

[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.

NOTE: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strike-through italics Times New Roman*~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strike through normal~~.

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

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 130766 and is incorporated herein by reference.

Section 2. Findings and Policy.

(a) The Board of Supervisors finds that vandalism of park property often occurs late at night and such vandalism is a serious problem that imposes substantial costs on the City in the form of maintenance and repairs, such as graffiti abatement. The Board finds that establishing uniform hours of operation for parks Citywide will help prevent vandalism and disruptive loitering by keeping persons out of the park during the late-night hours when such activities are most likely to occur.

(b) The Board recognizes that effective enforcement of hours of operation in City parks may require additional City resources. Towards that end, the Board urges the Recreation and Park Department to increase the number of Park Patrol scheduled to patrol parks between midnight and 5 a.m. and to request funding for additional Park Patrol to enforce this

1 ordinance. The Board also urges the Recreation and Park Department to prioritize
2 enforcement of park hours in smaller neighborhood parks and playgrounds, where the effects
3 of vandalism and loitering are particularly disruptive to the neighboring community.
4

5 Section 23. The San Francisco Park Code is hereby amended by adding Section 3.21,
6 to read as follows:

7 **SEC. 3.21. HOURS OF OPERATION.**

8 (a) Persons may enter and use any park from 5:00 a.m. to midnight daily, provided that (1) the
9 Department may set different hours in a permit, contract or lease, and (2) whenever a threat to public
10 health or safety exists in any park resulting from any natural cause, explosion, accident or any other
11 cause, or by riot or unlawful assembly or activity, the General Manager may close the park or any part
12 thereof to the public for such duration as he or she deems necessary to ensure the safety and well-being
13 of the public. This subsection shall not apply to buildings, such as recreation centers, restrooms and
14 clubhouses, or to athletic fields, which may have different hours of operation, as determined by the
15 General Manager or the Commission, as the case may be.

16 (b) Notwithstanding the provisions of subsection (a), the Commission may by resolution and at
17 any time set different hours of operation for any park or part thereof, based on operational
18 requirements or neighborhood impacts.

19 (c) No person shall enter or remain in any park without the permission of the Department
20 outside of the hours open to the public as set in subsection (a) or under subsection (b), except that:

21 (1) In the case of Balboa Park, Golden Gate Park, Lincoln Park, and McLaren Park,
22 persons may use a vehicle (including but not limited to a car, truck, bicycle and motorcycle) on the
23 roadway(s) in those parks or walk on paved sidewalks immediately adjacent to such roadways, at any
24 time for purposes of transversing the park only;
25

1 (2) In the case of the Panhandle, persons may walk or ride a bicycle on the bike paths
2 at any time for purposes of transversing the park only; and,

3 (3) In the case of Union Square, Civic Center Plaza, and Justin Herman Plaza, persons
4 may walk on the paved portions of those plazas at any time for purposes of transversing the plaza only.

5 (d) A violation of subsection (c) shall be subject to the penalties set forth in Park Code
6 Article 10.

7 (e) The Department shall post the hours for each park (1) at the park in a location designed to
8 provide notice to members of the public, and (2) on the Department's website.

9 (f) The Department shall issue an annual report to the Board of Supervisors and Mayor
10 by September 1 of each year providing the following information for the preceding fiscal year:
11 (1) the number of citations issued by the Police Department and Park Patrol for violations of
12 this Section 3.21, and (2) the Department's costs for repairs and maintenance, including
13 graffiti abatement, resulting from vandalism in parks.

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15 Section 34. Effective Date. This ordinance shall become effective 30 days after
16 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
17 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
18 of Supervisors overrides the Mayor's veto of the ordinance.

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20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: _____
23 FRANCESCA GESSNER
24 Deputy City Attorney

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