

BOARD of SUPERVISORS



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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

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

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