

ORDINANCE NO. 13.18

AN ORDINANCE AMENDING CHAPTER 19 OF THE
MOUNTAIN VIEW CITY CODE RELATED TO TOWING OF
VEHICLES AND STOPPING, STANDING, AND PARKING

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

Section 1. Chapter 19, Article I, Section 19.21 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 19.21 – Towing away of vehicles.

Any regularly employed and salaried officer of the police department of the city may remove or cause to be removed:

- a. Any vehicle that has been parked upon a street, highway or public parking lot for seventy-two (72) or more consecutive hours.
- b. Any vehicle obstructing the free flow of traffic on any street or in the traveling lane of any parking lot.
- c. Any vehicle that is parked after signs have been erected giving notice that the parking of vehicles upon such street or portion thereof is prohibited. Such signs shall be erected in the manner required by Vehicle Code Sec. 22651(l) and (m) and shall either be erected by or authorized to be erected by the city, including pursuant to an excavation or encroachment permit.
- d. Any vehicle that is parked where prohibited under the city code and signs are posted giving notice of the removal.”

Section 2. Chapter 19, Article VIII, Section 19.62.2 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 19.62.2. - Administrative procedure for adjudication of parking citations.

All contested parking citations shall be resolved through a civil administrative procedure, with the right to an appeal to the civil division of the Santa Clara County Superior Court, as follows:

- a. **Request for initial investigation of parking citation.** If a person wishes to contest a parking citation issued for violation(s) of the Mountain View city code, he/she must request an initial investigation of the citation within twenty-one (21) days of the issuance of the citation or within ten (10) days of the mailing of a “notice of delinquent parking violation.” A request for an initial investigation may be made by writing to the Office of Parking Violations, P.O. Box 1113, San Jose, California, 95109, or by calling 1-800-818-1832. The person must state the reason(s) which necessitate an initial investigation in the request.
- b. **Initial investigation of parking citation by Mountain View police department.** If a person makes a timely request, the Office of Parking Violations notifies the Mountain View police department, which will investigate the circumstances surrounding the issuance of the citation, in view of the reasons for which the person requested the initial investigation. If the police department determines that the violation

did not occur or that the registered owner was not responsible for the violation, the police department shall cancel the citation and make a record of the cancellation. The police department shall promptly notify the Office of Parking Violations of the results of the investigation, which shall mail the results of the investigation to the person who requested the initial investigation.

c. **Request for administrative review of parking citation.** If the person is not satisfied with the results of the investigation, he/she may request an administrative hearing before the parking examiner within fifteen (15) days of the date of the mailing of the results of the initial investigation by the Office of Parking Violations, in writing. The written request for an administrative hearing must be served on the Office of Parking Violations in person or by first-class mail and must state whether the person wishes to have an in-person hearing or a hearing by mail. If the person chooses a hearing by mail, he/she may submit written materials which are relevant to the grounds on which the citation is contested for consideration by the parking examiner. In order to obtain a hearing, the person must deposit the full amount of any parking penalty, late payment fee and any cost recovery fees due with the Office of Parking Violations at the time of requesting the hearing, unless the vehicle has been immobilized or impounded due to unpaid parking violations and will remain under the control of the Mountain View police department pending the hearing.

d. **Conduct of administrative hearing.**

1. **In-person hearing before the parking examiner.** If the person has filed a timely and complete request for a hearing, and deposited all fees and penalties due with the Office of Parking Violations, he/she will be notified by mail of the time, date and place of the hearing by the Office of Parking Violations. The hearing will be conducted by the parking examiner according to the guidelines set forth in the City of Mountain View parking administrative adjudication program manual. At the hearing, the person shall have the right to present relevant evidence and argument regarding the grounds on which the citation is contested. The officer who issued the citation need not appear at the hearing.

2. **Hearing by mail.** If the person chooses a hearing by mail, the parking examiner shall review any materials presented by the person with the request for an administrative hearing and the information set forth in the parking citation and determine whether or not the citation should be upheld.

3. **Evidentiary standard/burden of proof at administrative hearing.** Information contained on the parking citation shall be considered to establish a prima facie case that the registered owner of the vehicle committed the violation(s) shown on the citation. However, the person may rebut the prima facie case established by the parking citation by introducing sufficient and credible evidence that the violation did not occur or that the citation is not legally valid.

4. **Notice of decision of parking examiner.** A written notice of the decision of the parking examiner shall be delivered to the person in person or by first-class mail.

e. **Appeal to superior court.** If the person does not agree with the decision of the parking examiner, he/she may, within twenty (20) days of the mailing or in-person delivery of the parking examiner's decision, appeal to the Santa Clara County superior court, civil division, by filing a written notice of appeal with the court, serving a copy of the notice of appeal on the Office of Parking Violations in person or by first-class mail, and paying a filing fee to the court in an amount established by the court. If the person prevails on appeal, the filing fee shall be refunded to him/her. If the decision of the

parking examiner is upheld, the filing fee shall be forfeited. If a timely appeal is not filed, the decision of the parking examiner shall be final.”

Section 3. Chapter 19, Article VIII, Section 19.62.3 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 19.62.3. - Parking penalties, late payment fees and other cost recovery fees related to adjudication of parking citations.

Persons who are found to have committed parking violations, or who do not contest parking citations, shall be required to pay civil parking penalties in the amount established by state law or council resolution. In appropriate cases, persons may also be required to pay late payment fees and cost recovery fees related to the adjudication of parking citations in the amounts established by council resolution.”

Section 4. Chapter 19, Article VIII, Section 19.66 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 19.66. - Angle parking; Signs or markings indicating angle parking.

By resolution adopted by the city council, the city shall designate and describe any street or portion thereof or parking lot upon which angle parking shall be permitted, and the city traffic engineer shall mark or sign such street, indicating the angle at which vehicles shall be parked.

When signs or markings are in place indicating angle parking, as herein provided, no person shall park a vehicle other than at the angle indicated by such signs or markings.”

Section 5. Chapter 19, Article VIII, Section 19.77 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 19.77. - Temporary parking signs.

a. **Emergency parking signs.** Whenever the chief of police or designee shall determine that emergency traffic congestion is likely to result from the holding of a public or private assemblage, gatherings, functions or for any other reason, the chief of police, or designee, shall have power and authority to order temporary signs to be erected or posted by the director of public works, or designee, indicating that the operating or parking of vehicles is prohibited on such streets and alleys as the chief of police or designee shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency, and the chief of police or designee shall cause such signs to be removed promptly thereafter.

b. **Special event, construction and other parking signs.** Whenever the use of a street or portion thereof is necessary for: (1) special events authorized by the city; (2) the movement of equipment, articles or structures of unusual size; (3) the cleaning, repair or construction of a street or portion thereof; (4) the installation of underground utilities; or (5) any other purpose other than the normal flow of traffic, and the chief of police or director of public works, or their designees, finds that the parking of any vehicle on such street or portion thereof would prohibit or interfere with such use or movement, he or she, or their designee, shall authorize signs to be erected giving notice that the parking of vehicles on such street or portion thereof is prohibited. Such signs shall be erected as required by Vehicle Code Sec. 22651(l) and (m). The director of public works is authorized to permit such signage be erected pursuant to the issuance of an excavation or encroachment permit.

c. When signs authorized by the provisions of this section are in place, giving notice thereof, no persons shall operate or park any vehicle contrary to the directions and provisions of said signs.”

Section 6. Chapter 19, Article VIII, Section 19.79.2 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 19.79.2. - Parking of certain commercial vehicles on certain streets prohibited.

No person shall park any commercial vehicle as defined in the Vehicle Code of California, or as hereafter amended, having a manufacturer’s gross vehicle weight rating of ten thousand (10,000) pounds or more on any of the streets, or portions of streets, as set forth by resolution of the city council.”

Section 7. Chapter 19, Article VIII, Section 19.81 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 19.81. - Parking prohibited on narrow streets.

At those locations set forth by resolution of the city council, the city traffic engineer is hereby authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty (30) feet.

When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign or marking.”

Section 8. Chapter 19, Article VIII, Section 19.92.4 of the Mountain View City Code is hereby amended to read as follows:

“SEC. 19.92.4. - Parking prohibited – Street cleaning.

a. It is unlawful for any person to stop or park any vehicle on a street or portion of street during those times reserved for street cleaning purposes.

b. The city council shall designate by resolution any street or portion thereof where parking is prohibited for street cleaning purposes. The city traffic engineer shall give notice of such prohibition by appropriate signage.”

Section 9. Chapter 19, Article VIII, Sections 19.93 through 19.95 of the Mountain View City Code are hereby amended to read as follows:

“SEC. 19.93. - Five-hour parking zones.

It shall be unlawful to park or leave any vehicle standing for a period of time longer than five (5) hours between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and public holidays, upon any of the streets or parts of streets, or upon any of the public parking lots as set forth by resolution of the city council.

SEC. 19.93.1. - Five-hour parking zones – 8:00 a.m. to 10:00 p.m.

No person shall park or leave any vehicle standing for a period of time longer than five (5) hours between the hours of 8:00 a.m. and 10:00 p.m. of any day, upon any of the streets or parts of streets, or upon any of the public parking lots as set forth by resolution of the city council.

SEC. 19.94. - Three-hour parking zones.

It shall be unlawful to park or leave any vehicle standing for a period of time longer than three (3) hours between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and public holidays, upon any of the streets or parts of streets or upon any of the public parking lots as set forth by resolution of the city council.

SEC. 19.95. - Two-hour parking zones.

a. **9:00 a.m. to 6:00 p.m.** It shall be unlawful to park any vehicle for a period of time longer than two (2) hours between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and public holidays upon any of the streets or parts of streets or upon any of the public parking lots as set forth by resolution of the city council.

b. **8:00 a.m. to 5:00 p.m.** It shall be unlawful to park any vehicle for a period of time longer than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m. of any day except Saturdays, Sundays and public holidays upon any of the streets or parts of streets as set forth by resolution of the city council."

Section 10. Chapter 19, Article VIII, Sections 19.95.2 through 19.99.6 of the Mountain View City Code are hereby amended to read as follows:

"SEC. 19.95.1. - Two-hour parking zones – Three-hour no return.

It shall be unlawful to park any vehicle for a period of time longer than two (2) hours between the hours of 8:00 a.m. and 5:00 p.m. of any day except Saturdays, Sundays and public holidays, upon any of the public parking lots designated by resolution adopted by city council. If a vehicle has left any of the designated parking lots after having been parked for any period of time, then that same vehicle may not be parked in that same parking lot for a period of three (3) hours from the time of its departure.

SEC. 19.95.1.a. - Three-hour parking zones – Three-hour no return.

It shall be unlawful to park any vehicle for a period of time longer than three (3) hours between the hours of 8:00 a.m. and 5:00 p.m. of any day except Saturdays, Sundays and public holidays, upon any of the public parking lots designated by resolution adopted by city council. If a vehicle has left any of the designated parking lots after having been parked for any period of time, then that same vehicle may not be parked in that same parking lot for a period of three (3) hours from the time of its departure.

SEC. 19.95.2. - Two-hour parking zones – Twenty-four hours a day.

It shall be unlawful to park any vehicle for a period of time longer than two (2) consecutive hours upon any of the streets or parts of streets or upon any of the public parking lots as set forth by resolution of the city council.

SEC. 19.96. - One-hour parking zones.

a. **9:00 a.m. to 6:00 p.m.** It shall be unlawful to park any vehicle for a period of time longer than one (1) hour between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and public holidays upon any of the streets or parts of streets or upon any of the public parking as set forth by resolution of the city council.

b. **8:00 a.m. to 5:00 p.m.** It shall be unlawful to park any vehicle for a period of time longer than one (1) hour between the hours of 8:00 a.m. and 5:00 p.m. of any day

except Sundays and public holidays upon any of the streets or parts of streets or upon any of the public parking lots as set forth by resolution of the city council.

SEC. 19.97. - Twenty-four-minute parking zones.

It shall be unlawful to park any vehicle for a period of time longer than twenty-four (24) minutes between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and public holidays, upon any of the streets as set forth by resolution of the city council.

SEC. 19.98. - Twelve-minute parking zones.

It shall be unlawful to park any vehicle for a period of time longer than twelve (12) minutes between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and public holidays on the streets as set forth by resolution of the city council.

SEC. 19.99. - No parking zones.

It shall be unlawful to park any vehicle at any time upon any of the streets, or parts of streets, as set forth by resolution of the city council.

SEC. 19.99.1. - No stopping zones.

It shall be unlawful to stop or stand any vehicle at any time upon any of the streets, or parts of streets, as set forth by resolution of the city council.

SEC. 19.99.2. - No parking zone— 2:00 a.m. to 7:00 p.m.

It shall be unlawful to park any vehicle between the hours of 2:00 a.m. and 7:00 p.m. of any day except Saturdays, Sundays and public holidays upon any of the streets or parts of streets as set forth by resolution of the city council.

SEC. 19.99.3. - No parking zone—Middlefield Road—Crittenden School Athletic Park.

It shall be unlawful to park any vehicle on the north side of Middlefield Road immediately adjacent to Crittenden School Athletic Park between the hours of 2:00 a.m. and 7:00 p.m. of any day except Saturdays, Sundays and public holidays when appropriate signs prohibiting such parking are displayed. The city traffic engineer is authorized to cover such signs and permit parking in said area when major special occasions at Crittenden School Athletic Park require such on-street parking.

SEC. 19.99.4. - No parking zones near schools.

a. **Mountain View High School vicinity.** It shall be unlawful to park any vehicle between 8:00 a.m. and 2:00 p.m. when school is in session in the areas as set forth by resolution of the city council.

b. **Mariano Castro Elementary School vicinity.** It shall be unlawful to park any vehicle between 7:30 a.m. to 9:00 a.m. and 12:00 noon to 4:00 p.m. when school is in session in the areas as set forth by resolution of the city council.

SEC. 19.99.5. - No parking zone— 7:00 a.m. to 6:00 p.m.

It shall be unlawful to park any vehicle between the hours of 7:00 a.m. and 6:00 p.m. of any day except Saturdays, Sundays and public holidays upon any of the streets or parts of street as set forth by resolution of the city council.

SEC. 19.99.6. - No parking of vehicles over six feet in height.

It shall be unlawful to park any vehicle exceeding six (6) feet in height at any time upon any of the streets, or parts of street as set forth by resolution of the city council."

Section 11. Chapter 19, Article VIII, Section 19.99.9 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 19.99.9. - Parking – Restricted.

It shall be unlawful to park any vehicle whose occupant(s) do not have police, fire or city business at the locations set forth by resolution of the city council."

Section 12. Chapter 19, Article VIII, Section 19.99.11 of the Mountain View City Code is hereby amended to read as follows:

"SEC. 19.99.11. - No parking zone – 8:00 p.m. to 6:00 a.m.

It shall be unlawful to park any vehicle between the hours of 8:00 p.m. and 6:00 a.m. of any day, including Saturdays, Sundays and holidays upon any of the streets or parts of streets as set forth by resolution of the city council."

Section 13. The provisions of this ordinance shall be effective thirty (30) days from and after the date of its adoption.

Section 14. 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 15. 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 16. 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).

The foregoing ordinance was regularly introduced at the Regular Meeting of the City Council of the City of Mountain View, duly held on the 9th day of October 2018, and thereafter adopted at the Regular Meeting of said Council, duly held on the 13th day of November 2018, by the following roll call vote:

AYES: Councilmembers Abe-Koga, Clark, McAlister, Rosenberg, Showalter, Vice Mayor Matichak, and Mayor Siegel

NOES: None

ABSENT: None

NOT VOTING: None

ATTEST:

APPROVED:

LISA NATUSCH
CITY CLERK

LEONARD M. SIEGEL
MAYOR

I do hereby certify that the foregoing ordinance was passed and adopted by the City Council of the City of Mountain View at a Regular Meeting held on the 13th day of November 2018, by the foregoing vote, and was published in the *San Jose Post Record* by reference on the 9th day of November 2018, and posted in three prominent places in said City.

City Clerk
City of Mountain View

LK/7/ORD
014-08-09-18o