

File No. 120819

Committee Item No. 6  
Board Item No. 11

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 10, 2012

Board of Supervisors Meeting Date September 25, 2012

#### 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 checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form (for hearings)             |
| <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 (Use back side if additional space is needed)

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Completed by: Alisa Miller Date September 6, 2012  
Completed by: Alisa Miller Date September 13, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.  
The complete document can be found in the file.

11

1 [Park Code - Petitioning, Leafleting, Picketing, and Soliciting in City Parks]

2

3 Ordinance amending the San Francisco Park Code, Section 7.08, to repeal Subsection  
4 (d), which prohibits persons from petitioning, leafleting, demonstrating, or soliciting in  
5 designated areas of certain City parks while another event is in progress for which a  
6 permit has been issued by the Recreation and Park Department.

7 NOTE: Additions are single-underline italics Times New Roman;  
8 deletions are ~~strike through italics Times New Roman~~.  
9 Board amendment additions are double-underlined;  
10 Board amendment deletions are ~~strikethrough normal~~.

10

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

12 Section 1. The San Francisco Park Code is hereby amended by amending Section  
13 7.08, to read as follows:

14 **SEC. 7.08. PETITIONING, LEAFLETING, PICKETING, SOLICITING.**

15 (a) No permit may be required to engage in petitioning, leafleting, demonstrating or  
16 soliciting so long as engaging in any of these activities, or any combination of these activities,  
17 does not involve 50 or more petitioners, leafletters, demonstrators, or solicitors at the same  
18 time within an area circumscribed by a 500-foot radius, provided, however, that a permit is  
19 required to solicit in the Music Concourse Area of Golden Gate Park.

20 (b) It shall be unlawful for any person to engage in petitioning, leafleting,  
21 demonstrating or soliciting in such a manner as to substantially obstruct any traffic of  
22 pedestrians or vehicles after being warned by a peace officer or a member of the Park Patrol  
23 not to do so.

24 (c) No person may engage in petitioning, leafleting, demonstrating or soliciting inside  
25 the San Francisco Zoological Gardens.

1           ~~(d) Stern Grove, Justin Herman Plaza, Portsmouth Square, Union Square, Mission Dolores~~  
2 ~~Park, Civic Center, and the Music Concourse of Golden Gate Park are frequent sites for the issuance~~  
3 ~~of permits involving large groups of people. In order to prevent interference with the progress and~~  
4 ~~enjoyment of these events, no person may engage in petitioning, leafletting, demonstrating or soliciting~~  
5 ~~in these parks while an event is in progress for which a permit has been issued by the Recreation and~~  
6 ~~Park Department except in those areas described below as public assembly areas. No person shall be~~  
7 ~~considered in violation of the prohibition contained in this subsection until he or she has been informed~~  
8 ~~by a member of the San Francisco Police Department, a member of the Park Patrol, or a member of the~~  
9 ~~Recreation and Park Department who displays proper identification of such employment that the event~~  
10 ~~is being conducted pursuant to a valid permit or until the permit pursuant to which the event is being~~  
11 ~~conducted has been shown to such person. The areas in which petitioning, leafletting, demonstrating~~  
12 ~~and soliciting are prohibited during permitted events and the designated public assembly areas during~~  
13 ~~permitted events are described below.~~

14           ~~Stern Grove—The prohibited area is the open grassy area of the grove known as the "concert~~  
15 ~~green" which is reserved for performers and the audience. The public assembly area is comprised of all~~  
16 ~~areas outside the concert green, beginning beyond the hedges that delineate the east and west~~  
17 ~~entrances to the concert green.~~

18           ~~Justin Herman Plaza—The prohibited area is that portion of the Plaza located at the east end~~  
19 ~~below street level, including the steps leading down to that area. The public assembly area is the~~  
20 ~~western portion of the Plaza at street level.~~

21           ~~Portsmouth Square—The prohibited area is within 50 feet of the elevator. The public assembly~~  
22 ~~area is any portion of the Square beyond a 50-foot radius of the elevator.~~

23           ~~Union Square—The prohibited area is the western half (Powell Street side) of the Square. The~~  
24 ~~public assembly area is the eastern half (Stockton Street side) of the Square.~~

1           ~~Mission Dolores Park~~ The prohibited area is the central portion of the Park extending to any  
2 point 50 or more feet from the perimeter of the Park. The public assembly area is the perimeter of the  
3 Park extending from the edges of the Park 50 feet inward.

4           ~~Civic Center~~ The prohibited area is the central portion of the park which includes the fountain  
5 and paved areas surrounding the fountain and extends to the lawned areas to the north (McAllister  
6 Street) and south (Grove Street). The public assembly area includes the lawned portions at the northern  
7 and southern ends of the park and the sidewalks internal to the northern and southern lawned areas.  
8 Also included in the public assembly area are, (1) as to the southern portion of the park, the Grove  
9 Street exterior sidewalk and the Larkin Street exterior sidewalk immediately east of the lawned areas  
10 and the Polk Street exterior sidewalk immediately west of the lawned area and, (2) as to the northern  
11 portion of the park, the McAllister Street exterior sidewalk and the Larkin Street exterior sidewalk  
12 immediately east of the lawned areas and the Polk Street exterior sidewalk immediately west of the  
13 lawned area.

14           ~~Music Concourse of Golden Gate Park~~ The prohibited area is the stage area, within 100 feet  
15 of the stage, and the central depressed portion below street level, including the steps leading down to  
16 the depressed portion. The public assembly area is any area of the Music Concourse at street level  
17 except for any area within 100 feet of the stage.

18  
19           Section 2. Effective Date. This ordinance shall become effective 30 days from the  
20 date of passage.

21  
22           Section 3. This section is uncodified. In enacting this Ordinance, the Board intends to  
23 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
24 punctuation, charts, diagrams, or any other constituent part of the Park Code that are explicitly  
25 shown in this legislation as additions, deletions, Board amendment additions, and Board

1 amendment deletions in accordance with the "Note" that appears under the official title of the  
2 legislation.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: Francesca Gessner  
7 FRANCESCA GESSNER  
8 Deputy City Attorney  
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LEGISLATIVE DIGEST

[Park Code - Petitioning, Leafleting, Picketing, and Soliciting in City Parks]

**Ordinance amending the San Francisco Park Code, Section 7.08, to repeal Subsection (d), which prohibits persons from petitioning, leafletting, demonstrating, or soliciting in designated areas of certain City parks while another event is in progress for which a permit has been issued by the Recreation and Park Department.**

Existing Law

Subsection (d) of Section 7.08 of the Park Code prohibits petitioning, leafletting, demonstrating and soliciting in certain areas of Stern Grove, Justin Herman Plaza, Portsmouth Square, Union Square, Mission Dolores Park, Civic Center, and the Music Concourse of Golden Gate Park while another event is in progress for which a permit has been issued by the Recreation and Park Department ("RPD"). It also designates "public assembly areas" in those parks in persons may engage in petitioning, leafletting, demonstrating and soliciting during RPD-permitted events.

Amendments to Current Law

The ordinance would repeal subsection (d) of Section 7.08 of the Park Code in its entirety.

Background Information

The Board of Supervisors adopted Section 7.08 of the Park Code in 1981. The Board has not amended Section 7.08 since then. Over the last thirty years, the City has renovated and reconfigured several of the parks that are the subject of Section 7.08(d). As a result, the designated public assembly areas and restricted areas identified in Section 7.08(d) no longer accurately reflect the configuration of many of these parks. By repealing this subsection, the ordinance would remove those outdated provisions, and allow the City to appropriately tailor any necessary time, place, and manner restrictions on public assemblies in the parks on a case-by-case basis in accordance with the U.S. and California Constitutions.

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

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

- 1. For reference to Committee: Land Use  
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. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. 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 different form.**

**Sponsor(s):**

Supervisor Scott Wiener

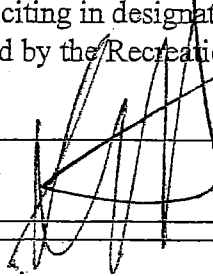
**Subject:**

Park Code - Petitioning, Leafletting, Picketing, Soliciting in City Parks

**The text is listed below or attached:**

Ordinance amending the San Francisco Park Code by amending Section 7.08, to repeal subsection (d), which prohibits persons from petitioning, leafletting, demonstrating or soliciting in designated areas of certain City parks while another event is in progress for which a permit has been issued by the Recreation and Park Department.

Signature of Sponsoring Supervisor: \_\_\_\_\_



For Clerk's Use Only:

