

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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