

LEGISLATIVE DIGEST

[Park Code - Authorizing Recreation and Park Commission to Apply the Park Code to Additional Property]

Ordinance amending the Park Code to authorize the Recreation and Park Commission to cause the Park Code to apply to specified properties it has authorized the Recreation and Park Department to lease or operate for recreational purposes.

Existing Law

The Park Code sets forth uniform rules for City parks: for example, Article 3 sets forth basic regulations for City parks such as operating hours; Article 4 has rules to prevent disorderly conduct; and Article 7 addresses permits. The Park Code applies to all City-owned property under the jurisdiction of the Recreation and Park Commission (“RPC”). But if the Recreation and Park Department is managing or operating property that is not formally under the RPC’s jurisdiction, the Park Code by its terms generally does not apply there.

Amendments to Current Law

The ordinance would authorize the RPC to designate additional properties to be subject to the Park Code. For a property to be eligible for Park Code designation, the Recreation and Park Department would need to be operating the property for recreational purposes under a lease, memorandum of understanding, or similar written agreement; and the RPC would need to have acted at a public hearing to approve the agreement and to consider any possible neighborhood impacts, operational needs, and any other relevant information. If the RPC approved a property as being subject to the Park Code, that designation would remain in effect only for the duration of the Recreation and Park Department’s agreement as to that property, and at the end of the agreement’s term, the Park Code would cease to apply. The RPC’s temporary designation of a property as subject to the Park Code would not affect or impair any underlying legal restrictions that apply to a property, and would not place such property under the RPC’s control within the meaning of Charter Section 4.113.

Background

The Recreation and Park Department occasionally manages third-party property, but because such property is not formally under the RPC’s jurisdiction, the Park Code does not apply there. The ordinance would enable the Recreation and Park Department to manage these parks similar to other parks that are formally under the RPC’s jurisdiction.