

**THE CITY COUNCIL  
OF THE CITY OF SONORA**

**ORDINANCE NO. 904**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA REPEALING AND REPLACING  
CHAPTER 12.16, USE OF SIDEWALKS FOR BUSINESS, OF TITLE 12, STREETS AND SIDEWALKS,  
OF THE SONORA MUNICIPAL CODE TO REVISE REGULATIONS FOR USE OF THE CITY'S PUBLIC  
RIGHT-OF-WAY.**

**WHEREAS**, the City of Sonora (the "City") adopted Title 12 of the Sonora Municipal Code to allow use of public sidewalks for private use subject to certain requirements; and

**WHEREAS**, the City recognizes that outdoor uses such as dining within the City right-of-way pose special issues of equitable use of public space and community health and safety concerns and therefore warrant additional permitting to ensure continued public use within health and safety provisions; and,

**WHEREAS**, on December 2, 2013, the City of Sonora adopted the Vision Sonora plan which, among other goals, aims to create downtown public spaces and networks of pedestrian oriented streets that can be connected to event spaces; and

**WHEREAS**, event spaces include the construction of small gathering spaces including "parklets" that may convert parking spaces into seating/dining areas in front of business; and

**WHEREAS**, parklets and outdoor use areas create more space for pedestrian activity and increase foot traffic and revenue for local businesses, especially those that offer outdoor dining; and

**WHEREAS**, parklets and outdoor use areas provide aesthetic elements to the streetscape and improve the overall quality of life for Sonora residents and tourists; and

**WHEREAS**, based upon the economic benefits and additional sales tax to be generated with the expansion of business with outdoor dining and retail display space, a streamlined permitting process is necessary to facilitate the goals and objectives of Vision of Sonora; and

**WHEREAS**, the City derives significant revenue from the collection of sales tax, which enables the City to provide critical services; and

**WHEREAS**, the City wants to ensure long-term financial viability and facilitate economic development and tourism; and

**WHEREAS**, the City recognizes the importance of the tourism industry to the City due to its scenic beauty, rich Gold Rush History, and proximity to Yosemite National Park; and

**WHEREAS**, this Ordinance is consistent with the actions, goals, objectives, policies, and programs of the City of Sonora General Plan and incorporating provisions to allow permanent outdoor uses, such as dining in the public right-of-way, responds to the preference of the community while protecting residents from safety hazards and maintaining a standard consistent with existing aesthetics.

**NOW, THEREFORE, THE CITY OF SONORA CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

**SECTION 1. AMENDMENT.** Chapter 12.16, Use of Sidewalks for Business, of Title 12, Streets and Sidewalks, of the Sonora Municipal Code shall be amended to read as follows:

**Chapter 12.16  
Use of Sidewalks**

**Sections:**

<b>12.16.010</b>	<b>Purpose and Intent .</b>
<b>12.16.015</b>	<b>Definitions.</b>
<b>12.16.020</b>	<b>Width of Sidewalk; Pedestrian Traffic.</b>
<b>12.16.030</b>	<b>Space for Pedestrian Traffic Required.</b>
<b>12.16.040</b>	<b>Removal of Display by Chief of Police.</b>
<b>12.16.050</b>	<b>Liability Insurance.</b>
<b>12.16.060</b>	<b>Merchant Required to Clean Sidewalk.</b>
<b>12.16.070</b>	<b>Review Process</b>
<b>12.16.080</b>	<b>Encroachment Permit.</b>
<b>12.16.090</b>	<b>License Terms and Renewal</b>
<b>12.16.100</b>	<b>Enforcement</b>

**NOTES**

For statutory provisions authorizing cities to prevent encroachment and obstruction of city streets, see Gov. Code § 38775.

**12.16.010 Purpose and Intent**

The purpose of this chapter is to establish regulations allowing limited dining and commercial displays to encroach into the public right-of-way as an ancillary component of an adjacent primary business which is located on private property. It is intended that such outdoor dining and displays shall not unduly restrict public access or utilize a design that detracts from the image and appearance of the surrounding area.

Upon approval of an encroachment permit application, the merchants of the City may use the sidewalks of the City as provided and regulated in accordance with the City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines adopted by Resolution.

Right-of-way and parklet uses include those permitted in the Tourist and Administrative, Commercial, General Commercial, and Planned Development zones. Examples include, but are not limited to, display, sale of merchandise, outdoor dining, pop-up shops, A-frames,

decorations, art installations, outdoor music, outdoor landscape planters, commodities for sale, and similar uses. Each place of business displaying and selling in front of the business, shall comply with the City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines y, and such further rules and regulations as may be made by the City Council for the protection of the public by resolution, from time to time. (Ord. 339 § 1(b), 1964.)

#### 12.16.015 Definitions.

For the purposes of this Chapter, the following words or phrases shall have the following meanings:

1. "Qualifying Business" means any business establishment that will operate both indoors and outdoors in compliance with local and State regulations.
2. "Encroachment" means the temporary or permanent nonexclusive use of a public right-of-way in such a manner as to prevent, obstruct, or interfere with its normal use as a vehicular and pedestrian way, or to impair safe sight distances for the operation of motor vehicles.
3. "Encroachment Permit" means any permit issued by the Community Development Director to a qualifying business operating in the building adjacent to the public right-of-way where services are occurring.
4. "Parklet" means a fixed encroachment place in the curbside parking space that is used principally for commercial activity under an encroachment permit during business hours.
5. "Public right-of-way" means the surface of and the space above and below any street, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, or right-of-way or easement primarily dedicated to travel, now or hereafter existing within the City.

#### 12.16.020 Encroachment Permit

A. An encroachment permit must be obtained from the City before any encroachment may occur on a City public right-of-way.

B. When filing an application for an encroachment permit, a non-refundable fee shall be paid for the purpose of defraying the costs incidental to processing the application. Monthly license fees shall also apply to approved encroachment permits for parklet or sidewalk dining. The fees shall be established by City Council resolution.

C. The encroachment permit is valid for a period of one year unless a longer duration is specified in a separate agreement. Thereafter, the Community Development Director may renew the permit for additional periods following review. If the Community Development Director considers added or revised conditions desirable, such new conditions may be imposed on the

renewed encroachment permit. The City reserves the right to temporarily suspend any encroachment permit issued under this chapter because of anticipated or actual conflicts in the use of sidewalk areas due to street repairs, parades, festivals, and other similar events.

D. Any encroachment permit issued pursuant to this chapter is non-transferable. Only the qualifying business for which the encroachment permit was issued shall be permitted to operate under the encroachment permit.

E. Encroachment permits issued under this chapter are subject to the provisions of this chapter, any resolutions specified in this chapter, and the conditions set forth in the encroachment permit.

#### **12.16.030 Width Of Sidewalk; Pedestrian Traffic**

No more than one-third the width of the sidewalk shall be utilized for display and sale of merchandise on any City sidewalk. No more than one half of the sidewalk shall be utilized for outdoor dining on any City sidewalk, where at least 8 feet exists between face of curb and storefront. There shall be left at all times at least four feet of width of such sidewalk for use by pedestrian traffic; provided, that, if any such sidewalk is at any place five feet or less in width, no part of such sidewalk shall be used for any display or sale of merchandise, or be obstructed in any other manner as prohibited in Chapter 8.20, Nuisances, of this Code. At all times, adequate space shall be left in the sidewalk area at any place of business for pedestrian travel on such sidewalk so that pedestrians are not forced to walk on the street for lack of sidewalk space for pedestrian traffic.

(Ord. 339 § 1(c), 1964.)

#### **12.16.040 Removal Of Display By Chief Of Police**

If, at any time, in the judgment of the Community Development Director, and/or Chief of police, there is not enough space on such sidewalk for the number and volume of pedestrian traffic thereon due to the presence of display of merchandise on such sidewalk, the Community Development Director and/or Chief of police will forthwith cause the removal of sufficient or all of such display of merchandise and business fixtures or furniture used therefor to make adequate space for such pedestrian travel on any such sidewalk.

(Ord. 339 § 1(e), 1964.)

#### **12.16.050 Liability Insurance Requirements**

A. The permittee shall be responsible for any and all claims and liabilities for damages caused by any use permitted in this chapter or caused by permittee's failure to perform their obligations under the encroachment permit. In the event any such claim or liability for damages is made against or imposed upon the City or any department, officer, employee, volunteer, or agent thereof, the permittee shall, by acceptance of the encroachment permit, agree to defend, indemnify and hold each of them harmless from any such claim or liability.

The permittee must, at permittee's expense, provide and keep in force during the life of the encroachment permit a policy of comprehensive general liability and worker's compensation insurance, as well as the necessary endorsements specified by the City, in the amounts specified in the encroachment permit. Permittee's insurance must provide coverage for personal injury,

including accidental death, as well as liability for property damage, which may arise in any way out of the exercise of the rights granted by the encroachment permit.

The policy of insurance shall name the City, its agents, officers, employees, and volunteers as additional insureds and shall be in an amount to be determined by the City based upon the nature and extent of liability exposure to the City, its officers, agents, employees, and volunteers after evaluating the nature and extent of the use pursuant to the encroachment permit granted under this chapter.

B. The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the permittee by the terms of the encroachment permit and shall contain a provision that such policy may not be cancelled except after ten days' notice in writing to the Community Development Director.

1. C. A copy of the policy or certificate of insurance evidencing the insurance coverage shall be filed with the City Clerk.

(Ord. 339 § 1(f), 1964.)

#### **12.16.060 Requirement To Clean Right-of-Way**

All refuse, waste, litter and garbage occasioned by or resulting from the use of a City right-of-way pursuant to an encroachment permit under this chapter shall be cleaned up by the permittee daily.

(Ord. 339 § 1(h), 1964.)

#### **12.16.070 Review process.**

A. Review Authority.

1. The Community Development Director shall consider any application submitted for an encroachment permit under this chapter and may approve or deny the application in accordance with the City of Sonora Outdoor Use Encroachment Permit Development Standards and Design Guidelines. The Community Development Director may issue an encroachment permit on any terms the Community Development Director deems necessary to protect public health, safety, and welfare. Applications for a Parklet will have a more significant impact on the aesthetics of the community and shall be initially reviewed and approved by the Planning Commission. Applications should include a diagram or illustration of the proposed use of City right of way with sufficient detail for the Community Development Director to determine the proposed encroachment is consistent with design guidelines and this ordinance. Submittals, at a minimum, should identify the sidewalk width in front of the business, proposed improvements with length and widths, any existing barriers such as City placed benches or trash cans or posts supporting a second story balcony/floor. The submittal needs to indicate whether the request is for daily removal of

the items placed in City right of way or are to remain for the duration of the encroachment period. If multiple designs are proposed throughout the year, this should be stipulated.

B. Conditions of Approval. Any approved encroachment permit may impose reasonable conditions of approval to ensure that outdoor dining and display areas operate in a manner that is not detrimental to the public health, safety and welfare; are consistent with all applicable codes, policies and Outdoor Use Encroachment Permit Development Standards and Guidelines; and enhance the image, appearance and vitality of the area in which the use is located. This includes but is not limited to authority to regulate the design, layout, materials, colors, quality and appearance of outside dining and display areas; to require security deposits, insurance and other reasonable financial guarantees; and to prescribe operating terms which the permittee must follow.

C. Appeal.

1. The decision of the Community Development Director may be appealed to the Planning Commission.
2. The decision of the Planning Commission may be appealed to the City Council.
3. The above decisions must be appealed in writing to the City Clerk's Office within 10 days after the decision is made.

D. Fees. When requesting an appeal, a non-refundable fee shall be paid for the purpose of defraying the costs incidental to the proceedings. The fees shall be determined by the City Council and adopted by resolution which may be amended from time to time.

#### **12.16.090. License Terms and Renewal.**

A license agreement for outdoor dining or public right of way use may be required subject to the approval of the City Administrator.

#### **12.16.100 Enforcement.**

A. Penalties. Any violation of this chapter will be administered in accordance with Chapter 1.08.010 of the Sonora Municipal Code. In addition, the City may seek civil remedies for any violation including, but not limited to, the recovery of reasonable costs for the enforcement and correction of the violation.

B. Revocation. Violation of any of provisions of this chapter, the standards in this code, or any of the conditions imposed under Chapter 1.08.10 shall be grounds for revocation of the encroachment permit.

**SECTION 2. SEVERABILITY.** If any section, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent

jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof and shall continue to be in full force and effect.

**SECTION 3. PUBLICATION AND EFFECTIVE DATE.** This ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least within fifteen (15) days after its passage or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least within fifteen (15) days after its passage.

**SECTION 4. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL.** This Ordinance was introduced at a regular meeting of the City Council held on April 21, 2025, and passed and adopted as Ordinance No. 904 at a regular meeting of the City Council held on April 5, 2025, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT OR ABSTAIN: \_\_\_\_\_

\_\_\_\_\_  
Ann Segerstrom, Mayor City of Sonora

ATTEST: \_\_\_\_\_  
Tracy Skelly, City Clerk, City of Sonora

Approved as to Form:

\_\_\_\_\_  
Douglas L. White, City Attorney

Publish:       The Union Democrat, Sonora  
\_\_\_\_\_, 2025