

ORDINANCE NO. 368

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RENUMBERING SECTION 8.52.140 TO SECTION 8.52.180 AND ADDING SECTION 8.52.150 BUSINESS INSPECTIONS, SECTION 8.52.160 BUSINESS INSPECTION FEE, AND SECTION 8.52.170 BUSINESS RE-INSPECTION FEE, TO CHAPTER 8.52 STORMWATER QUALITY MANAGEMENT, OF TITLE 8 OF THE MOORPARK MUNICIPAL CODE

WHEREAS, on August 3, 2000, the California Regional Water Quality Control Board, Los Angeles Region, adopted Order Number 00.108 (NPDES Permit No. CAS004002) (Permit) for storm water and urban runoff discharges in the Ventura County area; and

WHEREAS, the Permit identifies the City of Moorpark (City) as a co-permittee of the Ventura County Permit and authorizes the City to regulate its storm drain system; and

WHEREAS, the Permit requires all co-permittees to develop an inventory of designated industrial and commercial businesses and conduct business inspections; and

WHEREAS, the State of California or the Federal government does not provide any funds to conduct the aforementioned inspections, thus making this an unfunded mandate; and

WHEREAS, the City desires to create a fee to charge affected businesses in order to provide sufficient revenue for funding inspection services.

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

SECTION 1. Chapter 8.52 of Title 8 of the Moorpark Municipal Code is hereby amended by renumbering Section 8.52.140 to Section 8.52.180 and adding new Sections –8.52.150, 8.52.160, and 8.52.170, to read as follows:

“8.52.150 Business inspections.

The Director shall cause each of the business facilities designated in the Permit to be inspected at least as often as required by the Permit. This inspection authority is in addition to all other inspection authority authorized by this Code. To the extent permitted by law, the Director may enter upon and inspect any private premises to verify compliance with this code. If the Director is engaged in duly authorized investigatorial duties

during reasonable hours, no person shall, refuse, restrict, resist or attempt to refuse, restrict or resist entrance of any investigator into any portion of any property subject to this Chapter. Notwithstanding section 8.52.180, any person violating this section shall be guilty of a misdemeanor and subject to business registration revocation. Any written decision by the Director to revoke the business registration may be appealed in writing to the City Manager within 10 days of issuance of written notice. The decision of the City Manager shall be final.

8.52.160 Business inspection fee.

A. Every person required to register a business pursuant to Chapter 5.04 of this code and also engaged in a business designated in the Permit as a designated source of pollution business inspection site shall pay an annual Business Inspection Fee.

B. The Business Inspection Fee shall:

1. Be established by resolution of the City Council.
2. Be reasonable, fair and equitable in nature and proportionately representative of the costs incurred by the City.
3. Not exceed the City's estimated reasonable cost of performing the inspections required by the Permit, including administrative costs.
4. Bear a reasonable relationship to the costs borne by each affected business.
5. Not be levied for general governmental services.

C. The Community Development Department shall administer and collect the Business Inspection Fee.

D. No business registration issued pursuant to Chapter 5.04 of this code shall be issued or renewed until payment of the Business Inspection Fee is received by the Community Development Department.

8.52.170 Business re-inspection fee.

Any business or commercial facility inspected and found to be in violation of the Permit, shall be re-inspected within six (6) months of the date of the initial inspection and shall be subject to a Re-inspection Fee.

A. The amount of the Re-inspection Fee shall be established by resolution of the City Council.

B. Any provision herein that pertains to registration or administration and collection of the Business Inspection Fee shall also pertain to the Re-inspection Fee.”

SECTION 2. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and the adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published once in the Moorpark Star a newspaper of general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designated for that purpose.

PASSED AND ADOPTED this 16th day of April, 2008

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk