

Title 12

STREETS AND SIDEWALKS

Chapters:

- 12.04 Construction of Curbs, Gutters and Sidewalks**
- 12.08 Excavations**
- 12.12 Street Closing for Repairs**
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CONSTRUCTION OF CURBS, GUTTERS, SIDEWALKS

Chapter 12.04

CONSTRUCTION OF CURBS, GUTTERS AND SIDEWALKS¹

Sections:

- 12.04.010 Standards and specifications—Required.
- 12.04.020 Permit—Required.
- 12.04.030 Permit—Application.
- 12.04.040 Fees for work performed by city.
- 12.04.050 Liability for damages—Insurance.
- 12.04.060 Maintenance of safe sidewalk.

12.04.010 Standards and specifications—Required.

- A. All curb, gutter and sidewalk construction or repair within a street right-of-way shall conform to the requirements of the current standard drawings and specifications approved by the city council from time to time by resolution and on file in the offices of the city clerk.
- B. In addition to said standards, all construction or repair shall comply with the following regulations:
 - 1. All construction and repair shall be under the direction and supervision of the building inspector.
 - 2. All debris and surplus materials shall be removed promptly upon completion of the work.
 - 3. Applicant shall maintain the premises in a safe manner, and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent street or sidewalk area, and shall hold the city free and harmless from any and all damages or liability incurred because of his operations.

(Ord. 469 § 1, 1974.)

12.04.020 Permit—Required.

It is unlawful for any person to construct, repair or remove, or cause to be constructed, repaired or removed, in the city, any sidewalk, driveway, curb, or curb and gutter without first obtaining a permit from the building inspector to do so. (Ord. 469 § 2, 1974.)

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12.04.030 Permit—Application.

Any person desiring a permit for the construction, repair or removal of curb, gutter, sidewalk or driveway shall file with the building inspector an application therefor in writing on a form furnished by the city for that purpose. Such form shall specify the following:

- A. The name and address of the applicant;
- B. The location of the property in front of which the proposed work is to be performed;
- C. The name of the person who will perform the work;
- D. The nature and dimensions of the proposed work; and
- E. Such additional information as the building inspector may require.

(Ord. 469 § 3, 1974.)

12.04.040 Fees for work performed by city.

All fees for services performed by city personnel as required by this chapter shall be in accordance with a schedule of fees approved by the council from time to time by resolution and on file in the offices of the city clerk and building inspector. (Ord. 469 § 4, 1974.)

12.04.050 Liability for damages—Insurance.

The permittee shall be responsible for any and all claims and liabilities for damages caused by any of the work permitted by this chapter or caused by the permittee's failure to perform his obligations under the permit. In the event any such claim or liability for damages is made against or imposed upon the city or any department, officer or employee thereof, the permittee shall, and by acceptance of the permit agrees to, defend, indemnify, and hold each of them harmless from such claim or liability. All permittees, except property owners constructing, repairing or removing any curb, gutter, sidewalk or driveway themselves along the street frontages of property owned by them, shall provide and keep in force during the life of the permit a policy of public liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage, which

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may arise in any way out of the exercise of the rights granted by the permit. The amounts of such insurance shall be as follows:

- A. Public liability insurance, in an amount not less than one hundred thousand dollars for injury or death to any one person, and three hundred thousand dollars for injury or death arising from any one accident or occurrence; and
- B. Property damage insurance, in an amount not less than twenty-five thousand dollars.

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

A copy of the policy or certificate of insurance evidencing the insurance shall be filed with the city clerk. (Ord. 469 § 5, 1974.)

12.04.060 Maintenance of safe sidewalk.

It is unlawful for any person owning any building, lot or premises in the city fronting on any portion of a street where a sidewalk has been installed, to allow any portion of such sidewalk in front of such building, lot or premises to be out of repair, or to become, be or remain defective, or to become, be or remain dangerous to the users thereof for any reason. Every person must at all times keep his sidewalk in such condition that it will not endanger persons or property thereon, will not interfere with public convenience in the use thereof, or be or remain an obstruction or impediment to normal, customary and usual pedestrian or vehicular traffic. (Ord. 469 § 6, 1974.)

Chapter 12.08

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Sections:

- 12.08.010 Purpose.
- 12.08.020 Definitions.
- 12.08.030 Permit—Required.
- 12.08.040 Permit—Application.
- 12.08.050 Permit—Time of issuance—Exception.
- 12.08.060 Permit—Conditions.
- 12.08.070 Permit—Completion date—Extension.
- 12.08.080 Permit—Denial.
- 12.08.090 Permit—Revocation.
- 12.08.100 Notice of commencement of work.
- 12.08.110 Performance of work requirements.
- 12.08.120 Public access.
- 12.08.130 Temporary access in rights-of-way.
- 12.08.140 Temporary closing of public ways—Permission from city engineer.
- 12.08.150 Public safety barricades and warnings—Required.
- 12.08.160 Public safety barricades and warnings—Provided by city—Liability for costs.
- 12.08.170 Labeling barricades—Compliance to safety orders and laws.
- 12.08.180 Completion of work by city—Liability for costs.
- 12.08.190 Backfill—Required.
- 12.08.200 Backfill—Notice of completion.
- 12.08.210 Street paving—Fees.
- 12.08.220 Restoration of improvements.
- 12.08.230 Monuments—Removal and replacement.
- 12.08.240 Alternative methods and materials.
- 12.08.250 Inspection—Fees.
- 12.08.260 Street maintenance—Required by permittee.
- 12.08.270 Liability for damage—Insurance required.
- 12.08.270 Liability for damage—Insurance requirements. for subsequent permits.
- 12.08.290 Refund of cash bond.
- 12.08.300 Violation—Penalty.

12.08.010 Purpose.

The control of excavations, improvements and encroachments within the public right-of-way is essential to protect the public health, safety and welfare in its use of the public right-of-way. In so doing, it is necessary to establish minimum requirements controlling such items as safety, workmanship and insurance responsibilities. (Ord. 636 (part), 1987; Ord. 482 § 1, 1975.)

12.08.020 Definitions.

For the purpose of this chapter, certain words and phrases are defined, and certain provisions are to be construed as set out in this section unless it is apparent from the context that a different meaning is intended.

- A. "City engineer" means the city engineer of the city of Sonora, acting either directly or through properly authorized agents; providing, such agents are acting within the scope of the particular duties delegated to them.
- B. "Emergency street cut" means any street cut which must be made to repair a defective or broken underground facility, the condition of which facility constitutes an evident and immediate hazard to life, health or property, and it is impractical to secure a permit before work is commenced.
- C. "Encroachment" means the temporary or permanent non-exclusive use of a parking right-of-way or easement under city jurisdiction for parking, driveways and other lawful uses.
- D. "Street cut" means the action of or the result of opening, tearing up, excavating, repairing, installing, adding to, removing or otherwise altering any portion of any public roadway, street, alley, or thoroughfare for any purpose whatsoever.
- E. "Underground facility" means any pipes, conduits, tiles, manholes, valves or pull boxes, vaults, or any other material installed within and below the surface of any public roadway, street, alley, sidewalk, planting strip, thoroughfare or any other public place.

(Ord. 636 (part), 1987; Ord. 482 § 2, 1975.)

12.08.030 Permit—Required.

It is unlawful for any person, other than the officers, agents, contractors, or employees of the city, to make or cause to be made any street cut, excavation, improvement or encroachment within the public right-of-way in the city without first having obtained a permit therefor as provided in this chapter. Any permit issued for construction under this chapter shall not be assignable to any other person or corporation. Permits issued for nonexclusive use of public right-of-way or easements under city jurisdiction may be assigned subject to the conditions set forth in the permit. (Ord. 636 (part), 1987: Ord. 482 § 3, 1975.)

12.08.040 Permit—Application.

- A. Every application for a permit shall be made in writing upon forms furnished by the city engineer, and applicants shall furnish thereon such information as is required by said city engineer.
 - B. On major projects, if requested to do so by the city engineer, applicants shall furnish plans and profiles in duplicate, showing the work to be done, location, limits of work, location of pavements, replacement types, together with such further information as the city engineer shall require.
 - C. If the street cut is to be made in a state highway, applicant shall comply with all lawful regulations of the Department of Transportation of the state, and procure, from such Department of Transportation, all necessary permits required therefor by the state.
- (Ord. 482 § 3, 1975.)³

12.08.050 Permit—Time of issuance—Exception.

Permits required by this chapter shall be secured at least five working days prior to the time the work under such permit is proposed; except, however, where an emergency street cut is to be performed, the applicant shall immediately give prior notice thereof to the police and fire departments of the city, shall

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secure or make a reasonable effort to secure the consent to such work from the city engineer as soon as reasonably practicable, and shall make application for a permit for such work on the next working day following. (Ord. 482 § 4, 1975.)

12.08.060 Permit—Conditions.

The validity of any permit issued shall be subject to the permittee's compliance with all general provisions of this chapter, as well as any special provisions or resolutions specified

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in this chapter. All permits issued under this chapter shall require that all underground facilities be of the quality and be installed in a manner which may be prescribed or required by law. The issuance of a permit does not guarantee to the permittee the exclusive use of any surface area occupied by him. (Ord. 482 § 5, 1975.)

12.08.070 Permit—Completion date—Extension.

Every permit issued pursuant to this chapter shall specify a completion date for the work. The city engineer may, for good cause, grant a written extension of time to the permittee, which grant shall extend the validity of said permit to said extended time. (Ord. 482 § 6, 1975.)

12.08.080 Permit—Denial.

The city engineer has the right to refuse a permit to any person or corporation who is in violation of, or who has failed to comply with, the provisions of this chapter in connection with the permit being applied for, or any permit previously issued except as provided otherwise by this chapter. (Ord. 482 § 7, 1975.)

12.08.090 Permit—Revocation.

The city engineer may, for noncompliance with any of the provisions of this chapter, revoke any permit granted under this chapter. (Ord. 482 § 8, 1975.)

12.08.100 Notice of commencement of work.

The permittee shall give notice to the city engineer of the actual time of commencement of any work at least twenty-four hours in advance. Similar notice shall be given to the police department and fire department if required on the permit. If the permittee is a public utility company, the form and frequency of notifications of work to be performed shall be as agreed upon in writing by the city engineer and the utility company. When work on any project ceases for any reason for a

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period of twenty-four hours or more, the permittee shall notify the city engineer, and the police department and fire department when required, at least twenty-four hours prior to recommencing said work. (Ord. 482 § 9, 1975.)

12.08.110 Performance of work requirements.

All work shall be performed in a neat and workmanlike manner and so programmed as to cause a minimum of interference with traffic and inconvenience to the public. Said work shall be coordinated, whenever possible, with other projects in the area to the end that the public convenience is least impaired to the satisfaction of the city engineer. (Ord. 482 § 10, 1975.)

12.08.120 Public access.

Permittee shall provide free and unobstructed access to all mailboxes, fire hydrants, watergates, valves, manholes, drainage structures and property that may be required for emergency use. Permittee shall not remove such public service facilities and property, or relocate same, without proper coordination with the authorities charged with control and maintenance of same. (Ord. 482 § 11, 1975.)

12.08.130 Temporary access in rights-of-way.

Temporary roadways, driveways, walks and rights-of-way for vehicles and pedestrians shall be constructed where required.

Temporary walkways shall be not less than four feet in width, and shall be designed for uniform live load of one hundred fifty pounds per square foot. Suitable ramps or stairs shall be provided with a handrail not less than three feet high along each side, or with a railing on one side and a fence on the other, as the case may require. Said walkway around said street cut shall be located as close to the area formerly used for pedestrian travel as possible. The permittee shall construct and maintain in good condition such detours, detour bridges, and temporary crossings for public use as are deemed necessary for the proper execution of the work, or when the same are ordered

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Division of Industrial Safety of the state applicable to the work, and the permittee shall comply with all other applicable federal, state and local laws, ordinances, codes, rules and regulations. (Ord. 482 § 16, 1975.)

12.08.180 Completion of work by city—Liability for costs.

If the work is unduly delayed by the permittee, and if the public interests reasonably so demand, the city engineer has the authority, upon written notice to the permittee, to complete the work or any portion thereof or to cause said work to be completed. The actual cost of such work by the city or its contractors, plus an overhead charge as determined by the city engineer, shall be charged to and paid for by the permittee. (Ord. 482 § 17, 1975.)

12.08.190 Backfill—Required.

- A. The permittee shall backfill all trenches and excavations in streets between curb lines in such a manner as to obtain a relative compaction of the entire backfill of not less than ninety percent, as determined by Test Method No. California 216-5 Layer System. If the excavation material will not give the required relative compaction, an imported granular material that will give such relative compaction shall be used. The use of water shall not be permitted if the city engineer determines that the soil will not readily drain and if the adjacent street may become damaged or if the paving may be unduly delayed thereby.
- B. In trenches or excavations in unpaved parking strips or sidewalk planting strip areas, backfill shall be compacted to a relative compaction which is at least as great as that of the native undisturbed soil in the area.
- C. The city engineer, when he deems it necessary, shall cause tests of the type specified in this section to be made at the expense of the permittee.

(Ord. 636 (part), 1987; Ord. 482 § 18, 1975.)

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12.08.200 Backfill—Notice of completion.

Except in the case of a major project, upon completion of the backfill, the permittee shall notify the city engineer of such completion. The city engineer, upon receipt of such notice and upon inspection and approval of the work, shall authorize street cuts not in the category of major projects to be paved either by the permittee, the permittee's contractor, or by the city. (Ord. 636 (part), 1987; Ord. 482 § 19, 1975.)

12.08.210 Street paving—Fees.

- A. On all projects, street paving shall be performed by a duly licensed contractor employed by the permittee, or by the city at the expense of the permittee, at the discretion of the city engineer. The city engineer may authorize both public and private utilities to do their own street paving. Any street paving performed by the city shall be dependent upon the availability of workmen and shall be at the sole discretion of the city maintenance superintendent.
 - B. Said paving fees shall be in accordance with a schedule of fees approved by the city council, from time to time by resolution, and on file in the offices of the city clerk and the city engineer.
 - C. Street paving fees shall be paid at the time the permit is issued except that public utilities or private agencies may make installment payments for paving costs on a schedule approved by the city finance director.
- (Ord. 636 (part), 1987; Ord. 482 § 20, 1975.)

12.08.220 Restoration of improvements.

Curbs, gutters, sidewalks, sewers, drains, structures, conduits, cables, and all other improvements damaged, disturbed or removed during the progress of the work shall be restored or replaced to as good or better condition than existed prior to work performed by permittee, in accordance with standard specifications of the city, and to the satisfaction of the city engineer. (Ord. 482 § 21, 1975.)

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12.08.230 Monuments—Removal and replacement.

Any monument of concrete, iron or other lasting material set for the purpose of locating or preserving the lines and/or elevation of any public street or right-of-way, property, subdivision, or a precise point or reference point shall not be removed or disturbed without first obtaining permission from the city engineer to do so. Replacement of removed or disturbed monumentation will be at the expense of the permittee. (Ord. 482 § 22, 1975.)

12.08.240 Alternative methods and materials.

The city engineer shall determine all questions concerning which alternative methods and materials may be used by permittee, and the decision of the city engineer concerning the same shall be final. (Ord. 482 § 23, 1975.)

12.08.250 Inspection—Fees.

All work done by the permittee shall be inspected by the city, and the permittee shall pay the city for such inspection. Said inspection fees shall be in accordance with a schedule of fees approved by the council, from time to time by resolution, and on file in the offices of the city clerk and the city engineer. Inspection fees shall be paid at the time the permit is issued, except that utility companies may pay on a periodic basis as approved by the city finance director. (Ord. 636 (part), 1987; Ord. 482 § 24, 1975.)

12.08.260 Street maintenance—Required by permittee.

A. After completion of the work, the permittee shall exercise reasonable care in inspecting for and immediately repairing and making good any injury or damage to the street resulting from defective work done under the permit. The obligation of the permittee to inspect and repair work done under the permit shall continue for a period of one year, following completion and approval of said work by the city

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engineer, or in the event of repairs thereto, one year from the date of said repairs.

- B. The permittee shall, upon notice from the city engineer, immediately repair any injury or damage to the street occurring as a result of the work done under the permit.
- C. In the event such repairs are not made by the permittee within forty-eight hours after notice, the city engineer is authorized to make such repairs and charge, all costs, plus overhead and administrative costs, to the permittee. By acceptance of the permit, the permittee agrees to comply with this section.

(Ord. 482 § 25, 1975.)

12.08.270 Liability for damage—Insurance requirements.

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

The city may require that the permittee provide and keep in force during the life of the permit, a policy of public liability and property damage insurance against liability 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 permit.

The policy of insurance shall name the city, its agents, officers and employees as additional insureds, as necessary, 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 and employees after evaluating the nature and extent of the work to be performed pursuant to the 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 permit and

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shall contain a provision that such policy may not be cancelled except after ten days' notice in writing to the city clerk.

- C. A copy of the policy or certificate of insurance evidencing the insurance coverage shall be filed with the city clerk.
- D. Utility companies that are self-insured may substitute for the required public liability and property damage insurance a statement of the fact of such self-insurance and that they accept the responsibilities and liabilities imposed by this section. Such statement shall be in writing and in a form approved by the city attorney.

(Ord. 636 (part), 1987; Ord. 482 § 26, 1975.)

12.08.280 Failure to comply with chapter—Posting of bond for subsequent permits.

If the permittee fails, in the opinion of the city engineer to comply with the provisions of this chapter or the conditions of any permit, the city engineer may refuse to grant and may withhold issuance of any subsequent permits to permittee until the latter has paid all costs due to the city for prior permits and has posted with the city a cash bond in the sum of one thousand dollars, which bond or any part thereof shall be used as follows:

- A. To pay the actual cost of work completed by the city engineer in connection with any permit issued, including overhead costs;
- B. To pay the actual cost of work done by the city engineer to repair or restore any public improvements damaged or destroyed by permittee during the course of any operations performed under any permit, including overhead costs;
- C. To pay the actual cost of all lighted barricades placed on or about the permittee's work, including overhead costs, and the costs of furnishing by the city of any other safety barricades or warnings in connection with any permit issued.

(Ord. 636 (part), 1987; Ord. 482 § 27, 1975.)

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12.08.290 Refund of cash bond.

The permittee shall be entitled to a refund in whole or in part, as the case may be, of any cash bond posted with the city pursuant to Section 12.08.280 when all work to be done by permittee under a permit issued prior to or subsequent to posting of said bond has been completed by the permittee and has been approved or completed by the city, from which bond shall first be deducted all amounts due to the city under the terms of said bond and all amounts which may otherwise be due to the city pursuant to the provisions of this chapter. (Ord. 482 § 28, 1975.)

STREET CLOSING FOR REPAIRS

12.08.300 Violation—Penalty.

Any person, firm or corporation which violates the provisions of Section 12.08.030 and any of the provisions of this chapter is guilty of a misdemeanor, and, upon conviction thereof, shall be punished as provided in Section 1.08.010. (Ord. 482 § 30, 1975.)

Chapter 12.12

STREET CLOSING FOR REPAIRS

Sections:

- 12.12.010 Authorization.
- 12.12.020 Notice of closing.
- 12.12.030 Violation—Penalty.

12.12.010 Authorization.

If it appears necessary for the city council or the chief of police or the street committee or other officers or appropriate employees to close any road, street, alley, or highway or any part thereof within the city, so as to permit work thereon in the construction, alteration or repair of the highway or for the laying of sewers, water or gas mains, or for other public improvements, or for the purpose of a public exhibition or amusement, such as races, games, contests or any day of celebration or public event, the said officers, or any of them, may close or cause to be closed the whole or any portion of such street, alley, road or highway deemed necessary to be excluded from public travel. (Ord. 71 § 1, 1918.)

12.12.020 Notice of closing.

While any street, alley, road or highway or portion thereof is closed under the provisions of Section 12.12.010, or while any such street, alley, road or highway or portion thereof is in process of construction, maintenance, or repair, the officers or employees designated in Section 12.12.010 may erect or cause

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to be erected suitable barriers or obstructions thereon, and may post or cause to be posted, conspicuous notices to the effect that the street, alley, road or highway or portion thereof is closed, or may cause to be placed warning lights and lanterns on such streets, alleys, roads or highways or portion thereof. (Ord. 71 § 2, 1918.)

12.12.030 Violation—Penalty.

When any street, alley, road or highway or portion thereof is closed to the public or in the process of construction, maintenance or repair as provided in this chapter, any person who wilfully breaks down, removes, injures or destroys any barriers or obstructions, or tears down, removes or destroys any notices, or extinguishes, removes, or injures or destroys any warning lights or lanterns erected, posted or placed by any officer or employee designated in Section 12.12.010 is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding the sum of one hundred dollars, or imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment. (Ord. 71 § 3, 1918.)

Chapter 12.16

USE OF SIDEWALKS FOR BUSINESS⁴

Sections:

- 12.16.010 Permission from city council.
- 12.16.020 Width of sidewalk—Pedestrian traffic.
- 12.16.030 Space for pedestrian traffic required.
- 12.16.040 Removal of display by chief of police.
- 12.16.050 Liability insurance.
- 12.16.060 Time limit.
- 12.16.070 Merchant required to clean sidewalk.

12.16.010 Permission from city council.

Upon application to the city council in writing, the

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merchants of the city may, at a regular meeting of the council, by permission of the city council, use the sidewalks of the city as provided and regulated in this chapter, for purposes of display and sale of merchandise of each place of business on the sidewalk in front of each business establishment so displaying and selling, as provided in this chapter, and under such further rules and regulations as may be made by the council for the protection of the public by resolution, from time to time. (Ord. 339 § 1(b), 1964.)

12.16.020 Width of sidewalk—Pedestrian traffic.

No more than one-half the width of the sidewalk shall be utilized for display and sale of merchandise on any city sidewalk. There shall be left at all times at least three feet of width of such sidewalk for use by pedestrian traffic; provided, that, if any such sidewalk is at any place three 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 provided in subsection H of Section 8.20.010 of this code. (Ord. 339 § 1(c), 1964.)

12.16.030 Space for pedestrian traffic required.

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 shall not be forced to walk on the street for lack of sidewalk space for pedestrian traffic. (Ord. 339 § 1(d), 1964.)

12.16.040 Removal of display by chief of police.

If, at any time, in the judgment of the 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 chief of police shall 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.)

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12.16.050 Liability insurance.

Any persons or group or organization given permission by the city council to use sidewalks or a portion thereof as provided in this chapter, shall furnish an insurance policy or policies to the city as an assured thereon, in an insurance company or companies authorized to do business in the state, indemnifying and holding harmless the city from liability for death or bodily injury to any persons, and damage to any property, by reason of use of such sidewalks or purposes incidental thereto, within the following limits:

- A. Five thousand dollars property damage, per accident, twenty-five thousand dollars aggregate property damage;
- B. Bodily injury, three hundred thousand dollars per person, and five hundred thousand dollars per accident.

A certificate of such insurance shall be furnished and filed with the city clerk before any sidewalk space is utilized on any sidewalk as provided in this chapter. All premiums for such insurance shall be paid by the person or persons or organization requesting the use of such sidewalk space. (Ord. 339 § 1(f), 1964.)

12.16.060 Time limit.

No permission shall be given for mass or general use of sidewalk space for the sale or display of merchandise, for a period longer than one week consecutively, at a time, and such permission shall only be given in connection with a general celebration or use, engaged in by substantially all businesses of the city. (Ord. 339 § 1(g), 1964.)

12.16.070 Merchant required to clean sidewalk.

All refuse, waste, litter and garbage occasioned by or resulting from the sale or display of merchandise on sidewalks shall be cleaned up by each merchant in front of each business establishment where such display or sale of merchandise is made. (Ord. 339 § 1(h), 1964.)

SHADE TREES AND SHRUBS

Chapter 12.20

SHADE TREES AND SHRUBS5

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12.20.160	Violation—Penalty.
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SHADE TREES AND SHRUBS

12.20.010 Title.

This chapter shall be referred to as the “Tree and Landscape Ordinance of Sonora.” (Ord. 619 (part), 1986: Ord. 268 § 1, 1956.)

12.20.020 Definitions.

Street trees are trees, shrubs, bushes and all other woody

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vegetation on land lying between property lines on either side of all streets, avenues or ways within the city.

Park trees are trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the city, or to which the public has free access as a park. (Ord. 619 (part), 1986: Ord. 268 § 3, 1956.)

12.20.030 Creation and establishment of a city tree and landscaping board.

There is created and established a city tree and landscaping board for the city, which shall consist of the city council subcommittee on parks, recreation and beautification and such other members of the public appointed by the mayor. (Ord. 619 (part), 1968: Ord. 268 § 4, 1956.)

12.20.040 Duties and responsibilities.

It shall be the responsibility of the board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the city council and upon their acceptance and approval shall constitute the official comprehensive city tree and landscape plan for the city. The board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. (Ord. 619 (part), 1986: Ord. 268 § 5, 1956.)

12.20.050 Street tree species to be planted.

The Sonora tree and landscaping board will develop a list of appropriate trees to be planted in public spaces and will forward it to the city council for adoption and publication by resolution. (Ord. 619 (part), 1986: Ord. 268 § 6, 1956.)

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12.20.060 Distance from curb and sidewalk.

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with species size classes listed in the resolution on trees to be planted. In no event shall any tree be planted within two feet of any curb, curblineline or sidewalk. (Ord. 619 (part), 1986: Ord. 268 § 7, 1956.)

12.20.070 Public tree care.

The city may plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The city tree and landscaping board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, power lines, gas lines, water lines or other public improvements, or is infected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this chapter. (Ord. 619 (part), 1986: Ord. 268 § 8, 1956.)

12.20.080 Tree topping.

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the city tree and landscaping board. (Ord. 619 (part), 1986: Ord. 268 § 2, 1956.)

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12.20.090 Pruning—Corner clearance.

Every owner of any tree overhanging any street right-of-way within the city shall prune the branches so that such branches shall not obstruct the light from any streetlight or obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the street or sidewalk. Said owner shall remove all dead, diseased or dangerous trees, or broken or decayed limbs, which constitute a menace to the safety of the public. The city may prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a streetlight or interferes with visibility of any traffic-control device or sign. (Ord. 619 (part), 1986; Ord. 268 § 9, 1956.)

12.20.100 Dead or diseased tree removal on private property.

The city may remove any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a threat to other trees within the city. The city tree and landscaping board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city may remove such trees and charge the cost of removal to the owners. (Ord. 619 (part), 1986.)

12.20.110 Tree removal in anticipation of development—Prohibited.

Removal of any trees having a minimum trunk diameter of six inches, on any undeveloped parcel within the city, in anticipation of developing that parcel is strictly prohibited. Developers must abide by the provisions of Sections 12.20.120 and 12.20.130 of this chapter prior to removing trees on undeveloped parcels which they plan to improve. (Ord. 619 (part), 1986.)

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12.20.115 Landscape plan—Defined.

For the purposes of this chapter, a landscape plan shall include a map of the undeveloped/predeveloped parcel(s), if any exist, which clearly locates and indicates the type and size (diameter at breast height) of all trees to be removed. The plan shall also locate and indicate, on a separate map, the type, size and location of all proposed landscaping to be completed after the construction of improvements to the property. (Ord. 697 § 1, 1994.)

12.20.120 Landscape plans required for subdivisions/planned developments.

As provided for below, all subdivision and planned development plans filed for tentative approval shall include a landscape plan, as defined in this chapter.

Where said projects may potentially affect or change the existing landscape in the discretion of the planning department, the planning department shall require a landscape plan to be referred to the city tree and landscaping board for review and written approval. The board shall complete its review and make its determination within fifteen days of receipt of the landscape plan from the planning department. An applicant may appeal the decision of the board to the planning commission, according to procedures set forth in Section 17.62.100 of this code.

Once a landscape plan has been approved as provided in this chapter, no changes shall be permitted in the approved plan without the review and written approval of the city tree and landscaping board. (Ord. 697 § 2, 1994; Ord. 619 (part), 1986.)

12.20.130 Landscape plans required for commercial, industrial, parking lots and multifamily residential construction.

As provided for below, all commercial, industrial, parking lots and multifamily residential construction plans for new construction

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or exterior remodel/rehabilitation shall include a landscape plan, as defined in this chapter.

Where said projects may potentially affect or change the existing landscape in the discretion of the planning department, the planning department shall require a landscape plan to be referred to the city tree and landscaping board for review and written approval. The board shall complete its review and make its determination within fifteen days of receipt of the landscape plan from the planning department. An applicant may appeal the decision of the board to the planning commission, according to procedures set forth in Section 17.62.100 of this code.

Once a landscape plan has been approved as provided in this chapter, no changes shall be permitted in the approved plan without the review and written approval of the city tree and landscaping board. (Ord. 697 § 3, 1994; Ord. 619 (part), 1986.)

12.20.135 Security provisions.

- A. A guarantee of performance bond or escrow agreement must be provided and posted in a manner described below, with the amount to be determined by the community development director and approved by the parks, beautification and recreation committee, to insure satisfactory completion of the landscaping plan as submitted and approved. The amount of such guarantee shall be equal to one and one-fourth times the cost of purchasing, installing, and completing landscaping and screening materials required under this chapter. All such guarantees shall be subject to approval by the city council and shall be made payable to the city of Sonora.
 1. Performance Bond(s). The subdivider/developer shall obtain a performance bond(s) from a bonding company authorized to do business in California. The duration of the bond(s) shall be until such time as the improvements are accepted by the city council.

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2. Cash or Equivalent Security. The subdivider/developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the city or in escrow with a financial institution designated as an official depository of the city.

If cash or other instrument is deposited in escrow with a financial institution as herein provided, the subdivider/developer shall then file with the city council an agreement between the financial institution and himself guaranteeing the following:

- a. That said escrow account shall be held in trust until released by the city council and may not be used or pledged by the subdivider/developer in any matter during the term of the escrow; and
- b. That in the case of a failure on the part of the subdivider/developer to complete said improvement, the financial institution shall, upon notification by the city council and submission by the city council to the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the city the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the city any other instruments fully endorsed or otherwise made payable in full to the city.
- c. Upon default, meaning failure on the part of the subdivider/developer to complete the required improvements in a timely manner, as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account shall, if requested by the city council, pay all or any portion of the bond or escrow fund to the city up to the amount needed to complete the improvements based on an engineer's estimate. Upon payment, the city council, in

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its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The city shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all improvements exceed the amount in the bond or escrow account, the subdivider/developer shall nonetheless be responsible for providing the funds to cover such costs. The subdivider/developer shall at all times bear the financial burden for the installation of all required improvements.

- d. The city council may authorize the city administrator to release part of any security posted as the improvements are completed and approved by the city. Such funds shall be released within ten days after the corresponding improvements have been so approved.
- B. It is recognized that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. To ensure compliance with this section and to reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, in lieu of requiring the completion and installation of these improvements prior to the issuance of a certificate of occupancy, the city may enter into an agreement with the subdivider/developer whereby the subdivider/developer shall agree to complete all required landscaping and screening. Once said agreement is signed by the city and the subdivider/developer and the security required as stated in this subsection is provided, the certificate of occupancy may be approved by the community development director, if all other requirements of this section are met. To secure this agreement, the subdivider/developer shall provide to the city either one, or a combination of the previous guarantees.

(Ord. 767 § 1, 2004)

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12.20.140 Building permits.

No building permits for the type of improvements delineated in Sections 12.20.120 and 12.20.130 will be issued unless a landscape plan has been approved by the city tree and landscaping board. Further, no final building inspection and/or certificate of occupancy shall be issued by the building department unless landscaping has been installed in substantial compliance with the approved landscape plan, or adequate provisions for installation of landscaping have been made. (Ord. 697 § 4, 1994; Ord. 619 (part), 1986.)

12.20.145 Maintenance and enforcement.

- A. **The property owner shall be responsible** for the on-going maintenance of all landscaping in a healthy and growing condition that is appropriate for the season of the year. Maintenance shall be conducted in all landscape areas, parking lots, driveways and aisles, hardscape, pavement and curb markings. Throughout the life of the project, maintenance of approved landscaping shall consist of regular watering, mowing, pruning, fertilizing, clearing of debris and weeds, the removal and replacement of dead plants, and the repair and replacement of irrigation systems and integrated architectural features. Plants that die shall be replaced as directed by the community development director with new plant materials that conform to the approved landscape plan. For the first three years of maintenance of landscape areas for which a landscape plan has been approved, it shall be professionally maintained by a licensed contractor. At the discretion of the city tree and landscaping board, professional maintenance may be required for up to the first ten years of maintenance.
- B. Enforcement of the implementation of approved landscape plans and of the above maintenance provisions shall be at the direction of the community development director. After inspection, if a violation of this section is determined to exist, written

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notice shall be given to the property owner. Notice shall include identification of the property location; the nature of the violation; the section(s) of the code upon which the violation is based; a description of actions required to address the violation; and time within which the work must be accomplished. Generally, the time allowed for work to bring the premises into compliance shall not be less than thirty days or more than ninety days from the date of the written notice.

- C. Prior to the issuance of a certificate of occupancy, the landowner shall file a maintenance agreement and easement to enter and maintain, and a security guarantee in a manner like that outlined in Section 12.20.135 of this chapter to the approval of the city attorney. The agreement and easement to enter and maintain shall ensure that if the landowner, or subsequent owners, fails to maintain the required installed site improvements, the city will be able to accomplish the required maintenance. The amount of the security throughout the maintenance period shall be one and one fourth times the licensed contractor's estimate of the cost to maintain the project.

(Ord. 767 § 2, 2004; Ord. 750 § 1, 2001.)

12.20.150 Review/appeal—City council.

The city council shall have the right to review the conduct, acts and decisions of the planning commission pertaining to this chapter. Any person may appeal from the decision of the planning commission to the city council, which shall hear the matter and render a final decision. The appeal must be made in writing and received by the city clerk within ten days of the decision of the planning commission. (Ord. 619 (part), 1986.)

12.20.160 Violation—Penalty.

Violations of this chapter are infractions. (Ord. 619 (part), 1986.)

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12.20.170 Federal, state, county, and public utility exemptions.

Federal, state and county governments as well as public utilities are exempted from the requirements delineated in this chapter; however, these agencies will be asked to cooperate with the city in assuring that the intent of this chapter is met as they go about their business within city limits. (Ord. 619 (part), 1986.)

UNDERGROUND UTILITY DISTRICTS

Chapter 12.24

UNDERGROUND UTILITY DISTRICTS⁶

Sections:

- 12.24.010 Definitions.
- 12.24.020 Designation—Council hearing.
- 12.24.030 Designation by council resolution.
- 12.24.040 Unlawful acts.
- 12.24.050 Exceptions—Emergency service.
- 12.24.060 Exceptions—Additional designations.
- 12.24.070 Notice to affected persons and utilities.
- 12.24.080 Responsibility—Utility company.
- 12.24.090 Responsibility—Property owner.
- 12.24.100 Responsibility—City.
- 12.24.110 Extension of time.
- 12.24.120 Violation—Penalty.

UNDERGROUND UTILITY DISTRICTS

12.24.010 Definitions.

Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

- A. "Commission" means the Public Utilities Commission of the state.
- B. "Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees.
- C. "Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communications, circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication or similar or associated service by means of electrical materials or devices.
- D. "Underground utility district" or "district" means that area of the city in which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 12.24.030.

(Ord. 384 § 1, 1968.)

12.24.020 Designation—Council hearing.

The council may, from time to time, call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within the designated areas of the city, and the underground installation of wires and facilities for supplying electric, communication, or similar or associated services. The city clerk shall notify all affected property owners, as shown on the last equalized assessment roll, and utilities concerned by mail of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 384 § 2, 1968.)

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12.24.030 Designation by council resolution.

If, after any such public hearing, the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 382 § 3, 1968.)

12.24.040 Unlawful acts.

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 12.24.030, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 12.24.090, and for such reasonable time as is required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter. (Ord. 384 § 4, 1968.)

12.24.050 Exceptions—Emergency service.

Notwithstanding the previous provisions of this chapter, overhead facilities may be installed and maintained for a period,

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not to exceed ten days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Ord. 384 § 5, 1968.)

12.24.060 Exceptions—Additional designations.

This chapter and any resolution adopted pursuant to Section 12.24.030 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

- A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;
- B. Poles or electroliers used exclusively for street lighting;
- C. Overhead wires, exclusive of supporting structures, crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred volts;
- E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street;
- F. Antennae, associated equipment and supporting structures used by a utility for furnishing communication services;
- G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts;
- H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

(Ord. 384 § 6, 1968.)

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12.24.070 Notice to affected persons and utilities.

Within ten days after the effective date of a resolution adopted pursuant to Section 12.24.030, the city clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 12.24.030, together with a copy of this chapter, to affected property owners, as such are shown on the last equalized assessment roll, and to the affected utilities. (Ord. 384 § 7, 1968.)

12.24.080 Responsibility—Utility company.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to Section 12.24.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. (Ord. 384 § 8, 1968.)

12.24.090 Responsibility—Property owner.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 12.24.080 and the termination facility on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

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B. In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to Section 12.24.030, the city engineer shall post written notice on the property being served and, within thirty days thereafter, shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

(Ord. 384 § 9, 1968.)

12.24.100 Responsibility—City.

The city shall remove, at its own expense, all city-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 12.24.030. (Ord. 384 § 10, 1968.)

12.24.110 Extension of time.

In the event that any act required by this chapter or by a resolution adopted pursuant to Section 12.24.030, cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 384 § 11, 1968.)

12.24.120 Violation—Penalty.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1.08.010. (Ord. 384 § 12, 1968.)

TITLE 12 FOOTNOTES

TITLE 12 FOOTNOTES

1. For statutory provisions regarding the construction of curbs and sidewalks, see Str. and Hwy. Code § 5870 et seq.
2. For statutory provisions authorizing cities to require removal of encroachments from public ways, see Gov. Code § 38775; for provisions regarding abandoned excavations, see Gov. Code § 50230 et seq.
3. Editor's Note: Ordinance 482 was adopted with two sections numbered § 3. The first § 3 is codified at § 12.08.030; the second § 3 is codified at § 12.08.040.
4. For statutory provisions authorizing cities to prevent encroachment and obstruction of city streets, see Gov. Code § 38775.
5. For statutory provisions regarding the planting of trees along public streets, see Str. and Hwy. Code § 5101(1) and § 22000 et seq.; for provisions regarding municipal programs of street plantings, see Gov. Code § 40401.
6. For statutory provisions on conversion of utility facilities to underground locations, see Str. and Hwy. Code § 5896.1 et seq. and Gov. Code § 38793.