



# City of New York Parks & Recreation

New York City Council  
Committee on Parks & Recreation

Introduction Number 677  
(prohibiting objects containing glass packaging or  
containers on or within 150 feet of a beach)

April 18, 2008

Testimony by  
Deputy Commission Kevin Jeffrey  
and  
Assistant Commissioner Betsy Smith

First, I would like to thank Council Member Addabbo and the committee for taking the lead to raise awareness of glass as an issue for us on beaches. We are always working to ensure a safer and healthier park user experience and welcome the Council's support in raising awareness among all of our park users.

Over 14 million people visit our 14 miles of beaches during the summer months. The vast majority of visitors are respectful of public property, properly dispose of their litter and adhere to our rules and regulations. Unfortunately, there are always some visitors who are not as courteous and conscientious about proper litter disposal who leave trash along the shore and in the water. To ensure that our beaches are maintained to a standard of cleanliness and safety they are cleaned daily by parks staff. Keeping our 29,000 acres of City parkland free and clear of litter, glass and other potentially dangerous and harmful materials is a high priority for Parks.

## **ENFORCEMENT OF CURRENT REGULATIONS BY PARKS ENFORCEMENT PATROL**

This legislation calls for prohibiting the sale of glass packaging or containers on or within one hundred fifty feet of any beach under the jurisdiction of the city of New York. The Parks Department agrees with the Council that glass packaging and containers should not be present in or near our beaches, and the agency has had a longstanding policy to prohibit glass on our property.

In our codified Parks Rules and Regulations, glass is considered a prohibited use<sup>1</sup> and our Parks Rules and Regulations allow for enforcement and penalties for violating this and other sections<sup>2</sup>.

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<sup>1</sup> "The Commissioner may, in his or her discretion, designate certain parks, or portions thereof, as restricted areas wherein no glass bottles or other glass containers will be permitted. Failure to comply with such restrictions shall constitute a violation of these rules. This subdivision (d) shall not apply to glass bottles or containers used in the care and feeding of infant children." (§1-04 Prohibited Uses, (d) Restrictions on Glass)

<sup>2</sup> "(a) Any violation of these Rules other than Rule 1-04 (b)(1)(a) shall constitute a misdemeanor triable by the Criminal Court of the City of New York and punishable by not more than ninety days imprisonment or by a fine of not more than \$1,000, or by

The current Parks Department rules give the Parks Commissioner wide latitude for enforcement efforts upon violations of rules governing use of glass containers, with a wide range of civil and criminal penalties for non-compliance.

Our Parks Enforcement Patrol (PEP) serves as our main means of enforcing these rules. During the beach season from May 24 through September 1, our annual complement of PEP officers is augmented by 90 Parks-hired seasonal security officers who are specifically assigned to New York City beaches from 10:00 a.m. to 8:30 p.m.

A primary function of these officers is to monitor and prevent possession of alcohol, glass bottles, and other illegal or dangerous activity. Although these personnel are not Peace Officers, they are closely supported by our annual workforce – shielded officers with Peace Officer status – and jointly make arrests or issue summonses to correct conditions.

Parks' security staff will ask patrons to show the contents of their coolers at all beaches while on mobile patrol along the sand. Coolers are also routinely inspected on the Coney Island fishing pier. Last year alone, there were 45 summonses issued on beaches to individuals who failed to adhere to Parks regulations prohibiting possession of alcohol, most of which was contained in glass bottles.

With respect to the jurisdictional requirement in Introduction 677, the Parks Department does not have the appropriate jurisdiction to enforce this rule on property not directly owned by Parks. For example, if a restaurant within one hundred and fifty feet of a beach owned by the City, but not located on Parks Property were to sell items in glass containers, PEP officers would not have the authority to go into the restaurant and directly prohibit the restaurant from selling these items. That enforcement would fall under other City agencies with the jurisdiction to do so.

## **PARKS INSPECTION PROGRAM AND 311 CALLS**

Another tool that we use to keep our park and beach patrons safe is our Parks Inspection Program (PIP). It's difficult to improve a visitor's experience at our beaches, pools and parks unless we are able to really see where things are going well or going wrong, where we're falling short or rising to the challenge, or where conditions are staying the same.

PIP is a comprehensive, outcome-based performance measurement system that generates frequent, random, and detailed inspections of our parks and playgrounds. Our PIP inspectors, using hand-held computers and digital cameras, perform nearly 5,000 inspections, each rating overall condition and cleanliness of as many as 17 separate park features. They spend every day surveying and critiquing our parkland so that we can quickly identify, first, areas that may be safety hazards and in need of immediate repair, and, second, areas that may be having consistent problems with issues such as litter or vandalism. This procedure helps us deploy our PEP officers or maintenance crews in the most effective way possible and allows us to track our own progress as we face the challenge of continued improvements in our parks.

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both, in accordance with § 533(a)(9) of Chapter 21 of the New York City Charter." and  
"(c) Any violation of these Rules shall also constitute a violation triable by the Environmental Control Board and punishable by a civil penalty of not more than \$10,000, in accordance with §533(a)(9) of Chapter 21 of the New York City Charter." (§1-07 Penalties)

Because we feel that glass on beaches is a major safety concern, and because it's such a high priority, our inspectors have a zero tolerance policy toward glass on beaches during the summer season. Any broken glass, regardless of amount, is considered a Priority One Immediate Attention and will result in the failure of a beach zone for its Cleanliness and Overall Condition ratings. PIP is an internal management system designed for use by our district staff. In essence, PEP regulates park patrons and PIP is our quality control device.

Another tool we use to monitor and enhance our prohibition against glass at beaches is the 311 call system. Since the inception of 311 in May 2005, we have received 54 inquiries or comments on broken glass at our beaches. In response to those calls, specific beach locations were cleaned, summonses were issued, the Police Department was notified of after-hours activity, and repairs were made to damaged park property.

### **PROHIBITIONS IN CONCESSION CONTRACTS**

We are aggressive and persistent in the enforcement of our rules and regulations against glass. And we work to monitor glass in parks, beaches and pools with our PIP program and the many inspectors who work every day to ensure the safety of our park patrons.

The same attention to safety is given at the onset of every concession – from the creation of a Request for Bid (RFB) and Request for Proposals (RFP) to the permitting process and the signing of a contract with a concessionaire.

With respect to prohibiting the sale of beverages in glass bottles by Parks' Concessionaires, Parks has addressed this issue in several ways:

1. For the most part, with the exception of full service restaurants, our RFPs/RFBs now include a provision prohibiting the sale of beverages in glass bottles. The wording is generally as follows: "Pursuant to Parks' policy citywide, the concessionaire will be prohibited from selling any beverages in glass bottles. All beverages will be required to be in non-glass, shatter-proof containers."
2. The general provisions of permits for mobile food units now include a specific section prohibiting the sale of beverages in glass bottles.
3. With regard to beaches, the contracts and the Request for Bids/Proposals for the operation of concessions at Rockaway Beach, Manhattan Beach and Orchard Beach prohibit the sale of beverages in glass bottles.
4. The general provisions of our permits include a section titled "Liquidated Damages". The liquidated damage is \$150 per occurrence for unauthorized menu items or services. The sale of beverages in glass bottles would be considered an "unauthorized menu item".

### **CONCLUSION**

The Parks Department is committed to removing glass products from our beaches. We agree with the Council that removing glass products is essential for keeping our beaches safe and clean and believe the best way to prevent the use of glass products is by informing our vendors of the regulations that prohibit glass products, as well as by working to enforce penalties for violations that occur within our jurisdiction.



**City Council Oversight Hearing: Int. 677  
Parks & Recreation Committee**

**New Yorkers for Parks Testimony  
April 18, 2008**

Good morning. My name is Christian DiPalermo and I am Executive Director of New Yorkers for Parks. We are the only independent watchdog for all the city's parks, beaches, and playgrounds. For 100 years, New Yorkers for Parks has worked to ensure greener, safer, cleaner parks for all New Yorkers.

We are here today in support of Introduction 677, which would prohibit the sale of glass bottles within 150 feet of municipal beaches. During the summer, New York City's seven beaches operated by the Parks Department provide essential retreats from the city's sweltering heat. Unfortunately, beach visitors are too often confronted with dangerous conditions.

Last summer, New Yorkers for Parks released *The Report Card on Beaches*, the first independent survey of all seven city beaches. While the Parks Department has improved access for disabled beach users and the elderly, and has come closer to meeting its goal for summer lifeguards, litter and broken glass remain significant challenges. Our 2007 Report Card on Beaches found broken glass at 53% of surveyed shorelines. These alarming conditions must be addressed.

The Parks Department already has a rule forbidding glass bottles on the beach, and their vendors are prohibited from selling glass along the beach. This new legislation would go one step further and extend the regulations already in existence today. Businesses within 150 feet of the beach would be restricted from selling glass items, consistent with Parks Department regulations. Businesses that thrive off of tourism and the millions of people who visit city

beaches every year should bear some responsibility for the health and safety of the beach and its users.

In addition, similar policies are in place at Yankee and Shea stadiums, both of which sit on City parkland. Visitors are not allowed to bring glass containers inside, and vendors are prohibited from selling beverages in glass bottles, which helps to ensure that broken glass does not become a hazard to spectators. Implementing a similar policy at the beach is consistent with the efforts of the Parks Department to ensure user safety.

We recommend two additional policy strategies that, coupled with this legislation, would go a long way in limiting broken glass on the beach and improving the safety of beach users:

- 1. Increase seasonal staff and deploy maintenance workers to manually clean the beaches.** The Parks Department's beach maintenance techniques primarily involve large machinery which can turn glass bottles into broken glass. Additional seasonal staff should be made available to manually pick up glass bottles and other litter before they become a hazard.
- 2. Ensure that there are sufficient trash receptacles, and in particular, recycling bins, at the beach.** The City should undertake a real effort to ensure that trash cans and recycling bins can be found along the beach and boardwalk. Reduction of glass bottles may lead to an increase in plastic bottles and aluminum cans, which should be handled in the most environmentally friendly way.

We have had positive conversations with the Parks Department and elected officials regarding this legislation, and we respectfully ask that the Parks Committee fast-track this bill so that it goes into effect by the start of beach season, Memorial Day weekend.

Thank you.