SEC. 85.02. REGULATING THE USE OF VEHICLES FOR DWELLING.

**(Amended by Ord. No. 186,236, Eff. 8/2/19.)**

   A.   **Use of Vehicles for Dwelling Restricted on City Streets.** No person shall use a Vehicle for Dwelling as follows:

   1.   Between the hours of 9:00 P.M. and 6:00 A.M. on any Residential Street; or

   2.   At any time within a one Block radius of any edge of a lot containing a park or a licensed school, pre-school or daycare facility.

   Nothing herein precludes the enforcement of any other laws such as parking restrictions, including, but not limited to, prohibitions on overnight parking.

   B.   **Definitions.** As used in this section:

   1.   **Block** is defined as 500 feet.

   2.   **Dwelling** means more than one of the following activities and when it reasonably appears, in light of all the circumstances, that a person is using a vehicle as a place of residence or accommodation:

Possessing inside or on a vehicle items that are not associated with ordinary vehicle use, such as a sleeping bag, bedroll, blanket, sheet, pillow, kitchen utensils, cookware, cooking equipment, bodily fluids. Obscuring some or all of the vehicle's windows. Preparing or cooking meals inside or on a vehicle. Sleeping inside a vehicle.

   3.   **Residential Street** means any street which adjoins one or more single family or multi-family residentially zoned parcel.

   4.   **Vehicle** means any motor vehicle, trailer, house car or trailer coach as defined by the California Vehicle Code.

   C.   **Penalty.** A first violation of this section shall be punishable as an infraction not to exceed $25. A second violation of this section shall be punishable as an infraction not to exceed $50 and all subsequent violations of this section shall punishable as an infraction not to exceed $75. Violators may be eligible for referral to a prosecutorial-led diversion program such as the Homeless Engagement and Response Team (HEART).

   D.   **Sunset Provision.** This section shall expire and be deemed to have been repealed on January 1, 2020, unless extended by ordinance.

   E.   **Severability.** If any portion, subsection, sentence, clause or phrase of this section is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this section. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.