

ORDINANCE NO. 9890 (N.S.)

AN ORDINANCE AMENDING TITLE 4 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO PARKS AND RECREATION AND AMENDING ARTICLE XXIV OF THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES RELATING TO THE PARKS AND RECREATION DEPARTMENT

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the San Diego County Code of Regulatory Ordinances ("County Regulatory Code") has not undergone a comprehensive revision since its adoption in 1960. On August 1, 2007 revisions to Titles 1 and 2 of the County Regulatory Code and San Diego County Administrative Code ("County Administrative Code") were presented to the Board beginning the comprehensive revision to the County Regulatory Code and appropriate sections of the County Administrative Code which will update, clarify and streamline these Codes, for the benefit of the citizens of the County of San Diego. This ordinance is the second phase of the project and will add protections for park users, improve protection of park property, clarify rules for pets in parks and cleanup and clarify park regulations, permitting processes and department responsibilities.

Section 2. Amend Title 4, Division 1 of the San Diego County Code of Regulatory Ordinances to read as follows:

DIVISION 1. PARKS AND RECREATION

CHAPTER 1. COUNTY PARKS AND RECREATION

ARTICLE 1. GENERAL PROVISIONS

SEC. 41.101. PURPOSE.

The County owns, leases and manages a diverse collection of properties that include areas for active and passive recreational use, community and recreation centers, open space areas, ecological reserves, monuments, landmark sites and other sites of historical interest. The County Department of Parks and Recreation (Parks Department) manages and/or supervises the management of these properties and as necessary, maintains and protects the properties for the public benefit. The purpose of this chapter is to provide regulations for the safe and orderly use of properties for which the Parks Department is responsible to maximize the public benefit while safeguarding valuable resources for future generations.

SEC.41.102. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Animal" means any living thing that is a member of the animal kingdom, other than a human being.

(b) "County park" means any park, community center, recreation facility, sports complex, open space preserve, ecological reserve, landmark site or monument site owned, leased or managed by the County.

(c) "Director" means the Director of Parks and Recreation or the Director's designee.

(d) "Ecological reserve" means land or water areas the State establishes and the County manages, that are to be preserved in a natural condition for the benefit of the public to observe native flora and fauna and for scientific study or research.

(e) "Game of chance" means a game whose outcome is determined by use of a device such as dice, cards or some other random selector.

(f) "Historical site" means an object, building or structure that has historical or cultural significance.

(g) "Landmark site" means a place that has historical or cultural significance.

(h) "Minor" means a person under the age of 18 years.

(i) "Monument site" means a place where something has been erected in memory of a person or event.

(j) "Open space preserve" means land that contains sensitive natural biological and cultural resources and may allow limited passive recreational activities depending on the sensitivity of the resources involved.

(k) "Park ranger" means a person employed or appointed by the County to manage County parks and to enforce park rules and regulations.

(l) "Pet" means a dog, cat, bird, domesticated pygmy goat or pot-bellied pig owned by a park visitor.

(m) "Service animal" means a "guide dog," "signal dog" or "service dog," as those terms are defined in Penal Code section 365.5. A "service animal" also includes a "guide

dog," "signal dog" or "service dog" in training accompanied by a trainer or an individual with a disability, who is training the dog.

(n) "Vehicle" has the same meaning as the term "vehicle" in California Vehicle Code section 670.

(o) "Water body" means any lake, river, stream, creek, pond, pool or reservoir located in a County park.

(p) "Youth group" means an organization that serves youth 18 years of age or younger, including but not limited to, the Boy Scouts, the Girls Scouts, YMCA, YWCA, Boys' and Girls' Clubs or any other similar organization.

SEC. 41.103. COUNTY PARKS DEPARTMENT TO OPERATE PARKS.

The Parks Department shall be responsible to operate and supervise the operation of all County parks and as necessary, maintain and protect County park resources from misuse. If a County park is leased to a person as provided under the Government Code or is leased from a person, the Parks Department's responsibility to maintain the park shall be governed by the terms of the lease.

SEC. 41.104. ENFORCEMENT RESPONSIBILITIES OF DEPARTMENT OF ANIMAL SERVICES.

An employee of the Department of Animal Services authorized to enforce animal control laws in the unincorporated area of the County and in cities under contract with the County shall enforce sections 62.601 et seq. of this code in any County park located in the unincorporated area of the County and in any city in which the County is under contract to perform animal control services.

SEC. 41.105. FEES, RULES AND REGULATIONS.

(a) The Director shall establish park user fees. The fees shall become effective when they are approved by the Board of Supervisors.

(b) The Director shall adopt and implement rules and regulations for the uses allowed and the hours of operation for each park. As necessary, the Director shall also adopt and implement rules and regulations for the safe operation of County parks. The Parks Department shall make the rules and regulations available to any interested person during normal business hours.

SEC. 41.106. COMPLIANCE WITH INSTRUCTIONS AND SIGNS.

(a) No person shall refuse or fail to comply with any lawful order, warning or other instruction given by a park ranger in a County park, when the park ranger determines that a person is violating a provision of this chapter or engaging in conduct that presents an immediate threat to the safety of any person or property.

(b) No person shall disregard, deface, alter or tamper with any warning or instructional sign located in a County park.

(c) A park ranger, any other Parks Department employee or any law enforcement officer may order a person to leave a County park if the person violates subsection (a) or (b) above or if the person violates any other provision of this chapter.

(d) It shall be unlawful for any person to refuse to leave a County park after being ordered to leave pursuant to subsection (c) above. A person may not refuse to leave a park on the grounds that the person believes the order to leave is unjustified.

SEC. 41.107. VIOLATIONS.

(a) Violations of the following sections shall be infractions: section 41.116(a), section 41.123(a)-(c), (f) and (h), section 41.124, section 41.127, section 41.128, section 41.129, section 41.130(b) and (c), section 41.131 and section 41.142. All other violations of this chapter shall be misdemeanors.

(b) In addition to initiating a criminal prosecution under paragraph (a) above, the County may also recover civil penalties of up to \$2,500 a day against a person for each day the person violates any of the following sections: section 41.111, section 41.112, section 41.113 and section 41.122.

ARTICLE 2. PRESERVATION OF COUNTY PARK FEATURES AND PUBLIC HEALTH AND SAFETY

SEC. 41.111. PLANTS AND TREES.

It shall be unlawful for any person, without written authorization from the Parks Department to:

(a) Remove, burn, move, cut, trim, destroy or damage in any manner, any shrub, tree, plant, aquatic plant or any other type of vegetation in a County park.

(b) Add any shrub, tree, plant, aquatic plant or any other type of vegetation in a County park.

SEC. 41.112. PROTECTION OF PARK ANIMALS.

It shall be unlawful for any person without written authorization from the Parks Department to:

(a) Hunt, catch, chase, trap, kill, poison, wound, injure, mistreat or attempt to hunt, catch, chase, trap, kill, wound, injure or mistreat any wild or domesticated animal in a County park.

(b) Allow any animal that the person brings into a County park to hunt, catch, chase, trap, kill, wound or injure any wild or domesticated animal in a County park.

SEC. 41.113. GEOLOGICAL FEATURES.

It shall be unlawful for any person, without written authorization from the Parks Department to engage in or retain any person to engage in any of the following activities in a County park:

(a) Dig or excavate.

(b) Remove earth, sand, gravel, rock, oil, natural gas, gold, silver, salt or any other mineral, fossil, remnant of a fossil, artifact or remnant of an artifact.

(c) Disturb, deface, disfigure, mark on or destroy any cave, rock formation or any other naturally occurring feature.

SEC. 41.114. GROUNDS FOR WRITTEN AUTHORIZATION.

The Parks Department may grant a person written authorization to engage in any activity that would otherwise be prohibited under sections 41.111-41.113 if the Parks Department determines that granting the authorization will be in the County's best interest.

SEC. 41.115. DAMAGE TO FACILITIES PROHIBITED.

It shall be unlawful for a person to destroy, deface or damage any road, path, walkway, door, fence, wall, room, building, railing, sign, playground equipment, bench, table, monument or any other manmade object or structure or portion of any manmade object or structure in a County park.

SEC. 41.116. WASTE DISPOSAL.

It shall be unlawful for a person to engage in the following conduct in a County park:

(a) Litter, deposit or abandon any garbage, sewage, refuse, trash or other solid waste material other than in an appropriate receptacle or container provided for disposal of solid waste material.

(b) Dispose of or release liquid waste other than in an area, receptacle or vessel specifically designated for liquid waste disposal. As used in this section, liquid waste includes, but is not limited to sewage, dishwater or any liquid containing soap or any chemical.

(c) Deposit any solid waste or dispose of or release any liquid waste in a water body located in a County park.

SEC. 41.117. WEAPONS AND FIREWORKS.

(a) It shall be unlawful for a person to possess any of the following in a County park: "explosives," as defined in Health and Safety Code section 12000, "fireworks," as defined in Health and Safety Code section 12511, a "firearm" as defined in Penal Code section 12001, an air gun, bow or crossbow designed to shoot arrows, slingshot, paintball gun, blowgun or throwing knife.

(b) The Parks Department may, however, grant written authorization:

(1) To a youth group to practice archery in a designated area of a County park.

(2) To allow bows and arrows to be carried during an historical reenactment.

(3) To allow "antique firearms," as defined in 18 U.S.C. section 921(a)(16), to be carried and discharged using blank ammunition, during an historical reenactment, upon satisfactory proof that all State and federal firearms regulations have been and will be complied with.

SEC. 41.118. FIRE HAZARDS AND SMOKING.

It shall be unlawful for any person in a County park to:

(a) Ignite a fire, except in a designated campfire ring or barbecue provided by the County when campfires or cooking are allowed by park rules or as specifically authorized by a park ranger.

(b) Discard any lighted tobacco product or any burning or combustible material or other thing that could set fire to grass, shrubs, buildings or any other combustible substance.

(c) Smoke, as that term is defined in section 32.802(a) of this code.

SEC. 41.119. MISUSE OF BARBECUES AND FIRE RINGS.

It shall be unlawful for a person to use a barbecue or fire ring in a County park in a manner that threatens the safety of another person, County property or another person's property.

SEC. 41.120. RESTROOM FACILITIES.

It shall be unlawful for any person in a County park to:

(a) Loiter in or around any restroom facilities.

(b) Use restroom facilities designated for a person of the opposite sex.

SEC. 41.121. MISUSE OF A HYDRANT.

It shall be unlawful for any person to use a hydrant in a County park other than for fire suppression.

SEC. 41.122. ERECTION OF STRUCTURES.

It shall be unlawful for a person to erect, construct or place a building or other structure in a County park without written authorization from the Parks Department. The Parks Department may without notice, remove a building or other structure erected, constructed or placed in violation of this section and recover its costs from any person who committed the violation.

SEC. 41.123. PETS AND OTHER ANIMALS.

The following regulations shall govern pets and other animals in County parks:

(a) No person shall bring an animal other than a pet into a County park, except a person may bring a horse, mule or donkey to an area specifically designated for riding, or a pack animal on a trail if allowed under a park's rules and regulations.

(b) No person shall bring a pet into a County park or allow a pet to enter or remain in a County park unless the pet has all required inoculations and any current license required

by law. A person with a pet in a County park, when requested by a park ranger, shall provide evidence that the pet has received all required inoculations and has a current license.

(c) Unless authorized by the Parks Department, a person with a pet in a County park shall keep the pet physically restrained at all times, either by an adequate leash no more than six feet in length or by confining the animal in a vehicle, tent, trailer or other structure allowed by the park's rules.

(d) No person shall bring an animal into or allow an animal to enter or remain in a County park structure, other than a service animal.

(e) No person shall bring a dangerous dog or protection dog, as defined in section 62.601 of this code, or an attack dog, guard dog or sentry dog, as defined in Health and Safety Code sections 121875 et seq. into a County park, or allow any of these types of dogs to remain in a County park. Nothing in this section shall prohibit law enforcement personnel from being accompanied by a trained police dog.

(f) No person shall allow an animal to enter or remain in a water body in a County park.

(g) No person shall abandon a pet or other animal in a County park. A pet or other animal allowed in a County park under subsection (a) above shall be considered abandoned if a person fails to provide food or water for the pet or other animal for more than six hours. An animal that is not allowed in a County park shall be considered abandoned if a person leaves the animal unattended in a County park.

(h) A person who brings a pet or other animal into a County park shall be responsible for any injury to a person or damage to property, including park property, caused by the animal. A person bringing an animal into a County park shall have a duty to report to any park ranger, any injury suffered by any person or any damage to property caused by the animal, as soon as practicable following the incident. If no park ranger is available at a County park to receive a report of the incident, the person shall report the incident to the Parks Department no later than one o'clock p.m. on the next business day.

(i) The Parks Department may issue additional rules and regulations that limit or exclude pets from any County park or any section of a County park where the department determines that the presence of pets substantially conflicts with the general use and enjoyment of a park. This subsection does not apply to a service animal that accompanies a person with a disability.

(j) No person who brings a pet or any other animal into a County park shall refuse the instructions from an employee of the Parks Department to remove the animal from the

park when the employee determines that the animal is in the park in violation of this chapter, contrary to any written Parks Department rule or regulation or when the animal presents a threat to the safety of any person or property.

SEC. 41.124. [RESERVED]

SEC. 41.125. CLOSING HOURS.

After closing hours at any County park, it shall be unlawful for a person, without a camping permit or other written authorization from the Parks Department:

- (a) To enter or remain in a County park.
- (b) To park, leave or store a vehicle in a County park.

SEC. 41.126. WASHING OR REPAIRING VEHICLES.

No person shall wash, clean, polish, repair, restore or paint a vehicle in a County park, except that a park ranger may authorize a person to make emergency repairs to a vehicle.

SEC. 41.127. VEHICLES.

The following regulations shall govern the operation of vehicles in County parks:

- (a) No person shall operate a vehicle in a County park without a valid driver's license.
- (b) No person shall operate a vehicle in a County park unless the vehicle has a current vehicle registration.
- (c) A person operating a vehicle in a County park shall, at the request of a park ranger, provide proof of a valid driver's license and current registration.
- (d) No person shall operate a vehicle in a County park other than in a reasonable and prudent manner and with due regard for traffic and road conditions.
- (e) The operator of a vehicle in a County park shall not operate the vehicle at a speed which endangers the safety of persons, property or wildlife and shall not exceed the posted speed limits.
- (f) No person shall operate a vehicle in a County park other than on a park roadway designated for vehicle traffic or in a parking area designated for vehicle use.

(g) Other than a person camping in a park pursuant to a valid overnight camping permit, no person shall operate a vehicle in a County park between 10:00 p.m. and 7:00 a.m., except in case of emergency.

(h) No person shall operate a commercial vehicle in a County park without written authorization from the Parks Department.

(i) No person shall abandon a vehicle in a County park.

SEC. 41.128. PARKING.

(a) No person shall park a vehicle in a County park other than in an area designated for vehicle parking. No person shall park a vehicle in a County park except in connection with the person's legal use of the park and during the person's visit to the park. No person shall park a vehicle in a manner that interferes with the lawful use of a fire hydrant.

(b) The Parks Department may remove any vehicle that is parked, stored, left or abandoned in violation of this chapter or any rule or regulation adopted by the Parks Department. The vehicle owner shall be responsible for all expenses incurred by the Parks Department in removing the vehicle.

SEC. 41.129. AIRCRAFT.

No person shall bring, assemble, take off, land or use any aircraft or any other device capable of carrying a person in the air, including a hot air balloon, hang glider, kite or motorized craft in any County park without written authorization from the Parks Department.

SEC. 41.130. WALKWAYS, BICYCLES AND MOTORIZED TOYS.

No person shall engage in any of the following conduct in a County park:

(a) Obstruct the free travel of pedestrians on any trail, walkway or roadway.

(b) Ride or use a bicycle, non-motorized scooter, skateboard, inline skates or other similar wheeled device except in areas designated for its use.

(c) Use or operate any motorized model plane, model boat or model vehicle except in an area specifically designated by the Parks Department for that use.

SEC. 41.131. CHILDREN.

No person shall allow any child under the age of ten years in a County park to play in any playground area or to fish, swim or play in or near any water body or drainage ditch, unattended by an adult.

SEC. 41.132. REGULATIONS FOR WATER BODIES.

No person shall engage in any of the following conduct in any water body in a County park:

(a) Swim, use a surfboard, operate a boat or engage in any other water activity contrary to any park rule or regulation or contrary to any notice posted by the Parks Department.

(b) Pretend to be drowning or give or transmit a false signal that the person or some other person is drowning.

(c) Enter or remain in a water body after a notice has been posted by the Parks Department or by any federal, State or local agency, that forbids bathing, swimming, boating or any other water activity, unless making a rescue.

SEC. 41.133. FISHING/BOATING FEES AND PERMITS.

(a) The Parks Department shall designate County parks in which fishing and/or boating are allowed and adopt rules for the hours and days when these activities are allowed. No person shall fish in a County park or operate a boat in a County park without a permit from the Parks Department.

(b) An applicant for a fishing permit or boating permit shall complete an application on a form provided by the Parks Department and submit the permit fee with the application. The permit fee is not refundable once the permit is issued.

SEC. 41.134. BOAT REGULATIONS.

The Parks Department shall adopt as necessary, rules and regulations for the safe use of boats on water bodies in County parks, to supplement any State or federal regulations. A person operating a boat in a County park shall operate the boat safely and prudently. No person shall continue to operate a boat on a water body in a County park after being directed by a park ranger to remove the boat from the water body when the park ranger determines that a person is operating a boat in violation of this section or at a time or a location when boating is not allowed.

SEC. 41.135. WARNING SIGNALS.

If an unsafe or dangerous condition exists in a water body in a County park the Parks Department may warn the public by placing warning signs or flags, posting a notice or by any other reasonable means intended to give notice. A park ranger may also warn also warn of an unsafe or dangerous condition. It shall be unlawful for any person to knowingly disregard a warning given under this section.

SEC. 41.136. SOLICITING, SELLING AND ADVERTISING.

(a) No person shall engage in any of the following conduct in a County park:

(1) Distribute, circulate or post any handbill, pamphlet or other advertisement regarding the sale of goods, merchandise or services.

(2) Attach or affix any written notice of any kind to any tree, shrub, post, fence or any other structure

(b) No person shall engage in any of the following conduct in a County park without written authorization from the Parks Department:

(1) Sell, hawk or otherwise peddle any goods, merchandise or services.

(2) Station or place any stand, cart or vehicle for display of goods, merchandise or services.

(3) Conduct any commercial filming or photography or activity related to commercial filming or photography.

(4) Perform any other activity of a commercial nature.

(c) Notwithstanding subsections (a) and (b) above, the Parks Department may post notices on a structure in a County park, distribute notices to park patrons and authorize a person to distribute a notice about an event the Park Department co-sponsors or supports.

SEC. 41.137. ENTERTAINMENT.

No person shall set up or maintain any exhibition, show, performance, concert, place of amusement, ride, lecture, oration, act, play, review, pantomime, scene, song, dance act, song and dance act, disc jockey show or other announcer accompanying pre-recorded music, poetry recitation, fashion show, style show or any other performance of any kind without written authorization from the Parks Department.

SEC. 41.138. DISORDERLY CONDUCT.

No person shall disturb the peace and quiet of a County park by willfully and maliciously:

- (a) Making any unduly loud or unreasonable noise.
- (b) Tooting, blowing or sounding any siren, horn, signal or other noise-making device.
- (c) Engaging in any lewd, violent or disorderly conduct.
- (d) Using any vulgar or profane language in the presence of another person in a threatening manner or under circumstances likely to provoke a violent reaction from another person.

SEC. 41.139. ALCOHOLIC BEVERAGES.

It shall be unlawful for any person in a County park to possess an alcoholic beverage with an alcohol content in excess of 20 percent by volume unless the Parks Department has issued written authorization for a special event that authorizes serving alcoholic beverages with an alcohol content in excess of 20 percent by volume. The Parks Department may also restrict, by rule or regulation, the possession of alcoholic beverages in a County park by completely barring alcoholic beverages or by limiting the times and/or the days when alcoholic beverages will be allowed in a park. It shall be unlawful for any person to possess an alcoholic beverage contrary to any written rule or regulation established by the Parks Department.

SEC. 41.140. GAMBLING AND FORTUNE TELLING.

The following activities are prohibited in a County park:

- (a) Playing, carrying on or engaging in a game of chance for money or anything of value.
- (b) Possessing any gaming or gambling table, contrivance, instrument, equipment or device.
- (c) Fortune telling, palm reading, character analysis, hypnosis, mind-reading, or other similar display, demonstration or exhibit for a charge, fee or donation of money or other valuable consideration.

(d) Notwithstanding subsections (a) and (b) above, the Parks Department may authorize a nonprofit organization to use a community center to operate a bingo game, if the organization has obtained a permit from the Sheriff's Department pursuant to this code.

SEC. 41.141. GLASS BEVERAGE CONTAINERS.

The Parks Department may exclude glass beverage containers from a County park or any portion of a County park, to promote public safety.

SEC. 41.142. USE OF SAFETY EQUIPMENT AT SKATEBOARD FACILITIES.

(a) No person shall ride or use a skateboard, inline skates, rollerblades or other similar device at a recreational skateboard facility located in a County park unless that person is wearing a helmet, elbow pads and knee pads.

(b) The Parks Department shall post signs at all skateboard facilities in County parks, which are not supervised on a regular basis, advising any person who uses a skateboard facility of the requirements to use the safety equipment required by subsection (a) above. The signs shall also state that failure to wear the required equipment is a violation of law and shall subject the violator to prosecution.

SEC. 41.143. OTHER LANDS MANAGED BY THE PARKS DEPARTMENT.

It shall be unlawful for any person to enter or remain on any land the Parks Department manages or controls, that is not designated as a County park, without written authorization from the Parks Department.

ARTICLE 3. OVERNIGHT CAMPING

SEC. 41.150. OVERNIGHT CAMPING PERMITS.

The Parks Department shall designate by regulation those County parks in which overnight camping is allowed, the duration of the camping and the fees to be paid. No person shall camp in a County park without a camping permit issued by the Parks Department. An application for a camping permit shall be on a form provided by the Parks Department and shall be accompanied by the permit fee. The Parks Department shall adopt rules for refunding fees.

SEC. 41.151. YOUTH CAMPING.

An overnight camping permit shall not be issued to a minor. If a minor accompanies an adult to whom an overnight camping permit has been issued, the adult must be the

minor's parent, legal guardian or some other person legally authorized to approve medical treatment for the minor or shall have written authorization from a person authorized to approve medical treatment. No minor shall remain in a park after park closing hours unaccompanied by an adult authorized to approve medical treatment for the minor. A violation of this section is grounds for revoking the camping permit.

SEC. 41.152. CAMPING SPACE.

No person shall trespass upon or infringe upon a camping space assigned to another person or use a facility other than a facility designated in the camping permit issued by the Parks Department.

SEC. 41.153. INCAPACITATED PERSONS.

A camping permit shall not be issued to a person who is unable to care for himself unless the person is accompanied at all times by an attendant who is able to care for the person.

SEC. 41.154. REMOVAL AND ABANDONMENT OF TRAILERS, ETC.

A park ranger may move any trailer, vehicle, tent or other personal property left at a campsite after a camping permit expires. The owner of the property shall pay the Parks Department for its costs incurred in moving and storing the property. Any property not claimed by the owner within 30 days after the camping permit expires may be deemed abandoned and may be disposed of according to law or may be retained by the County.

SEC. 41.155. CAMPING AREA MANAGEMENT.

A park ranger may prohibit or limit the use of any trailer, vehicle or other property in a camping area if the park ranger determines that the use poses a threat to the safety of any person or property or conflicts with any rule or regulation adopted by the Parks Department.

Section 3. Amend Title 4, Division 2 of the San Diego County Code of Regulatory Ordinances to read as follows:

DIVISION 2. RESTRICTED AREAS

CHAPTER 1. RIVERS

SEC. 42.101. SWIMMING IN THE SAN DIEGO RIVER PROHIBITED.

It shall be unlawful for any person to swim, wade or bathe in the waters of the San Diego River in the unincorporated area of the County.

CHAPTER 2. LIVESTOCK WATERING HOLES

SEC. 42.201. TRESPASSING NEAR LIVESTOCK WATERING HOLES PROHIBITED.

It shall be unlawful for any person in the unincorporated area of the County, without written permission from the owner or a person in lawful possession of the property, to enter on property belonging to another person within a radius of 1500 feet of any established livestock watering hole or place, whether unenclosed or enclosed by fence, where signs forbidding trespass are displayed approximately 2400 feet apart, at a distance of approximately 1500 feet from the watering hole or place.

Section 4. Amend Article XXIV of the San Diego County Code of Administrative Ordinances to read as follows:

ARTICLE XXIV PARKS AND RECREATION DEPARTMENT

SEC. 430. RECOGNITION OF DEPARTMENT.

There is in the County a Department of Parks and Recreation (Department). The Department shall be under the supervision of the Chief Administrative Officer (CAO).

SEC. 430.1. RECOGNITION OF THE DIRECTOR.

There is in the County and the Department of Parks and Recreation the position of Director of Parks and Recreation (Director). Any vacancy in this position shall be filled by appointment by the CAO in accordance with the County Charter, Rules of the Civil Service Commission and County ordinances.

SEC. 430.2. DUTIES OF THE DIRECTOR.

The Director shall act under the supervision of the CAO. The Director shall supervise all activities of the Department. The Director shall also establish park user fees, subject to approval by the Board of Supervisors (Board), adopt rules and regulations for all "County parks," as that term is defined in County Code of Regulatory Ordinances (County Code) section 41.402(a) and administer and carry out programs conducted by the County pursuant to Education Code sections 10900 et seq. The Director shall also make recommendations to the CAO about properties the County should acquire to meet the Department's goals established by the Board. The Director shall also perform other duties assigned by the CAO.

SEC. 430.3. EMPLOYMENT OF PERSONNEL.

The Director shall hire sufficient personnel to carry out the Department's duties. The Director shall comply with the County Charter, Civil Service Rules and all applicable laws when hiring employees. The Director may require an employee wear a prescribed uniform when an employee is required to perform duties in a park or other recreation area. Employees shall acquire and maintain uniforms at their own expense unless the County decides to provide uniforms or a uniform allowance.

SEC. 430.4. FUNCTIONS OF THE DEPARTMENT.

The Department shall operate and maintain all County parks that are owned, leased or managed by the County and other lands the County acquires that may be used for future park purposes. The Department shall also enforce the applicable provisions of the County Code that govern County parks.

SEC. 430.5. CONCESSIONS.

The Department shall monitor concessions on park properties to make sure the operators are complying with agreements entered into with the County.

Section 5. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Commerce newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED, AND ADOPTED THIS 26th day of September, 2007.