



ORDINANCE NO. 3088-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 9.26.030 (NUISANCES DESCRIBED-AUTHORITY TO ABATE) OF CHAPTER 9.26 (ABATEMENT OF NUISANCES) OF TITLE 9 (PUBLIC PEACE, SAFETY OR WELFARE) OF THE SUNNYVALE MUNICIPAL CODE TO MAINTAIN PROHIBITIONS RELATED TO PARKING ON UNPAVED SURFACES

WHEREAS, Section 9.26.030(v) of the Sunnyvale Municipal Code provides that the parking or storage of any vehicle in violation of the provisions of Section 19.48.260 is a nuisance; and

WHEREAS, section 19.48.260 used to prohibit parking on unpaved surfaces, but when Chapter 19.48 of the Municipal Code was amended in 2012, the reference to section 19.48.260 in section 9.26.030(v) was not updated to maintain the details on parking and storage of vehicles; and

WHEREAS, Section 9.26.030(v) therefore requires amendment to correct the reference to section 19.48.260 and maintain previously approved prohibitions related to parking on unpaved surfaces because such parking may compact the soil, damage landscaping, and detract from the visual appearance of property and neighborhoods, and oils and other hazardous fluids can leak into soil from vehicles, creating a potential environmental problem.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 9.26.030 AMENDED. Section 9.26.030 (Nuisances described – Authority to abate.) of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.26.030. Nuisances described—Authority to abate.

(a) – (u) [Text unchanged]

(v) Any automobile, trailer, house trailer, camper, van, truck, pickup truck, recreational vehicle, boat or other vehicle or other mobile equipment (whether or not motorized), or portions thereof, parked or stored on lawns, unpaved surfaces, or on or within the required landscape area of a front yard or street side yard of a corner lot under the provisions of Title 19 of the Municipal Code, as amended or revised from time to time. Vehicles or equipment parked or stored in a completely enclosed building or structure in a lawful manner, or not visible from other private property or from any public street, sidewalk or other

public place or otherwise parked or stored in a lawful manner shall not be deemed a nuisance.

(w) – (ab) [Text unchanged]

SECTION 2. CEQA - EXEMPTION. The City Council finds that this ordinance exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where 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 activity is not subject to CEQA.

SECTION 3. 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 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND 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 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 June 28, 2016, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2016, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney