

**ORDINANCE NO. 1188**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PICO RIVERA,  
CALIFORNIA, CLARIFYING NUMERICAL CHAPTER AND SECTION  
HEADINGS IN TITLE 9, PUBLIC PEACE, MORALS AND WELFARE OF  
THE PICO RIVERA MUNICIPAL CODE**

**WHEREAS**, on July 9, 2024 the City Council adopted Ordinance No. 1185 adding Chapter 9.52, *Prohibition Against Certain Conduct on Public Property* of the Pico Rivera Municipal Code; and

**WHEREAS**, staff identified that Chapter 9.52 was already assigned to the chapter titled Social Host Liability; and

**WHEREAS**, this ordinance would correct the erroneous chapter and section numbering and assign Chapter 9.54 to *Prohibition Against Certain Conduct on Public Property*; and

**WHEREAS**, the City Council of the City of Pico Rivera desires to amend the Pico Rivera Municipal Code as set forth herein.

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Pico Rivera as follows:

**SECTION 1.** The City Council finds that the above recitals are true and correct and incorporated herein as part of the findings.

**SECTION 2.** The City Council hereby finds and determines that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to CEQA guidelines Section 15061(b)(3) and CEQA Guidelines section 15060(c)(2), (3) because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment and because CEQA Guidelines section 15378 defines a project as the whole of an action, which could potentially result in either a direct physical change, or reasonably foreseeable indirect physical change, in the environment. The Ordinance will not have any effect that would physically change the environment.

**SECTION 3.** Amend numerical chapter and section heading of Chapter 9.52, *Prohibition Against Certain Conduct on Public Property*, of Title 9 *Public Peace, Morals and Welfare* to read as follows:

**CHAPTER ~~9.52~~9.54 PROHIBITION AGAINST CERTAIN CONDUCT ON PUBLIC  
PROPERTY**

9.52 ~~54~~.010 Purpose

9.52 ~~54~~.020 Definitions

9.52 54.030 Free passage shall not be hindered or obstructed.

9.52 54.040 Public Urination and defecation prohibited.

9.52 54.050 Use of vehicles for human habitation restricted on city streets and public property.

9.52 54.060 Limitation on applicability.

9.52 54.070 Enforcement

**9.52 54.010 Purpose**

- A. The courts and the State Legislature have expressly recognized the power of a city to regulate conduct on streets, sidewalks, or other public places, and has specifically authorized local ordinances governing the use of municipal parks and public property. Recent court decisions have prohibited state and local governments from imposing criminal penalties on homeless persons camping on public property, but the courts have explicitly upheld the authority of state and local governments to enact and enforce ordinances that maintain and protect public safety and public health.
  
- B. In accordance with these court decisions, this Chapter prohibits certain conduct on public property which will adversely affect public health and public safety, including a prohibition on hindering or obstructing the free passage of other individuals, performing bodily functions, including urination and defecation, storing and accumulating trash, debris or personal property, and inhabiting vehicles in parked certain restricted areas. This conduct has resulted in significant adverse health and safety issues for the people in Pico Rivera.
  
- C. The public areas within the city, including streets, sidewalks, parks, public buildings and public land, should be readily accessible and available to residents and the public at large for use in a safe and healthy manner. The use of these areas in a manner that hinders or obstructs the free passage of pedestrians, exercise of bodily functions, habitation in vehicles interferes with the ability of residents and the public at large to use the areas in the healthy and safe manner for the uses intended. Such activity and their attendant negative effects constitute a significant public health and safety hazard, which adversely impacts other members of the public and neighborhoods, as well as industrial, and commercial areas. The city's streets, sidewalks, parking lots, parks and other public areas are intended for free passage use without health and safety problems. Detrimental impacts from activity that hinders or obstructs the free passage of pedestrians, exercise of bodily functions, habitation in vehicles include lack of proper water and sanitary facilities, safety hazards for pedestrians and the inhabitants of vehicles, presence of trash and debris, criminal activities including illegal drug use, and other conditions which are inconsistent with the intended use and enjoyment of these areas by the general public, and constitutes a public health and safety hazard. A purpose of this chapter is to maintain public and private lands, streets, sidewalks, alleys, ways, waterways, parks, playgrounds, recreation areas, plazas, open spaces, lots, parcels and other public and private areas within the city, in a clean, sanitary and accessible condition. Nothing in this chapter is intended to interfere with otherwise lawful and ordinary uses of public areas.

**9.52 54.020 Definitions**

- A. "Business establishments" means retail stores, food markets, theaters, restaurants, drive-in restaurants, gasoline service stations, bars, hotels, motels, or any other establishment which is open to and provides the public with any goods or services.
  
- B. "Public property" means any real or personal property owned or controlled by the city and includes, but is not limited to, any publicly-owned park, building, street, sidewalk, way, path, alley, parking lot or other public property owned or controlled by the city and located within the City of Pico Rivera and such other publicly owned property for which the city is authorized by contract or permit to maintain.
  
- C. "Street" means all streets, avenues, highways, lanes, alleys, ways, crossings or intersections, co-routes and cui-de-sacs and city rights of way adjacent thereto.

**9.52 54.030 Free passage shall not be hindered or obstructed.**

- A. No person or persons shall stand, sit, linger, idle, or lie on any street, alley, sidewalk, park, public facility or other public place, or in or about the entrance or exit of any business establishment or public building, either on foot or in an automobile or other vehicle, in such a manner as to obstruct or hinder the free passage of persons along such public way, including obstructing the public right of way in a manner that restricts passage as required by the Americans with Disabilities Act, or obstruct or hinder persons entering and exiting from any business establishment or public building, or in such a manner as to create a health or safety hazard for the community or for the patrons of such public place.
  
- B. No person in violation of this prohibition shall refuse or fail to disperse or move on when directed to do so by a police officer or city employee.

**9.52 54.040 Public Urination and defecation prohibited.**

No person shall urinate or defecate on any public street, roadway, boulevard, alley, parking lot, sidewalk, or any other property owned, controlled and/or operated by the city, county or any public agency, or on private property in any area exposed to the public view, except when using a urinal, toilet, or commode located in a bathroom, restroom, or other structure specifically designated for the purpose of urination and defecation.

**9.52 54.050 Use of vehicles for human habitation restricted on city streets and public property.**

- A. It is unlawful for any person to use a vehicle for human habitation on any street or public property, unless such use of authorized the Pico Rivera Municipal Code, including Section 10.42, Living In Motor Homes or Other Recreational Vehicles, as follows:
  - 1. Between the hours of 9 :00 p.m. and 6:00 a.m. in residential and commercial zones; and
  
  - 2. Between the hours of 9:00 p.m. and 6:00 a.m. within 500 feet of a residence, meaning a building used for living, including a house, condominium,

apartment unit, or other similar dwelling unit affixed to real property, located in any zone; and

3. At any time, within 500 feet of a park or a public or private licensed school for pre-kindergarten through 12th grade, pre-school, youth center, or daycare facility. School for purposes of this section does not include a vocational or professional institution of higher education.
- B. For purposes of this section, evidence of human habitation may include observations, considering all the circumstances, that a person is using a vehicle for: sleeping; bathing; preparing or cooking meals; possessing or storing items that are not associated with ordinary vehicle use, such as a sleeping bag, bedroll, blanket, sheet, pillow, used bedding, kitchen utensils, cookware, cooking equipment, camping gear, food, water, personal grooming items, or containers of feces or urine. Evidence of human habitation also may include observations, considering all the circumstances, that: a person has obscured some or all of the vehicle's windows; there is litter, rubbish, or waste in or around the vehicle; there is furniture set up in or around the vehicle, such as chairs, tables, umbrellas, or portable cooking equipment; or there is evidence of human urination or defecation around the vehicle.
- C. A person who is not in compliance with this Section shall have the opportunity to move the vehicle in violation of this Section to a location outside of the areas described in Subsection A within a reasonable time not exceeding thirty (30) minutes from the time when directed to do so by a police officer or city employee.

**9.52 ~~54.060~~ Limitation on applicability.**

This chapter is not intended to violate and shall not be applied or enforced in a manner that violates the United States or California Constitutions and applicable state or federal statutes, and shall be construed and applied in accordance with such laws.

**9.52 ~~54.070~~ Enforcement**

- A. Nothing herein precludes the enforcement of any other laws such as parking restrictions, including, but not limited to, prohibitions on overnight parking, storage of vehicles, littering, and illegal discharge or dumping of materials.
- B. Nothing in this chapter shall limit or preclude the enforcement of any other applicable laws or civil remedies or nuisance abatement remedies available for violations of this chapter.

**SECTION 4.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this article irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared



