


## ANALYSIS

This ordinance amends Title 17 – Parks, Beaches, and Other Open Areas of the Los Angeles County Code, with changes to Section 17.04.260, to authorize enforcement officials to remove and exclude individuals from County parks who fail to comply with applicable laws, rules, and regulations. This ordinance establishes set periods, starting with 30 days, for which an individual will be excluded, as well as an appeal process and a database to keep track of exclusion orders.

DAWYN R. HARRISON  
County Counsel

By   
SONIA L. CHAN  
Senior Deputy County Counsel  
Property Division

SLC:mz

Requested: 11-22-2022

Revised: 08-28-2023

**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 17 – Parks, Beaches, and Other Public Areas of the Los Angeles County Code, with changes to Section 17.04.260, to authorize enforcement officials to remove and exclude individuals from County parks who fail to comply with applicable laws, rules, and regulations. This ordinance establishes set periods, starting with 30 days, for which an individual will be excluded, as well as an appeal process and a database to keep track of exclusion orders.

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

**SECTION 1.** Section 17.04.260 is hereby amended to read as follows:

**17.04.260 Compliance with ~~e~~Chapter ~~p~~Provisions— — Removal and Temporary Exclusion of ~~v~~Violators ~~a~~Authorized ~~w~~When.**

Permission to be within the limits of any park or park waters, as defined by this ~~e~~Chapter, or to use any facilities, is conditioned on ~~the person present in said park or park waters~~users complying with all applicable provisions of this ~~e~~Chapter or any other applicable laws, ordinances, rules, and regulations. A violation of any provision of this ~~e~~Chapter or of any order, rule, or regulation authorized by this ~~e~~Chapter, or of any other applicable law, ordinance, rule, or regulation will result in the person ~~so violating in violation of~~ being a trespasser ~~ab initio~~, whether in incorporated or unincorporated territory, and ~~the~~ a peace and/or code enforcement officer, Sheriff or Director, or their respective designees ("Enforcement Official"), may cause any such person to be removed or exclude the person from a park in accordance with this Section in addition to any other remedy or penalty.

Nothing in this Section will be construed to authorize the removal or exclusion of any person lawfully engaged in Expressive Activity, as defined in Section 17.04.455.I, or other constitutionally protected activity. However, a person lawfully exercising these protected rights but who commits an act that is not protected can be subject to removal or exclusion.

A. For the purposes of this Section, removal is an order given by the Enforcement Official, directing a person to immediately leave a park and not return for the remainder of the day.

B. For the purposes of this Section, exclusion is an order given by the Enforcement Official, directing a person to immediately leave a park and not return for the period of days specified in this Section.

C. Before issuing an exclusion order, the person will be given a verbal or written warning describing the conduct giving rise to the exclusion and a reasonable opportunity to stop the conduct. An exclusion order will not be issued if the person promptly complies with the direction and stops the conduct. A warning is not required before issuing an exclusion order where the behavior, conduct, or activity constitutes one or more of the following:

1. A felony, misdemeanor, or motor vehicle offense;
2. Obscene, violent, riotous conduct in violation of Section 17.04.435;
3. Lighting or maintaining a fire in any park other than in a stove, fire circle, or area designated for such purpose in violation of Section 17.04.590;
4. Results in property damage estimated to be \$1,000 or more;

5. Dangerous or threatening behavior. Behavior is dangerous or threatening if a reasonable person exposed to or experiencing such behavior could believe that the person would be in imminent danger of physical harm. Actual bodily harm is not required; and

6. Conduct for which a documented prior exclusion order has been issued and not overturned on appeal.

D. Written notice of the exclusion order will be provided to any person excluded. The notice will briefly describe the conduct and list the provision of law that is the basis for the exclusion; the date, length, and place of exclusion; a description of the process for filing an appeal; and a warning of the consequences for failure to comply. The exclusion notice shall be signed by the issuing Enforcement Official. The Director or Sheriff may use reasonable discretion to determine multiple park facilities for the exclusion.

E. The exclusion order will be effective for 30 days, except as stated in paragraph F, during which time the violator may not return to the listed park or park facilities. A second exclusion within a 12-month period will be effective for 90 days. Additional exclusion orders issued within a 12-month period of the second exclusion order will be effective for 180 days. No exclusion order overturned on appeal will be counted.

F. The duration of the first exclusion shall be 60 days, if one or more of the following occur:

1. A felony;

2. Property damage estimated to be \$1,000 or more; or

3. Dangerous or threatening behavior as defined in this Section.

A second exclusion for a person described in this Subsection F within a 12-month period will be effective for 120 days. Additional exclusion orders issued within 12-month period of the second exclusion order for a person described in this Subsection F will be effective for 270 days. No exclusion order overturned on appeal will be counted.

G. Appeal.

1. "Hearing Officer" means the person designated by the Director who will conduct a fair and impartial hearing under this Chapter, including, but not limited to, the Office of the County Hearing Officer, if one has been created.

2. A person issued a notice of exclusion may appeal the notice within five days by filing a written appeal with a Hearing Officer designated by the Director. The written appeal shall include the exclusion notice number, a reason the person should not have been excluded, and a phone number, address or email at which the County may serve the cited individual a response to his or her request. Filing an appeal does not preclude the issuance of an exclusion order for a new violation of this Section.

3. Upon receipt of a timely and complete notice of appeal, a Hearing Officer will be appointed, and once appointed the Director will forward the notice of appeal and all relevant documents to the Hearing Officer. Upon filing of an appeal, the exclusion order will be stayed. The Hearing Officer will set an administrative hearing as provided by the Hearing Officer's procedures. The hearing shall be de novo. The exclusion order will be upheld if the Hearing Officer determines by a preponderance of

evidence that the person committed the act for which the person was excluded, and the exclusion is otherwise in accordance with the law. Evidence may include, without limitation, witness testimony, documents, or other similar evidence. In lieu of personally appearing at an administrative hearing, the cited individual may request that the Hearing Officer decide the matter based on the notice, the written appeal, and any other documentary evidence submitted prior to the hearing date.

4. The Hearing Officer shall issue a written decision responding to the appeal within 10 business days or as otherwise allowed by the Hearing Officer procedures. The decision of the Hearing Officer shall be final.

H. The Department, the Sheriff, or other designee shall maintain an accurate database of those persons excluded from parks or park facilities by their respective employees.

I. Notwithstanding Section 17.04.300.A, a violation of a removal or exclusion order is unlawful and may be charged as a misdemeanor, as provided by Section 1.24.010. Nothing in this Section limits the authority of the County to obtain an injunction prohibiting or restricting park access by any person.

[1704260SCCC]