

CHARTER OF THE CITY OF SAN DIEGO

Section 55

1. Original Charter section approved by voters April 7, 1931

Section 55. PARK DEPARTMENT. The Park Department shall consist of the Park Division, the Cemetery Division and the Street Trees Division.

The Manager shall appoint a Park Commission of three members whose powers shall be prescribed in Section 43.

The Manager shall appoint a Park Director, who, in turn shall appoint a Superintendent of Cemeteries, and a Superintendent of Street Trees.

The Park Director shall, subject to the advice of the Manager, supervise the administration of the affairs of the Cemetery and Street Tree Divisions and shall, in addition, be the executive officer and director of activities of the Park Division.

(a) The Park Department shall have the control and management of the parks, parkways, plazas, cemeteries and street trees of the City. The Council shall by ordinance adopt regulations for the proper use and protection of park property, and provide penalties for violations thereof.

The Manager is charged with the enforcement of such regulations.

All real property heretofore or hereafter designated or set aside for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or permitted in such manner as is prescribed by the laws of the State of California in such cases and until such changed use or purpose is first authorized or ratified by a vote of two-thirds of the qualified electors of the City voting at an election for that purpose. The Park Director shall have the power, with the approval or on the recommendation of the Manager, and when not inconsistent with the proper park development or use, to permit the use by the Playgrounds and Recreation Department of suitable and convenient areas in any of the parks in the City for playgrounds, recreation centers or recreation camps.

The Park Director shall have all other powers conferred upon Boards of Park Commissioners by general laws, but the people may by a two-thirds vote modify such laws so as to designate boulevards, streets and highways in the parks and parkways as part of the public street and road system of the City and give to the Manager supervision over the construction, repair and maintenance thereof.

(b) THE CEMETERY DIVISION shall, subject to the advice of the Park Director, be charged with the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein.

The net proceeds from the sale of such lots shall be deposited with the City Treasurer to be placed in the Cemetery Perpetuity Fund.

The Cemetery Perpetuity Fund shall be administered by the Funds Commission and shall be vested in such income producing securities as the Funds Commission may decide; the principal of the Perpetuity Fund, (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses of maintenance or upkeep of any nature whatsoever, but the income derived from such investment shall be transferred to the control of the Cemetery Division to be expended in the maintenance and upkeep of the Cemeteries.

The Cemetery Division shall have the power to construct, maintain and operate crematories, chapels and such other adjuncts as properly pertain to cemeteries, in so far as available funds will permit.

(c) THE STREET TREES DIVISION shall, subject to the advice of the Park Director, have charge of the planting, maintaining, and removal of trees along the streets and boulevards of the City.

2. Amendment voted 04/22/1941; effective 05/08/1941

Section 55. PARK DEPARTMENT. The Park Department shall consist of the Park Division, the Cemetery Division and the Street Trees Division.

The Manager shall appoint a Park Commission of three members whose powers shall be prescribed in Section 43.

The Manager shall appoint a Park Director, who, in turn shall appoint a Superintendent of Cemeteries, and a Superintendent of Street Trees.

The Park Director shall, subject to the advice of the Manager, supervise the administration of the affairs of the Cemetery and Street Tree Divisions and shall, in addition, be the executive officer and director of activities of the Park Division.

(a) The Park Department shall have the control and management of the parks, parkways, plazas, cemeteries and street trees of the City. The Council shall by ordinance adopt regulations for the proper use and protection of park property, and provide penalties for violations thereof.

The Manager is charged with the enforcement of such regulations.

All real property heretofore or hereafter designated or set aside for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or permitted in such manner as is prescribed by the laws of the State of California in such cases and until such changed use or purpose is first authorized or ratified by a vote of two-thirds of the qualified electors of the City voting at an election for that purpose. Provided, however, that whenever the Council deems it to be for the best interests of the City, the Council may authorize the City Manager to enter into leases or

contracts or let concessions, upon such terms and conditions as the Council shall prescribe, for the use and operation of the City Stadium in Balboa Park and for the use and operation of City-owned equipment and facilities of an amusement character located in the parks of the City, together with buildings and space therein necessary and convenient for the operation of the same.

The Park Director shall have the power, with the approval or on the recommendation of the Manager, and when not inconsistent with the proper park development or use, to permit the use by the Playgrounds and Recreation Department of suitable and convenient areas in any of the parks in the City for playgrounds, recreation centers or recreation camps.

The Park Director shall have all other powers conferred upon Boards of Park Commissioners by general laws, but the people may by a two-thirds vote modify such laws so as to designate boulevards, streets and highways in the parks and parkways as part of the public street and road system of the City and give to the Manager supervision over the construction, repair and maintenance thereof.

(b) THE CEMETERY DIVISION shall, subject to the advice of the Park Director, be charged with the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein.

The net proceeds from the sale of such lots shall be deposited with the City Treasurer to be placed in the Cemetery Perpetuity Fund.

The Cemetery Perpetuity Fund shall be administered by the Funds Commission and shall be vested in such income producing securities as the Funds Commission may decide; the principal of the Perpetuity Fund (subject to such accretion or diminution as may result from investing the same), shall not be available for meeting expenses of maintenance or upkeep of any nature whatsoever, but the income derived from such investment shall be transferred to the control of the Cemetery Division to be expended in the maintenance and upkeep of the Cemeteries.

The Cemetery Division shall have the power to construct, maintain and operate crematories, chapels and such other adjuncts as properly pertain to cemeteries, in so far as available funds will permit.

(c) THE STREET TREES DIVISION shall, subject to the advice of the Park Director, have charge of the planting, maintaining, and removal of trees along the streets and boulevards of the City.

3. Amendment voted 03-11-1947; effective 03-24-1947

Section 55. PARK AND RECREATION DEPARTMENT. The Park and Recreation Department shall consist of the Park Division, the Recreation Division, and such other divisions as the Council may create by ordinance.

The Manager shall appoint a Park and Recreation Director, who shall appoint a Superintendent of Parks and a Superintendent of Recreation and such other subordinates and employees as may be authorized.

The Park and Recreation Director shall have the control and management of the parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of city-owned property, golf courses, playgrounds, recreation centers, recreation camps, and recreation activities held on any city playgrounds, parks, beaches and piers which may be owned, controlled or operated by the City.

The City Council shall by ordinance, adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds, and recreation facilities and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property heretofore or hereafter designated or set aside for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or permitted in such manner as is prescribed by the laws of the State of California in such cases and until such changed use or purpose is first authorized or ratified by a vote of two-thirds of the qualified electors of the City voting at an election for that purpose. Provided, however, that whenever the Council deems it to be for the best interests of the City, the Council may authorize the City Manager to enter into leases or contracts or let concessions, upon such terms and conditions as the Council shall prescribe for the use and operation of city owned equipment and facilities of a recreational, cultural or educational character located in the park, cemetery or recreation property of the City, together with buildings and space therein necessary and convenient for the operation of the same.

The Park and Recreation Director shall have authority under the supervision of the Manager to purchase, lease and acquire, by gift or otherwise, on behalf of The City of San Diego, and to maintain, any property necessary or convenient for park, cemetery or recreation purposes. He shall have authority to establish, maintain, promote and operate all types of recreation, either within or without the City limits, which may be consistent with the purposes of this Section, and shall perform and exercise all other duties or powers which may be prescribed by general law or ordinance which relates to the activities of park, cemetery, playground and recreation operations in the City of San Diego.

The Park and Recreation Director shall have all other powers conferred upon Boards of Park Commissioners by general laws, but the people may by a two-thirds vote modify such laws so as to designate boulevards, streets and highways in the parks and parkways as part of the public street and road system of the City and give to the Manager supervision over the construction, repair and maintenance thereof.

DIVISION OF PARKS. The Division of Parks shall consist of the Superintendent of Parks and such subordinate officers and employees as shall be authorized.

The Superintendent of Parks shall have charge of the construction, improvement, repair and maintenance of the parks, parkways, plazas, street trees, golf courses and landscaping of city-owned property. He shall have charge of the management, control preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. He shall supervise such other operations of the department as may be assigned by the Director of Parks and Recreation.

That at least fifty per cent of the net proceeds from the sale of cemetery lots shall be deposited with the City Treasurer to be placed in the Cemetery Perpetuity Fund.

The Cemetery Perpetuity Fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide; the principal of the Perpetuity Fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses of maintenance or upkeep of any nature whatsoever, but the income derived from such investment shall be expended in the maintenance and upkeep of the Cemeteries.

DIVISION OF RECREATION. The Division of Recreation shall consist of the Superintendent of Recreation and such subordinate officers and employees as shall be authorized.

The Superintendent of Recreation shall have charge of playgrounds, recreation centers, recreation camps and recreation activities held on any property under jurisdiction of the Park and Recreation Department or on beaches and piers which may be owned, controlled or operated by the City, either within or without the City limits. He shall supervise such other operations of the Department as may be assigned by the Director of Parks and Recreation.

The Manager shall have authority to enter into such contracts as may be deemed desirable for the best interests of The City of San Diego for the joint operation and control of playgrounds by the San Diego Unified School District and the City. All such contracts shall be executed by the Board of Education of the San Diego Unified School District, and may provide:

(aa) For the joint operation and control of playgrounds or recreation fields which may be owned by either the City or the said School District.

(bb) For selection of personnel to control such jointly operated playgrounds and recreation fields.

(cc) For payment of compensation to personnel so selected under and by virtue of the authority of said contract.

(dd) For proper maintenance and equipment of such jointly-owned and operated playgrounds and recreation fields.

In the event that a contract is entered into with the San Diego Unified School District as herein authorized, the power of the Park and Recreation Director to appoint a Superintendent of Recreation shall be limited so as to be consistent with the terms of such contract.

PARK COMMISSION. The Manager shall appoint a Park Commission of five members who shall not serve longer than five years without being reappointed, and whose powers shall be prescribed in Section 43.

RECREATION COMMISSION. There is hereby created a Recreation Commission to consist of five members, two of whom shall be appointed by the Board of Education of the San Diego Unified School District, two of whom shall be appointed by the Manager, and one who shall be appointed by the Mayor, by and with the approval of the City Council, all of whom shall not serve longer than five years without being reappointed and whose powers shall be prescribed in Section 43.

The terms of appointment of members to both the Park Commission and Recreation Commission shall be so staggered that not more than one appointment on each Commission shall expire in any one year.

The Park Commission and the Recreation Commission shall meet jointly on matters concerning both commissions.

4. Amendment voted 04-21-1953; effective 05-29-1953

Section 55. There is hereby created a department, to be known as the Park and Recreation Department, which shall be under the direction and supervision of a Director of Parks and Recreation, who shall be appointed by the Manager, and who shall have the duty of the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of city-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any city playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or

statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The Park and Recreation Director shall have such other duties as may be imposed upon him by ordinance of The City of San Diego or as directed by the City Manager.

The City Manager shall have authority, subject to the approval of the Council, to enter into such contracts as may be deemed desirable for the best interests of the City for the joint operation and control of playgrounds by the San Diego Unified School District and the City. All such contracts shall be executed by the Board of Education of the San Diego Unified School District and the Manager, and may provide:

- (1) For the joint operation and control of playgrounds or recreation fields which may be owned by either the City or the said school district.
- (2) For selection of personnel to control such jointly operated playgrounds and recreation fields.
- (3) For payment of compensation to personnel so selected and by virtue of the authority of said contract.
- (4) For proper maintenance and equipment of such jointly owned and operated playgrounds and recreation fields.

In the event that a contract is entered into with the San Diego Unified School District as herein authorized, the Director of Parks and Recreation shall perform such services in connection with such operation as may be provided for in said contract.

The Director of Parks and Recreation shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least fifty per cent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than

needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. Until the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

There is hereby created a Park and Recreation Commission to consist of seven members, two of whom shall be appointed by the Board of Education of the San Diego Unified School District, one of whom shall be a member of said Board of Education; two of whom shall be appointed by the City Manager; and three of whom shall be appointed by the Mayor with the consent of the Council. The terms of office of the members of the Commission shall be four years. The members of the first commission appointed hereunder shall by lot stagger their terms so that two shall serve for one year, two shall serve for two years, and two for three years, and the remaining one for four years. The Park and Recreation Commission shall advise with and recommend to the Manager and Director of Parks and Recreation with respect to public policy matters relating to the maintenance and operation of parks, playgrounds, recreational activities and cemeteries in The City of San Diego.

5. Amendment voted 09-17-1963; effective 02-11-1964

Section 55. PARK AND RECREATION. The City Manager shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of city-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any city playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The City Manager shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least fifty per cent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. Until the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

6. Amendment voted 11-04-1975; effective 12-01-1975

Section 55: Park and Recreation

The City Manager shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of City-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any City playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The City Manager shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least twenty percent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. If the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are not sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

7. Amendment voted 11-08-2016; effective 12-19-2016

Section 55: Park and Recreation

The City Manager shall have the control and management of parks, parkways, plazas, beaches, cemeteries, street trees, landscaping of City-owned property, golf courses, playgrounds, recreation centers, recreation camps and recreation activities held on any City playgrounds, parks, beaches and piers, which may be owned, controlled or operated by the City. The City Council shall by ordinance adopt regulations for the proper use and protection of said park property, cemeteries, playgrounds and recreation facilities, and provide penalties for violations thereof. The Manager is charged with the enforcement of such regulations.

All real property owned in fee by the City heretofore or hereafter formally dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park, recreation or cemetery purposes shall not be used for any but park, recreation or cemetery purposes without such changed use or purpose having been first authorized or later ratified by a vote of two-thirds of the qualified electors of the City voting at an election for such purpose. However, real property which has been heretofore or which may hereafter be set aside without the formality of an ordinance or statute dedicating such lands for park, recreation or cemetery purposes may be used for any public purpose deemed necessary by the Council.

Whenever the City Manager recommends it, and the City Council finds that the public interest demands it, the City Council may, without a vote of the people, authorize the opening and maintenance of streets and highways over, through and across City fee-owned land which has heretofore or hereafter been formally dedicated in perpetuity by ordinance or statute for park, recreation and cemetery purposes.

The City Council may, without a vote of the people, authorize a lease of the property occupied by San Diego High School to the San Diego Unified School District for educational, cultural, recreational, and civic programs and activities, provided that the property is used for a public high school. The property occupied by San Diego High School means the area used by the San Diego Unified School District for San Diego High School as of the date this amendment is effective, and further described in the legal description on file with the City Clerk as Document No. OO-20721.

The City Manager shall also have charge of the management, control, preservation, regulation, improvement and embellishment of all public burial grounds and cemeteries belonging to the City, and the sale of lots therein. At least twenty percent of the net proceeds from the sale of all cemetery lots shall be deposited with the City Treasurer and be kept in a fund to be known as the Cemetery Perpetuity Fund. This fund shall be administered by the Funds Commission and shall be invested in such income-producing securities as the Funds Commission may decide. The principal of the perpetuity fund (subject to such accretion or diminution as may result from investing the same) shall not be available for meeting expenses for maintenance or upkeep of the cemeteries in any manner whatsoever. All income derived from the investment of the moneys in said perpetuity fund, together with the balance of the sale price of said lots not placed in the perpetuity fund, shall be expended in the maintenance and upkeep of the cemeteries and the

perpetual care and upkeep of all graves and lots in said cemeteries; provided, however, that if in any one year such income is more than needed for the purpose of such maintenance, upkeep and perpetual care the Council may direct that the excess over and above that needed as above provided may be used for any other municipal purpose. If the income from said investments of said perpetuity fund and the balance of the sale price of said lots each year are not sufficient to maintain the cemeteries and to provide perpetual care and upkeep of all graves and lots in said cemeteries the Council shall annually appropriate from other revenues an amount sufficient to enable the City to provide perpetual care and upkeep of all graves and lots in the cemeteries.

8. Amendment voted 11-08-2022; effective 1-9-2023

See Current Charter