

LEGISLATIVE DIGEST

[Park Code - Rights in Permits]

Ordinance amending the Park Code to distinguish rights in permits for areas and facilities open to the public and rights in permits for events closed to the public; and making environmental findings.

Existing Law

The Park Code gives any person with a valid permit to use park property, issued by the Recreation and Park Department, the exclusive right to use that space for the time specified. (Park Code Sec. 7.15.) It is unlawful for a person to refuse to leave space reserved by a permit when asked to do so by the permitholder, a Recreation and Park Department employee, a police officer, or a member of the Park Patrol, or for a person to disturb or interfere with a permit-holder's use of the permitted space.

Amendments to Current Law

The proposal would amend Section 7.15 of the Park Code to distinguish between the rights granted to individuals who have a valid permit issued by the Recreation and Park Department to use park property to conduct a private event, and the rights granted to individuals who have a valid permit issued by the Recreation and Park Department to use park property while the park property is otherwise open to the public.

The proposal would make it unlawful for a person to refuse to leave a public event on park property only when that person is disturbing or interfering with the permit-holder's event or use of the property. The proposal would also clarify that this provision may not be used to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

For private events, the ordinance would make it unlawful for any person to refuse to leave a private event when asked to do so. (See Park Code Sec. 7.15-1.) The proposal would also provide that this provision may not be used to engage in conduct otherwise prohibited by law, including but not limited to anti-discrimination laws.