TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER DEPARTMENT: COMMUNITY SERVICES
DATE: JUNE 24, 2002 CMR: 291:02
SUBJECT: ADOPTION OF REGULATIONS RE PUBLIC USE OF CITY PARKS AND OPEN SPACE FACILITIES

This is an information report and no Council action is required.

BACKGROUND
On September 4, 1997, the City Council amended Palo Alto Municipal Code Section 2.08.050 to enable the City Manager to prescribe and enforce regulations for entry into or use by members of the public of any City real property, building, structure, or other facility.

An interdepartmental Building Regulations Committee was created by the City Manager in August 1997. The charge of this committee was to develop regulations for the use of City facilities by the public. These regulations were deemed necessary since facilities were at times being used by some members of the public in ways that interfered with the missions and functions of City programs and services, resulting in complaints from the public at large. Without a set of defined and enforceable regulations, City staff was not equipped to respond to these complaints and work with facility visitors to encourage appropriate conduct and use of City facilities.

In July 1998, regulations were adopted governing the appropriate use of libraries, community centers, interpretive centers and the Civic Center. This staff report transmits regulations for public use of the parks and open space facilities (which include trails, recreation areas, lakes and park buildings) for the Council’s information. The draft regulations were reviewed by and approved by the Parks and Recreation Commission in September 2001. Based on the Commission’s feedback, the regulations were amended and several of the Commission’s suggestions were incorporated.

DISCUSSION
The mission of the Palo Alto parks and open spaces is to enable people to enjoy recreational facilities and natural resources and enrich their lives through exploration, recreation and relaxation. To fulfill this mission, staff endeavors to provide a safe, attractive, friendly and
appropriate environment in which all visitors can share parks, open space areas and facilities. Recreation and parks staff has identified a number of inappropriate behaviors which require regulations including such things as the use of dangerous objects (darts, stones and arrows) in play areas, crowding in picnic areas, non-restraint of aggressive dogs in dog exercise areas and dangerous behavior in the tennis courts and skateboard facility. Without regulations, staff has found it time consuming and difficult to effectively address such inappropriate conduct.

Staff contacted other park and open space agencies to determine whether they had faced similar issues and, if so, how those issues had been addressed through regulations. Staff drew upon this research and its own experiences to develop regulations, which were then reviewed and revised by the City Attorney’s Office (see Attachment 1).

The Attorney’s Office has considered the legal issues of adopting these regulations carefully to ensure that they did not unfairly deny access to public facilities.

Implementation of Regulations
Regulations will enable City staff to communicate with the public in a clear and consistent manner regarding prohibited conduct. The intent is to provide visitors with the information and opportunity to cease inappropriate conduct and continue to enjoy the use of City parks and open space facilities. When users of parks and open space areas do not bring their conduct into accordance with regulations after first being warned, the visitor may be issued an administrative citation by a park ranger or police officer. The option of removal from the park or other City facility covered by these regulations also exists. Procedures have been developed whereby a visitor who is issued an administrative citation or who is asked to leave a park or facility will be afforded due process to contest this decision if they feel it to be unfair.

Although conduct addressed in the regulations may be independently punishable as a crime under Federal or State law, the regulations are civil rather than criminal in nature. The parks and open space facility regulations provide the administrative grounds for staff to ask a visitor to leave if he or she has been informed of the regulations and asked to comply, but has failed to do so. Visitors will not be criminally prosecuted for noncompliance with the regulations. However, if an expulsion decision has been made and upheld, and a visitor refuses to leave, criminal trespass charges can be brought. The regulations do not cover all prohibited behaviors that are already covered by ordinance or statute.
Materials will be developed to inform the public about the new regulations and train City staff regarding their implementation so that they can be communicated and enforced in a manner that is customer-service oriented rather than bureaucratic. It is also important to note that the regulations will be enforced in such a way that does not violate the rights of people with disabilities protected by the Americans with Disabilities Act (ADA).

**RESOURCE IMPACT**
There is no resource impact associated with the adoption of regulations for public use of City parks and open space areas.

**POLICY IMPLICATIONS**
With adoption of these parks and open space area regulations, it will become City policy to define and enforce certain standards of behavior in City facilities in order to ensure appropriate use and enjoyment of these facilities for the public at large.

**ATTACHMENTS**
Attachment 1 - Regulation of the City of Palo Alto Regarding Prohibited Conduct in Parks and Open Space Areas and Facilities

PREPARED BY: GREG BETTS
Superintendent, Open Space & Sciences

DEPARTMENT HEAD: PAUL THILTGEN
Director of Community Services

CITY MANAGER APPROVAL: EMILY HARRISON
Assistant City Manager

Cc: Parks and Recreation Commission