuba diving from a vessel and who displays while diving either a rectangular flag 12 by 15 inches, orange-red in color with a white diagonal stripe three inches wide running from one corner to the diagonally opposite corner (commonly referred to as an Alpha Flag), or the lights and/or flag prescribed in Rule 27 of the International Regulations for Preventing Collisions at Sea as set forth in 72 COLREGS as published with the Proclamation of January 19, 1977 at 42 FR 17112, March 31, 1977 and amended by the document annexed to the Proclamation of June 16, 1983, and published at 48 FR 28634, June 23, 1983, or as Rule 27 may be subsequently amended and accepted by the President of the United States of America, above the surface of the water in the vicinity of the dive~~;~~.

D. A person may surf not more than 50 yards beyond the farthest breaking wave when such farthest breaking wave is more than 150 yards from shore~~;~~.

E. A person engaged in the sport of ~~boardsailing~~sailboarding, kite boarding, or stand-up paddle boarding.

SECTION 52. Section 17.12.470 is hereby amended to read as follows:

17.12.470 Boating prohibited within 300 yards of shore -- Exceptions.

~~A~~No person shall ~~not~~ operate any vessel within 300 yards of the shoreline of any beach regulated by this Part 3 except:

A. When necessary to sail the vessel from or to a place of lawful mooring~~;~~.

B. When necessary due to an emergency aboard the vessel~~;~~.

C. When engaged in the use of a kayak, dory, surf ski, or catamaran not exceeding 22 feet in length from or to the beach through the designated ocean access corridor that has been established by the ~~d~~Director or the Fire Chief for the launching and landing of such vessels at the beach, but in no event within 150 yards of any pier.

D. Film and television production companies shall be allowed to launch and land personal watercraft in an area designated by the Director or the Fire Chief for such activity, provided the activity is conducted pursuant to the conditions imposed by either or both such officials.

SECTION 53. Section 17.12.480 is hereby amended to read as follows:

17.12.480 Sailboards, kite boards, surfboards, ~~surfmats,~~ paddleboards, ocean kayaks, surf skis, rigid hull surf-craft, and similar objects -- Use restrictions.

A. 1. A person shall not use, possess, or operate in the ~~waters of the~~ Pacific Ocean opposite any beach regulated by this Part 3 a sailboard, kite board, surfboard, paddleboard, ocean kayak, surf ski, rigid hull surf-craft, or similar device, other than a surfmat or ~~bellyboard~~bodyboard, at such times when ~~said waters are~~the ocean is restricted for swimming and bathing only~~.~~;

2. Such restriction shall be effective when a yellow flag having dimensions of not less than two feet by two feet and having a solid black circle in the center (commonly known as a "blackball flag") is prominently displayed from an ocean lifeguard tower, ocean lifeguard station, pier, or similar structure under the control of the

~~d~~Department of ~~b~~Beaches and ~~h~~Harbors or the District. At such times as the blackball flag is displayed, swimming and bathing only shall be permitted in the ~~waters of the~~ Pacific Ocean opposite those areas of the beach within 200 yards of the point of display of said blackball flag; provided, however, that where said blackball flag is displayed from consecutive operational ocean lifeguard towers, ocean lifeguard stations, and similar structures under the control of the ~~d~~Department of ~~b~~Beaches and ~~h~~Harbors along a beach regulated by this Part 3, then all ~~waters~~areas of the Pacific Ocean opposite said beach shall be restricted to swimming and bathing only~~.~~; and

3. Such restrictions shall also be indicated by pairs of ~~checkered~~ flags put in place by ~~the director~~an ocean lifeguard. At such times as such ~~checkered~~ flags are displayed, swimming and bathing only shall be permitted in the waters of the Pacific Ocean opposite those areas of the beach lying between a given pair of such ~~checkered~~ flags~~.~~;

B. A person shall not use, possess, or operate in the ~~waters of the~~ Pacific Ocean opposite any beach regulated by this Part 3 a surfmat, ~~boogie board~~bodyboard, paddleboard, ~~bellyboard,~~ surfboard, or similar device except within 200 yards from shore or ~~7~~50 yards seaward of the point at which the ~~average~~farthest wave is breaking, whichever distance is greater, or when used by a skin diver to hold the flag required by Section 17.12.450 C. This restriction shall not apply to sailboards or kite boards.

C. A person shall not use, possess, or operate in the ~~waters of the~~ Pacific Ocean opposite any beach regulated by this Part 3 a fishing pole, spear, sling or other spear fishing equipment, sailboard, kite board, paddleboard, skimboard or surfboard,

within 100 feet of any person in the ~~waters~~ocean thereof who was not at the time using or possessing a similar object. Any beach or portion thereof may be closed to fishing at any time deemed necessary for public safety by the ocean lifeguard in charge of that beach or portion thereof.

D. A person shall not use, possess, or operate in the ~~waters of the~~ Pacific Ocean opposite any beach regulated by this Part 3 a sailboard or kite board with the sail up within 50 yards of the farthest breaking wave from the shoreline except within the areas designated by the ~~d~~Director, Fire Chief, or ocean lifeguard, for the exclusive use of sailboards and kite boards pursuant to paragraph E of this section.

E. Notwithstanding any provisions of this section, the ~~d~~Director, Fire Chief, or ocean lifeguard may ~~from time to time~~ designate certain areas to be used exclusively by persons using sailboards, kite boards, surfboards, or paddleboards. Such designation may provide for one or more of these devices to be used within the same designated area. Such designation may be revoked at any time and the area covered by any such designation may be enlarged or reduced at any time. A person shall not swim or bathe in the ~~waters of the~~ Pacific Ocean included in an area so designated except while using a sailboard, kite board, surfboard, or paddleboard, or as is necessary in order to use a sailboard, kite board, surfboard, or paddleboard.

F. A person in violation of the restrictions set forth in this section shall not fail, refuse, or neglect to leave the ~~waters of the~~ Pacific Ocean opposite any beach regulated by this Part 3 when such restrictions are in effect.

G. No person shall swim, surf, skin dive, scuba dive, or otherwise recreate in the Pacific Ocean within 100 feet of any pier.

SECTION 54. Section 17.12.481 is hereby added to read as follows:

17.12.481 Hang gliding, paragliding, and parasailing -- Restrictions.

No person shall hang glide, paraglide, or parasail on, from, or above any beach, cliff, or bluff adjacent to a beach that is owned, controlled, or managed by the County, except in areas designated for such purpose, and only under the supervision, and in accordance with the rules and regulations of the Director or the concessionaire authorized by the Director or the County to conduct such activity.

SECTION 55. Section 17.12.520 is hereby amended to read as follows:

17.12.520 Oil pollution -- Prohibited generally.

A~~not~~No person shall ~~not~~ deposit, place, throw, divert, or in any manner dispose of, or cause or permit to be deposited, placed, thrown, diverted, or in any manner disposed of, any crude petroleum, refined petroleum, engine oil, or any oily byproduct thereof, or any tar or any product containing tar or any oily substance into the ~~waters of the~~ Pacific Ocean, or into or upon ~~the waters of~~ any lagoon, bay, inlet, or tributary thereof~~; or deposit, place, throw, divert or in any manner dispose of any crude petroleum, refined petroleum, engine oil, or any oily byproduct thereof, or any tar, or any product containing tar, or any oily substance~~or upon any beach, tideland, or submerged land, or any portion thereof.

SECTION 56. Section 17.12.535 is hereby added to read as follows:

17.12.535 Vessel servicing and repair prohibited.

No person shall conduct, perform, or cause to be performed any repairs, alterations, maintenance, or other work upon or to any vessel on any beach or beach public parking lot, or in the Pacific ocean, which in any manner may cause or tend to cause any material or substance, including but not limited to, paint, oil, or other petroleum products, dirt, paint sandings or chips, wood sandings, or other residue or debris, to be deposited upon any beach or any County property located thereon, or to enter the Pacific Ocean.

[220081LHCC]

SECTION 57. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.

Chairman

ATTEST:

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of February 7, 2012 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

	Ayes		Noes
Supervisors	Gloria Molina	Supervisors	None
	Mark Ridley-Thomas		
	Zev Yaroslavsky		
	Don Knabe		
	Michael D. Antonovich		

Effective Date: March 8, 2012

~~Operative Date:~~

Sachi A. Hamai
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

SACHI A. HAMAI
Executive Officer
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:
JOHN KRATTLI
Acting County Counsel

By _____
John Krattli
Acting County Counsel

S:\Ordinances\County Counsel\2012\2012-0005