

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Barry K. Hogan, Deputy City Manager 
Prepared By: Richard A. Diaz, Special Projects Coordinator

DATE: September 19, 2007 (CC meeting of 10/03/07)

SUBJECT: Consider an Amendment to Title 1 – General Provisions of the Moorpark Municipal Code, Chapter 1.16 – Administrative Citations, of Section 1.16.040.A, Notice of Violation, to Delete an Incorrect Reference

DISCUSSION

The Social Host Ordinance adopted in late 2006 makes reference to the use of an Administrative Citation process for its enforcement. Since its adoption two citations have been issued. In order for the citation process to work more smoothly there is a minor amendment which needs to be made to Section 1.16.040.A, Notice of Violation, of Chapter 1.16, Administrative Citations. The change has been reviewed by the City Attorney.

ENVIRONMENTAL DETERMINATION

In accordance with the City's environmental review procedures adopted by resolution, the Planning Director determines the level of review necessary for a project to comply with the California Environmental Quality Act (CEQA). Some projects may be exempt from review based upon a specific category listed in CEQA. Other projects may be exempt under a general rule that environmental review is not necessary where it can be determined that there would be no possibility of significant effect upon the environment. A project which does not qualify for an exemption requires the preparation of an Initial Study to assess the level of potential environmental impacts.

The Director has reviewed this project and found it to qualify for a General Rule Exemption in accordance with Section 15061 of California Code of Regulations (CEQA Guidelines). No further environmental documentation is required.

Honorable City Council
October 3, 2007
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STAFF RECOMMENDATION

Introduce Ordinance No. _____ for first reading, waive full reading, and schedule second reading and adoption for October 17, 2007.

ATTACHMENT(S):

Ordinance No. _____ amending Section 1.16.040.A

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MOORPARK,
CALIFORNIA, AMENDING SECTION 1.16.040.A, NOTICE OF
VIOLATION, OF CHAPTER 1.16, ADMINISTRATIVE
CITATIONS, OF TITLE 1 OF THE MOORPARK MUNICIPAL
CODE

WHEREAS, the City Council adopted Ordinance No. 340 at a regular meeting on September 20, 2006, which added Chapter 1.16, Administrative Citations, to the Moorpark Municipal Code; and

WHEREAS, Section 1.16.040.A should be amended to delete an incorrect reference to Section 1.16.060(B)(1)-(5).

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

SECTION 1. Section 1.16.040.A of Chapter 1.16 of Title 1 of the Moorpark Municipal Code is hereby amended in its entirety to read as follows:

“1.16.040 Notice of violation.

- A. Whenever a code compliance officer determines that a violation of this code exists, the code compliance officer may issue a notice of violation to a responsible person prior to issuing an administrative citation. The notice of violation serves as a written warning of responsibility and requires immediate action by the responsible person to cease and abate the violation. If the violation is not ceased or abated by the end of the correction period stated in the notice, the code compliance officer may issue an administrative citation.”

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.

Ordinance No. ____

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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 ____ day of _____, 2007.

Patrick Hunter, Mayor

Deborah S. Traffenstedt, City Clerk

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