



MOUNTAINS RECREATION & CONSERVATION AUTHORITY

Los Angeles River Center & Gardens
570 West Avenue Twenty-six, Suite 100
Los Angeles, California 90065
Phone (323) 221-8900

MEMORANDUM

TO: The Governing Board

FROM: 
Joseph T. Edmiston, FAICP, Hon. ASLA, Executive Officer

DATE: July 1, 2020

SUBJECT: **Agenda Item XI: Consideration of an amendment to the Mountains Recreation and Conservation Authority Park Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof”and waiver of second reading.**

Staff Recommendation: That the Governing Board introduce, discuss, and waive the second reading of, and adopt “An amendment to the Park Ordinance Establishing Park Rules and Regulations and Prescribing the Punishment for Violation Thereof” (“Ordinance”).

Legislative Authority:

Public Resources Code Section 5782.21 provides, in part, as follows:

Districts may adopt and enforce all rules, regulations, ordinances, and bylaws necessary for the administration of government, and protection of the property, improvements, and facilities under the management or belonging to the district.

Government Code Section 53069.4 provides, in part, as follows:

The legislative body of a local agency, as the term "local agency" is defined in Section 54951, may by ordinance make any violation of any ordinance enacted by the local agency subject to an administrative fine or penalty. The local agency shall set forth by ordinance the administrative procedures that shall govern the imposition, enforcement, collection, and administrative review by the local agency of those administrative fines or penalties.

Public Resources Code Section 5786.17(c) provides, in part, as follows:

To protect property and to preserve the peace at recreational facilities and other property owned or managed by the district, the Board of Directors may confer on designated uniformed district employees the power to issue citations for misdemeanor and infraction violations of state law, city or county ordinances, or District rules, regulations, or ordinances...

Background: The Ordinance currently in effect on agency-owned and operated parklands has provided ranger and park staff with a valuable tool to provide for enhanced public safety while preserving both open space and recreational values thereupon. Evolution in statutory and case law, however, now requires that the Ordinance be updated accordingly. The most significant differences between the current Ordinance and the proposed amended Ordinance are summarized below.

An affirmative vote on this agenda item will acknowledge the second reading of the title and introduction of the amended Ordinance, waive the second reading, hold the public hearing, and adopt the amended Ordinance by the Board, pursuant to Government Code Section 25120, *et seq.*

The amended Ordinance represents the full and comprehensive Ordinance code for all property and parkland owned, operated, or managed by the Mountains Recreation and Conservation Authority. Adoption of this item shall serve to amend the existing ordinance as indicated.

This item is the second reading of the amended Ordinance. If passed, the new provisions of the Ordinance shall go into effect 30 days from the date of final passage.

The amended Ordinance is intended to apply from the effective date forward. The Ordinance operative prior to the effective date, with all attendant procedures, is intended to remain in effect for and apply to all citations issued for violations which occurred prior to the effective date continuing until such time as each of those procedures and violations have been resolved.

Summary of relevant changes in proposed Ordinance

Section 3.4 - Littering and dumping:

Creation of new Subsection (c), extending liability for the violation of the existing prohibition against unlawful littering and dumping on parkland under Section 3.4 to the owner, driver, renter, or lessee of any motor vehicle. Said persons shall have liability for such violations unless they can show that the vehicle was used in violation of Section 3.4 without their consent.

Section 3.5 - Injury to parkland:

Creation of new Subsection (b), extending liability for the violation of the existing prohibition against injury to parkland under Section 3.5 to the owner, driver, renter, or lessee of any motor vehicle. Said persons shall have liability for such violations unless they can show that the vehicle was used in violation of Section 3.5 without their consent.

Section 3.10 - Bicycle and motorized travel:

Creation of new Subsection (e), extending liability for the violation of the existing prohibition against unlawful use of a motor vehicle, motorcycle, motorized bicycle, electric bicycle, or motorized scooter under Section 3.10(b) and the prohibition against the reckless or hazardous operation of any bicycle, motor vehicle, motorcycle, motorized bicycle, electric bicycle, or motorized scooter under Section 3.10(c) to the owner, driver, renter, or lessee of any motor vehicle. Said persons shall have liability for such violations unless they can show that the vehicle was used in violation of Section 3.10(b) or 3.10(c) without their consent.

Miscellaneous changes for clarity, as indicated in the revised Ordinance, attached hereto.