

ORDINANCE NO. 349

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA,  
AMENDING SECTION 15.26.010 (CONSTRUCTION ACTIVITY  
RESTRICTED TO CERTAIN HOURS), SUBSECTION A, OF THE  
MOORPARK MUNICIPAL CODE

WHEREAS, at its meeting of February 7, 2007, the City Council considered this ordinance to amend Section 15.26.010 (Construction Activity Restricted to Certain Hours), Subsection A, of the Moorpark Municipal Code, reached a decision; and

WHEREAS, the City Council concurs with the community development director's determination that this project is exempt from the provisions of the California Environmental Quality Act by the general rule that CEQA only applies to projects that may have a significant effect on the environment.

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

SECTION 1. Section 15.26.010 (Construction Activity Restricted to Certain Hours), Subsection A, of the Moorpark Municipal Code is hereby amended in its entirety to read as follows:

**15.26.010 Construction activity restricted to certain hours.**

A. It is unlawful within the incorporated limits of the city to engage in or conduct any outdoor work relative to construction, except between the hours of seven (7:00) a.m. and seven (7:00) p.m., Monday through Saturday, unless a permit for different hours has first been issued by the public works director for projects within the public right-of-way; or by the community development director for projects on private property. Application for such a permit shall be made in writing to the appropriate department director and shall state the name and business address of the applicant, the location of the proposed work, the reason for seeking a permit to do the work on Sunday or between seven (7:00) p.m. and seven (7:00) a.m. on other days, and the estimated duration of the work. For purposes of this section "construction" means the erection, maintenance or repair of any building or structure, the moving or excavation of earth, the laying of pavement, the loading or unloading of material, equipment or supplies or any other construction activity.

For projects on public or private property, notice of a pending decision on a request for extended construction hours shall be mailed by the appropriate director to owners of real property, as identified on the latest adjusted Ventura County Tax Assessor Roles, within three-hundred (300) feet of the exterior boundaries of the assessor's parcel(s) where the time extension is requested, at least ten (10) calendar days prior to the decision. Public comments concerning potential adverse affects on public peace, safety, and health and welfare will be accepted during the period before

the date of the decision. After the comment period has ended, the appropriate department director may approve the request, deny the request, or approve the request subject to conditions necessary for the extension of construction hours upon making a finding by the appropriate department director that the public peace, safety, health and welfare will not be adversely affected by performance of the work at the requested time and that without issuance of the permit the applicant will suffer substantial loss or inconvenience.

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 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 21st day of February, 2007.

---

Patrick Hunter, Mayor

ATTEST:

---

Deborah S. Traffenstedt, City Clerk

000135