

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 10.16.120 (USE OF STREETS OR PUBLIC PARKING FACILITIES FOR STORAGE OF VEHICLES PROHIBITED) AND TO ADD SECTION 10.16.180 (RENTAL OF VEHICLES FOR HUMAN HABITATION PROHIBITED) OF CHAPTER 10.16 (PARKING REGULATIONS) OF TITLE 10 (VEHICLES AND TRAFFIC) OF THE SUNNYVALE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. 10.16.120 AMENDED. Section 10.16.120 of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 10.16.120

It is unlawful for any person who owns or has possession, custody or control of any vehicle, including a boat or trailer, to park or leave such vehicle upon any street, alley, or public parking facility for a period of seventy-two consecutive hours or more. The intent of this section is to limit parking of vehicles, boats and trailers to seventy-two consecutive hours. A vehicle or trailer shall be considered to have been parked or left standing for seventy-two or more consecutive hours if it has remained inoperable or has not been moved more than 1000 feet. ~~A vehicle shall be deemed to have been parked or left standing in violation of this section if the vehicle has not been moved at least 1000 feet from the original location or parking spot, or if the vehicle returns to the same parking spot where it was previously parked within 24 hours after its departure from its original location.~~ –An inoperable vehicle is a vehicle or trailer that cannot be moved under its own power or a vehicle or trailer which cannot operate legally and safely on the highways of the state. ~~Pushing or moving a vehicle a short distance or attempting to rub away the tire marking will not be considered compliance with this section.~~ Additionally, successive acts of parking shall be presumed to be a single act of parking within the meaning of this section when the vehicle is moved merely for the purpose of avoiding the parking limitations prescribed by this section.

SECTION 2. 10.16.180. ADDED Section 10.16.180 of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby added to read as follows:

Section 10.16.180 Rental of Vehicles for Human Habitation Prohibited.

(a) No person shall rent, let out, or otherwise loan any oversized vehicle that is subsequently used for living or as sleeping quarters on public property in exchange for money, goods, or services.

(b) No person or entity shall have authority to sell, lease, license, permit, reserve, or facilitate the renting of any public property, including streets, alleys, highways, and parkways, with the exception of the city, its departments, and its designees. Any person who purports to sell, lease, license, permit, or facilitate in the reserving of spaces within the public right of way without the permission of the city, is in violation of this section.

(b) For purposes of this section, oversized vehicle shall mean any travel trailer, truck camper, camping trailer, or other vehicle or trailer with or without power designed or altered for human habitation, including but not limited to a recreational vehicle, camp trailer, fifth-wheel trailer, house car, trailer coach, van camper, or van conversion as defined by California Health and Safety Code section 18010, and California Vehicle Code sections 242, 243, 324, 362, and 635.

(c) No person shall advertise for rent, lease, let out or loan through any newspaper or online medium, including social media or other platforms, any oversized vehicle available for loan, lease, rent for the purpose of utilizing the vehicle for living or as sleeping quarters on any public property.

(d) Any violation of this chapter shall be declared to be unlawful and a public nuisance, and the city attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for abatement or removal in the manner provided by law. Each day such condition continues shall be regarded as a new and separate offense. Such remedies shall be in addition to any other judicial and administrative penalties and remedies available to the city under this code or under state law.

SECTION 3. CEQA. The City Council finds that adoption of this ordinance is exempt from environmental review pursuant to Guidelines Sections 15061(b)(3) because it can be seen with certainty that it will not have a significant effect on the environment.

SECTION 4. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after adoption.

SECTION 6. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN
City Clerk
Date of Attestation: _____

LARRY KLEIN
Mayor

(SEAL)

APPROVED AS TO FORM:

REBECCA L. MOON
City Attorney