

ORDINANCE NO.

AN ORDINANCE ADDING SECTION 19.70.1 TO CHAPTER 19,
DIVISION 2, OF THE MOUNTAIN VIEW CITY CODE
RELATED TO THE PARKING OF VEHICLES THAT DISCHARGE DOMESTIC
SEWAGE ON THE PUBLIC RIGHT-OF-WAY

WHEREAS, Mountain View City Code Section 35.32.3 makes it unlawful to discharge or threaten discharge to any curbside gutter, storm sewer, storm drain gutter, creek, or natural outlet any domestic sewage; and

WHEREAS, the Special Occupancy Parks Act under California law, Health and Safety Code Section 18871, makes it unlawful to use a recreational vehicle in an unsafe or unsanitary condition; and

WHEREAS, California Code of Regulations, 25 CCR 1607, deems a recreational vehicle as substandard and a nuisance when plumbing hazards, including broken, unsanitary, or leaking plumbing, pipe, or fixtures exist; and

WHEREAS, exposure to sewage, including leaks and spills from recreational vehicles, poses a health and safety risk to the public and responding City personnel due to potential bacteria, viruses, and other pathogens; and

WHEREAS, the public right-of-way is to be maintained for the benefit of the entire community; and

WHEREAS, direct and threatened sewage discharges to the City's storm drain system pose an environmental concern as such discharges may reach the creeks and/or San Francisco Bay either directly or carried by runoff during rain events, polluting these receiving waters; and

WHEREAS, the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit, Provision C.5, requires the City to implement a program to detect and eliminate "illicit discharges," as set forth in the NPDES, which includes nonstormwater discharges such as sewage and wastewater, to the storm drain system, and take consistent actions to achieve timely and effective abatement of illicit discharges; and

WHEREAS, during the first half of Fiscal Year 2018-19, Fiscal Year 2017-18, and Fiscal Year 2016-17, respectively, the Fire and Environmental Protection Division responded to one (1), eleven (11), and seven (7) incidents of vehicles leaking and/or

unlawfully dumping domestic sewage; and the Public Services Division responded to eight (8), ten (10), and fourteen (14) incidents of vehicles leaking and/or unlawful dumping of domestic sewage which required special street cleaning services. The Police Department issued six (6), nine (9), and three (3) citations for vehicles leaking and/or unlawfully dumping domestic sewage in 2018, 2017, and 2016, respectively;

NOW, THEREFORE, THE MOUNTAIN VIEW CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 19, Division 2, Section 19.70.1, of the Mountain View City Code is hereby added to read as follows:

“SEC. 19.70.1. Parking of vehicles that discharge domestic sewage on the public right-of-way.

It shall be unlawful to park a vehicle on a public street or highway that discharges or has discharged domestic sewage, as defined in Mountain View City Code Sec. 35.29, onto the public right-of-way. Vehicles parked in violation thereof shall be subject to removal from the public right-of-way at the owner’s expense. Signs shall be posted giving notice of the removal of vehicles parked in violation of this section.”

Section 2. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

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 Section 522 of the Mountain View City Charter, it is ordered that copies of the foregoing proposed ordinance be posted at least two (2) days prior to its adoption in three (3) prominent places in the City and that a single publication be made to the official newspaper of the City of a notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the proposed ordinance are posted.

Section 5. This ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations) (the activity will not result in a direct or reasonable foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378 of the CEQA Guidelines because

it has no potential for resulting in physical change to the environment, directly or indirectly).

PdC/2/ORD
015-03-19-19o