

## ORDINANCE NO. 826

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA TO REPEAL AND REPLACE TITLE 9, CHAPTER 04, SECTION 045 OF THE SONORA MUNICIPAL CODE CONCERNING:

“OCCUPYING PUBLIC PARKS, THE DRAGOON GULCH, AND CEMETERIES DURING CERTAIN PROHIBITED HOURS.”

The City Council of the City of Sonora, California, does ordain as follows:

Section 9.04.045, adopted via Ordinance 584 in 1983, is hereby repealed and replaced with the following language:

1. Every person who occupies or is present in a public park or in a public parking lot attached to, adjacent to, or within the immediate vicinity of a public park within the City of Sonora between the hours of ten p.m. and seven a.m. is guilty of violating this Ordinance unless such occupancy or presence in is as the result of (1) an event organized by or approved of by the Sonora City Council, (2) a permit issued by the City of Sonora, or (3) the prior written approval of the Sonora City Administrator or designee. For purposes of this Subsection, the following shall constitute public parks in the City of Sonora:
  - 1.1 Foster’s Prospector Park
  - 1.2 Woods Creek Rotary Park
  - 1.3 Grigsby Park
  - 1.4 Coffill Park and adjacent section of Sonora Creek
  - 1.5 Rother’s Corner Park
2. Every person who occupies or is present in the Dragoon Gulch or in a public parking lot adjacent to, attached to, or in the immediate vicinity of the Dragoon Gulch Trail between the hours of one-half hour before sunset and one-half hour before sunrise is guilty of violating this Ordinance unless such occupancy or presence in is as the result of (1) an event organized by or approved of by the City of Sonora, (2) a permit issued by the City of Sonora, or (3) the prior written approval of the City Administrator or his/her designee.

3. Notwithstanding Section 2.36.210, every person, except for a funeral director, who occupies or is present in a cemetery or in a public parking lot attached to, adjacent to, or in the immediate vicinity of a cemetery within the City of Sonora between the hours of one-half hour after sunset and one-half hour before sunrise is guilty of a violating this Ordinance unless such occupancy or presence in is as the result of (1) an event organized by or approved of by the City of Sonora, (2) a permit issued by the City of Sonora, or (3) the prior-written approval of the Superintendent or designee. For purposes of this Subsection, the following shall constitute cemeteries within the City of Sonora:
  - 3.1 Mountain Shadow Cemetery
  - 3.2 Old City Cemetery
4. The violation of any provision of this Section shall constitute an infraction punishable by:
  - 4.1 A fine not exceeding one hundred dollars (\$100.00) for a first violation
  - 4.2 A fine not exceeding two hundred and fifty dollars (\$250.00) for a second violation of the same ordinance within ninety (90) calendar days of the First Offense.
  - 4.3 If any provision of this Section shall be violated a third or more times within six months of the original violation, each such violation shall constitute a misdemeanor.
    - 4.3.1 Any person convicted of a misdemeanor under the provisions of the Sonora Municipal Code shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the County Jail of the County of Tuolumne for a period of not more than one (1) year, or by both such fine and imprisonment.

Pursuant to Government Code section 36937, subdivision (a), this Ordinance shall take effect thirty (30) calendar days after its final passage by the Sonora City Council.

Publication shall occur within fifteen calendar days after its final passage as mandated by Government Code section 36933.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Sonora, California, on May 4, 2015, and passed and adopted as an Ordinance of said City at a regular meeting of said City Council on May 18, 2015, by the following vote:

AYES: Ron Stearn, Connie Williams, Bill Canning, George Segarini, Jim Garaventa

NOES: None

ABSENT: None

ABSTENTIONS: None

Signed and Approved on: May 18, 2015

Ronald E. Stearn

Ronald E. Stearn  
Mayor  
City of Sonora

**Attestation:**

Date: 5/18/15

Marijane Cassinetta

Marijane Cassinetta  
City Clerk  
City of Sonora

**Approved as to Form:**

Byron C. Smith

Byron Smith  
City Attorney  
City of Sonora

Date of Publication: May 27, 2015