



# COUNCIL REPORT

**DATE:** February 14, 2023  
**CATEGORY:** New Business  
**DEPT.:** City Attorney's Office  
**TITLE:** **Amendments to Mountain View City Code Section 19.72**

## **RECOMMENDATION**

Introduce an Ordinance of the City of Mountain View: 1) Amending Mountain View City Code Section 19.72 Prohibiting Parking in Excess of Seventy-Two (72) Hours to Define the Term "Vehicle" as Used Therein, Add a 24-Hour No Return Requirement, Add a Pre-Removal Notice Requirement, and Add Language Requiring Compliance with California Vehicle Code Post-Storage Notice and Hearing Requirements; and 2) Finding that this Code Amendment is Not Subject to the California Environmental Quality Act, to be read in title only, further readings waived, and schedule a second reading for final adoption on February 28, 2023 (Attachment 2 to the Council report).

## **BACKGROUND**

California Vehicle Code Section 22651 authorizes certain employees of a city, county, or state agency to tow any vehicle that is parked or left standing on a public street for 72 or more consecutive hours. Consistent with this State law 72-hour parking limit, on September 26, 1966, the Mountain View City Council adopted Ordinance No. 24.66, which established a 72-hour parking limit for all vehicles parked on any street or alley within the City of Mountain View.

The Mountain View City Council amended the City Code section governing the 72-hour parking limit in 1989 to add language requiring vehicles to move at least 1,000 feet every three days to comply with the 72-hour parking limit (Ordinance No. 6.89) and again in 2001 to add publicly owned parking lots to the locations where the 72-hour parking limit applies (Ordinance No. 3.01).

The City of Mountain View is not alone in its adoption of a local 72-hour parking limit. The 72-hour parking limit is in effect across California, and similar laws can be found in states throughout the country. California cities that have adopted a 72-hour parking limit include San Jose, Santa Clara, Palo Alto, Sunnyvale, Los Altos, Cupertino, Los Gatos, San Francisco, Oakland, Berkeley, Dublin, Danville, San Diego, and Los Angeles. Seattle, Washington and Elgin, Illinois are examples of cities outside of California that have 72-hour parking rules for public streets and/or publicly owned parking lots.

Notwithstanding the fact that 72-hour parking limits are in effect throughout California and Mountain View's 72-hour parking limit and its requirement for compliance have been in effect for more than 56 and 33 years, respectively, the 72-hour parking limit and its requirements for compliance have been a source of confusion for Mountain View residents and visitors. Accordingly, the City Attorney's Office recommends amending Mountain View City Code Section 19.72, which governs the City's 72-hour parking limit, to provide clarity.

## **DISCUSSION**

Attached hereto as Attachment 1 is a table providing a side-by-side comparison of Mountain View City Code Section 19.72 as it currently reads and Mountain View City Code Section 19.72 as it will read if the recommended amendments are adopted in full. A brief description of the proposed substantive amendments are as follows:

1. **Define the Term "Vehicle":** Although Section 19.72 as currently written imposes the 72-hour parking limit on "any vehicle," the term "vehicle" is not defined within Section 19.72, nor is it defined in the definition section for Chapter 19. Therefore, to avoid any ambiguity over what type of vehicles the 72-hour parking limit applies to, the City Attorney's Office recommends defining the term "vehicle" for purposes of the 72-hour parking limit as that term is defined in the California Vehicle Code.
2. **Add 24-Hour No-Return Requirement:** Although Section 19.72 (and its predecessor) has required vehicles to move approximately 1,000 feet every three days to comply with the 72-hour parking limit for nearly 34 years, there continues to be confusion over what it means to "move." Some believe "move" means the vehicle just needs to be driven 1,000 feet every three days, others believe "move" means the vehicle must move to a different parking spot 1,000 feet away, and no one seems to know when a vehicle can return to the same parking spot without violating the 72-hour parking limit. To provide clarity, the City Attorney's Office recommends adding a 24-hour no-return requirement that would prohibit any vehicle that has been parked in the same parking spot for a consecutive 72-hours from returning to that parking spot for 24 hours.
3. **Add Preremoval Notice Requirement:** The Mountain View Police Department already has a practice of providing a warning notice before towing any vehicle for violation of the 72-hour parking limit. Nevertheless, the City Attorney's Office recommends adding a pre-tow notice requirement to Section 19.72 that provides vehicle owners and occupants 36 hours to comply with the requirements of the 72-hour parking limit before they are towed.
4. **Add Post-Tow Notice and Hearing Requirements:** The Mountain View Police Department is already aware of and complies with California Vehicle Code sections requiring public

agencies to provide notice and a hearing to the registered or legal owner of any vehicle that has been towed. Nevertheless, the City Attorney's Office recommends adding language to Section 19.72 requiring compliance with the California Vehicle Code's post-tow notice and hearing requirements to clarify the City's commitment to comply with constitutional due-process requirements.

**FISCAL IMPACT**

There will be no fiscal impact as a result of adopting the proposed amendments to Mountain View City Code Section 19.72.

**ALTERNATIVES**

1. Do not approve an introduction of the proposed amendments to Mountain View City Code Section 19.72 and leave the current law in place.

**PUBLIC NOTICING**—Agenda posting.

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- Attachments:
1. Current and Proposed Code Language Comparison Chart
  2. Ordinance