

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** The Honorable City Council

**FROM:** Jennifer Mellon, Senior Management Analyst 

**DATE:** April 27, 2009 (CC meeting of June 17, 2009)

**SUBJECT:** Consider an Ordinance Amending Chapter 8.48, Property Maintenance, of Title 8, Health and Safety, of the Moorpark Municipal Code

**BACKGROUND**

Moorpark Municipal Code (MMC) Section 8.48 currently addresses property maintenance and declares certain items to be public nuisances upon abandoned property, vacant structures, occupied structures or unattended land. In 1993 various public nuisance items were declared in MMC Section 8.48.020 due to potential health and safety risks and staff is proposing to add standing water as a public nuisance to Section 8.48.020.

**DISCUSSION**

City of Moorpark Animal/Vector control officers, from time to time, receive complaints from residents regarding standing water concerns including, but not limited to, untreated pools, spas, ponds, or fountains, and drainage concerns. Each occurrence of standing water, or neglected pool or spa, is capable of harboring and breeding thousands of mosquitoes and other vectors that pose a potential health threat to the community. Vector related diseases, including West Nile virus (WNV), are spread by mosquitoes and other vectors that rely upon standing water to reproduce. In Moorpark during the summer months, the gestation period from egg to larvae to hatched mosquito can be as little as 7 days so a proactive approach is crucial in order to control the breeding of vectors.

Recently, due in part to increasing numbers of foreclosed properties and residents being unable to maintain their pools, spas, and ponds, there has been an increase in untreated standing water occurrences which leads to an increase in public health risk. Amending the MMC, adding standing water as a public nuisance, will allow city staff the ability to legally post abatement notices and issue citations for abatement of standing water public nuisance concerns citing the MMC section as the violation. The attached ordinance to add standing water as a nuisance has been reviewed by the City Attorney.

**FISCAL IMPACT**

There is no fiscal impact.

**STAFF RECOMMENDATION**

Introduce Ordinance No. \_\_\_\_\_ for the first reading, waive full reading, and schedule second reading and adoption for July 1, 2009.

Attachment 1: Draft Ordinance

AN ORDINANCE OF THE CITY OF MOORPARK,  
CALIFORNIA, AMENDING CHAPTER 8.48,  
PROPERTY MAINTENANCE, OF TITLE 8, HEALTH  
AND SAFETY, OF THE MOORPARK MUNICIPAL  
CODE BY AMENDING SECTION 8.48.020, TO ADD  
CERTAIN VECTOR RELATED CONDITIONS TO  
THE DEFINITION OF "PUBLIC NUISANCE".

WHEREAS, Chapter 8.48 of Title 8 of the Moorpark Municipal Code sets forth requirements for the Health and Safety of residents of the City of Moorpark; and

WHEREAS, within the City of Moorpark, vector related disease including but not limited to West Nile virus (WNV), Saint Louis encephalitis virus (SLEV), and/or western equine encephalomyelitis virus (WEEV) are creating an increased risk to public health, in part due to increasing numbers of foreclosures and abandoned or neglected pools, spas, or standing water on private properties; and

WHEREAS, rodents, flies, and other nuisance and potential vector species have the ability to cause a state of discomfort and transmit various diseases to humans and other animals; and

WHEREAS, mosquitoes have the ability to transmit WNV, SLEV, and WEEV as well as other vector borne pathogens to humans and other animals; and

WHEREAS, appropriate and timely response to surveillance of public nuisance conditions are key to preventing human and animal diseases associated with arthropod-borne viruses meaning immediate and effective abatement of the public nuisance condition is necessary to prevent spread of disease; and

WHEREAS, each occurrence of standing water, or neglected pool or spa, is capable of breeding thousands of vector mosquitoes and other vectors that pose a potential health threat to the community; and,

WHEREAS, the control measures to be utilized on said standing water or neglected pool or spa shall include application of one or more of the registered public health control products that belongs to biorational or microbial group of products.

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

SECTION I. Chapter 8.48, Property Maintenance, Title 8, Health and Safety, shall be amended by adding Section 8.48.020, Subsection Q as follows:

"Q. Any property or any water, including water that has been artificially altered from its natural condition, which supports the development, attraction, or harborage of vectors or is a breeding place for vectors. "Vector" as used herein means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and other vertebrates."

SECTION 2. If any section, subsection, sentence, clause, phrase, part of 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, clauses, phases, part of portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 3. The 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 this ordinance in the book of original ordinances of the City of Moorpark, shall make a minute of the passage and 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 passage and adoption thereof, cause the same to be published once in the Moorpark Star, a daily newspaper of the general circulation, as defined in Section 6008 of the Government Code, for the City of Moorpark, and which is hereby designed for the purpose.

PASSED AND ADOPTED the \_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk