

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW:

(1) AMENDING MOUNTAIN VIEW CITY CODE SECTION 19.72 PROHIBITING PARKING IN EXCESS OF 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

WHEREAS, Mountain View City Code Section 19.72 prohibits any vehicle from being parked on a city street, alley or publicly owned parking lot for more than seventy-two (72) consecutive hours; and

WHEREAS, this 72-hour parking limit has been in effect since 1966 when it was first adopted in Mountain View Ordinance No. 24.66; and

WHEREAS, the 72-hour parking limit as set forth in Mountain View City Code Section 19.72 has been a source of confusion for Mountain View residents and visitors because it is unclear what individuals who park their vehicles in Mountain View must do in order to avoid violating the 72-hour parking limit; and

WHEREAS, staff recommends that the City Council amend Section 19.72 to generally clarify the 72-hour parking limit requirements and to add pre-tow noticing requirements and language requiring compliance with California Vehicle Code post-storage notice and hearing requirements; now, therefore,

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

**Section 1.** Chapter 19, Article VIII, Division 3, Section 19.72, of the Mountain View City Code is hereby amended to add, delete or modify its provisions as set forth below (section titles are shown in **bold** font, deletions are shown by ~~strikethrough~~, and additions are shown in underline).

**SEC. 19.72. – Parking in excess of seventy two (72) consecutive hours prohibited. Seventy-Two (72) hour parking limit – Twenty-Four (24) hour no return.**

~~No person who owns or has possession, custody, or control of any vehicle shall park such vehicles upon any street, alley or publicly owned parking lot for more than a consecutive period of seventy two (72) hours. This prohibition shall also apply to vehicles which have valid Parking District No. 2 permits. To comply with this section, vehicles must be moved at least one thousand (1,000) feet (approximately two tenths (2/10) of a mile), every three (3) days. Pushing or moving a vehicle a short distance or attempting to rub away the tire markings will not be~~

~~considered compliance with this section, and may result in the issuance of a citation without further warning. The owner of the vehicle shall be liable for the cost of all citation(s), towing and storage fees should the vehicle remain in violation. For the purposes of this section, the mileage reflected on the odometer of the subject vehicle shall be presumed to be an accurate indication of the distance that the vehicle has or has not been moved.~~

- a. For purposes of this Section, the term “vehicle” shall mean any device by which any person or property may be propelled, moved, or drawn upon a street or highway, except a device moved exclusively by human power.
- b. No person shall park or leave standing any vehicle on any public street, highway, alley, or publicly owned parking lot for more than seventy-two (72) consecutive hours. This prohibition shall apply to all vehicles parked or left standing within Mountain View city limits unless explicitly exempt from this parking restriction by this Section or another section of the Mountain View City Code.
- c. Any vehicle that has been parked or left standing in the same location or parking spot for seventy-two (72) consecutive hours must be moved at least one thousand (1000) feet (approximately two-tenths (2/10) of a mile) from its current location and may not return to the same parking spot for at least twenty-four (24) hours after its departure.
- d. A vehicle shall be deemed to have been parked or left standing in violation of the seventy-two (72) hour parking limit if:
  1. the vehicle has not been moved at least one thousand (1000) feet (approximately two-tenths (2/10) of a mile) from the location or parking spot where it was originally parked or left standing for seventy-two (72) consecutive hours; or
  2. less than twenty-four (24) hours after the vehicle is moved in accordance with this Section, the vehicle returns to the same parking spot where it was previously parked or left standing for seventy-two (72) consecutive hours.
- e. Any vehicle that has been parked or left standing in violation of this seventy-two (72) hour parking limit may be removed from the street in accordance with California Vehicle Code Section 22651, as may be amended or renumbered from time to time.
- f. Prior to removing any vehicle from the street for violation of this seventy-two (72) hour parking limit, a warning notice advising that the vehicle will be removed or towed for violation of this code section if the vehicle is not moved at least one thousand (1000) feet (approximately two-tenths (2/10) of a mile) from its current location within the next thirty-six (36) hours shall be conspicuously affixed to the vehicle. The notice shall also advise that the vehicle shall not be returned to its current parking spot for at least twenty-four (24) hours after departure and, if it does return, it will be subject to immediate removal.

- g. Any attempt to remove or hide chalk or other markings placed by an authorized city employee for purposes of enforcement of this seventy-two (72) hour parking limit may result in the issuance of a citation and removal of the vehicle without further warning.
- h. Whenever a member of the Mountain View police department or other authorized city employee removes a vehicle from the street pursuant to this Section and causes it to be stored or impounded as permitted by the California Vehicle Code, the police chief or their designee shall comply with California Vehicle Code Section 22852, as may be amended or renumbered from time to time, governing post-storage notice and hearing requirements for registered and legal owners of record.
- i. The police chief or their designee shall establish and promulgate written administrative guidelines governing enforcement of the seventy-two (72) hour parking limit and said guidelines shall be made accessible to members of the public.
- j. If this Section or any of its Subsections conflict with any other provisions of the Mountain View City Code, this Section shall govern for purposes of the seventy-two (72) hour parking limit.

**Section 2.** Pursuant to California Code of Regulations section 15060(c)(2), these code amendments are not subject to the California Environmental Quality Act (“CEQA”) because they will not result in a direct or a reasonably foreseeable indirect physical change in the environment.

**Section 3.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

**Section 4.** Pursuant to Mountain View City Charter section 522, at least two (2) days prior to final adoption of this ordinance, the City Clerk shall post the ordinance in three (3) prominent places in the City and publish in the City’s official newspaper notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the ordinance are posted.

**Section 5.** Pursuant to Mountain View City Charter section 519, this ordinance shall become effective thirty (30) days after the date of its adoption.

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