

CITY OF MOORPARK EXECUTIVE ORDER NO. 2020-03

AN EXECUTIVE ORDER OF THE DIRECTOR OF  
DISASTER SERVICES OF THE CITY OF MOORPARK  
SUSPENDING CERTAIN NOISE PROHIBITIONS FOR  
DESIGNATED FOOD ESTABLISHMENTS

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on March 4, 2020, the Governor of the State of California initially declared a state of emergency to make additional resources available, formalize emergency actions already underway across multiple state agencies and departments, and help the state prepare for broader spread of COVID-19; and

WHEREAS, on March 12, 2020, Robert Levin, M.D., the Ventura County Health Officer, declared a local health emergency within the County of Ventura due to COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency and announced that the federal government would make emergency funding available to assist state and local governments in preventing the spread of and addressing the effects of COVID-19; and

WHEREAS, also on March 13, 2020, the City Manager of the City of Moorpark, acting as its Director of Disaster Services, proclaimed a local emergency within the City of Moorpark on account of the COVID-19 pandemic; and

WHEREAS, on March 16, 2020, the California Department of Public Health issued COVID-19 public health guidance related to self-isolation for older adults and those who have elevated risks, to further strengthen measures to address the state of emergency caused by the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, Dr. Levin issued an order to close many types of businesses, including bars and nightclubs that do not serve food, movie theatres, live performance venues, bowling alleys, arcades, gyms, fitness centers, aquatic centers, wineries, breweries, and tap rooms through April 1, 2020; and

WHEREAS, on March 18, 2020, the City Council of Moorpark adopted a resolution to ratify the Director of Disaster Services' Proclamation of a local emergency within the City of Moorpark; and

WHEREAS, on March 20, 2020, the Ventura County Health Officer issued a stay in place of residence order requiring all persons currently living within Ventura County to stay at their residences and to the extent persons are outside of their places of residence to, at all times as reasonably possible maintain a physical distance of at least six feet from one another; and

WHEREAS, based on the foregoing, the Centers for Disease Control and Prevention, the California Department of Public Health, and the Ventura County Health Officer have all issued recommendations and/or orders including but not limited to social distancing, staying home if sick, canceling or postponing large group events, working from home, and other precautions to protect public health and prevent transmission of this communicable virus; and

WHEREAS, as a result of the public health emergency and the precautions recommended by health authorities, Moorpark food establishments have experienced dramatic shortages in their inventories as patrons prepare for home isolation over unknown periods of time; and

WHEREAS, during this local emergency, and in the interest of protecting the public health it is essential to have adequate groceries, consumables and household goods available to meet the near term needs of the community; and

WHEREAS, pursuant to Government Code Section 8634 and Moorpark Municipal Code Section 2.48.060 (C)(1), the Moorpark Director of Disaster Services has the authority to make and issue rules and regulations related to the protection of life and property as affected by the COVID-19 pandemic; and

WHEREAS, grocery stores, restaurants and other retail and non-profit establishments that provide food ("Food Establishments") to the public have faced challenges keeping goods stocked, receiving deliveries of these items in a timely manner to meet the demands of the public, and ultimately providing these items to the public; and,

WHEREAS, Paragraph E of Section 17.53.070 of the City of Moorpark Municipal Code imposes noise restrictions between the hours of 10:00 p.m. and 7:00 a.m. with respect to the loading and unloading of boxes, containers and materials and Chapter 17.53 of the Moorpark Municipal Code contains other prohibitions on noise generation which further inhibit the ability of Food Establishments to re-supply their inventories and provide food to the public.

NOW, THEREFORE, THE DIRECTOR OF DISASTER SERVICES OF THE CITY OF MOORPARK DOES HEREBY ORDER AS FOLLOWS:

SECTION 1. Noise Restrictions Temporarily Exempted for Food Establishments: The restrictions and prohibitions on loud or disturbing noise contained in Section 17.53.050 ("Disturbing Noises Prohibited"), Section 17.53.060 ("Noise Measurement Procedure"), Subsection E of Section 17.53.070 ("Prohibited Acts"), Section 17.53.080 ("Exterior Noise Limits - Sound Levels by Receiving Land Use Districts"), and 17.53.090 ("Interior Noise Limits") (collectively, the "Noise Restrictions") of the Moorpark Municipal Code, and any City-imposed condition of approval on a specific Food Establishment that requires a similar restriction to the "Noise Restrictions," are hereby suspended as applied to Food Establishments engaged in receiving, preparing, processing, selling, or delivering food, produce, and other groceries.

SECTION 2. Limitation on Unreasonable Noise. During the temporary suspension of the Noise Restrictions, Food Establishments are encouraged to use care when engaging in activities that may create loud noise because many City residents are currently subject to the Health Officer's stay in place of residency order. The Director of Disaster Services may modify or revoke this Executive Order if it is determined that Food Establishments are generating unreasonable noise impacts to surrounding neighborhoods.

SECTION 3. Term. This Executive Order shall remain in effect until the local emergency declared in response to COVID-19 within the City is concluded. This Executive Order may also be extended or superseded during the period of local emergency by a duly enacted Ordinance of the City Council or by a further Order by the Director of Disaster Services.

SECTION 4. Effective Date. This Executive Order shall be effective immediately as of the date of this Executive Order.

SECTION 5. Severability. The Director of Disaster Services declares that, should any section, subsection, subdivision, sentence, clause, phrase, or portion of this Executive Order for any reason be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Executive Order. The Director Disaster Services hereby declares that it would have adopted this Executive Order and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Publication. The City Clerk shall certify to the approval of this Executive Order and shall cause notice of it to be disseminated to the public and be given widespread publicity and notice.

APPROVED and ISSUED this 24th day of March, 2020.



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Troy Brown, City Manager/  
Director of Disaster Services

ATTEST:



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Ky Spangler, City Clerk

