



CITY OF
HAYWARD
HEART OF THE BAY

**Introduction of Ordinances Amending
the Hayward Municipal Code Relating to
Food Sharing Events in City Parks, and
City Park Operating Hours**

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Improving Downtown Hayward

Food Sharing Event and Park Hour Ordinances are just one element of a comprehensive strategy to address the broader issues of improving Downtown Hayward and homelessness in our community.

Other strategies currently underway include:

- Coordinated inter-departmental and inter-jurisdictional interventions targeted at public and private properties that are frequent sources of public nuisances and other illegal activities.
- A partnership with faith and community-based service organizations, local businesses, and concerned individuals to create one or more **indoor** locations out of which a comprehensive array of services can be offered.





Why the need for **Food Sharing Event** and **Park Hours** Ordinances?

For many years shoppers, business owners, residents and visitors to Downtown Hayward have raised ongoing concerns about problem behaviors in the Downtown area.

Many of these concerns are associated with activities occurring in Downtown City Parks, including: Portuguese Park, Newman Park, Giuliani Plaza, Library Park and City Hall Plaza surrounding City Hall.





Why the need for **Food Sharing Event** and **Park Hours** Ordinances?

Staff has developed two ordinances to help address some of these concerns:

- **The Food Sharing Event Ordinance** will establish a permitting process that governs the time, place and manner in which food sharing events occur in City Parks; and
- **City Park Hours Ordinance** will place restrictions on the use of City Parks between sunset and sunrise.





Intent of the Food Sharing Ordinance

- Shift the responsibility for the costs of cleaning City Parks to users that create negative impacts.
- Provide greater authority to City officials to intervene when needed and to protect the City's interests by mitigating liability as it pertains to activities conducted in City parks.





Permit applicants will be required to:

- Provide proof of insurance.
- Permit Fee: Waived the first year the ordinance is in effect.
- Pay a refundable deposit for cleaning or repairs.
- Sign a reimbursement agreement with the City for cleaning or repairs.
- Sign a “Hold harmless” agreement with the City for claims or lawsuits that may arise from the event.
- Provide proof of compliance with State and Alameda County environmental health regulations regarding food preparation and food handling.





Key Elements of Proposed Food Sharing Event Ordinance

Penalties for violation of the ordinance may include orders to immediately cease the event and/or the issuance of administrative citations.





Exemptions

- Food sharing programs / activities underway in locations other than the City Parks specified in the proposed ordinance;
- Farmer's markets and other events/activities where commercial food distribution takes place, because other regulations (that are not applicable to food sharing events in City parks) apply to these events.





Why the need for a **Park Hours** Ordinances?

There are community members who indicated that some concerns raised about the City Parks occur at night. Consequently, staff has prepared a companion **City Park Hours Ordinance**.

If adopted, the Park Hours Ordinance will prohibit the use of Downtown City Parks as identified between sunset and sunrise, unless certain conditions or approvals are in place.





Application of Ordinances

Neither ordinance would apply to parks managed by the Hayward Area Recreation and Park District (HARD).

As an independent special district, HARD has exclusive authority over the other parks in Hayward that it manages.





Public Contact

- Two community meetings were held in early September - over 50 community members attended.
- Other comments were submitted via telephone, emails, letters, and direct discussions with staff.
- A summary of the comments submitted to the City is provided on Page 8 of the staff report.
- In addition to discussing the proposed Ordinance, many of the comments addressed the broader issues of homelessness and food security, as well as community health and safety concerns.





Next Steps

- If Council introduces ordinances tonight, adoption would occur on October 15, 2013.
- Ordinances would go into effect 30 days after adoption.
- Staff is proposing that both ordinances be in force for a period of twelve (12) months from the date they are put into effect as a pilot program.
- Prior to the conclusion of the twelve month period, staff will return to Council with a report and recommendation regarding the program and any proposed changes prior to permanent adoption.





Questions/Discussion

