

LEGISLATIVE DIGEST
(As amended 11/5/2013)

[Park Code - Hours of Operation for City Parks]

Ordinance amending the Park Code to establish hours of operation for City parks from 5:00 a.m. to midnight, with certain exceptions; and making environmental findings.

Existing Law

The Recreation and Park Commission sets by resolution the hours that parks are open to the public. The Park Code authorizes the Recreation and Park Commission or the General Manager to temporarily close parks or park buildings to address emergencies or when the public interest demands it. The Park Code also prohibits sleeping in the park, but allows individuals violating this rule to avoid penalties for a first offense or if they seek social service assistance from the City within 30 hours of receiving a citation.

Amendments to Current Law

The proposal is an ordinance that would amend the Park Code to provide that City parks would be open to the public from 5:00 a.m. to midnight daily, and prohibit any person from being in a City park outside of those hours. The Recreation and Park Commission could also set different hours of operation for any park by resolution based on operational needs or neighborhood impacts.

The proposal would not apply to buildings on park property, such as recreation centers and clubhouses, or to athletic fields. The Department would continue to set the hours of operations for those facilities. The proposal also would not apply in the following situations:

- Where someone is using a roadway or adjacent sidewalk to cross Balboa Park, Golden Gate Park, Lincoln Park, or McLaren Park;
- Where someone is using a bike path to cross the Panhandle;
- Where someone is using the paved areas to cross Union Square, Civic Center Plaza, or Justin Herman Plaza;
- Where the Department has set different hours in a permit, contract, or lease; or,

- Where the General Manager has temporarily closed a park to protect the safety and well-being of the public.

Violations of the proposal could be punished as a misdemeanor or an infraction. A person found sleeping in the park outside of the park's open hours could be cited for violating the Park Code prohibition on sleeping in the park but could not be cited under this ordinance for being present in the park while sleeping.

The General Manager and the Recreation and Park Commission would retain the authority to close the parks to address an emergency. The ordinance would clarify that the General Manager and the Commission could not close an part of a park or building because of the content or viewpoint of constitutionally protected expressive activities.

The ordinance would also require the Recreation and Park Department to issue annual reports to the Board of Supervisors and Mayor providing information about citations issued for violations of the ordinance, the costs of addressing vandalism in the parks, and the costs of enforcing the ordinance.

The ordinance would also urge the Recreation and Park Department to increase the number of Park Patrol scheduled to patrol parks.

Background Information

This ordinance reflects amendments adopted by the Board at its regular meeting on November 5, 2013.