File No. 120819 Committee Item No. 6
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Committee: Land Use and Economic Development **Date** September 10, 2012

Board of Supervisors Meeting **Date** _____

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Completed by: Alisa Miller **Date** September 6, 2012
Completed by: _____ **Date** _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Park Code - Petitioning, Leafleting, Picketing, and Soliciting in City Parks]

Ordinance amending the San Francisco Park Code, Section 7.08, to repeal Subsection (d), which prohibits persons from petitioning, leafletting, demonstrating, or soliciting in designated areas of certain City parks while another event is in progress for which a permit has been issued by the Recreation and Park Department.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Park Code is hereby amended by amending Section 7.08, to read as follows:

SEC. 7.08. PETITIONING, LEAFLETTING, PICKETING, SOLICITING.

(a) No permit may be required to engage in petitioning, leafletting, demonstrating or soliciting so long as engaging in any of these activities, or any combination of these activities, does not involve 50 or more petitioners, leafletters, demonstrators, or solicitors at the same time within an area circumscribed by a 500-foot radius, provided, however, that a permit is required to solicit in the Music Concourse Area of Golden Gate Park.

(b) It shall be unlawful for any person to engage in petitioning, leafletting, demonstrating or soliciting in such a manner as to substantially obstruct any traffic of pedestrians or vehicles after being warned by a peace officer or a member of the Park Patrol not to do so.

(c) No person may engage in petitioning, leafletting, demonstrating or soliciting inside the San Francisco Zoological Gardens.

~~(d) Stern Grove, Justin Herman Plaza, Portsmouth Square, Union Square, Mission Dolores Park, Civic Center, and the Music Concourse of Golden Gate Park are frequent sites for the issuance of permits involving large groups of people. In order to prevent interference with the progress and enjoyment of these events, no person may engage in petitioning, leafletting, demonstrating or soliciting in these parks while an event is in progress for which a permit has been issued by the Recreation and Park Department except in those areas described below as public assembly areas. No person shall be considered in violation of the prohibition contained in this subsection until he or she has been informed by a member of the San Francisco Police Department, a member of the Park Patrol, or a member of the Recreation and Park Department who displays proper identification of such employment that the event is being conducted pursuant to a valid permit or until the permit pursuant to which the event is being conducted has been shown to such person. The areas in which petitioning, leafletting, demonstrating and soliciting are prohibited during permitted events and the designated public assembly areas during permitted events are described below.~~

~~Stern Grove – The prohibited area is the open grassy area of the grove known as the "concert green" which is reserved for performers and the audience. The public assembly area is comprised of all areas outside the concert green, beginning beyond the hedges that delineate the east and west entrances to the concert green.~~

~~Justin Herman Plaza – The prohibited area is that portion of the Plaza located at the east end below street level, including the steps leading down to that area. The public assembly area is the western portion of the Plaza at street level.~~

~~Portsmouth Square – The prohibited area is within 50 feet of the elevator. The public assembly area is any portion of the Square beyond a 50-foot radius of the elevator.~~

~~Union Square – The prohibited area is the western half (Powell Street side) of the Square. The public assembly area is the eastern half (Stockton Street side) of the Square.~~

~~*Mission Dolores Park – The prohibited area is the central portion of the Park extending to any point 50 or more feet from the perimeter of the Park. The public assembly area is the perimeter of the Park extending from the edges of the Park 50 feet inward.*~~

~~*Civic Center – The prohibited area is the central portion of the park which includes the fountain and paved areas surrounding the fountain and extends to the lawned areas to the north (McAllister Street) and south (Grove Street). The public assembly area includes the lawned portions at the northern and southern ends of the park and the sidewalks internal to the northern and southern lawned areas. Also included in the public assembly area are, (1) as to the southern portion of the park, the Grove Street exterior sidewalk and the Larkin Street exterior sidewalk immediately east of the lawned areas and the Polk Street exterior sidewalk immediately west of the lawned area and, (2) as to the northern portion of the park, the McAllister Street exterior sidewalk and the Larkin Street exterior sidewalk immediately east of the lawned areas and the Polk Street exterior sidewalk immediately west of the lawned area.*~~

~~*Music Concourse of Golden Gate Park – The prohibited area is the stage area, within 100 feet of the stage, and the central depressed portion below street level, including the steps leading down to the depressed portion. The public assembly area is any area of the Music Concourse at street level except for any area within 100 feet of the stage.*~~

Section 2. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Park Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board

amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: Francesca Gessner
FRANCESCA GESSNER
Deputy City Attorney

FILE NO. 120819

LEGISLATIVE DIGEST

[Park Code - Petitioning, Leafleting, Picketing, and Soliciting in City Parks]

Ordinance amending the San Francisco Park Code, Section 7.08, to repeal Subsection (d), which prohibits persons from petitioning, leafletting, demonstrating, or soliciting in designated areas of certain City parks while another event is in progress for which a permit has been issued by the Recreation and Park Department.

Existing Law

Subsection (d) of Section 7.08 of the Park Code prohibits petitioning, leafleting, demonstrating and soliciting in certain areas of Stern Grove, Justin Herman Plaza, Portsmouth Square, Union Square, Mission Dolores Park, Civic Center, and the Music Concourse of Golden Gate Park while another event is in progress for which a permit has been issued by the Recreation and Park Department ("RPD"). It also designates "public assembly areas" in those parks in persons may engage in petitioning, leafleting, demonstrating and soliciting during RPD-permitted events.

Amendments to Current Law

The ordinance would repeal subsection (d) of Section 7.08 of the Park Code in its entirety.

Background Information

The Board of Supervisors adopted Section 7.08 of the Park Code in 1981. The Board has not amended Section 7.08 since then. Over the last thirty years, the City has renovated and reconfigured several of the parks that are the subject of Section 7.08(d). As a result, the designated public assembly areas and restricted areas identified in Section 7.08(d) no longer accurately reflect the configuration of many of these parks. By repealing this subsection, the ordinance would remove those outdated provisions, and allow the City to appropriately tailor any necessary time, place, and manner restrictions on public assemblies in the parks on a case-by-case basis in accordance with the U.S. and California Constitutions.