



CITY COUNCIL AGENDA REPORT

DATE: 11/13/2014

AGENDA OF: 11/18/2014

DEPARTMENT: Parks and Recreation

SUBJECT: Ordinance Amending Section 13.08.100 of the Municipal Code Pertaining to Orders to Vacate Park Property (PK/PD)

RECOMMENDATION: Introduce for publication a revised ordinance amending Section 13.08.100 of the Municipal Code pertaining to orders to vacate park property.

BACKGROUND: In June 2013 City Council adopted an ordinance requiring individuals who are cited in City parks to stay away from that park for 24 hours.

The ordinance was adopted to help address public health and safety concerns in City parks. The addition to the Municipal Code allowed Park Rangers and Police Department personnel to address illegal and/or disorderly conduct on park property including the San Lorenzo Levee and City Beaches. Typical citations include smoking, possession of alcoholic beverages, camping, public urination and entering a closed area, which are all infractions. Habitual violators (i.e., those who continue to violate the law in spite of repeated administrative citations) are the source of numerous complaints to the Park Rangers from park patrons.

While the addition of Section 13.08.100 has provided for law enforcement, Rangers and Police Department staff are seeing a pattern of chronic offenders returning to the parks after the 24 hour stay-away, often times violating the same municipal code section.

DISCUSSION: The proposed amendment provides for incremental increases in time that a person receiving a citation in a City park, beach or any other property maintained by the Parks and Recreation Department must stay away from the property where the arrest was made or citation issued.

- (a) First offense (existing ordinance): Twenty-four hours from the time of the citing/arresting officer's order.
- (b) Second offense within one week of the first offense: One week from the date of the citing/arresting officer's order in response to the second offense.
- (c) Third offense within thirty days to the second offense: Thirty days from the date of the citing/arresting officer's order in response to the third offense.
- (d) Fourth offense within six months of the third offense: Six months from the date of the citing/arresting officer's order in response to the fourth offense.

(e) Fifth offense within one year of the fourth offense: One year from the date of the citing/arresting officer's order in response to the fifth offense.

The City Council previously adopted a version of this ordinance for publication at its October 14th meeting. Instead of finally adopting the ordinance at its October 28th meeting, at the recommendation of the City Attorney, it deferred final adoption so the City Attorney could take into consideration concerns raised by the local ACLU chapter in a letter received by the City Attorney on October 27th. The City Attorney recommended that the proposed ordinance be revised to include an administrative appeal procedure by which individuals could receive an expedited hearing to contest their stay away order should they wish to do so. Subsection (b) was added to the ordinance accordingly.

Staff hopes that continuing to address the illegal activities in our parks with dedicated Rangers assigned to some parks, ongoing environmental improvements, and the addition of the expanded stay-aways proposed with this ordinance, illegal behavior patterns will change and more of our residents will return to use the City's parks.

FISCAL IMPACT: None

Prepared by:
Dannettee Shoemaker
Director of Parks and
Recreation

Prepared by:
Kevin Vogel
Chief of Police

Approved by:
Martin Bernal
City Manager

ATTACHMENTS:
Ordinance