

File No. 170556

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: July 12, 2017

Board of Supervisors Meeting:

Date: _____

Cmte Board

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|-------------------------------------|--------------------------|----------------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER

- | | | |
|-------------------------------------|--------------------------|------------------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI - May 15, 2017</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |

Prepared by: John Carroll

Date: July 7, 2017

Prepared by: _____

Date: _____

1 [Park Code - Littering in Dolores Park, Using Glass Beverage Containers in Parks, and
2 Enforcement]

3 **Ordinance amending the Park Code to authorize an administrative penalty of up to**
4 **\$1,000 per violation for littering or dumping waste material in Dolores Park; to prohibit**
5 **the use of glass beverage containers, with certain exceptions, in all City parks; and to**
6 **authorize Park Patrol to issue citations for violations of the Park Code.**

7 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

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

15 Section 1. Purpose and Findings.

16 Littering in City parks is unlawful but it remains a problem, especially at Dolores Park.
17 On April 2, 2017, for example, Recreation and Park Department employees had to spend 44
18 hours picking up 460 bags worth of litter that the public had simply discarded at Dolores Park,
19 despite the presence of trash receptacles along the park perimeter. This is not an isolated
20 example but is illustrative of a general problem that has plagued Dolores Park. It is in the
21 City's best interest to provide an administrative penalty for such misconduct at Dolores Park.
22 An administrative penalty is reasonable and necessary to secure compliance at Dolores Park
23 with the existing law against littering, to compensate the public for the damage caused by
24 littering at Dolores Park, and to help offset the costs of enforcement and cleanup there.

25 In addition to creating this administrative penalty for a problem endemic to one City
park, this ordinance also recognizes a City-wide problem. Shards from glass beverage

1 containers present a safety hazard at parks throughout the City, particularly with respect to
2 young children. And the clean-up necessary to remove broken glass beverages can be both
3 expensive and dangerous. Accordingly, this ordinance makes it unlawful to bring glass
4 beverage containers to open spaces or playgrounds at City parks, or use glass beverage
5 containers there, with certain exceptions.

6 Finally, this ordinance expressly recognizes the authority of the Park Patrol to issue
7 citations to enforce the Park Code.

8
9 Section 2. The Park Code is hereby amended by adding Section 3.22, and revising
10 Sections 4.04 and 10.01, to read as follows:

11 **SEC. 3.22. GLASS BEVERAGE CONTAINERS.**

12 No person other than duly authorized personnel shall use any glass beverage container on any
13 open space or playground on park property, or bring any glass beverage container to such areas on
14 park property, unless the container has been authorized pursuant to a permit, concession, license, or
15 lease from the Recreation and Park Department. This Section 3.22 shall not apply to glass beverage
16 containers used in the care and feeding of infant children.

17
18 **SEC. 4.04. LITTERING AND DUMPING OF WASTE MATTER PROHIBITED.**

19 (a) Attention is called to the fact that state law prohibits the littering or dumping of
20 waste matter in any public park.

21 (b) Additional penalties for littering or dumping waste matter in Dolores Park. Any person
22 who violates Section 4.04(a) by littering or dumping waste matter in Dolores Park shall be deemed
23 guilty of a misdemeanor or infraction, pursuant to Section 10.01 of this Code, and shall also be subject
24 to an administrative penalty in an amount to be established by the General Manager that shall not
25 exceed \$1,000 for each violation. The General Manager shall establish the amount of administrative

1 penalty based on the need to protect Dolores Park from littering, the economic impact of littering, the
2 impact of littering on the community, the amount of City staff time needed to investigate and address
3 such violations, and such other factors as justice may require. The procedure for the imposition,
4 enforcement, collection, and administrative review of the administrative penalty shall be governed by
5 Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines,"
6 which is hereby incorporated in its entirety.

7
8 **SEC. 10.01. PENALTIES; ISSUANCE OF CITATIONS.**

9 * * * *

10 (e) The Park Patrol may issue citations to enforce any section of this Code.

11
12 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
13 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
14 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
15 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
16 additions, and Board amendment deletions in accordance with the "Note" that appears under
17 the official title of the ordinance.

1 Section 4. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 APPROVED AS TO FORM:
7 DENNIS J. HERRERA, City Attorney

8
9 By:


10 MANU PRADHAN
11 Deputy City Attorney

12 n:\leganalas2017\1700612\01187731.docx

LEGISLATIVE DIGEST

[Park Code - Littering in Dolores Park, Using Glass Beverage Containers in Parks, and Enforcement]

Ordinance amending the Park Code to authorize an administrative penalty of up to \$1,000 per violation for littering or dumping waste material in Dolores Park; to prohibit the use of glass beverage containers, with certain exceptions, in all City parks; and to authorize Park Patrol to issue citations for violations of the Park Code.

Existing Law

Littering or dumping waste material in City parks is unlawful under Park Code Section 4.04. Violations of the Park Code are punishable in court as infractions or misdemeanors. A person convicted of an infraction is subject to a fine of not more than \$100 for the first offense; a fine of not more than \$200 for the second offense within a year; and a fine of not more than \$500 for every additional offense within a year. A person convicted of a misdemeanor is subject to a fine of not more than \$1,000 or by imprisonment in the County Jail for a period of not more than six months, or both.

Amendments to Current Law

The ordinance would authorize the City to assess an administrative penalty on persons who litter or dump waste material in Dolores Park. The amount of the administrative penalty would be established by the General Manager of the Recreation and Park Department and could not exceed \$1,000 per violation.

The ordinance also would prohibit persons from using glass beverage containers in (or bringing such containers to) open spaces and playgrounds in all City parks, unless the containers are authorized under a permit, concession, license, or lease issued by the Recreation and Park Department. Containers used in the care or feeding of infants are exempted.

Finally, the ordinance expressly recognizes the authority of the Park Patrol to issue citations to enforce the Park Code.

Background Information

The administrative penalty of up to \$1,000 would be specific to the ban on littering or dumping waste material in Dolores Park. It is proposed as a means to secure compliance with existing law against littering and dumping waste material at Dolores Park, to compensate the public for the damage caused unlawful littering and dumping at Dolores Park, and to help offset the costs of enforcement and cleanup there.

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BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Phil Ginsburg, General Manager, Recreation and Parks Department
Margaret McArthur, Commission Secretary, Recreation and Parks
Commission

FROM: Erica Major, Assistant Clerk, Public Safety and Neighborhood Services
Committee, Board of Supervisors

DATE: May 15, 2017

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Sheehy on May 9, 2017:

File No. 170556

Ordinance amending the Park Code to authorize an administrative penalty of up to \$1,000 per violation for littering or dumping waste material in Dolores Park; to prohibit the use of glass beverage containers, with certain exceptions, in all City parks; and to authorize Park Patrol to issue citations for violations of the Park Code.

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Sarah Madland, Recreation and Parks Department

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
MAY 9 4:11 PM '07

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

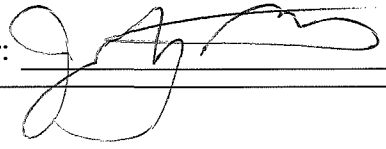
Sheehy

Subject:

Park Code - Littering in Dolores Park, Using Glass Beverage Containers in Parks, and Enforcement

The text is listed below or attached:

See attached.

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: