

ORDINANCE NO. 2946

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, REPEALING AND REPLACING CHAPTER 12.42 OF TITLE 12 (STREETS, SIDEWALKS AND PUBLIC PLACES), AND REPEALING AND REPLACING SECTION 10.48.070 OF CHAPTER 10.48 OF TITLE 10 (VEHICLES AND TRAFFIC), RELATING TO LIVING IN VEHICLES

WHEREAS, the City Council of the City of Whittier finds that unlawful camping contributes to blighted conditions in the City, including such unlawful camping being associated with trash, debris, dilapidated, unsafe and unstable structures or vehicles;

WHEREAS, the City Council finds that living in a vehicle other than a recreational vehicle inside a designated RV park is a form of unlawful camping;

WHEREAS, the City Council further finds that unlawful camping or the unlawful use of camp paraphernalia presents a threat to the health and safety of both the unlawful campers/users and the general public;

WHEREAS, unlawful camping and the unlawful use of camp paraphernalia creates unsanitary conditions that threaten the health, safety and welfare of the public;

WHEREAS, the storage of personal property in public areas interferes with the public use of those areas and negatively affects the public health and safety by creating obstructions and creating circumstances that are hazardous to the public health; and,

WHEREAS, unlawful camping, use of camp paraphernalia and storage of personal property as prohibited in this ordinance encourages crime and discourages the use of public facilities and property for their designed purposes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 12.42 of Title 12 (Streets, Sidewalks and Public Places) is hereby repealed and replaced with the following:

12.42.010 Purpose.

The public streets and areas within the city should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. The purpose of this chapter is to:

- A. Maintain public streets and areas within the city in a clean and accessible condition; and
- B. Make it unlawful to camp in areas which are not designed for camping.

12.42.020 Definitions.

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this chapter.

- A. "Camp" means to pitch or occupy camping facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.
- B. "Camp facilities" mean temporary shelters including, but not limited to, tents, huts or other temporary accommodations.
- C. "Camp paraphernalia" means and includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or non-city designated cooking facilities and similar equipment. Camp paraphernalia shall not include personal barbeques used in designated picnic areas in city parks and in compliance with applicable City regulations for such use, or as otherwise specifically permitted by the city.
- D. "Habitation" and "reside" mean the permanent or temporary occupancy by any person of any building, structure, vehicle or area for the purpose of providing permanent or temporary living quarters and/or sleeping quarters for any such person.
- E. "Open to public view" means visible from the public right-of-way or other areas open to the public, without the aid of vision-enhancing equipment. Prescription glasses or contact lenses shall not be deemed to be vision enhancing equipment.
- F. "Park" means a park, reservation, playground, recreation center or any other area in the city owned, maintained or used by the city for the purpose of public rest, play, enjoyment, active or passive recreation, or assembly, and shall include all buildings and structures located thereon or therewith.
- G. "Public area" improved or unimproved means and includes, but is not limited to, any street, park, restaurant, cafe, theater, store, building, playground, school ground, recreational area, parking lot or other place to which the public, or any portion thereof, is invited or has access, or any place open to the public view. A public area can be privately or publicly owned.
- H. "Public property" means any property owned or controlled by the City of Whittier, including but not limited to parks, sidewalks, parkways, bridges, culverts, easements,

drains and any facility or other area in the City necessary for the construction, improvement or maintenance of streets and roads.

I. "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

J. "Street" means and includes any publicly or privately maintained or owned street, road, highway, alley, split or right-of-way.

12.42.030 Unlawful camping and exemptions.

A. It shall be unlawful for any person to camp in the following areas, except as otherwise provided:

1. Any street;
2. Any parking lot or public area, improved or unimproved;
3. Public property.

B. The prohibition of this Section shall not apply:

1. In the event of emergencies, such as may be caused by flooding, fire, earthquake or any other natural or man-made condition.
2. To events that are approved or sponsored by the city.
3. To parks designated for mobile home or recreational vehicle use.
4. Occasional camping on residential properties, with the property owner's express permission, not to exceed three consecutive days in any ninety (90) day period.
5. Events on private property, for which the owner(s) or person(s) in lawful possession of the property has obtained a temporary use permit or Conditional Use Permit from the City, which specifically allows the activity.

12.42.040 Storage of personal property in public places.

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council:

- A. Any street;

B. Any parking lot or public area, improved or unimproved;

C. Public property.

12.42.045 Unlawful camping – habiting in vehicles prohibited.

A. The use of a house trailer, whether on wheels or a foundation, for habitation purposes, either temporary or permanent, other than one located in a regularly established trailer park and in areas designated for such use, is declared to be a nuisance and is prohibited.

B. The term “house trailer,” as used in this section, shall include any motor vehicle, boat, recreational vehicle or other vehicular device designed for use as a human habitation but shall not include a manufactured home, as that term is defined in 42 U.S.C. Section 5402, or successor provisions.

C. The use for habitation purposes of any motor vehicle, operative or nonoperative, including but limited to any automobile, sport utility vehicle or van, which has a designed primary purpose of transportation, and which is parked on any street or public place or anywhere open to public view, is declared to be a public nuisance and is prohibited.

12.42.050 Enforcement.

The chief of police and his designees shall be responsible for enforcing the provisions of this chapter. Violation of the provisions of this chapter shall be a misdemeanor.

SECTION 2. Section 10.48.070 of Chapter 10.48 of Title 10 (Vehicles and Traffic) is hereby repealed and replaced with the following:

10.48.070 Prohibited use of public property.

A. No person shall use or permit the use of any street, public property, or public place for a permanent or temporary place of habitation.

B. No person shall place upon any street, public property or public place, permanently or temporarily, any building, structure or vehicle including, but not limited to, any motor vehicle, trailer, mobile home, coach or similar vehicle, which is required to be licensed pursuant to the provisions of the Vehicle Code of the state (hereafter "vehicle") and which is designed for use and/or which is used, for the habitation of one or more persons, whether permanently or temporarily; provided that, any such vehicle may be parked upon any street, public property or public place for the purpose of immediate loading and unloading.

C. Subdivision B of this Section shall not apply to designated mobile home or recreational vehicle parks.

D. As used in this section:

1. "Building" and "structure" shall be defined as set forth in Chapter 18.06 of this code.
2. "Habitation" and "reside" shall be defined as set forth in Chapter 12.42 of this code.
3. "Public property" shall be defined as set forth in Chapter 12.42 of this code.
4. "Public place" shall be defined as set forth in Chapter 12.42 of this code.
5. "Street" shall be defined as set forth in Chapter 12.42 of this code.

SECTION 3. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this 26th day of January 2010.

BOB HENDERSON, Mayor

ATTEST:

KATHRYN A. MARSHALL
City Clerk-Treasurer

CITY OF WHITTIER)
) SS
STATE OF CALIFORNIA)

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing ordinance was duly introduced at a regular meeting of the City Council of the City of Whittier on the 12th day of January 2010, and adopted at a regular meeting of the City Council of the City of Whittier on the 26th day of January 2010 by the following roll call vote:

AYES: J. A. Vinatieri O. Newcomer
 J. G. Nordbak R. L. Henderson
NOES: None
ABSENT: C. Warner

WITNESS my hand and the official seal of the City of Whittier, California, this
_____ day of _____ 2010.

KATHRYN A. MARSHALL
City Clerk-Treasurer

Published as required by law: February 9, 2010