



# **CITY OF DESERT HOT SPRINGS**

## **REGULAR MEETING OF THE PUBLIC SAFETY COMMISSION**

### **AGENDA**

**FEBRUARY 13, 2020**

**6:00 PM**

**CITY COUNCIL CHAMBERS  
CARL MAY COMMUNITY CENTER  
11711 West Drive, Desert Hot Springs, California**

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### **CALL TO ORDER**

### **ROLL CALL**

### **PLEDGE OF ALLEGIANCE**

### **SELECTION OF CHAIR AND VICE-CHAIR**

### **APPROVAL OF THE AGENDA**

### **MINUTES**

**Public Safety Commission Regular Meeting Minutes January 9, 2020**

**Recommendation:** Approve Minutes as Submitted; or Corrected

### **PUBLIC COMMENTS**

*At this time, pursuant to State law, any person may comment on an item, which is NOT on the agenda. PLEASE STATE YOUR NAME FOR THE RECORD.*

*Comments are limited to the first ten (10) speakers at three (3) minutes per speaker. All comments are to be directed to the Public Safety Commission and shall be devoid of any personal attacks. Members of the public are expected to maintain a professional, courteous decorum during public comments.*

### **PRESENTATIONS**

- 1. Gang Update**

**ADMINISTRATIVE REPORTS:**

2. **Public Safety Cadet Liaison Monthly Report**  
*Public Safety Cadet Liaison, Nicole Sanchez*
3. **Animal Control Monthly Report**  
*Animal Care and Control Supervisor, Stephanie Zamora*
4. **Fire Department Monthly Report**  
*Fire Chief, Ty Davis*
5. **Police Department Monthly Report**  
*Chief of Police, Jim Henson*

**CHAIRMAN, VICE-CHAIR, AND COMMISSIONER REPORTS**

**ADJOURN REGULAR MEETING**

**NOTICES**

**Title 2**

In an effort to comply with the requirements of Title 2 of the Americans With Disabilities Act of 1990, the City of Desert Hot Springs requires that any person in need of any type of special equipment, assistance, or accommodation(s) in order to communicate at a City public meeting, must inform the City Clerk/Agency Secretary a minimum of 72 hours prior to the scheduled meeting to enable the City to make reasonable arrangements.

**SB 343**

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the Community Development Department at City Hall during normal business hours at 65950 Pierson Boulevard, Desert Hot Springs, CA 92240.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 11711 West Drive, Desert Hot Springs, CA 92240.

**DECLARATION OF POSTING**

I, Kelsey Meuse, certify that the agenda was posted on February 10, 2020, not less than 72 hours prior to the meeting.



# CITY OF DESERT HOT SPRINGS

## REGULAR MEETING OF THE PUBLIC SAFETY COMMISSION

### DRAFT ACTION MINUTES

**JANUARY 9, 2020  
6:00 PM**

**CITY COUNCIL CHAMBERS  
CARL MAY COMMUNITY CENTER  
11711 West Drive, Desert Hot Springs, California**

### CALL TO ORDER

Chair Lozano called the meeting to order at 6:00 P.M.

### ROLL CALL

Commissioners Present: Eastman, Lozano, Mayrhofen, Meyer  
Commissioners Absent: Martin

### PLEDGE OF ALLEGIANCE

Commissioner Meyer led the Pledge of Allegiance.

### APPROVAL OF THE AGENDA

Action: Mayrhofen moved to approve the January 9, 2020 Regular Meeting Agenda, motion seconded by Meyer, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Eastman, Meyer, Lozano, Mayrhofen  
Passed NOES: 0 - (None)

### MINUTES

**Public Safety Commission Regular Meeting Minutes December 12, 2019**  
**Recommendation:** Approve Minutes as Submitted; or Corrected

Action: Meyer moved to approve the December 12, 2019 Regular Meeting Minutes motion seconded by Lozano, motion carried 4/0 by the following vote:

Vote: AYES: 4 - Eastman, Meyer, Lozano, Mayrhofen  
Passed NOES: 0 - (None)

**PUBLIC COMMENTS**

There were no Public Comments

**PRESENTATIONS****1. Gang Update (Tentative)**

The Gang Update is rescheduled for the next Public Safety Commission Regular Meeting on February 13, 2020.

**ADMINISTRATIVE REPORTS:****2. Public Safety Cadet Liaison Monthly Report**  
*Public Safety Cadet Liaison, Nicole Sanchez*

The Public Safety Cadet Liaison was not present. No report was given.

**3. Animal Control Monthly Report**  
*Animal Care and Control Supervisor, Stephanie Zamora*

Stephanie Zamora, Animal Care and Control Supervisor, gave the monthly report and responded to questions. Sergeant Zamora also gave the 2019 year end report.

**4. Fire Department Monthly Report**  
*Fire Chief, Ty Davis*

Fire Chief Davis gave the Engine 37 report and responded to questions.

**5. Police Department Monthly Report**  
*Chief of Police, Jim Henson*

Chief Henson gave the Police Department and Code Enforcement monthly report, and an overview of the Fire Department's monthly report. Chief Henson also gave an update on current projects at the Police Department including the Police Department's web site.

**CHAIRMAN, VICE-CHAIR, AND COMMISSIONER REPORTS**

The Chair, Vice Chair, and Commissioners gave their monthly reports.

**ADJOURN REGULAR MEETING**

Chair Lozano adjourned the meeting at 6:40 P.M.

# **JANUARY 2020**

From January 1, 2020 through January 31, 2020  
the Animal Care and Control Center has taken in 95 animals.

Return to Owners 37

Sent to Rescues 23

Foster 7

Sent to Coachella Valley Animal Campus 1

Deceased on arrival 18

Passed Away 1

Euthanized do to non-treatable medical condition 1

Licenses 59

Citations 27

Warning Citations 34

Calls for service 282

The SNIP BUS spayed & neutered 31 pets for our City residents.



Desert Hot Springs Animal Care and Control

Monthly Shelter  
Activity Summary

YEAR: 2020	January	February	March	April	May	June	July	August	September	October	November	December	Total
Shelter State													95
Intakes	95												95
Return to Owner	37												37
Sent to Rescue	23												23
Foster	7												7
CVAC	1												55
Taken to Vet	23												23
DOA	18												18
Passed Away	1												1
Euthanized	1												59
Licenses	59												27
Admin Cites	27												34
Warning Cites	34												282
Calls for Service	282												282
SNTP Bus	31												31

**CAL FIRE/Riverside County Fire Department**

**Emergency Incident Statistics**



**Shawn C. Newman**

**Fire Chief**

2/3/2020

**Report Provided By: Riverside County Fire Department**

**Communications and Technology Division**

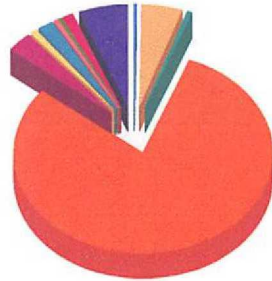
**GIS Section**

**Please refer to Map and Incident by Battalion, Station, Jurisdiction**

Incidents Reported for the month of January,2020 and City of Desert Hot Springs And Both (Code 2, Alpha, Omega, Code 3, Charlie, Delta, Bravo, Echo)  
\*Incidents are shown based on the primary response area for the incident location. This does not represent total response times for all units only the first unit in.

## Response Activity

**Incidents Reported for the month of January,2020 and City of Desert Hot Springs And Both (Code 2, Alpha, Omega, Code 3, Charlie, Delta, Bravo, Echo)**



Com Fire	1	0.2%
False Alarm	21	5.0%
Haz Mat	2	0.5%
Medical	333	80.0%
Other Fire	13	3.1%
Other Misc	3	0.7%
Public Service Assist	8	1.9%
Res Fire	3	0.7%
Ringing Alarm	1	0.2%
Standby	5	1.2%
Traffic Collision	26	6.3%
<b>Total:</b>	<b>416</b>	<b>100.0%</b>

Com Fire	1
False Alarm	21
Haz Mat	2
Medical	333
Other Fire	13
Other Misc	3
Public Service Assist	8
Res Fire	3
Ringing Alarm	1
Standby	5
Traffic Collision	26
<b>Incident Total:</b>	<b>416</b>

### Average Enroute to Onscene Time\*

Enroute Time = When a unit has been acknowledged as responding. Onscene Time = When a unit has been acknowledge as being on scene. For any other statistic outside Enroute to Onscene please contact the IT Help Desk at 951-940-6900

<5 Minutes	+5 Minutes	+10 Minutes	+20 Minutes	Average	% 0 to 5 min
248	166	17	1	5.0	59.6%

\*CODE 3 and CODE 2 incidents are included in the total count of incidents and the average Enroute to Onscene Time.

**Incidents by Battalion, Station and Jurisdiction**

			Com Fire	False Alarm	Haz Mat	Medical	Other Fire	Other Misc	Public Service	Res Fire	Ringling Alarm	Standby	Traffic Collisio	Total	
<b>Battalion 10</b>	<b>Station 35 Thousand Palms</b>	City of Desert Hot Springs	0	0	0	0	0	0	0	0	0	0	1	1	
		<b>Station Total</b>	0	0	0	0	0	0	0	0	0	0	1	1	
	<b>Station 36 North Palm Springs</b>	City of Desert Hot Springs	0	0	1	14	0	0	0	0	0	0	0	5	20
		<b>Station Total</b>	0	0	1	14	0	0	0	0	0	0	0	5	20
	<b>Station 37 Desert Hot Springs</b>	City of Desert Hot Springs	1	21	1	319	13	3	8	3	3	1	5	20	395
		<b>Station Total</b>	1	21	1	319	13	3	8	3	3	1	5	20	395
<b>Battalion Total</b>			1	21	2	333	13	3	8	3	1	5	26	416	
<b>Grand Total</b>			1	21	2	333	13	3	8	3	1	5	26	416	

\*Incidents are shown based on the primary response area for the incident location. This does not represent total response times for all units only the first unit in.

**Incidents by Jurisdiction**

	Com Fire	False Alarm	Haz Mat	Medical	Other Fire	Other Misc	Public Service	Res Fire	Ringin Alarm	Standby	Traffic Collisio	Total
City of Desert Hot Springs	1	21	2	333	13	3	8	3	1	5	26	416
<b>Grand Total</b>	<b>1</b>	<b>21</b>	<b>2</b>	<b>333</b>	<b>13</b>	<b>3</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>26</b>	<b>416</b>

\*Incidents are shown based on the primary response area for the incident location. This does not represent total response times for all units only the first unit in.

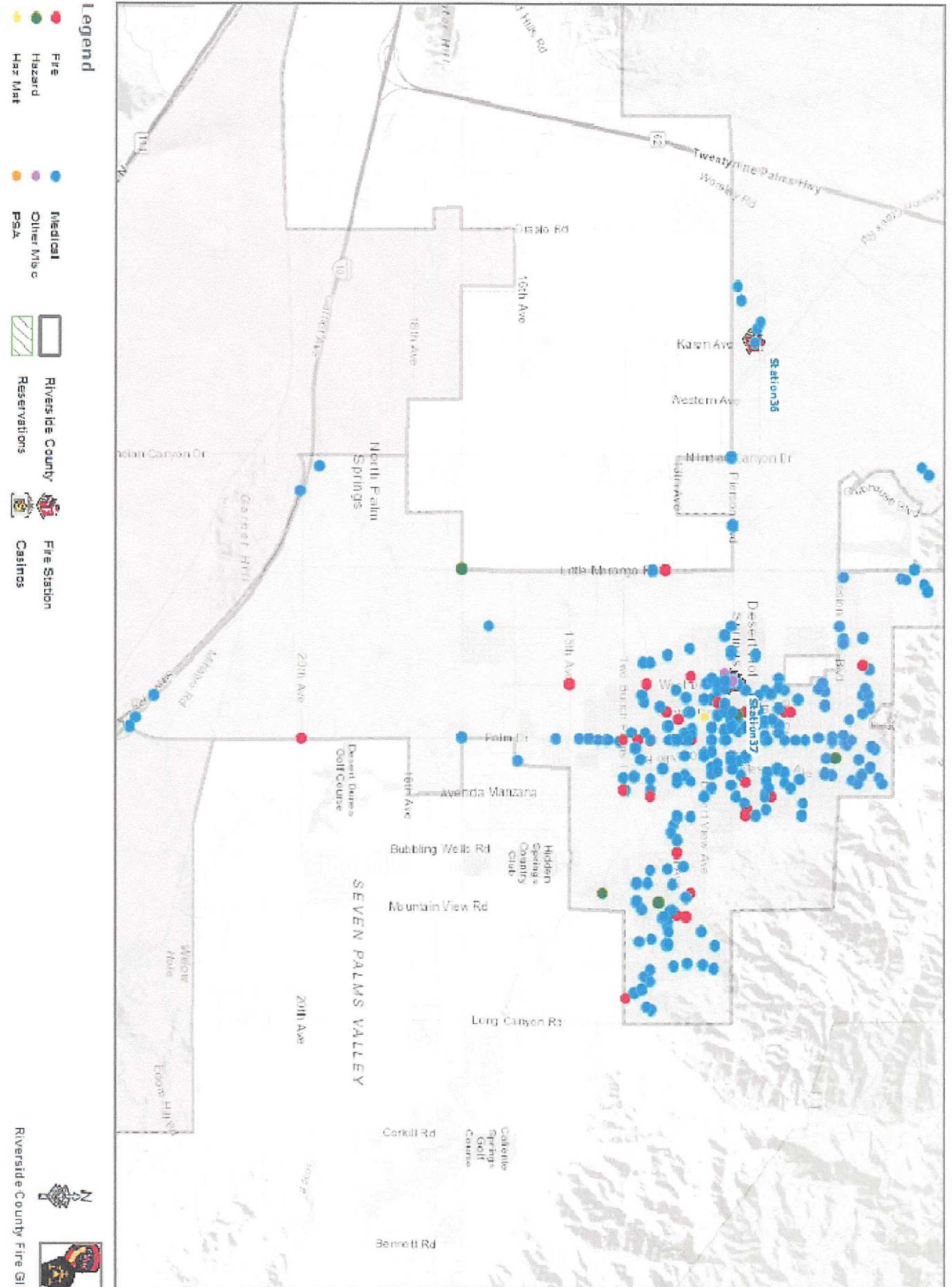
Incidents by Supervisorial District - Summary

**ITEM 4.**

	DISTRICT 4 V.	DISTRICT 5	Grand Total
	MANUEL PEREZ	JEFF HEWITT	
Corn Fire	1	0	1
False Alarm	21	0	21
Haz Mat	2	0	2
Medical	331	2	333
Other Fire	13	0	13
Other Misc	3	0	3
Public Service Assist	8	0	8
Res Fire	3	0	3
Ringling Alarm	1	0	1
Standby	5	0	5
Traffic Collision	26	0	26
<b>Total</b>	<b>414</b>	<b>2</b>	<b>416</b>

\*Incidents are shown based on the primary/response area for the incident location. This does not represent total response times for all units only the first unit in.

MONTH = 1 and YEAR = 2020 and CITYNAME = 'Desert Hot Springs'



Last Updated 2/3/2020 2:5

\*Incidents are shown based on the primary response area for the incident location. This does not represent total response times for all units only the first unit in.



### City of Desert Hot Springs Fire Services



Year: 2020													Total
	January	February	March	April	May	June	July	August	September	October	November	December	
<b>Response Activity</b>													
False Alarm	21												21
Haz Mat	2												2
Medical	333												333
Other Fire	13												13
Other Misc	3												3
Public Assist	8												8
Res Fire	3												3
Com Fire	1												1
Ringing Alarm	1												1
Standby	5												5
Traffic Collision	26												26
Vehicle Fire	0												0
Wildland Fire	0												0
													416



**MONTHLY REPORT OF OFFENSES KNOWN TO THE POLICE:**

**RETURN A**

This report is authorized by law Title 28, Section 534, U.S. Code. Your cooperation in completing this form will assist the FBI, in compiling timely, comprehensive, and accurate data. Please submit this form monthly, by the seventh day after the close of the month, and any questions to the FBI, Criminal Justice Information Services Division, Attention: Uniform Crime Reports/Module E-3, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306; telephone 304-625-4830, facsimile 304-625-3566. Under the Paperwork Reduction Act, you are not required to complete this form unless it contains a valid OMB control number. The form takes approximately 10 minutes to complete. Instructions for preparing the form appear on the reverse side.

1 Classification of Offenses	2 Offenses Reported or Known to Police	3 Unfounded, i.e., False or Baseless Complaints	4 Number of Actual	5 Total Offenses Cleared by Arrest or Exceptional Means	6 Number of Clearances Involving Only Persons Under 18 Years of Age
<b>1. CRIMINAL HOMICIDE</b>					
a. Murder and Non-negligent Homicide	11				
b. Manslaughter by Negligence	12				
<b>2. RAPE TOTAL</b>					
a. Rape	20				
b. Attempt to Commit Rape	21				
Historical Rape (See instruction #15 below)					
<b>3. ROBBERY TOTAL</b>					
a. Firearm	30	2	2	1	
b. Knife or Cutting Instrument	31	1	1		
c. Other Dangerous Weapon	32				
d. Strong-Arm (Hands, Fists, Feet, etc.)	33				
	34	1	1	1	
<b>4. ASSAULT TOTAL</b>					
a. Firearm	40	30	30	17	
b. Knife or Cutting Instrument	41	3	3		
c. Other Dangerous Weapon	42	2	2	2	
d. Strong-Arm (Hands, Fists, Feet, etc.)	43	2	2	2	
e. Other Assaults - Simple	44	9	9	4	
	45	14	14	9	
<b>5. BURGLARY TOTAL</b>					
a. Forcible Entry	50	11	11		
b. Unlawful Entry - No Force	51	7	7		
c. Attempted Forcible Entry	52	4	4		
	53				
<b>6. LARCENY - THEFT TOTAL</b>					
	60	13	13	3	
<b>7. MOTOR VEHICLE THEFT TOTAL</b>					
a. Autos	70	20	20		
b. Trucks and Buses	71	13	13		
c. Other Vehicles	72	6	6		
	73	1	1		
<b>GRAND TOTAL</b>	77	76	76	21	

Checking any of the appropriate blocks below will eliminate your need to submit reports when the values are zero. This will also aid the national program in its quality control efforts.

- No Supplementary Homicide Report Submitted.
- No Supplement to Return A Submitted.
- No Law Enforcement Officers Killed or Assaulted.
- No Violent Crimes Against Seniors.
- No Hate Crimes.
- No Persons Under 18 Arrested.
- No Persons 18 or Over Arrested.
- No Arson Offenses Occurred.
- No Domestic Violence-Related Calls.
- No Anti-Reproduction Rights Crimes.

**DESERT HOT SPRINGS PD**  
**65950 PIERSON BLVD.**  
**DESERT HOT SPRINGS, CA 92240**  
 Agency and State  
**CA0330600**  
 Agency ID  
**26,200**  
 Population

Month and Year of Report: **01/20**  
*Virginia Alvarez* 2-6-20  
 Signature Date  
**Virginia Alvarez** Records Clerk  
 Report Prepared by Title  
**Jim Henson**  
 Chief

PROPERTY STOLEN BY CLASSIFICATION

CLASSIFICATION		ACTUAL OFFENSES (Column 4, Return A)	VALUE OF PROPERTY STOLEN
1. Murder/Nonnegligent Manslaughter	12		
2. Rape (Total)	20		
3. Robbery			
(a) Highway (Streets, Alleys, etc.)	31		
(b) Commercial House (Except c, d, f)	32		
(c) Gas or Service Station	33		
(d) Convenience Store	34		
(e) Residence (Anywhere on the Premises)	35	1	\$900
(f) Bank	36		
(g) Miscellaneous	37	1	\$15,000
<b>TOTAL ROBBERY</b>	30	2	\$15,900
4. Assault (Not Applicable)			
5. Burglary - Breaking or Entering			
(a) Residence (Dwelling)			
(1) Night (6 P.M. - 6 A.M.)	51	2	\$1,704
(2) Day (6 A.M. - 6 P.M.)	52	2	\$1,410
(3) Unknown	53	3	\$13,599
(b) Non-Residence (Store, Office, etc.)			
(1) Night (6 P.M. - 6 A.M.)	54	3	\$7,533
(2) Day (6 A.M. - 6 P.M.)	55	1	\$380
(3) Unknown	56		
<b>TOTAL BURGLARY</b>	50	11	\$24,626
6. Larceny - Theft (Except Motor Vehicle Theft)			
(a) Over \$400	64	3	\$8,125
(b) \$200 to \$400	61	1	\$400
(c) \$50 to \$199	62	1	\$125
(d) Under \$50	63	8	\$114
<b>TOTAL LARCENY (Same as Item 6X)</b>	60	13	\$8,764
7. Motor Vehicle Theft (Include Alleged Joy Ride)	70	20	\$225,600
<b>GRAND TOTAL - All Items</b>	77		\$274,890
Additional Analysis of Larceny and Motor Vehicle Theft (6X and 7X)			
6X. Nature of Larcenies Under Item 6			
(a) Pocket-Picking	81		
(b) Purse-Snatching	82		
(c) Shoplifting	83	2	\$133
(d) From Motor Vehicles (Except e)	84	5	\$6,201
(e) Motor Vehicle Parts and Accessories	85	4	\$30
(f) Bicycles	86		
(g) From Buildings (Except c and h)	87	1	\$2,000
(h) From Any Coin-Operated Machine (Parking Meters, etc.)	88		
(i) All Other	89	1	\$400
<b>TOTAL LARCENIES (Same as Item 6)</b>	80	13	\$8,764
7X. Motor Vehicles Recovered			
(a) Stolen Locally and Recovered Locally	91	10	
(b) Stolen Locally and Recovered by Other Jurisdictions	92	4	
(c) Total Locally Stolen Motor Vehicles Recovered	90	14	
(d) Stolen Out of Town, Recovered Locally	93	7	

**MONTHLY REPORT OF OFFENSES KNOWN TO THE POLICE:  
SUPPLEMENT TO RETURN A**

**PROPERTY BY TYPE AND VALUE**

Type of Property		Value of Property Stolen and Recovered In Your Jurisdiction	
		Stolen	Recovered
(A) Currency, Notes, etc.	01	\$1,248	
(B) Jewelry and Precious Metals	02	\$3,007	
(C) Clothing and Furs	03	\$725	
(D) Locally Stolen Motor Vehicles	04	\$243,000	\$196,500
(E) Office Equipment	05	\$6,950	\$600
(F) Televisions, Radios, Stereos, etc.	06	\$600	
(G) Firearms	07	\$1,764	
(H) Household Goods	08	\$5,801	\$2,001
(I) Consumable Goods	09		
(J) Livestock	10		
(K) Miscellaneous	11	\$11,795	\$132
<b>TOTAL</b>	<b>00</b>	<b>\$274,890</b>	<b>\$199,233</b>

NOTE: Total of column (2) should agree with grand total (DATA ENTRY 77) shown on page 2. In column (3) include all property recovered even though stolen in prior months. The above is an accounting for only that property stolen in your jurisdiction. This will include property recovered for you by other jurisdictions but not property you recover for them.

DESERT HOT SPRINGS PD  
65950 PIERSON BLVD.  
DESERT HOT SPRINGS, CA 92240  
Agency and State  
CA0330600  
Agency ID  
26,200  
Population

Month and Year of Report: 01/20

*Virginia Alvarez* 2-6-20  
Signature Date  
Virginia Alvarez Records Clerk  
Report Prepared by Title  
Jim Henson  
Chief

**DESERT HOT SPRINGS POLICE DEPARTMENT**


**PATROL STATISTICS 2020**

2020

	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	ANNUAL
<b>EVENTS:</b>													
Calls for Service	2134												2134
Officer Initiated	1118												1118
<b>TOTAL</b>	<b>3252</b>												<b>3252</b>
<b>EVENT TYPES:</b>													
Traffic Stops	459												459
Bus/Bulding Checks	452												452
Vehicle Checks	128												128
Pedestrian Checks	247												247
<b>TOTAL</b>	<b>1286</b>												<b>1286</b>
<b>OFFICER REPORTS:</b>													
Accident	57												57
Arrests	123												123
Criminal	100												100
Non-Criminal	217												217
<b>TOTAL</b>	<b>497</b>												<b>497</b>
<b>ARRESTS:</b>													
Drug Arrests	17												17
Felony	49												49
Misdemeanor	47												47
Warrant Arrests	0												0
<b>TOTAL</b>	<b>113</b>												<b>113</b>
<b>CITATIONS:</b>													
Misdemeanor	27												27
Moving	107												107
Muni-Codes	11												11
DHSMC 131.27/Curfew	0												0
RCO 9.12.030a/Truant	0												0
<b>TOTAL</b>	<b>145</b>												<b>145</b>
Field Interrogations:	50												50

**DESERT HOT SPRINGS POLICE DEPARTMENT  
2020 CRIME STATISTICS REPORT**

Crimes	January	February	March	April	May	June	July	August	September	October	November	December	Totals
<b>Criminal Homicide</b>													
a. Homicide & Non-negligent	0												0
b. Manslaughter	0												0
<b>Rape</b>													
a. Rape	0												0
b. Attempts to Commit Rape	0												0
<b>Robbery</b>													
a. Firearm	1												1
b. Knife or Cutting Instrument	0												0
c. Other Dangerous Weapon	0												0
d. Strong-Arm (Hands,Fists,Feet,etc.)	1												1
<b>Assault</b>													
a. Firearm	3												3
b. Knife or Cutting Instrument	2												2
c. Other Dangerous Weapon	2												2
d. Strong-Arm (Hands,Fists,Feet,etc.)	9												9
e. Other Assaults - Simple	14												14
<b>Burglary</b>													
a. Forcible Entry	7												7
b. Unlawful Entry - No Force	4												4
c. Attempted Forcible Entry	0												0
<b>Larceny - Theft</b>	13												13
<b>Motor Vehicle Theft</b>													
a. Autos	13												13
b. Trucks and Buses	6												6
c. Other Vehicles	1												1
<b>2020 Totals</b>	76												76
<b>2019 Totals</b>	95	86	110	114	75	81	100	83	65	106	84	83	1082

  
 Chief, Jim Henson



<b>Desert Hot Springs Municipal Code</b>							
<a href="#">Up</a>	<a href="#">Previous</a>	<a href="#">Next</a>	<a href="#">Main</a>	<a href="#">Collapse</a>	<a href="#">Search</a>	<a href="#">Print</a>	<a href="#">No Frames</a>
<a href="#">Title 5 BUSINESS LICENSES AND REGULATIONS</a>							

## **Chapter 5.28 SIDEWALK VENDORS AND PEDDLERS**

### **5.28.010 Purpose.**

The purposes of this chapter are:

- A. To establish a sidewalk vendor permitting and regulatory program in compliance with Senate Bill 946 (Chapters 459, Statutes 2018), as those statutes may be amended, while protecting the public health, safety, and welfare;
- B. The regulation of individuals peddling goods, wares, merchandise, food or services on public or private property whether by foot, motorized or nonmotorized vehicles;
- C. To protect the public health, safety and welfare against unlawful activities or operations by individuals falsely representing themselves as peddlers or sidewalk vendors;
- D. To protect the public health, safety and welfare by regulating negative land use, public safety, and traffic impacts. These negative impacts include, but are not limited to:
1. An increase in the amount of litter present and visible on both public and private property in the City,
  2. Disturbing landscaping in front, side and backyard setbacks when peddlers walk across private property,
  3. An increased risk of vehicle accidents and personal injury when peddling from motorized vehicles,
  4. Invasion of personal privacy when motorized vehicles remain parked for long periods of time in front of a person's home or business,
  5. Disruption of the peaceful repose of residents when catering trucks or other motorized or nonmotorized vehicles emit sounds to gain the attention of potential customers,
  6. An increased risk of personal injury when carrying products through a neighborhood and exposing such items to the public for sale,
  7. An increased risk that the food items or products being offered for sale in the City are not handled, prepared or stored in sanitary conditions,
  8. Interference with the performance of police, fire, or other emergency services, and
  9. Interference with the flow of pedestrian or vehicular traffic including ingress to, and egress from, any residence, public building, place of business, from the street to public sidewalk, or persons exiting or entering parked or standing vehicles;
- E. To balance the rights and interests of those engaged in commercial and nonprofit activities with the rights and interests of those who do not want to be disturbed by such activities on private and public property;
- F. The purpose and intent of this chapter is to regulate the sale of goods, merchandise, wares, food, and non-food items within the City by peddlers and sidewalk vendors;
- G. To mitigate hazards posed by commercial signs to pedestrians and motorists, and to preserve community aesthetics and appearance;
- H. The City Council finds that the unique conditions of the City of Desert Hot Springs require certain restrictions on sidewalk vending, as defined in this chapter, as follows:

1. The corridor on Palm Drive between Pierson Boulevard and Camino Aventura is a major thoroughfare within the City of Desert Hot Springs that since 2007, has had 12 fatal traffic collisions. This corridor is subject to unique conditions such as increased speed, fewer traffic control devices and bus stops placed in areas not located near a marked crosswalk. The City Council has since established a safety enhancement zone along this corridor pursuant to Chapter 12.28 of the Desert Hot Springs Municipal Code. The effect of this safety enhancement zone designation, among other things, is to double fines for traffic violations. Restrictions on sidewalk vending along this corridor are necessary to protect the public from injury due to the unique circumstances of this corridor,

2. Since 2003, the City of Desert Hot Springs has experienced an increase in traffic collisions, involving vehicle vs. vehicle, vehicle vs. bicyclist and vehicle vs. pedestrian. Between years 2003-2012, there were 18 bicycle collisions and 52 pedestrian collisions that occurred in the City. In 2016, there were seven fatal traffic collisions and in 2017 there were eight fatal traffic collisions. Restrictions on sidewalk vending throughout the City of Desert Hot Springs are necessary to protect the public health and safety from traffic collisions,

3. Many of the City's parks provide recreational opportunities and restrictions on sidewalk vending are necessary to protect the natural resources, recreational opportunities, as well as scenic and natural character of these parks. Restrictions on sidewalk vending at public parks are necessary to protect the health, safety and welfare of those persons engaged in recreational activities, the natural character of parks, and the natural resources of parks. (Ord. 694 10-15-19; Ord. 682 3-5-19; prior code § 120.01)

#### **5.28.020 Definitions.**

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The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Captive audience” means one or more purposefully stationary persons, such as persons in lines or seated in public areas.

“City” means the City of Desert Hot Springs.

“Engaging in the business” means and includes conducting, managing or carrying on of any such business or helping therewith, by any person in any capacity.

“Food” and “food products” means any liquid or edible product designed for human consumption, including but not limited to, fruits, vegetables, meats, candy, ice cream and other milk products, soda pop, juice, beverages and any other prepared or unprepared edible item.

“Motorized vehicle” shall include but is not limited to, any motor vehicle, truck, car, trailer, conveyance or structure not permanently fixed to a permanent foundation and which may be moved under its own power, towed by a motor vehicle, motorcycle or other mobile device.

“Peddle” and “peddling” mean traveling by motorized vehicle, or any other type of conveyance from place-to-place, house-to-house, or from street-to-street, carrying, conveying or transporting food products, goods, wares, merchandise, or food and offering, intending to sell, displaying or soliciting the same for sale.

“Peddler” means any person, traveling by motorized vehicle or any other type of conveyance from place-to-place, house-to-house, carrying, conveying or transporting goods, wares, merchandise, food or food products and concurrently offering, intending, displaying or soliciting the same for sale. “Peddler” includes any person, who travels from place-to-place, selling or offering for sale any goods, wares, merchandise or food solely from a motorized vehicle. “Peddler” does not include “sidewalk vendor,” “roaming vendor,” or “stationary sidewalk vendor” as defined by this chapter.

“Permittee” means a person issued a permit pursuant to this chapter.

“Person” means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor; or other similar representative thereof.

“Public sidewalk,” “public street” and “public right-of-way” mean all of those areas dedicated as public thoroughfares, including, but not limited to, roadways, parkways, medians, alleys, sidewalks, public ways and public rights-of-way.

“Roaming sidewalk vendor” means a sidewalk vendor who moves from place to place and stops only to complete a transaction.

“Sidewalk vending” and “sidewalk vend(s)” means any action that qualifies a person as a sidewalk vendor.

“Sidewalk vendor” means a person who sells food or merchandise from a pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance, or from one’s person, upon a public sidewalk or other pedestrian path. “Sidewalk vendor” includes “roaming sidewalk vendor,” and “stationary sidewalk vendor.”

“Stationary sidewalk vendor” means a sidewalk vendor who vends from a fixed location. (Ord. 682 3-5-19; prior code § 120.02)

### **5.28.030 Sidewalk vendors.**

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A. No person shall engage in sidewalk vending within the City without first obtaining a permit from the City Manager or designee pursuant to this chapter.

B. Sidewalk Vendor Permit. To obtain or to renew a sidewalk vendor permit, a sidewalk vendor must provide to the City a written application, on a form provided by the City, which shall contain the following information:

1. The name, current address, and telephone number of the person applying to become a sidewalk vendor;
2. Day(s) and hours of operation;
3. Location(s) of operation within the City;
4. Description of the food or merchandise offered for sale or exchange;
5. Whether the sidewalk vendor intends to operate a stationary cart or a mobile cart;
6. If the sidewalk vendor is an agent of an individual, company, partnership, or corporation, the name and business address of the principal and any owners of the company, partnership, or corporation;
7. A copy of a California’s driver’s license or identification number, or individual taxpayer identification number. Such information is not a public record and will remain confidential as required by Government Code Section 51038(c)(4);
8. A copy of a valid California Department of Tax and Fee Administration seller’s permit, as required by law;
9. An acknowledgment that the sidewalk vendor shall comply with all generally applicable State, Federal, and local laws;

10. Certification that the information contained in the application is true to his or her knowledge and belief;

11. A statement whether or not the applicant, employee or agent has been convicted of any felony or of any misdemeanor involving injury to person(s) or property, theft, fraud, or misrepresentation within five years;

12. Any other information deemed relevant by the City Manager or designee.

C. A sidewalk vendor permit is non-transferrable. Any change in ownership or operation of a sidewalk vendor requires a new permit under this chapter. All sidewalk vendor permits issued under this chapter shall expire 12 months from the date of issuance.

D. The City Manager or designee shall issue or deny a permit within 30 days of receipt of a completed application.

E. A permit may be denied by the City Manager or designee on any of the following grounds:

1. The applicant, employee or agent has been convicted of a felony or misdemeanor involving bodily injury to persons, theft, fraud or misrepresentation within five years preceding the application date;

2. The applicant has made a materially fraudulent, misleading or false statement of fact to the City;

3. The applicant has violated any provision of this chapter; or

4. The applicant's permit has been previously revoked as provided in this chapter.

F. The City Manager or designee shall notify the applicant of any denial by depositing written notice of such decision in the first-class U.S. mail, postage prepaid, addressed to the applicant, not later than 10 days following the date of such decision. A notice of denial of an application must contain a statement of the facts upon which the denial is based and must contain a statement of the appeal procedure contained in Section 5.28.100. (Ord. 682 3-5-19; prior code § 120.03)

#### **5.28.040 Peddlers permit required.**

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Except as otherwise provided in Section 5.28.060, it is unlawful for any person to engage in the business of peddling or to go from door-to-door, or house-to-house or street-to-street or place-to-place for the purpose, direct or indirect, and whether or not the same is the sole purpose, of peddling, without first obtaining a permit and paying the applicable fees as provided in this chapter. (Ord. 682 3-5-19; prior code § 120.04)

#### **5.28.050 Peddler permit exemptions.**

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The following persons and entities shall not be required to obtain the permit required by Section 5.28.040:

A. Persons soliciting orders from, or selling to, retail dealers for use, or for resale or to manufacturers for processing at a fixed place of business in the City, or elsewhere, and which merchandise has been ordered to be so delivered, prior to such delivery;

B. Persons with a valid permit issued pursuant to this chapter and operating pursuant to the terms of this chapter. (Ord. 682 3-5-19; prior code § 120.05)

#### **5.28.060 Peddler permit application and issuance.**

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A. The City's designee is responsible for granting, denying, revoking, renewing, suspending, and canceling peddler permits. The City's designee shall be the City Manager, or any other officer or employee

designated in writing by the City Manager to deal with and enforce the provisions of this chapter. An application for a permit must be made on a form provided by the City.

B. The completed application shall contain the following information and shall be accompanied by the following documents:

1. Name, birth date, driver's license or other identification number, social security number, and physical description of the applicant;
2. Permanent home address and telephone number, and local address and telephone number of the applicant;
3. The name and address for the applicant's business, his or her interest in or relationship with such business, and if the applicant is employed, the name and address of his or her employer together with description of the exact relationship between the applicant and such employer;
4. A brief description of the nature of the applicant's business and of the product or service to be peddled;
5. A fixed length of time for which the permit to peddle is desired;
6. A statement whether or not the applicant, employee or agent has been convicted of any felony or of any misdemeanor involving injury to person(s) or property, theft, fraud, or misrepresentation within five years;
7. A statement whether or not the applicant has failed to pay any judgment arising from or connected with the activities authorized by the permit;
8. A statement whether or not the applicant has suffered revocation or suspension of any permit required by the City of Desert Hot Springs;
9. A statement whether or not the applicant has failed to pay any business license fee or tax imposed by the City of Desert Hot Springs;
10. A picture (of passport quality) of the applicant and any agent, employee or representative, who will engage in soliciting or peddling activities, for inclusion on the identification card;
11. The vehicle identification number, license plate number and proof of current registration for the motorized vehicle, if any, which will be used for peddling in the City;
12. A copy of or evidence of automobile insurance required under state law for operating the motorized vehicle, if any, which is identified in the permit application form;
13. If the application involves the sale of food, produce, or any other item intended for human consumption, the applicant must provide valid health or other permit(s), issued by the appropriate agency, as required by applicable local, state or federal law; and
14. Other information the City Manager or designee deems necessary to process the application.

C. The City Manager or designee shall issue or deny permit within 30 days of receipt of a completed application.

D. A permit may be denied by the City Manager or designee on any of the following grounds:

1. The applicant, employee or agent has been convicted of a felony or misdemeanor involving bodily injury to persons, theft, fraud or misrepresentation within five years preceding the application date;
2. The application for permit under this chapter contains fraud, misrepresentation or false statement;
3. The applicant has violated the provision of this chapter; or
4. The applicant's permit has been previously revoked as provided in this chapter.

E. The City Manager or designee shall notify the applicant of the denial by depositing written notice of such decision in the first-class U.S. mail, postage prepaid, addressed to the applicant, not later than 10 days following the date of such decision. A notice of denial of an application must contain a statement of the facts upon which the denial is based and must contain a statement of the appeal procedure contained in Section 5.28.100. (Ord. 682 3-5-19; prior code § 120.06)

#### **5.28.070 Permit use and manner of peddling.**

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A. Display. Every applicant shall be issued a permit to be carried on person and exhibited on request by any person to persons they deal with and shall at all times carry the permit issued hereunder and exhibit it on request to any police officer or City official.

B. Transfer Prohibited. It is unlawful for any person other than permittee to use or wear any permit issued under the provisions of this chapter.

C. Hours of Operation. It is unlawful for any person to conduct any activities regulated under the provisions of this chapter between 8:00 p.m. and 8:00 a.m.

D. Waste Receptacles. No peddler shall sell or offer for sale any food from a motorized vehicle unless he or she maintains a clearly designated litter receptacle in the immediate vicinity of the vehicle, marked with a sign requesting use by patrons. Prior to leaving the location, the peddler shall pick up, remove and dispose of all trash or refuse which consists of materials originally dispensed by the peddler, including any packages or containers, or parts thereof, used with or for dispensing such food.

#### **E Manner of Peddling.**

1. No peddler shall peddle goods, merchandise, wares or food by sitting, standing or walking on a public sidewalk or street or upon a median or grassy embankment within a public sidewalk, public street or public right-of-way, and in no case shall a peddler stand or park any motorized vehicle for the purposes of peddling or selling from such vehicle on any privately-owned property. This does not include sitting or standing in a motorized vehicle which is lawfully parked on a public street and from which the peddler has a permit.

2. No peddler shall stand or park any motorized vehicle for more than 30 minutes without moving to a new location at least 300 feet removed therefrom and may not return to a location where the peddler has stopped to peddle within the previous two hours.

3. No peddler shall park or stand a motorized vehicle used for peddling in a manner which causes a hazard to vehicular or pedestrian traffic by creating conditions that impede the flow of vehicular or pedestrian traffic or create conditions of imminent harm to vehicular or pedestrian traffic or other vehicles and pedestrians.

4. No peddler shall persistently peddle any goods, merchandise, wares or food to any member of the public after such member of the public expresses his or her desire not to purchase anything from the peddler.

5. No peddler shall intentionally or deliberately obstruct the free movement of any person on any public sidewalk, public street, public right-of-way or in any public place.

6. No peddler shall peddle any items to a captive audience.

7. No peddler shall threaten any injury or damage to any person who declines to purchase any items being peddled, if such threat, whether by word or gesture, would make a reasonable person fearful.

8. No peddler shall peddle or attempt to peddle to the occupants of vehicles standing or moving upon any public street or highway. Nothing in this section shall be construed to prohibit peddling to the occupants of any vehicle that is lawfully parked.

9. No peddler shall park or stand the motorized vehicle in violation of any conditions included in the permit issued pursuant to this chapter.

10. No peddler shall peddle from any motorized vehicle which has not been identified in the application.

11. No peddler shall stop, stand or park any motorized vehicle in violation of any provision of the California Vehicle Code or the City of Desert Hot Springs Municipal Code.

12. No peddler shall peddle any food unless the items being sold comply with all applicable food labeling requirements established by the state of California and the peddler has all required permits, including, without limitation, health permits, to sell such items.

13. No peddler shall peddle any goods from any motorized vehicle which does not have insurance as required under state law for operating the motorized vehicle.

F. Activities Creating Nuisance. No peddler, in the course of activities regulated in this chapter, shall create any public nuisance or disturb the peace and quiet of the neighborhood by the use of loud noise, brilliant lights, or any other actions constituting a public nuisance.

G. Compliance with Law. This chapter may not be the sole source of regulation of the activities permitted under this chapter. Permittees shall comply with all state and federal laws and all local ordinances. (Ord. 682 3-5-19; prior code § 120.07)

#### **5.28.080 Fees—Terms.**

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All applications for permits under the provisions of this chapter shall be accompanied by an application fee established by resolution of the City Council. No application fee paid under this chapter shall be refunded. All original permits and renewals granted under this chapter shall also require a fee. All permits issued under the provisions of this chapter shall be valid for one year. A permit may be renewed by the timely payment of a renewal fee prior to the expiration of the permit. All permits shall cease and terminate 30 days after the default of payment. Any permit that has terminated pursuant to this chapter shall require the filing of a new application for a permit under this chapter. (Ord. 682 3-5-19; prior code § 120.08)

#### **5.28.085 Sidewalk vendor general regulations.**

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A. No sidewalk vendor may obstruct the free movement of any person on any public right-of-way or other public place, or any place open to the public generally. Additional restrictions include the following:

1. No sidewalk vendor may operate within 50 feet of any school crossings.
2. No sidewalk vendor may operate within 30 feet of the Desert Hot Springs Senior Center.
3. No sidewalk vendor may operate within 30 feet of any crosswalks.
4. No sidewalk vendor may operate within the Palm Drive corridor between Pierson Boulevard and Camino Aventura.

B. No sidewalk vendor may impede the flow of vehicular traffic or parking, such as on public streets or public highways.

C. No sidewalk vendor may impede any police officer, firefighter, or emergency medical personnel who are actively performing their duties or providing services to the public.

D. A sidewalk vending permit does not provide an exclusive right to operate within any specific portion of the public right-of-way.

E. Every sidewalk vendor must prominently display their City-issued sidewalk vending permit on the streetside portion of their pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance when operating in the public right-of-way.

F. Sidewalk vending hours' limitations in areas zoned for nonresidential use will be as restrictive as any limitations on hours of operation imposed on other businesses or uses on the same street, excluding those permitted to operate 24 hours.

G. Stationary sidewalk vendors are prohibited from operating in areas that are zoned exclusively residential.

H. A sidewalk vendor is prohibited from operating within 500 feet of a permitted certified farmers' market, a permitted swap meet, or any area subject to a temporary use permit for the duration of the permit.

I. No sidewalk vendor may vend to customers in moving vehicles.

J. Stationary sidewalk vendors shall not sell food or merchandise or engage in any sidewalk vending activities:

1. At any park where the City has signed an agreement for concessions that exclusively permits the sale of food or merchandise by a concessionaire; or

2. On sidewalks directly adjacent to or within residential areas.

K. No sidewalk vendor shall take any action constituting a public nuisance under the Desert Hot Springs Municipal Code.

L. No sidewalk vendor shall interfere in any way with anyone engaged in a recreational activity or in a playground, and shall not approach spectators who are watching a recreational activity to sell food or merchandise.

M. Notwithstanding any other provision of this code, sidewalk vendors may erect signs in the following manner:

1. Professionally designed signs permanently affixed to a canopy cover, pushcart, stand, display, pedal-driven cart, wagon, showcase, rack, or other nonmotorized conveyance. Professionally designed sign means composed of vinyl lettering or similar design and material. No other signs are permitted.

N. Penalties. Sidewalk vending in violation of this section shall not be punishable as a criminal infraction or misdemeanor, but shall be subject to an administrative citation as follows:

1. Every person vending without a sidewalk vendor permit is guilty of an administrative violation punishable by an administrative fine not to exceed:

a. \$250 for a first violation;

b. \$500 for a second violation within one year of the first violation;

c. \$1,000 for each additional violation within one year of the first violation.

d. Upon proof of a valid sidewalk vendor permit, the administrative fine under subsection (N)(1) shall be reduced to the corresponding administrative fine in subsection (N)(2).

2. For all violations of this section, other than vending without a permit, an administrative fine shall not exceed:

a. \$100 for a first violation;

b. \$200 for a second violation within one year of the first violation;

c. \$500 for each additional violation within one year of the first violation.

O. Failure to pay an administrative fine under subsection N is not punishable as an infraction or misdemeanor. Additional fines, fees, assessments, or any other financial conditions beyond those authorized will not be assessed.

P. Sidewalk vendor permits issued under this chapter may be revoked by the City Manager or designee at any time upon the fourth violation or subsequent violations within one year of the first violation. A person whose sidewalk vendor permit is revoked may not renew his or her permit for the term of that permit. The City Manager or designee shall notify the permit holder of a revocation of a sidewalk vendor permit by depositing written notice of such revocation in the first-class U.S. mail, postage prepaid, addressed to the permit holder, not later than three calendar days following the decision to revoke the permit. The notice of revocation must contain a statement of the facts upon which the revocation is based and must contain a statement of the appeal procedure set forth in Section 5.28.100. (Ord. 694 10-15-19; Ord. 682 3-5-19)

### **5.28.090 Peddler permit revocation.**

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A. Peddler permits issued under the provisions of this chapter may be revoked by the City Manager or designee at any time for any of the following causes:

1. Subsequent determination of facts or subsequent occurrences that would have required a denial of the permit at the time of the application pursuant to Section 5.28.060;
2. The applicant engages in fraud, misrepresentation or false statement in the course of engaging in the business of peddler;
3. Any violation of the provisions of this chapter;
4. Conviction of any felony or misdemeanor involving injury to person(s) or property, theft, fraud or misrepresentation;
5. The permittee engages in business of peddling in an unlawful manner or in such a manner as to constitute a breach of the peace, or to constitute a menace to the health, safety or general welfare of the public, or to constitute public nuisance pursuant to City of Desert Hot Springs Municipal Code or the State law.

B. The City Manager or designee shall notify the permit holder of a revocation of a peddler permit by depositing written notice of such revocation in the first-class U.S. mail, postage prepaid, addressed to the applicant, not later than three calendar days following the decision to revoke the permit. The notice of revocation must contain a statement of the facts upon which the revocation is based and must contain a statement of the appeal procedure set forth in Section 5.28.100. (Ord. 682 3-5-19; prior code § 120.09)

### **5.28.100 Appeals.**

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A. Decisions of the City Manager or designee to revoke or deny a permit shall be appealed in the following manner:

1. Appeals shall be filed within 15 calendar days of service of the City Manager or designee's notice of the decision.
2. Appeals of decisions shall be made in writing on forms provided by the City.
3. Decisions that are appealed shall not become effective until the appeal is resolved.
4. All appeals of decisions shall be conducted pursuant to applicable sections of Chapter 4.36 of the Desert Hot Springs Municipal Code, or any successor section.
5. The decision of the Hearing Officer shall be final.

B. Administrative citations shall be appealed in the following manner:

1. Any recipient of an administrative citation may request an ability-to-pay determination, contest that there was a violation of the Desert Hot Springs Code, and/or that he or she is the responsible person, by completing a request for hearing in a form provided by the City. Any person requesting a hearing and ability-to-pay determination may file the request within the time frames set forth in Government Code Section 51039 (f)(1), or any successor section.

2. All appeals of administrative citations shall be heard by a Hearing Officer designated pursuant to Section 4.24.250 of the Desert Hot Springs Municipal Code, or any successor section.

3. All appeals of decisions shall be conducted in accordance with Sections 4.24.270 through 4.24.380 of the Desert Hot Springs Municipal Code, or any successor sections.

4. The Hearing Officer shall have the powers set forth in Sections 4.24.250 and 4.24.260 of the Desert Hot Springs Municipal Code, or any suc-

cessor section, and the Hearing Officer shall have the following additional powers:

a. Reduce the fine based upon the person's ability to pay the fine;

b. If the Hearing Officer finds the person meets the criteria described in subdivision (a) or (b) of Government Code Section 68632, or any successor section, the Hearing Officer shall order the City to accept, in full satisfaction, 20 percent of the administrative fine imposed pursuant to this chapter;

c. The Hearing Officer may allow the person to complete community service in lieu of paying the total administrative fine, may waive the administrative fine, or may offer an alternative disposition.

5. The decision of the Hearing Officer shall be final. (Ord. 695 10-15-19; Ord. 682 3-5-19; prior code § 120.10)

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#### **5.28.120 Violation.**

A. A violation related to sidewalk vending will be subject to the applicable penalties under Section 51039 of the Government Code and Section 5.28.085 of the Desert Hot Springs Municipal Code as they may be amended from time to time. For all other violations of this chapter, any first violation shall be an infraction. Any subsequent violation shall be a misdemeanor.

B. Public Nuisance. Any violation of this chapter, other than pertaining to sidewalk vending, shall be and is hereby declared to be unlawful and a public nuisance. Violations may be prosecuted civilly or criminally and are subject to all applicable penalties of the Desert Hot Springs Municipal Code, in addition to any other applicable penalties or remedies prescribed by law. (Ord. 682 3-5-19; prior code § 120.12)

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#### **5.28.130 Separate offense for each day.**

Any person who violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly. (Ord. 682 3-5-19; prior code § 120.13)

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[Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES](#)

## Chapter 12.04 CAMPING RESTRICTIONS

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### 12.04.010 Purpose.

The public streets, private property, and areas within the City should be readily accessible and available to residents, the public at large, property owners, or lawful tenants, as may be applicable, and maintained in a clean, safe and attractive condition that promotes the quality of life of the citizens. The use of these areas for camping purposes or storage of personal property interferes with such purposes and the rights of owners, lawful tenants, or others, as may be applicable, to use the areas for which they were intended. The provisions of this chapter shall not be implemented in any way to infringe upon the constitutional rights of any person. The purpose of this chapter is to maintain public streets, private property, and areas within the City in a clean and accessible condition. (Ord. 701 12-3-19; Ord. 600 2-21-17; prior code § 90B.01)

### 12.04.020 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.

“Camp” means to pitch or occupy camp facilities; to use camp paraphernalia; to sleep outdoors, or in, on or under any structure not intended for human occupancy.

“Camp facilities” means and includes, but is not limited to, tents, huts, or temporary shelters.

“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.

“Habitable” shall refer to a dwelling that has not been declared unfit for habitation by the City or other agency with jurisdiction thereover.

“Nonresidential” is intended to refer to property, or any portion thereof, that is not improved with a habitable dwelling unit.

“Park” means any public park or recreation or playground area or building or facility thereon within the City, owned and maintained by the City as a public park or recreation or playground area, whether or not such areas have been formally dedicated to such purpose.

“Publicly accessible area” means that portion of any privately owned, nonresidential property that is not enclosed by a City-approved structure, including, but not limited to, vacant land or the exterior of commercial or business establishments.

“Public property” means any property owned or managed by any government entity.

“Store” means to put aside or accumulate for use when needed; to put for safekeeping; to place or leave in a location.

“Street” means and includes all highways, avenues, lanes, alleys, courts, places, squares, sidewalks, parkways, curbs, or other public ways in this City that have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state. (Ord. 701 12-3-19; Ord. 600 2-21-17; prior code § 90B.02)

### 12.04.030 Unlawful camping.

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It is unlawful for any person to camp, occupy camp facilities, or use camp paraphernalia in the following areas, except as otherwise provided:

- A. Any street;
- B. Any public parking lot, publicly accessible area visible from any off-site location, or public property, improved or unimproved.
- C. Any Private Property.
  1. Overnight camping on private property by persons other than the property owner(s) or lawful tenants is prohibited, except when the overnight camping meets all of the following: (a) is limited to no more than one night; (b) overnight camping is in the rear yard, or in an area of a side yard or front yard that is separated from view from the street by a fence, hedge, or other lawful obstruction; and (c) the property owner or person in lawful possession consents to such overnight camping.
  2. Nothing in this chapter is intended to prohibit or make unlawful, activities of an owner of private property or other lawful user of private property that are normally associated with and incidental to the lawful and authorized use of private property for residential or other purposes; and provided further, nothing is intended to prohibit or make unlawful activities of a property owner or other lawful user if such activities are expressly authorized by any State, Federal and local laws, rules, regulation, or policies.
  3. Camping shall not be permitted. Where it is conducted in such a manner as to create a public nuisance, including any noise disturbance, as provided in Chapter 8.12 of this code, inadequate sanitation, or other matters offensive to reasonable persons, nor where the camping activity is of such frequency, intensity or duration as to constitute a use of land prohibited by any provisions of Title 17 of this code or where the camping and or activities incidental to it constitute a public nuisance. (Ord. 701 12-3-19; Ord. 600 2-21-17; prior code § 90B.03)

#### **12.04.040 Storage of personal property.**

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- A. It is unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided:
  1. Any park;
  2. Any street;
  3. Any public property, improved or unimproved; or
  4. Any private property without the written consent of the owner or lawful tenant.
- B. The impoundment and retrieval of such property shall be in accordance with procedures established by the City Manager, or designee, or according to the procedures of the law enforcement agency whose peace officers impounded the property. (Ord. 701 12-3-19; Ord. 600 2-21-17; prior code § 90B.05)

#### **12.04.060 Enforcement authority.**

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Departments or personnel designated by the City Manager shall have the power and authority to enforce any and all provisions of this chapter. (Ord. 701 12-3-19; Ord. 600 2-21-17; prior code § 90B.07)

#### **12.04.080 Violation—Nuisance.**

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- A. Any violation of the provisions of this chapter shall constitute a public nuisance and may be enforced pursuant to any applicable provision of Title 4 of this code. If a violation of this chapter is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct

offense. All remedies set forth in this chapter shall be cumulative and in addition to any and all other remedies, civil and equitable, afforded to the City under the law.

B. Notwithstanding any other provision of this code, no violation of the provisions of this chapter shall constitute an infraction or misdemeanor. (Ord. 701 12-3-19; Ord. 600 2-21-17; prior code § 90B.08)

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