

## **ORDINANCE NO. 820**

### **AN URGENCY ORDINANCE ADOPTED PURSUANT TO GOVERNMENT CODE SECTION 36931 ET SEQ. ESTABLISHING CAMPING RESTRICTIONS IN THE CITY OF SONORA**

**The Sonora City Council does hereby ordain as follows:**

- 1. Good cause exists pursuant to Government Code section 36937, subdivision (b), to implement Ordinance No. 820 as an Urgency Ordinance pursuant to Government Code section 36934 for the following reasons:**
  - a. The City of Sonora is in the third year of a drought with limited water resources.**
  - b. The City of Sonora is seeking to prohibit camping from occurring in areas where the availability of public services is limited.**
  - c. When camping occurs in areas where the availability of public services is limited, such camping activities create hazards that are a threat to public health, safety, and welfare.**
  - d. At the time of the adoption of this Ordinance, the City of Sonora, in addition to having severe drought conditions, is experiencing extremely hot and dry weather conditions.**
  - e. Within the last few days, the City of Sonora responded to a fire which was caused by members of the public camping in areas where the availability of public services was limited. Although the City of Sonora Fire Department was able to distinguish this fire, the fire caused an imminent threat to the life and property of those residing in the City of Sonora.**
  
- 2. Ordinance No. 820 is exempt from the California Environmental Quality Act ("CEQA") for the following reasons:**
  - A. Pursuant to 14 CCR section 15061, subdivision (b)(3), CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility**

**that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.**

**(1) The Ordinance will have no possibility of having any significant effect on the environment as the Ordinance will protect the environment from loss due to fire or other hazards caused by unregulated camping.**

**B. Pursuant to 14 CCR section 15308, actions by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment are considered categorical exemptions from CEQA.**

**(1) The Ordinance will insure the maintenance and protection of the environment from loss due to fire or other hazards caused by unregulated camping.**

**C. Pursuant to 14 CCR section 15269, subdivision (c), actions by a public agency to prevent or mitigate an emergency are exempt from the requirements of CEQA.**

**(1) The Ordinance is an urgent action pursuant to Government Code section 36934 to prevent or mitigate fire risks which have a high probability of occurrence in the short-term and long-term.**

**3. This Ordinance shall be added as Section 9.04.060 to the Sonora Municipal Code.**

**4. This Ordinance shall be referred as the City of Sonora's "Unlawful Camping" ordinance.**

**5. Section 9.04.060 shall read as follows:**

### **PURPOSE**

The streets and public areas within the City of Sonora ("City") should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property 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.

## **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 section.

The definitions contained herein are not intended to change the traditional meaning that a reasonable person who might be subject to its terms would understand as the wrongful conduct or actions that the City seeks to prevent or combat. Further, the definitions contained herein are intended to be illustrative, not exhaustive.

- A. "Camp" or "Camping" means to "temporarily live in or occupy an area in the outdoors." Such temporary living or occupying of an area in the outdoors may occur when a person places a tent, tarpaulin, temporary shelter, vehicle or parts thereof, travel or tent trailer, cots, ground cover, bedding, a hammock, backpack, sleeping bag, or other equipment of a similar nature on public or private property for the purpose of making living accommodations, no matter how temporary.
- B. "Vehicle" shall have the same meaning as those terms defined in the California Vehicle Code.
- C. "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.

## **UNLAWFUL CAMPING ON PUBLIC PROPERTY**

- A. Except as otherwise provided in this section, it shall be unlawful for anyone to camp upon any public property owned by the City, including, without limitation; streets, alley ways, easements, parks, creek beds, and parking lots.

- B. Notwithstanding any other provision of this section, it shall be unlawful for any person to sleep or attempt to sleep between midnight (12:00) a.m. and five (5:00) a.m. in any vehicle parked on, without limitation, any public street, alley way, easement, park, creek bed or parking lot.
- C. This section shall not apply to persons lawfully camping within campgrounds approved by the City.

### **UNLAWFUL CAMPING ON PRIVATE PROPERTY**

- A. Except as otherwise provided in this section, it shall be unlawful to camp upon private property within the City.
- B. Notwithstanding any other provision of this chapter, it shall be unlawful for any person to sleep or attempt 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 owner of such business or enterprise.
- C. This section shall not apply to persons 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 of Sonora's Municipal Code and Zoning Ordinance.

### **EXCEPTIONS**

Nothing in this Ordinance shall prohibit:

- 1. 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:
  - A. The recreational vehicle is legally parked directly adjacent to the residential property where the occupants are guests;
  - B. 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 consecutive non-camping days; and
  - C. The recreational vehicle is self-contained, free of sewage leaks, and does not require any hook-ups to the adjacent residential property.

2. Recreational camping on residential property under the following conditions:
  - A. The recreational camping activity is, at all times, monitored by an adult residing at the residential property;
  - B. 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
  - C. 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.

### **PENALTY**

A violation of this section shall be a misdemeanor and punishable as follows:

- A. By imprisonment in the county jail not to exceed 60 calendar days, or by a fine not to exceed one thousand dollars (\$1,000), or by both fine and imprisonment.
- B. If the person returns to the same area after being arrested, or removed in some other fashion by a peace officer, or authorized person, or upon a second conviction within one (1) year of their first conviction of this statute, they shall be punished by imprisonment in the county jail not to exceed 120 days, or by a fine not to exceed two thousand dollars (\$2,000), or by both fine and imprisonment.

### **SUNSET PROVISION**

Unless renewed by the City Council, this Urgency Ordinance shall expire at midnight on December 31, 2014.

This Ordinance shall be effective upon adoption and will be published within fifteen (15) calendar days of its passage as required by law.

Ordinance No. 820 was introduced at a regular meeting of the Sonora City Council as an Urgency Ordinance pursuant to Government Code section 36931 et seq. Based upon the requisite four-fifth's vote of the City Council's membership, the Sonora City Council adopted Ordinance No. 820 as an Urgency Ordinance pursuant to Government Code section 36937 by the following vote:

AYES: Ronald Stearn, Connie Williams, George Segarini,  
Jim Garaventa

NOES: None

ABSENT: None

ABSTENTIONS: Bill Canning

**Reflects Approval by a 4/5ths vote of the Membership of the City Council:**

Date: 7/21/2014

Ron Stearn  
Ron Stearn  
Mayor  
Sonora City Council

**Approved as to Form and Content:**

Date: 7/22/14

Byron C. Smith  
Byron C. Smith  
City Attorney  
City of Sonora

**Attestation:**

Date: 7/21/2014

Marijane Cassinetta  
Marijane Cassinetta  
City Clerk  
City of Sonora