

SAN DIEGO POLICE DEPARTMENT ORDER

DATE/TIME: MAY 16, 2019 – 1300 HOURS

NUMBER: OR 19-11

SUBJECT: VEHICLE HABITATION ORDINANCE

COST CENTER: 1914180011

SCOPE: ALL MEMBERS OF THE DEPARTMENT

DEPARTMENT PROCEDURE AFFECTED:

A new vehicle habitation ordinance has been approved by City Council and is effective immediately. At present, the intent is to educate the public on the new ordinance and to gain voluntary compliance.

The applicable sections can be found under 86.0137(f) of the San Diego Municipal Code, which states:

- 86.0137 Prohibition of Use of Streets for Storage, Service or Sale of Vehicles or for Habitation
- (f) It is unlawful for any *person* to use a vehicle for human habitation on any street or public property, unless the street or public property is specifically authorized for such use by the City Manager, as follows:
- (1) between the hours of 9:00 p.m. and 6:00 a.m.; and
 - (2) at any time, within 500 feet of a residence, meaning a building used for living, including a house, condominium, apartment unit, or similar dwelling unit affixed to real property; and
 - (3) at any time, within 500 feet of a school that offers instruction on those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. School for purposes of this section, 86.0137(f), does not include a vocational or professional institution of higher education,

including a community or junior college, college, or university.

Until further notice, all SDPD personnel shall abide by the following protocol:

- Officers shall respond to calls for service and citizen complaints relating to vehicle habitation.
- Officers should contact suspected violators, educate and warn them of the new law, and document this warning on an ARJIS-1/Field Interview.
- Generally, officers should not issue citations or make arrests for this section until further notice.
- Officers may direct persons suspected of vehicle habitation to call (858) 637-3373 for information on where they can legally park.

This order only pertains to San Diego Municipal Code Section 86.0137(f) relating to Vehicle Habitation and does not prevent enforcement of other applicable laws and/or parking violations.

A Department Training Bulletin will follow with additional information regarding progressive enforcement protocols for citation and/or arrest.

Please read at squad conferences and give a copy to all personnel.