

## ORDINANCE NO. 841

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA ADDING CHAPTER 9.56, UNLAWFUL CAMPING, TO THE SONORA MUNICIPAL CODE

**WHEREAS**, the streets and public areas within the City of Sonora ("City") should be readily accessible and available to residents and the public at large; and

**WHEREAS**, the use of public areas for camping purposes interferes with the rights of others to use the area for which they were intended; and

**WHEREAS**, camping on public property can constitute a public health and safety hazard, which negatively impacts the community; and

**WHEREAS**, camping on private property without proper sanitary measures for any duration adversely affects private property rights, as well as the public health, safety, and welfare of the City; and

**WHEREAS**, the City Council seeks to maintain streets, parks, and other public and private areas within the City in a clean, sanitary, and accessible condition and to adequately protect the health, safety, and welfare of the community; and

**WHEREAS**, the City Council seeks to balance the need to preserve the public's health, safety, welfare, as well as, public and private property rights, by instituting a camping restrictions ordinance, while minimizing the impact of such ordinance on individuals who have no alternative to sleeping on public property; and

**WHEREAS**, the City Council desires to add a chapter to the Sonora Municipal Code to prohibit camping on public and private property.

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF SONORA ORDAIN:**

#### **SECTION 1.**

#### **Chapter 9.56 Unlawful Camping**

#### **9.56.010 Purpose**

The streets and public areas within the City should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes interferes with the rights of others to use the area, for which they were intended. Such activity can constitute a public health and safety hazard, which negatively impacts the community.

Camping on private property without the proper sanitary measures for any duration adversely affects private property rights, as well as, the public health, safety, and welfare of the City. The purpose of this section is to maintain streets, parks, and other public and

private areas within the City in a clean, sanitary, and accessible condition and to adequately protect the health, safety, and public welfare of the community. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property.

### **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.

- A. "Camp" or "Camping" means to pitch, sleep in, cook in, occupy camp facilities, or use **camp** paraphernalia for the purpose of temporary or permanent human habitation or domicile.
- B. "Camp facilities" include, but are not limited to, tents, huts, temporary shelters, trailers, and vehicles.
- C. "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.
- D. "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; and public sidewalks, curbs, and gutters.
- E. "Vehicle" shall have the same meaning as those terms defined in the California Vehicle Code.
- F. "Recreational vehicle" means any of the following:
  - 1. 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.
  - 2. 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.
  - 3. A "Motorized home" or "Motorhome" is a portable, self-contained dwelling designed and constructed as an integral part of a self-propelled vehicle.

4. A "Tent Trailer" is a canvas folding structure mounted on wheels and designed for camping, travel, recreation, and vacation use.

#### **9.56.030 Unlawful Camping on Public Property**

- A. Except as otherwise provided in Section 9.56.050, it shall be unlawful for anyone to camp upon any public property.
- B. Notwithstanding any other provision of this Chapter, it shall be unlawful for any person to sleep, between midnight (12:00 a.m.) and five (5:00) a.m., in any vehicle parked on public property.

#### **9.56.040 Unlawful Camping on Private Property**

- A. Except as otherwise provided in Section 9.56.050, it shall be unlawful to camp upon private property within the City without the consent of the property owner.
- B. Notwithstanding any other provision of this Chapter, it shall be unlawful for any person to sleep, between midnight (12:00 a.m.) and five (5:00) a.m., in any vehicle parked in or on any privately-owned parking area used for the parking of employees or customers without the prior consent of the parking lot owner.

#### **9.56.050 Exceptions**

Nothing in this Ordinance shall prohibit:

- A. Persons from lawfully camping within campgrounds approved by the City.
- B. Persons from lawfully camping on private property which is operated, maintained, and publicized to the public as a campground in conformance with the regulations of the City's Municipal Code and Zoning Ordinance.
- C. Persons from camping in connection with a special event conducted in accordance with a permit issued by the City under other provisions of the Municipal Code.
- 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 (7) consecutive days without an interruption of at least seven (7) consecutive non-camping days; and
  3. The recreational vehicle is self-contained, free of sewage leaks, and does

not require any hook-ups to the adjacent residential property.

E. Recreational camping on residential property under the following conditions:

1. The recreational camping activity is, at all times, monitored by an adult residing at the residential property;
2. Those involved in the recreational camping activity must be: (1) family members, relatives, or guests of the owner; or (2) members of an organization such as the boy scouts, cub scouts, girl scouts, etc.; and
3. The recreational camping does not extend for a period of more than two (2) consecutive nights without an interruption of at least seven (7) consecutive non-camping days.

**9.56.060 Enforcement**

- A. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter.
- 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 five (5) days to cease any and all violations of this Chapter from the date the written notice is issued.
- C. If a person who receives a written notice pursuant to this Section 9.56.060(B) fails to comply with this Chapter in five (5) days, the person shall be deemed guilty of an infraction in accordance with Section 1.08.010(C) of the Sonora Municipal Code, which is punishable by:
  1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
  2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same section or sections within one (1) year;
  3. A fine not exceeding five hundred dollars (\$500.00) for a third violation of the same section or sections within one (1) year.
- D. After a person's third infraction, in addition to other remedies provided by law, a violation of this Chapter shall be a misdemeanor and punishable pursuant to Section 1.08.010(B) of the Sonora Municipal Code.
- E. Any citation issued for a violation of this Chapter may be dismissed upon review by the City Administrator if, in the interest of justice, at the time of citation issuance, all local homeless shelters were full to capacity, the person cited had no reasonable or adequate alternative course of action, and the person cited did not

substantially contribute to the circumstances necessitating camping as his or her only reasonable course of action.

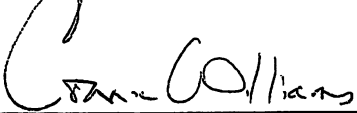
**SECTION 2.** If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 3.** This ordinance shall take effect thirty (30) days after its passage by the City Council and following the affirmative vote of a majority of the members of the City Council. Within fifteen (15) days of its adoption, a summary of the ordinance shall be published in a newspaper of general circulation in the City of Sonora, State of California, which summary shall include the names of those Councilmembers voting for and against the ordinance. A certified copy of the full text of such adopted ordinance or amendment shall be on file in the office of the City Clerk.


**SECTION 4. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL.** This Ordinance was introduced and approved by Ordinance No. 841 at a regular meeting of the City Council of the City of Sonora held on the 5th, of Sept, 2017 by the following vote:

AYES: Connie Williams, Matt Hawkins, Mark Plummer, George Segarini  
NOES: Jim Garaventa  
ABSTAIN: None  
ABSENT: None

APPROVED:

  
\_\_\_\_\_  
Connie Williams  
Mayor of the City of Sonora

ATTEST:

  
\_\_\_\_\_  
Marijane Cassinetta  
City Clerk of the City of Sonora

substantially contribute to the circumstances necessitating camping as his or her only reasonable course of action.

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AYES:  
NOES:  
ABSTAIN:  
ABSENT:

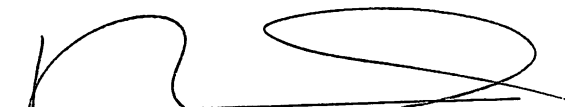
APPROVED:

\_\_\_\_\_  
Connie Williams  
Mayor of the City of Sonora

ATTEST:

\_\_\_\_\_  
Marijane Cassinetto  
City Clerk of the City of Sonora

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Douglas L. White  
City Attorney of the City of Sonora