ANALYSIS

An ordinance amending Title 17 – Parks, Beaches and Other Public Areas of the Los Angeles County Code, relating to the use and operation of parks located in the County that are under the jurisdiction of the County's Director of the Department of Parks and Recreation ("Director") or that are placed under the jurisdiction of the County's Chief Executive Officer ("CEO") by specific action of the Board of Supervisors. Among other things, the ordinance vests the CEO with the authority to manage and control parks under the CEO's jurisdiction, and to establish and enforce all regulations for the safe and orderly operation of such parks. The ordinance also amends certain park provisions related to camping in parks and violations for park disturbances.

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BGS:ss

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ORDINANCE NO. _____

An ordinance amending Title 17 – Parks, Beaches and Other Public Areas of the Los Angeles County Code, relating to the use and operation of parks located in the County that are under the jurisdiction of the County's Director of the Department of Parks and Recreation or that are placed under the jurisdiction of the County's Chief Executive Officer by specific action of the Board of Supervisors.

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

SECTION 1. Section 17.04.025 is hereby added to read as follows:

17.04.025 Camp.

"Camp" means to erect, maintain, or occupy a camp facility.

SECTION 2. Section 17.04.027 is hereby added to read as follows:

17.04.027 Camp facility.

"Camp facility" means one or more of the following: a cot, hammock, bed, bedroll, sleeping bag, groundsheet, tent, hut, or other temporary physical shelter that is erected, maintained, or used for lodging or living accommodation. Any sleeping bag, bedroll, umbrella, canopy, groundsheet or similar ground cover, or sun shade or similar sun cover, that is used temporarily for recreational purposes, shall not be considered a camp facility provided such item(s) is removed from the park prior to its closure for the day.

SECTION 3. Section 17.04.033 is hereby added to read as follows:

17.04.033 Chief Executive Officer.

"Chief Executive Officer" means the Chief Executive Officer of the County, or any other person authorized by him or her pursuant to law to act in his or her stead.

SECTION 4. Section 17.04.050 is hereby amended to read as follows:

17.04.050 Director.

"Director" means the ~~d~~Director of the Department of ~~p~~Parks and ~~r~~Recreation, or any other person authorized by him or her pursuant to law to act in his or her stead. Director shall also be deemed to mean the Chief Executive Officer when he or she has jurisdiction over a park in accordance with section 17.04.130.

SECTION 5. Section 17.04.130 is hereby amended to read as follows:

17.04.130 Park.

"Park" means every park, roadside rest, golf course, reservoir, riding and hiking trail, open space easement to which the public has an unrestricted right of access and use for park or recreation purposes, and every other recreation facility owned, managed, or controlled by the ~~c~~County~~ and under the jurisdiction of the director~~, in either incorporated or unincorporated territory, that is under the jurisdiction of the Director of Parks and Recreation, or that is placed under the jurisdiction of the Chief Executive Officer by specific action of the Board of Supervisors.

SECTION 6. Section 17.04.140 is hereby amended to read as follows:

17.04.140 Park waters.

"Park waters" means any lake, reservoir, pond, fountain or similar water-related facility, or other body of water within a park.

SECTION 7. Section 17.04.187 is hereby added to read as follows:

17.04.187 Solicitation.

"Solicitation" means to ask or beg another, by word, conduct, or other form of communication, for money or some other thing of value.

SECTION 8. Section 17.04.205 is hereby added to read as follows:

17.04.205 Tent

"Tent" means a shelter or structure that is not entirely open and that lacks an unobstructed view into the shelter or structure from the outside.

SECTION 9. Section 17.04.260 is hereby amended to read as follows:

17.04.260 Compliance with chapter provisions – ~~Ejection~~Removal of violators authorized when.

Permission to be within the limits of any park or park waters, as defined by this chapter, or to use any facilities, is conditioned on the person present in said park or park waters complying with all applicable provisions of this chapter or any other applicable laws, ordinances, rules, and regulations. A violation of any provision of this chapter or of any order, rule, or regulation authorized by this chapter, or of any other applicable law, ordinance, rule, or regulation shall result in the person so violating being a

trespasser *ab initio*, whether in incorporated or unincorporated territory, and the ~~s~~Sheriff or ~~d~~Director may ~~eject~~cause any such person to be removed from a park.

SECTION 10. Section 17.04.270 is hereby amended to read as follows:

17.04.270 Enforcement authority.

Except as specifically provided in this chapter, the Sheriff, ~~d~~Director, or either of their respective designee(s) shall be authorized to enforce the provisions of this chapter.

SECTION 11. Section 17.04.300 is hereby amended to read as follows:

17.04.300 Violation – Penalty.

A. Any person who, within the incorporated or unincorporated territory of the ~~c~~County ~~of Los Angeles~~on park property owned, controlled, or managed by the County, violates any provisions of this chapter, the conditions of any permit issued pursuant thereto, or any rule or regulation relating to parks and recreation areas, is guilty of an infraction.

. . .

SECTION 12. Section 17.04.390 is hereby amended to read as follows:

17.04.390 ~~Overnight c~~Camping restrictions – Permit issuance conditions.

A. A person shall not camp ~~or sleep overnight~~ in any park except where a family-type camping area is so designated, and then only in accordance with the rules and regulations governing the use of such area. The ~~d~~Director may issue a permit to any youth group of a character-building nature and to any special-interest group

permitting its members as a group to camp ~~overnight~~ at a designated location in a park if he finds:

1. That, in the case of a youth group, the group was organized in good faith and not for the purpose of obtaining a permit under this section, and the members of such group will be supervised during such camping by an adequate number of responsible adults and such ~~overnight~~ camping will not interfere with or in any way be detrimental to the park or interfere with the uses thereof; and

. . .

SECTION 13. Section 17.04.435 is hereby amended to read as follows:

17.04.435 Disturbances prohibited.

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

A. ~~Any unduly loud or unusual noise; or~~Willfully making or continuing, or causing to be made or continued, any excessively loud or unnecessary noise which unreasonably disturbs the peace or enjoyment of a park, thereby causing substantial discomfort or annoyance to any reasonable person of normal sensitivities that is present in the park or in its immediate proximity.

~~B. Tooting, blowing or sounding any siren, horn, signal or noise-making device; or~~

~~C~~B. Any obscene, violent, or riotous conduct~~; or~~.

~~D~~C. The use of any vulgar, profane, ~~or~~ indecent, ~~language therein~~offensive, or abusive language or other form of communication that is inherently likely to provoke an immediate violent reaction by the person to whom the communication is directed.

SECTION 14. Section 17.04.460 is hereby amended to read as follows:

17.04.460 ~~**Soliciting for or selling merchandise — Restrictions**~~**Aggressive solicitation prohibited.**

~~A person shall not solicit in any manner or for any purpose, or sell or offer for sale any goods, wares or merchandise, or distribute or pass out any handbill, advertising matter or literature therein except:~~

~~A. Pursuant to a concession or other agreement authorized by the board of supervisors of the county;~~

~~B. A sports team which is a member of a regular sports league and which admits all members of the general public to the sporting event to the extent of capacity without discrimination and without charge to any game played may solicit voluntary contributions from the spectators attending such game;~~

~~C. Pursuant to permission granted by a member of the board of supervisors in whose district the park or any portion thereof is located for one event, if the acts permitted will not in any way detract from the use of the park by the public and if the proceeds are used for charitable purpose and the supervisor so finds;~~

~~D. When found by the director to be consistent with the policies of the department of parks and recreation or to promote the programs of said department, under conditions prescribed by him.~~

No person shall engage in aggressive solicitation in any park, where aggressive solicitation shall mean:

A. Approaching or speaking to a person, or following a person before, during or after soliciting, if that conduct is intended or likely to cause a reasonable person to (i) fear bodily harm to themself or another, or damage to or loss of property, or (ii) otherwise be intimidated into giving money or other thing of value.

B. In the course of solicitation, intentionally touching or causing physical contact with a person or occupied vehicle without the consent of the person or the vehicle occupant.

C. In the course of solicitation, intentionally blocking or interfering with the safe or free passage of a pedestrian or vehicle by any means, including unreasonably causing the pedestrian or vehicle operator to take evasive action to avoid physical contact.

D. Using violent or threatening gestures toward a person either before, during, or after the solicitation.

E. Persisting in the solicitation by closely following or approaching a person after that person has informed the solicitor by words or conduct that he or she does not want to be solicited or otherwise give money or other thing of value to the solicitor.

F. Soliciting within 15 feet of any automated teller machine ("ATM"). When an ATM is located within an ATM structure or facility, the distance set forth in this subsection shall be measured from the entrance or exit of such structure or facility.

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