

ORDINANCE NO. 900

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA 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 TITLE 9, PUBLIC PEACE, MORALS AND WELFARE, OF THE SONORA MUNICIPAL CODE

WHEREAS, the City of Sonora ("City") reviewed Title 9 of the Sonora Municipal Code in light of the Supreme Court overturning the *Martin v. City of Boise* decision that had made ordinances prohibiting sleeping or camping in public places unenforceable against homeless individuals when there was no practical alternative shelter available; and

WHEREAS, the City determined that sections 9.50.010, 9.50.020, 9.56.020, 9.56.050, 9.56.060, and 9.61.050 necessitate amendments; and

WHEREAS, obstruction of sidewalks in the City poses a threat to public health, safety, and welfare by impeding public and emergency services use; and

WHEREAS, sections 9.50.010 and 9.50.020 unnecessarily require that conduct be done "maliciously" to be prohibited; and

WHEREAS, section 9.50.020 only prohibits sitting or lying down on public sidewalks in the downtown area of the City; and

WHEREAS, it is necessary to expand section 9.50.020 to include all areas of the City; and

WHEREAS, Chapter 9.61, Protection of Critical Infrastructure and Fire Severity Zones, and Chapter 9.62, Health and Hygiene, contain matching definitions of "camp" or "camping" that are more thorough than the definitions in Chapter 9.56, Unlawful Camping; and

WHEREAS, to improve the City's ability to address unlawful camping within City limits, it is necessary to amend the definitions of "camp" or "camping" in section 9.56.020 to align with the definitions in Chapter 9.61 and Chapter 9.62; and

WHEREAS, section 9.56.050, Exceptions, should reference the parking regulations in section 10.08.040 that would apply to certain vehicles under section 9.56.050; and

WHEREAS, section 9.56.060, Enforcement, specifies five days for an individual to cease conduct in violation of Chapter 9.56, Unlawful Camping, and this timeframe should be amended to align with the seventy-two-hour abatement timeline in Chapter 9.61, Protection of Critical Infrastructure, and Chapter 9.62, Health and Hygiene; and

WHEREAS, subsection A of section 9.61.050, Abatement, incorrectly states that any violation of section 9.60.040 may result in abatement of the occupant's personal property and should be corrected to instead reference section 9.61.040; and

WHEREAS, to address concerns about public fountains and bathrooms being utilized for purposes outside of their intended use, a new section, section 9.04.046, is being added to place restrictions on bathing and washing in public fountains and restrooms.

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

SECTION 1. Section 9.50.010, Obstruction Of Movement In Public Ways, of Chapter 9.50, Conduct on Public Property, of Title 9, Public Peace, Morals and Welfare, shall be amended to read as follows:

9.50.010 Obstruction Of Movement In Public Ways

No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition in this section, shall occupy any portion of a public way or public place so as to obstruct or interfere with the flow of pedestrian or vehicular traffic thereon, whether such person does so alone or together with one or more persons, or with equipment or personal property of any nature, and whether such person does so by standing, sitting, lying or in any other manner.

SECTION 2. Section 9.50.020, Sitting Or Lying Down On Public Sidewalks In Designated Areas Of The City, of Chapter 9.50, Conduct on Public Property, of Title 9, Public Peace, Morals and Welfare, shall be amended to read as follows:

9.50.020 Sitting Or Lying Down On Public Sidewalks

No person, after having been notified by a law enforcement officer that he or she is in violation of the prohibition of this section, shall sit or lie down upon a public sidewalk or sidewalk curb, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk in the city.

SECTION 3. Section 9.56.020, Definitions, of Chapter 9.56, Unlawful Camping, of Title 9, Public Peace, Safety, Morals, and Welfare, shall be amended to read as follows:

9.56.020 Definitions

Unless it is apparent from the context that another meaning is intended, the following words, when used in this section, shall have the meanings respectively ascribed to them by this chapter.

"Camp" or "camping" means the placement on public or private property for the purpose of making a living accommodation for one or more nights of tents, tarpaulins, temporary shelters, house trailers, mobile homes, motor vehicles or parts thereof, trailers, cooking facilities, cots, ground covers, bedding, hammocks, backpacks, sleeping bags and other equipment of a similar nature used to live temporarily in the outdoors.

"Camp facilities" include, but are not limited to, tents, huts, temporary shelters, trailers, and vehicles.

"Camp paraphernalia" includes, but is not limited to, collapsible shelters, cots, beds, sleeping bags, bed rolls, hammocks, barbeques, open fires, portable stoves, or other cooking equipment not provided or approved by the city.

"Public property" means any publicly owned property in the city, improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; publicly owned, maintained, or operated parks; publicly owned, maintained, or operated landscaped areas or greenbelts; publicly owned, maintained, or operated open spaces, including, but not limited to, those adjacent to City Hall or other public facilities or buildings of any kind; public sidewalks, curbs, and gutters; public restrooms; and public waterways, creeks, and streams.

"Recreational vehicle" means any of the following:

- A. A "travel trailer" is a portable structure built on a frame designed to be used as a temporary dwelling for camping, travel, recreation, and vacation use, as identified by the manufacturer.
- B. A "camper" or "camper shell" is a structure designed primarily to be mounted upon a motor vehicle and for use as a temporary dwelling for camping, travel, recreation, and vacation purposes.
- C. A "motorized home" or "motorhome" is a portable, self-contained dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. A "tent trailer" is a canvas folding structure mounted on wheels and designed for camping, travel, recreation, and vacation use.

"Vehicle" shall have the same meaning as those terms defined in the California Vehicle Code.

SECTION 4. Section 9.56.050, Exceptions, of Chapter 9.56, Unlawful Camping, of Title 9, Public Peace, Safety, Morals and Welfare, shall be amended to read as follows (unchanged text is omitted and is shown by " * * * "):

Nothing in this chapter shall prohibit:

* * *

- D. Overnight camping in a recreational vehicle which is parked on a public street when the occupants of the recreational vehicle are guests of the owners or occupants of an adjacent residential property and:
 - 1. The recreational vehicle is legally parked directly adjacent to the residential property where the occupants are guests;
 - 2. The overnight camping in the recreational vehicle at that location shall not extend for a period of more than seven consecutive days without an interruption of at least seven consecutive non-camping days, subject to the parking regulations in section 10.08.040; and
 - 3. The recreational vehicle is self-contained, free of sewage leaks, and does not require any hook-ups to the adjacent residential property.

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SECTION 5. Subsection B of section 9.56.060, Enforcement, of Chapter 9.56, Unlawful Camping, of Title 9, Public Peace, Safety, Morals, and Welfare, shall be amended to read as follows:

- B. Any person violating any provision of this chapter shall be issued a written cease and desist notice. The written notice shall set forth the section or sections that the person is violating. The written notice shall state that the individual has seventy-two (72) hours to cease any and all violations of this chapter from the date the written notice is issued.

SECTION 6. Subdivision A of section 9.61.050, Abatement, of Chapter 9.61, Protection Of Critical Infrastructure And Fire Severity Zones, of Title 9, Public Peace, Morals and Welfare, shall be amended to read as follows:

- A. Any violation of Section 9.61.040 may result in abatement of an occupant's personal property after providing them with no less than seventy-two (72) hour written notice that the occupant's camp, camp paraphernalia, or camp facility is located in or on a designated Critical Infrastructure or a Fire Severity Zone.

SECTION 7. Section 9.04.046, Bathing and Washing in Public Fountains or Public Restrooms, shall be added to Chapter 9.04, Offenses Against Public Order, of Title 9, Public Peace, Safety, Morals, and Welfare, to read as follows:

No person shall bathe, wash, or make contact with water in a public decorative fountain. For purposes of this section, “decorative fountain” does not include drinking fountains.

No person shall use any drinking fountain or public restroom to wash clothing or wash any portion of their body other than their arms, neck, or face.

SECTION 8. 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. The City Council of the City of Sonora hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 9. 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.

This Ordinance was introduced at a regular meeting of the City Council of the City of Sonora, held on the 6th day of January 2025, and given its first reading at said meeting. Said Ordinance was given a second reading at a regular meeting of the City Council held on ____ day of ____, 2025, and after such reading, Councilmember ____, who moved its adoption, seconded by Councilmember ____, said Ordinance was thereupon adopted by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

ATTEST:

APPROVED:

Tracy Skelly
City Clerk, City of Sonora

Ann Segerstrom
Mayor