



CITY COUNCIL AGENDA REPORT

CITY HALL

CITY OF SONORA 94 N. WASHINGTON STREET, SONORA, CA 95370 P: (209) 532-4541

SERVICE, INNOVATION, INTEGRITY, COLLABORATION, RESPECT, LEADERSHIP

DATE: February 3, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Douglas L. White, City Attorney

SUBJECT: Waive Second Reading, Read by Title Only, and Adopt Ordinances of the Sonora City Council Amending Sections 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, and 9.61.050, Adding Section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, and Adding Chapter 9.80, Shopping Carts, to Title 9 of the Sonora Municipal Code

RECOMMENDATION:

1. Waive Second Reading, Read by Title Only, and Adopt Ordinance No. 900, an Ordinance of the Sonora City Council Amending Sections 9.50.010, Obstruction Of Movement In Public Ways, 9.50.020, Sitting Or Lying Down On Public Sidewalks In Designated Areas Of The City, 9.56.020 Definitions, 9.56.050, Exceptions, 9.56.060, Enforcement, and 9.61.050, Abatement, and Adding Section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, to Title 9, Public Peace, Morals and Welfare of the Sonora Municipal Code.
2. Waive Second Reading, Read by Title Only, and Adopt Ordinance No. 901, an Ordinance of the Sonora City Council adding Chapter 9.80, Shopping Carts, to Title 9, Public Peace, Morals and Welfare of the Sonora Municipal Code.

BACKGROUND:

The City of Sonora ("City") has experienced an increase in individuals sleeping and camping in public, impeding the public's access to and use of public spaces. The City has already adopted multiple ordinances to address sleeping and camping in public places. For instance, the City already prohibits camping in public places under Chapter 9.56, Unlawful Camping. In addition, camping around critical infrastructure is prohibited under Chapter 9.61, Protection Of Critical Infrastructure And Fire Severity Zones. Also, the Sonora Municipal Code permits clean and clear operations and permanent encampment closures under Chapter 9.62, Health and Hygiene.

Due to the *Martin v. City of Boise* ("Martin") decision, ordinances that prohibited sleeping or camping in public places were unenforceable against homeless individuals when there was no practical alternative shelter available. However, the United States Supreme Court overturned *Martin* with the *Grants Pass v. Johnson* ("Grants Pass") decision issued June 28, 2024. In light of *Grants Pass*, the City now has the ability to enforce existing ordinances that were unenforceable under *Martin*.

The City recently re-examined its Municipal Code in light of the *Grants Pass* decision and determined that amendments were needed to sections 9.50.010, Obstruction Of Movement In Public Ways; 9.50.020, Sitting Or



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Lying Down On Public Sidewalks In Designated Areas Of The City; 9.56.020, Definitions; 9.56.050, Exceptions; 9.56.060, Enforcement; and 9.61.050, Abatement. Also, the City is concerned that public fountains and bathrooms are being used for bathing and washing clothes, activities that go beyond and impede the intended uses for public fountains and bathrooms. The City determined that a section should be added to Chapter 9.04 to address the extent of permissible activities in public fountains and public bathrooms.

In addition, abandoned shopping carts are frequently found in streets, parks, trails, and other rights of way throughout the City, obstructing pedestrian access, interfering with vehicular traffic, and impeding emergency response services. Abandoned shopping carts found in local waterways also create environmental and water flow hazards. The removal of shopping carts from business property creates a public nuisance that is not currently addressed by the City's Municipal Code, nor does the City currently have a mechanism to hold business owners responsible for implementing measures to prevent shopping carts from being removed from their premises.

DISCUSSION / ANALYSIS:

1. Ordinance amending sections 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, and 9.61.050 and adding section 9.04.046 to the Sonora Municipal Code

Sections 9.50.010 of the Sonora Municipal Code prohibits individuals from "maliciously" occupying a public way, and section 9.50.020 prohibits individuals from "maliciously" sitting or lying down on public sidewalks in the City's downtown area. "Maliciously" is not defined nor is there any apparent reason why the conduct must be done "maliciously" to be prohibited. The proposed ordinance amends sections 9.50.010 and 9.50.020 to remove the unnecessary "maliciously" requirement.

Section 9.50.020 prohibits individuals from sitting or lying down on public sidewalks, but only in the City's downtown area. To address the widespread problem with individuals impeding the use of public spaces by sitting or lying on any City sidewalk, the proposed ordinance expands section 9.50.020 to include all public sidewalks in the City.

Chapter 9.56, Unlawful Camping, was enacted in 2017 and contains a definition for "camp" or "camping" in section 9.56.020. In 2022, the City enacted Chapter 9.61, Protection Of Critical Infrastructure And Fire Severity Zones, and Chapter 9.62, Health and Hygiene, with more thorough definitions of "camp" and "camping." The proposed ordinance amends the definition of "camp" or "camping" in section 9.56.020 to align with the more thorough definitions in sections 9.61.020 and 9.62.020.

The proposed ordinance amends section 9.56.050 to clarify that the parking restrictions in section 10.08.040 apply to overnight camping in a recreational vehicle parked on a public street. In addition, the proposed ordinance amends the five-day period within which an individual must cease violations in section 9.56.060 to align with the seventy-two-hour period in Chapter 9.61, Protection of Critical Infrastructure, and Chapter 9.62, Health and Hygiene.

Subdivision A of section 9.61.050, Abatement, specifies that any violation of section 9.60.040 may result in abatement. However, section 9.60.040 contains the definitions for Chapter 9.60, Trespass on Private Property Or



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Business Premises Prohibited, and appears unrelated to Chapter 9.60, Protection Of Critical Infrastructure And Fire Severity Zones. The proposed ordinance amends section 9.61.050 to remove the reference to section 9.60.040 and instead reference section 9.61.040, Prohibited Activities.

The Sonora Municipal Code currently does not address washing clothes or bathing in public fountains and bathrooms. The proposed ordinance adds section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, to restrict individuals from bathing, washing, or otherwise making contact with the water in the City's public decorative fountains. The added section also prohibits individuals from using a drinking fountain or public restroom to wash clothing or any portion of their body beyond their arms, neck, or face.

2. Ordinance adding Chapter 9.80, Shopping Carts, to the Sonora Municipal Code

The proposed ordinance makes it unlawful to remove a marked shopping cart or to be in possession of a marked shopping cart outside of business premises.

The proposed ordinance also imposes the following responsibilities on shopping cart owners:

- Shopping cart ownership identification on all shopping carts.
- Installation of shopping cart removal warning signs.
- Submittal of an abandoned cart prevention plan to the City.

The proposed ordinance contains an exemption for businesses with fifteen (15) or fewer shopping carts. The proposed ordinance also contains an exemption for businesses that install and maintain a security system that causes the wheel of a shopping cart to lock when the shopping cart is moved across a designated perimeter line of the premises parking area, preventing carts from being taken off-site.

The proposed ordinance is consistent with and incorporates state law where the Legislature has determined that statewide regulation is necessary. Chapter 19, Shopping and Laundry Carts, of the California Business and Professions Code outlines unlawful conduct pertaining to shopping carts, the parameters under which cities may impound abandoned shopping carts, and other provisions that have been incorporated into the proposed ordinance.

FISCAL IMPACT:

The City will bear the cost of enforcing the proposed ordinances. However, provisions drafted into the proposed Shopping Carts ordinance authorize the City to impose administrative penalties and recover actual costs from shopping cart owners related to shopping cart impounding.



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ENVIRONMENTAL:

The Ordinance is not a “project” under the California Environmental Quality Act since it does not have the potential to cause a direct or reasonably foreseeable indirect physical change in the environment.¹

ATTACHMENTS:

- Ordinance No. 900 Amending sections 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, and 9.61.050 and Adding Section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, to the Sonora Municipal Code.
- Ordinance No. 901 Adding Chapter 9.80, Shopping Carts, to the Sonora Municipal Code.

CORE COUNCIL PRIORITIES:

Public Safety and Disaster Preparedness; Homelessness Issues.

¹ Pub. Res. Code, § 21065.