

ORDINANCE NO. 26-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
AMENDING MUNICIPAL CODE SECTIONS 2.04.020, 3.23.020, 5.04.480, 5.32.130,
11.28.010, 11.28.050, 13.04.130, 13.04.180, 16.52.011, 16.52.053

The City Council of the City of Cupertino finds that:

1. The City Code of the City of Cupertino requires periodic updates in order to improve City operations and bring the Code up to date with current law and policy.
2. This Ordinance makes minor updates and minor technical revisions to the Cupertino Municipal Code to reflect changes in law, provide clarification to the community, and provide for improved customer service and administration of City business.

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

SECTION 1. Adoption.

The Cupertino Municipal Code is hereby amended as set forth in Attachment A.

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 re-adoption 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 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 would have no or only a de minimis effect on the environment. The foregoing determination is made by the City Council in its independent judgment.

SECTION 4: Effective Date.

This 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 May 5, 2026 and **ENACTED** at a regular meeting of the Cupertino City Council on _____, 2026 by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

<p>SIGNED:</p> <p>_____</p> <p>Kitty Moore, Mayor City of Cupertino</p>	<p>_____</p> <p>Date</p>
<p>ATTEST:</p> <p>_____</p> <p>Lauren Sapudar, 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>

**Attachment A –
Amendments To Municipal Code Sections 2.040.020, 3.23.020, 5.04.480, 5.32.130,
11.28.010, 11.28.050, 13.04.130, 13.04.180, 16.52.011, 16.52.053**

1. Amendment to Chapter 2.04 (City Council–Election and Meetings): Section 2.04.020 (Special Meetings)

2.04.020 Special Meetings.

Special meetings may be called at any time by the mayor or by three members of the City Council by delivering written notice to each member of the City Council and to each local newspaper of general circulation, radio and television station requesting notice in writing. The notice shall be delivered at least twenty-four hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings. The written notice may also be dispensed with as to any member of the City Council who at or prior to the time the meeting convenes, files with the City Clerk a written waiver of notice. The written notice may also be dispensed with as to any member of the City Council who is actually present at the meeting at the time it convenes.

2. Amendment to Chapter 3.23 (Public Works Contract and Bidding Procedures): Section 3.23.020 (Definitions)

3.23.020 Definitions.

As used in this Chapter, the following terms, phrases, words and their derivations shall have the meanings given in this section:

1. “Bid” means any monetary bid submitted to the City in competitive bidding for the construction, alteration, repair or improvement of any structure, building, road or other improvement of any kind.
2. “Lowest responsible bidder” means the lowest monetary bidder who has demonstrated the attribute of trustworthiness as well as quality, fitness, capacity and experience to satisfactorily perform the public works contract sought.
3. “Public works contract” means an agreement for the erection, construction, alteration, repair or improvement of any public structure, building, road or other public improvement of any kind.
4. “Public works project” means any of the following:
 - a. Construction, reconstruction, erection, alteration, renovation, improvement, demolition, installation and repair work involving any publicly owned, leased, or operated facility;
 - b. Painting or repainting of any publicly owned, leased, or operated facility;

- c. In the case of a publicly owned utility system, "public project" shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

3. Amendments to Chapter 5.04 (Business Licenses Generally): Section 5.04.480 (Appeal Procedure)

5.04.480 Appeal Procedure.

- A. Any person, applicant, or licensee may appeal any decision of the Collector under this chapter to the City Council. Any person so aggrieved may appeal by filing a written notice of appeal with the City Clerk within fourteen calendar days from the date the Collector issues his/her decision in writing.
- B. An appeal not filed within such time shall be barred. The appeal shall state the grounds thereof.
- C. Upon receipt of an appeal, a date for hearing before City Council shall be set within thirty days from the date of filing of the appeal unless impracticable, in which case it shall be held at the earliest opportunity.
- D. The City Clerk shall give notice to such person who files an appeal of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Cupertino, California, postage prepaid, addressed to such person at her/his last known address.
- E. The City Council shall have authority to determine all questions raised on appeal; provided, however, that no such determination shall conflict with any substantive provision of the chapter.

4. Amendments to Chapter 5.32 (BINGO): Section 5.32.130 (Total Value of Prizes)

5.32.130 Total Value of Prizes.

The total value of prizes awarded during the conduct of any bingo games shall not exceed five hundred dollars (\$500) in cash or kind, or both, for each separate game which is held.

5. Amendments to Chapter 11.28 (Abandoned, Wrecked, Inoperative Vehicles): Sections 11.28.010 (Definitions) and 11.28.050 (Sale of Merchandise)

11.28.010 Definitions.

The following words and phrases when used in this chapter shall have the meanings set forth in this section:

- 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 actually 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. "Stationary mobile equipment" means any equipment, including vehicle(s), used in activities with or without involvement from members of the public, which are not actively moving during use.
- H. "Truck trailer" means a commercial vehicle without motive power designed to be drawn by a truck.
- I. "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.

11.28.050 Sale of Merchandise.

It is unlawful for any person or persons to sell merchandise, fruits, or vegetables from any stationary mobile equipment on any public street within the city.

6. Amendments to Chapter 13.04 (Parks): Sections 13.04.130 (Behavior of Persons in Parks) and 13.04.180 (Advertising and Sale Restrictions)

13.04.130 Behavior of Persons in Parks.

No person in a park shall do any of the following:

- A. Bring to a park any alcoholic beverages, and no person may drink alcoholic beverages at any time in a park, except picnickers, who may bring to a park, and drink, beer or wine with their picnic meal, so long as they conduct themselves in an orderly manner;
- B. Enter or remain in a park while under the influence of intoxicating liquor or any drug;
- C. Have brought, or have in his possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or any highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that, in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints;
- D. No person having the control or care of any dog, shall suffer or permit such dog to enter or remain in a park or sport field, unless posted for such use, and then only if it is led by a leash of suitable strength not more than six feet in length, unless it is permitted to be off-leash by the City as part of a City-authorized event or program; and the owner and the attendant shall be responsible for any damage caused, in any event, by such dog, even if on leash;
- E. Lead, ride, drive, keep or let loose any animal, reptile or fowl of any kind, without a permit to do so from the Director of parks and recreation;
- F. Make or kindle a fire for any purpose, except at places provided for such purpose, unless prior special permission be obtained therefor from the Director;
- G. Enter an area posted as "Closed to the Public," and no person shall use, or abet the use of, any area in violation of posted notices;
- H. Play or bet at or against any game which is played, conducted, dealt, or carried on for money, chips, shell, credit or any other representative of value, or maintain or exhibit any gambling table or other instrument of gambling or gaming, or play any game prohibited by any other ordinance of the City;
- I. Sleep, or protractedly lounge, on the seats, benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting, or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace;

- J. Use, carry, or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings or any other forms of weapons potentially dangerous to wild life or to human safety. Shooting into park areas from beyond park boundaries is prohibited;
- K. Solicit alms or contributions for any purpose, whether public or private, without prior permission from the City Council;
- L. Use or allow the use of powered model airplanes or drones except in areas so designated by the department of parks and recreation;
- M. Play or practice golf or use golf clubs in any area of the park not designated for such use;
- N. Indulge in riotous, boisterous, threatening or indecent conduct.
- O. No person shall skate or rollerblade in a manner that causes damage to park amenities or threatens the safety or well being of park patrons. Skating or rollerblading is prohibited on raised surfaces where signed.
- P. Feeding Waterfowl Prohibited. No person shall feed or in any manner intentionally provide food to any wildlife in any City park.

13.04.180 Advertising and Sale Restrictions.

- A. Unless in compliance with Chapter 5.48, no person in a park shall, without prior permission from the City Council, do any of the following:
 - 1. Expose or offer for sale any article, thing, or service, nor shall any person station or place any stand, cart or vehicle for the transportation, sale or display of any such article, thing, or service;
 - 2. Announce, advertise or call the public attention in any way to any article or service for sale or hire;
 - 3. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription.
- B. In addition, in order to insure the public safety, health and general welfare, unless in compliance with Chapter 5.48, no person shall expose or offer for sale any article, thing, or service, nor shall any person station or place any stand, cart or vehicle for the sale or display of any article, thing, or service, on a public street, within five hundred feet in a straight line from the nearest boundary of any park.

7. Amendments to Chapter 16.52 (Prevention of Flood Damage): Sections 16.52.011 (Lands to Which this Chapter Applies) and 16.52.053 (Standards for Manufactured Homes)

16.52.011 Lands to Which this Chapter Applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Cupertino.

The Special Flood Hazard Area identified by the Federal Emergency Management Administration in a scientific and engineering report entitled "The Flood Insurance Study for Santa Clara County, California and Incorporated Areas," dated May 18, 2009, or any later revisions or republications of the report, and as amended from time to time, with accompanying Flood Insurance Rate Maps as amended from time to time, is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file in the Department of Public Works.

16.52.053 Standards for Manufactured Homes.

- A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:
 - 1. Within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home, including any basement, machinery, and/or equipment floor, is elevated to one foot or more above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section 16.52.053.A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that the:
 - 1. Lowest floor of the manufactured home, including any basement, machinery, and/or equipment floor, is at one foot or more above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor, including any basement, machinery, and/or equipment floor, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.