

ORDINANCE NO. 2025- _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING TITLE 11, VEHICLES AND TRAFFIC, OF THE CITY OF CUPERTINO
MUNICIPAL CODE SECTION 11.24.130 (PROHIBITED FOR MORE THAN
SEVENTY-TWO HOURS), SECTION 11.27.050 (ISSUANCE OF PERMITS TO
RESIDENTS AND MEMBERS OF DESIGNATED GROUPS), SECTION 11.28.010
(DEFINITIONS), AND SECTION 11.28.020 (PARKING OF OVERSIZED VEHICLES
RESTRICTED)**

The City Council of the City of Cupertino finds that:

1. WHEREAS, the Cupertino Municipal Code presently includes certain restrictions on parking vehicles on public streets for more than seventy-two (72) consecutive hours; and
2. WHEREAS, there is an influx of vehicles, specifically oversized vehicles, that park on public right of way streets in the City of Cupertino for more than seventy-two (72) consecutive hours; and
3. WHEREAS, the extended parking of oversized vehicles in the City of Cupertino obstructs local traffic, creating a public nuisance for residents, and interfering with local commerce and business; and
4. WHEREAS, the City Council seeks to amend the Cupertino Municipal Code to restrict the parking of oversized vehicles overnight on public and residential streets.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO DOES ORDAIN AS FOLLOW:

SECTION 1. Adoption.

The City of Cupertino's Municipal Code is hereby amended as follows, with new text added to existing provisions in underline (example) and deleted text in strikethrough (~~example~~):

“Sec. 11.24.130 Prohibited for More than Seventy-Two Hours.

A. No person who owns or has in ~~his~~ their possession, custody, or control any vehicle or trailer shall park such vehicle or trailer upon any public street or alley for more than a consecutive period of seventy-two (72) hours. This prohibition shall apply to all vehicles parked or left standing within City limits unless explicitly exempt from this parking restriction by this section or another section of this code.

B. Any vehicle that has been parked or left standing in violation of this seventy-two (72) hour parking limit may be issued a citation or removed from the street in accordance with California Vehicle Code Section 22651.”

“Section 11.27.050 Issuance of Permits to Residents and Members of Designated Groups.

A. Residents and members of designated groups parking permits shall be issued by the Director of Public Works. No more than one parking permit shall be issued to each motor vehicle for which application is made. The Director of Public Works is authorized to issue such rules and regulations, consistent with this chapter, governing the manner in which residents shall qualify for parking permits.

B. Residents, as defined in Section 11.28.020, may apply for and receive up to twenty (20) parking permits per household, annually, to park their oversized vehicle, as defined in Section 11.28.010. Residents can obtain these permits from the City. Resident parking permits will be valid for seventy-two (72) hours only, and must be displayed visibly on the dashboard of the authorized vehicle. Any permitted oversized vehicle must be moved a minimum of fifteen hundred (1500) feet after the expiration of the permit, and may not repark within fifteen hundred (1500) feet of the original space for the following seventy-two (72) hours, even with a new parking permit.”

“Sec. 11.28.010 Definitions

A. “Camp car” means a vehicle with or without motive power which is designed for human habitation and which contains plumbing, heating or electrical equipment.

B. “Commercial vehicle” means any vehicle or part thereof required to be registered under the State of California Vehicle Code, which is used or maintained for the transportation of persons for hire, compensation, or profit, or designed, used or maintained primarily for the transportation of property, except passenger vehicles and house cars.

C. “Mobile home” means a vehicle, other than a motor vehicle, designed or used as semipermanent housing, designed for human habitation, for carrying persons and property on its own structure and for being drawn by a motor vehicle, and shall include a trailer coach.

D. “Oversized vehicle” shall mean any camp trailer, camper, fifth wheel travel trailer, house car, mobile home, trailer coach, or recreational vehicle as defined in California Vehicle Code Sections 242, 243, 324, 362, 396, 635 and California Health and Safety Code Section 18010. Additionally, any motorized vehicle, or combination of motorized and/or non-motorized vehicle(s), as defined in California Vehicle Code Section 670, in excess of 22 feet in length, and/or 6 feet in width and 7 feet in height, will also be considered an “oversized vehicle” for purposes of this chapter.

E. “Park” means to stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actively engaged in the loading or unloading of passengers or materials.

F. “Public streets” means all streets, lanes, places, avenues and portions thereof, including extensions in length and width, which have been dedicated by the owners thereof to public use, acquired for public use, or in which a public easement exists.

G. “Truck trailer” means a commercial vehicle without motive power designed to be drawn by a truck.

H. “Vehicle” means any boat, bus, trailer, motor home, van, camper (whether or not attached to a pickup or other vehicle), camp trailer, mobile home, motorcycle, automobile, truck, pickup, airplane, haul trailer, truck tractor, truck trailer, utility trailer, or parts thereof, or any device by

which any person or property may be propelled, moved or drawn upon a public street, excepting a device moved exclusively by human power.”

“Section 11.28.020 Vehicle Parking Regulations.

A. Living or Sleeping Quarters. No vehicle, as defined in this chapter, shall be used for living or sleeping quarters on any public ~~street~~ right of way, street, highway, alley, parking lot, park or other state-, county-, or city-owned property.

B. Rental of Vehicles for Living or Sleeping Quarters. No person shall rent, lease, let out, or otherwise loan any vehicle, as defined in this chapter, for use as sleeping or living quarters on any public right of way, street, highway, alley, parking lot, park or other state-, county-, or city-owned property in exchange for money, goods, or services.

C. Mobile Homes. Mobile homes, excluding travel trailers, are not permitted to be parked on public streets within the residential zones of the City.

D. Unmounted Campers. It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, any unmounted camper on any public street.

E. Oversized Vehicle Parking. No person shall stop, stand, park or leave standing any oversized vehicle as defined in this chapter on any public right of way, street, highway, alley, parking lot, park or other state-, county- or city-owned property between the hours of 10 P.M. to 6 A.M. The provisions of this chapter shall not apply to oversized vehicles that have obtained a permit as provided in Chapter 11.27, or that are engaged in commercial activity within the City. Oversized vehicles parked overnight in violation of this chapter shall be guilty of an infraction, and upon conviction thereof, be punished as provided in Chapter 1.12.

F. Loading and Unloading and Utility Vehicles. The provisions of this chapter shall not apply to active loading or unloading of any vehicle, or to any public service or utility company vehicle while in the performance of service or maintenance work.

G. Construction Trailers. Trailers may be used for temporary offices on construction projects. A permit must be obtained from the City Building Department after satisfactory information has been given that the use is in compliance with the conditions of this chapter.”

SECTION 2. Severability and Continuity.

The City Council declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause, and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, or its application to any person or circumstance be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, the City Council declares that it would have adopted the remaining provisions of this ordinance irrespective of such portion, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated. To the extent the provisions of this ordinance are substantially the same as previous provisions of the Cupertino Municipal

Code, these provisions shall be construed as continuations of those provisions and not as an amendment to or readoption of the earlier provisions.

SECTION 3. California Environmental Quality Act.

This Ordinance is not a project under the requirements of the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, “CEQA”) because it has no potential for resulting in physical change in the environment. In the event that this Ordinance is found to be a project under CEQA, it is subject to the CEQA exemption contained in the CEQA Guidelines section 15061(b)(3) because it can be seen with certainty to have no possibility that the action approved may have a significant effect on the environment. CEQA applies only to actions 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. In this circumstance, the proposed action of prohibiting the parking of oversize vehicles in the same location for more than seventy-two (72) hours within City limits, would have no or only a de minimis effect on the environment because it is a procedural change that does not result in a physical change to the environment. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4. Effective Date.

The Ordinance shall take effect thirty days after adoption as provided by Government Code Section 36937.

SECTION 5. Publication.

The City Clerk shall give notice of adoption of this Ordinance as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be prepared by the City Clerk and published in lieu of publication of the entire text. The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the Ordinance listing the names of the City Council members voting for and against the Ordinance.

INTRODUCED at a regular meeting of the Cupertino City Council on September 3, 2025, and **ENACTED** at a regular meeting of the Cupertino City Council on _____, 2025, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

Ordinance No. _____

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ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Liang Chao, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Kirsten Squarcia, City Clerk</p>	<p>_____</p> <p>Date</p>
<p>APPROVED AS TO FORM:</p> <p>_____</p> <p>Floy Andrews, Interim City Attorney Aleshire & Wynder, LLP</p>	<p>_____</p> <p>Date</p>