



Board Report

File #: 18-926, **Version:** 1

Consider repealing and replacing Monterey County Code Chapter 14.12 (County Parks and Open Space).

RECOMMENDATION:

It is recommended that the Parks Commission recommend that the Board of Supervisors approve repealing and replacing Monterey County Code Chapter 14.12 (Attachment A).

SUMMARY:

Monterey County Code Chapter 14.12 establishes regulations for County Parks. Resource Management Agency (RMA) has prepared a revision of the entire Chapter 14.12 reorganizing and clarifying the Chapter's authority and scope. The revisions specifically reflect organizational changes placing Parks into the RMA, incorporate new smoking regulations, and address fees/waivers. Included with this report is the latest draft Chapter 14.12 ordinance and a list of the proposed changes (Attachment A).

DISCUSSION:

Monterey County Code Chapter 14.12 (County Parks) was originally codified in 1970, and many sections have not been updated since 2008. Changes in the law and the need for an update reflecting current RMA Parks policies and practices necessitated this revision.

Resource Management Agency (RMA) has presented suggested changes over the past few months, including options for smoking regulations in County Parks. On November 2, 2017, staff provided a workshop for the Parks Commission to allow input and direction on Chapter 14.12 amendments. Comments provided to staff included:

- Reorganize the Chapter structure in a style similar to San Luis Obispo County, which is easier to read and understand;
- Ensure that fees are controlled by the Board or other approval mechanism, rather than leaving it up to RMA-Parks staff to decide; and
- Follow up with future review of a draft Chapter 14.12 for additional comment.

Subsequent discussions at the Parks Commission focused on smoking in parks with only minor changes to the rest of the Chapter. On August 28, 2018, the Board of Supervisors directed staff to draft an ordinance prohibiting smoking in County parks and bring it directly to the Board for review. Section 14.12.120 has been reserved for this smoking ban, which will be included in the final draft sent to the Board. The Health Department is also drafting an update to Chapter 10.70 of the County Code, which addresses smoking prohibitions for the entire County.

Typically, staff would present a redline version of the ordinance to illustrate changes being made to Chapter 14.12. However, due to the complete Chapter reorganization, staff determined that the best approach would be to repeal and replace the entire Chapter, rather than update each section individually.

Although most of the current language remains in the new version, some sections will be moved into other documents such as Park Rules or the Fee Schedule. Other sections are outdated or no longer fit the needs of the County. The update primarily consists of non-substantive changes, such as revising references to the "Parks Director" to read "Director," as multiple County departments are responsible for oversight, and organizing the code by topic to make locating information easier. New topics addressed in the ordinance include the use of drones, scattering of remains, metal detecting, and a process for review and approval of special events. The following revisions are also included:

14.12.020.B - Authority to direct the public in the use of parks is now clearly delegated to all individuals assigned to work in the parks by the County.

14.12.040.A.1 - All fees are due at the time a reservation is made.

14.12.040.C.2 - Only beer and wine will be allowed in day use parks.

14.12.040.D.1-3 - Sound permits are no longer required for every use of a radio or speaker. Only sounds exceeding the set limit would

require a permit.

14.12.060.H - Electric bikes are prohibited on dirt trails.

14.12.100.A - Service animals are exempt from pet fees.

14.12.100.C.1 - Pet control language is revised to accommodate ADA guidelines for service animals.

14.12.110.B.7-8 - Raised the minimum age for the County shooting range

Attachment A is the proposed draft of Chapter 14.12. Attachment B provides comments on changes made throughout the ordinance.

OTHER AGENCY INVOLVEMENT:

County Counsel has completed an initial review of the draft Chapter as to form. Counsel will complete a final review before the ordinance goes to the Board of Supervisors. RMA staff have consulted with the Health Department and the County Administration Office to develop smoking restrictions that consider the use of each park.

FINANCING:

This work has been completed by staff without need or use for outside services. Therefore, there is no impact to the General Fund by receiving this report.

With the exception of the proposed smoking ban, the impact of this ordinance on park finances is expected to be minimal. Specific fees are no longer addressed in the ordinance and will be housed exclusively in the adopted fee schedule as required by both the current and proposed Chapter. The financial impact of smoking restrictions will vary depending on the extent of the ban and the type of enforcement provided. The smoking ban has the greatest potential to affect revenue and increase costs. Staff is evaluating the potential impact and will present findings to the Board of Supervisors.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Proposed changes provide updates to the County Code that would address current needs including public safety, operations in the County parks, and rules and regulations.

☐ Economic Development
☒ Administration
☒ Health & Human Services
☐ Infrastructure
☒ Public Safety

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Approved by: Carl P. Holm, AICP, RMA Director

Dated: September 12, 2018

Attachments:

Attachment A - Draft Chapter 14.12

Attachment B - Ordinance Revision Comments