

ORDINANCE NO.

AN ORDINANCE AMENDING ARTICLES I AND VIII
OF CHAPTER 19 OF THE MOUNTAIN VIEW
CITY CODE RELATED TO OVERSIZED VEHICLE PARKING ON CERTAIN STREETS
ADJACENT TO CLASS II BIKEWAYS

WHEREAS, the public roadways of Mountain View are frequently used to regularly or routinely park or store oversized vehicles used for work purposes or for human recreation and habitation, including recreational vehicles, campers, trailers, motorhomes, and boats; and

WHEREAS, the regular or routine parking and/or storage of oversized vehicles on City roadways can encroach into the bicycle lane, thereby increasing the risk of collisions between bicycles and vehicles; and

WHEREAS, the City Council finds that restricting the parking of oversized vehicles where they encroach upon the bicycle lane will promote the safety of public roadways for motorists and bicyclists by eliminating such impediments in the bicycle lane; and

WHEREAS, California Vehicle Code Section 22507 authorizes a city to “prohibit or restrict the stopping, parking, or standing of vehicles...on certain streets or highways, or portions thereof, during all or certain hours of the day.” This provision permits a city to prohibit or restrict the parking of oversized vehicles, including recreational vehicles, on some or all streets of a city with appropriate signage;

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

Section 1. Chapter 19, Article I, Section 19.1 of the Mountain View City Code is hereby amended by adding the following definition:

“Oversized vehicle. Any vehicle, as defined by California Vehicle Code Sec. 670, or combination of vehicles, which exceed twenty-two (22) feet in length, or seven (7) feet in width, or seven (7) feet in height, exclusive of projecting lights or devices allowed by Sec. 35109 and Sec. 35110 of the California Vehicle Code, but including any load in or on a vehicle which effectively causes the vehicle’s length, width, or height to exceed the standards in this section.”

Section 2. Chapter 19, Article VIII, Division 3, Section 19.79.3 of the Mountain View City Code is hereby added to read as follows:

“SEC. 19.79.3. - Parking of oversized vehicles on certain streets adjacent to Class II bikeways prohibited.

a. No person shall park any oversized vehicle on any streets, or portions of streets, as set forth by resolution of the city council.

b. **Exemptions.** Subsection (a) above shall not apply to any of the following:

1. Any oversized vehicle actively engaged in the loading or unloading of materials, supplies or goods in the delivery of goods, wares, merchandise or other materials at an adjacent business or residence for no longer than sixty (60) minutes;

2. Construction vehicles with a valid City of Mountain View-issued excavation or encroachment permit;

3. Commercial loading zones;

4. Any vehicle belonging to or under contract with federal, state or local government authorities, or a public utility, and any emergency vehicles as defined by California Vehicle Code Sec. 165;

5. Any commercial, business or public transit bus or commuter shuttle for no longer than two (2) hours, and any bus in an area specifically posted to allow bus parking for a prescribed time; and

6. Wheelchair-accessible vans with a valid disabled placard or license plate issued and properly displayed pursuant to the California Vehicle Code.

c. This section shall not be enforced until a resolution is adopted identifying certain streets adjacent to Class II Bikeways.

d. **Signage.** The public works director shall place signs or markings giving adequate notice of the restriction. This section shall not be enforced until such signage has been installed.

e. **Penalties.** In addition to the penalties for parking violations set forth in this Chapter, vehicles parked in violation of this section shall be subject to removal from the public right-of-way at the registered owner’s expense. The registered owner of the vehicle shall be liable for the cost of all towing and storage fees. Signs shall be posted giving notice of the removal of vehicles parked in violation of this section.”

Section 3. Effective Date. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 4. 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 5. 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 6. Adoption of this ordinance would provide limitations on the use of public streets for parking, and is, therefore, categorically exempt from environmental review pursuant to the CEQA Guidelines, Section 15301, concerning the operation or minor alteration of existing public facilities involving negligible or no expansion of use and Section 15061(b)(3) because 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 City considered the potential exceptions to the categorical exemptions pursuant to Section 15300.2 and concluded they are not applicable. The regulation of on-street oversized vehicle parking to generally prohibit oversized vehicle parking and address public health and safety considerations does not impose a significant cumulative impact over time but would reduce the parking of such vehicles on City streets; is not an unusual circumstance for a modern city, particularly one in the highly dense Bay Area; does not impact scenic or historical resources; and does not entail hazardous sites as it relates to on-street parking.

PDC/5/ORD
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