

Exhibit A: Redlined Version of Hayward Municipal Code Amendments

Chapter 1- General Provisions: Article 2- Definitions

Ch. 1- General Provisions

Art. 2- Definitions.

SEC. 1-2.00 - WORDS AND PHRASES.

Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

SEC. 1-2.01 - CERTAIN WORDS AND PHRASES DEFINED.

For the purpose of this Code, certain words and phrases are defined and certain provisions shall be construed as in this Article set out, unless it shall be apparent from their context that a different meaning is intended or unless a different meaning is specifically defined elsewhere in this Code.

SEC. 1-2.02 - CITY.

The word "City" means the area within the territorial limits of the City of Hayward and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional provision or any law.

SEC. 1-2.03 - COUNCIL.

The word "Council" means the City Council of the City of Hayward.

SEC. 1-2.04 - CITY MANAGER.

The word "City Manager" means the City Manager of the City of Hayward; further provided, that the use of the title of any officer or to any office shall refer to such officer or office of the City of Hayward.

SEC. 1-2.05 - PERSON.

The word "person" means any individual, business, company, corporation, both public and private, association, political or governmental subdivision or unit, or other group acting as a unit or entity.

SEC. 1-2.06 - OATH.

The word "oath" shall also include affirmation.

SEC. 1-2.07 - WORDS IN PRESENT TENSE.

Words in the present tense shall include the future; words in the singular shall include the plural and vice versa, any gender shall include the other genders.

SEC. 1-2.08 - MINOR.

The word "minor" shall mean any person under the age of eighteen (18) years.

SEC. 1-2.09 – RULES OF CONSTRUCTION.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out. In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general

welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than another more general provision imposed by the Code or other law, the provision imposing the greater restriction or regulation shall be controlling.

California Codes. Any reference to the codified statutes of the state including but not limited to Business and Professions Code, Civil Code, Code of Civil Procedure, Commercial Code, Corporations Code, Education Code, Elections Code, Evidence Code, Family Code, Financial Code, Fish and Game Code, Food and Agricultural Code, Government Code, Harbors and Navigation Code, Health and Safety Code, Insurance Code, Labor Code, Military and Veterans Code, Penal Code, Probate Code, Public Contract Code, Public Resources Code, Public Utilities Code, Revenue and Taxation Code, Streets and Highways Code, Unemployment Insurance Code, Vehicle Code, Water Code, or Welfare and Institutions Code are to such codes as adopted and now or hereafter amended. Any reference to a state law or state act by title is to such law or act as amended.

Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows, except that in appropriate cases the terms "or" and "and" are interchangeable:

(1) "And" indicates that all the connected terms, conditions, provisions or events apply.

(2) "Or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.

(3) "Either . . . or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Officers, departments, etc. Officers, departments, boards, commissions and employees referred to shall mean officers, departments, boards, commissions and employees of the City of Hayward, California, unless the context clearly indicates otherwise.

Signature or subscription by mark. Includes a mark when the signer or subscriber cannot write, such signer's or subscriber' s name being written near the mark by a witness who writes his own name near the signer' s or subscriber' s name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

Week. A week consists of seven consecutive days.

SEC. 1-2.10 – AMENDMENTS TO CODE.

(a) Each bill ordinance which proposes an ordinance to repeal, amend or add to any portion of this code and each bill ordinance which proposes an ordinance of a general and permanent nature suitable for inclusion in this code, though constituting new subject matter not therein contained, shall be drafted so as to specify the specific section numbers, subsections, etc., of this code which are to be repealed or

amended and, with respect to additions and to new subject matter, so as to provide appropriate chapter, article, section, etc., numbers therefor and each amendment of and addition to this code shall be set out in full and appropriate chapter and article headings and section catchlines shall be included.

(b) Upon the adoption of an ordinance to repeal, amend or add to any portion of this Code or to include new subject matter in this Code, the city clerk shall separate the several chapters, articles, sections, etc., of such ordinance and enter them in their proper places in each file copy of this Code and shall remove therefrom any portion so repealed or amended and in the margin of each insertion in the file copies of this Code he shall note and initial the date of passage, effective date and number of the amending or repealing ordinance.

(c) Items removed from the file copies of this Code pursuant to subsection (b) of this section shall be maintained by the city clerk in a reasonably accessible manner.

SEC. 1-2.11 – SUPPLEMENTATION OF CODE.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code during that period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate section headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in section headings, titles for sections and headings for other subdivisions of the Code;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the term "this ordinance" or terms of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ through _____." The inserted section numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

SEC. 1-2.12 – ALTERING CODE.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever except pursuant to ordinance or other official act of the city council which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1.16.010 of this Title.

SEC. 1-2.13 – RATES, CHARGES, OR FEES ESTABLISHED.

(a) Unless otherwise provided for, all rates, charges, or fees necessary for the administration and enforcement of the provisions of this Code shall be as currently established or as hereafter adopted by motion, resolution or ordinance of the city council, from time to time. Any rates, charges, or fees established by the city pursuant to the regulations or requirements established herein may be changed from time to time by the city council, and such changes shall both be considered an amendment to this Code.

(b) Whenever any provision of this Code provides that a rate, charge, or fee shall be established by the city council, from time to time, and the amount of such rate, charge, or fee is not expressed in this Code in any dollar amount, then the amount of such rate, charge, or fee shall be the most recent and latest amount established, set or fixed by the city council by ordinance, resolution or motion.

SEC. 1-2.14 – CERTAIN ORDINANCES NOT AFFECTED BY CODE.

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;

(3) Any contract or obligation assumed by the city;

(4) Any ordinance or resolution fixing the salary of any city officer or employee, unless superseded;

(5) Any right of franchise granted by the city to any person, firm, or corporation;

(6) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, opening, widening, paving, widening, vacating, etc., any street or public way in the city;

(7) Any ordinance or resolution establishing and prescribing the street grades of any street in the city;

(8) Any appropriation ordinance;

(9) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;

(10) Any ordinance or resolution providing for local improvements and assessing taxes therefor.

(11) Any ordinance or resolution describing or altering the boundaries of the city or annexing property to the city;

(12) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of this Code;

(13) Any ordinance levying or imposing taxes not included in this Code;

(14) Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code;

(15) Any ordinance or resolution of agreement with another political subdivision;

(16) Any specific rezoning ordinance or amendments thereto;

(17) Any ordinance or resolution dedicating or accepting any specific subdivision plat;

(18) Any ordinance or resolution that creates and/or continues a governmental funding mechanism for potential future projects and programs under the Alternative Voluntary Redevelopment Program as established in accordance with California legislature townbills AB 1X26 and AB1X27; and

(19) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.

(b) Nor shall the repeal of any such ordinance or resolution be construed to revive any ordinance, resolution or part thereof that has been repealed or superseded by a subsequent ordinance or resolution which is repealed or superseded by this chapter. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

(Amended by Ordinance No. 72-023 C.S., adopted May 23, 1972.)

Chapter 1- General Provisions: Article 4 - Procedures for Claims & Actions for Money or Damages

SEC. 1-4.00 - DEFINITIONS.

Except as the provision or context otherwise requires, words and phrases used in this article shall have the same meaning as they do in the **Government Claims Act** ~~California Governmental Liability and Claims Act~~, being Division 3.6 (commencing with Section 810) of Title 1 of the California Government Code, but shall otherwise be defined by the provisions of Article 2 of Chapter 1 of this code.

Chapter 2- Government & Administration: Article 1 - City Council - § 2-1.10 - Compensation for Members of the City Council

SEC. 2-1.10 - COMPENSATION FOR MEMBERS OF THE CITY COUNCIL.

Note— (Amended by Ordinance 01-12, adopted September 25, 2001)

- (a) Each Council Member shall receive compensation for services rendered in an official capacity, ~~an annual salary in the sum of twenty five thousand dollars (\$25,000.00)~~ a fee established by the city council from time to time.
- (b) The Council of the City of Hayward does ordain as follows: The Mayor shall receive as compensation for services rendered in an official capacity, ~~an annual salary in the sum of forty thousand dollars (\$40,000.00)~~ a fee established by the city council from time to time.
- (c) From and after the fiscal year beginning July 1, 2003 and for each fiscal year thereafter, the compensation for the Mayor and each Council Member shall be increased by an amount equivalent to the percent increase in the "Consumer Price Index San Francisco-Oakland Metropolitan Area - All Items", published by the Bureau of Labor Statistics, United States Department of Labor, for the twelve-month period ending June of each fiscal year.

However, in no event shall any such increase be greater than five percent (5%).
- (d) In addition, the Mayor and members of Council shall receive reimbursement for Council authorized travel and expenses while on official City duty.
- (e) Each Council Member and the Mayor shall also receive deferred compensation benefits under the City of Hayward's Deferred Compensation Plan for employees. The rate of compensation received under this plan by the Mayor and each Council Member shall be the same as that received by Unrepresented Management employees, as amended from time to time.

(Amended by Ordinance 02-05, adopted May 14, 2002)

Chapter 2- Government & Administration: Article 6- Hayward Executive Airport Code- Hayward Executive Airport Code. Rules and Regulations - § 2-6.42(b)- Airport Operations Area (AOA)

SEC. 2-6.42 - AIRPORT OPERATIONS AREA (AOA).

The Airport Operations Area (AOA) shall include the Aircraft Movement Area (see Sec. 2-6.43), non-Aircraft Movement Areas, Aprons, loading ramps, safety areas, and all portions of the Airport designed and used for landing, taking off or surface maneuvering of Aircraft. The AOA shall encompass both the Aircraft Movement Area and non-Aircraft Movement Areas. The AOA includes the runways, taxiways, ramps, aprons, helipads or hovering routes and tie-down areas or any adjacent areas.

- a. The Airport Manager may restrict Vehicles to a certain portion(s) or segment(s) of the AOA. Such restrictions shall prohibit Vehicle operators outside designated areas.
- b. **Use of radio-controlled model airplanes, Unmanned Aerial Vehicles (“drones”), or cars is not permitted on the AOA.** ~~Use of radio-controlled model airplanes or cars is not permitted on the AOA.~~
- c. Use of go-carts, roller blades and skate boards is not permitted on the AOA unless permission is received from the Airport Manager.
- d. Manually controlled gates that provide access to the AOA shall be kept closed and locked at all times except when actually in use.
- e. When automatic gates are used, Vehicle Operators must stop the Vehicle and allow the gate to fully close before proceeding. The Vehicle Operator must also ensure that no other Vehicles or persons gain access to the Airport while the gate is in the process of closing and/or not fully closed.
 - (1) If the Vehicle Operator cannot prevent such access, the Vehicle Operator must immediately notify the Airport Manager.
- f. Commercial Ground Transportation on the Non-Aircraft Movement Area.
 - (1) Only those rental car companies that have received authorization from the City may conduct business on the Airport.
 - (2) Escorted taxicabs, Limousines or hotel buses may deliver customers and/or baggage to a non-Aircraft Movement Area or may pickup customers and/or baggage from a non-Aircraft Movement Area (in any area designated for such purposes by the Airport Manager) if specifically requested to do so by an Operator or Lessee.
- g. Vehicles, motorcycles, boats, jet skis, snowmobiles, dune buggies, race cars, recreational vehicles, trailers, etc., may not be permanently parked or stored anywhere on the AOA (unless specifically approved by the Airport Manager) and shall be subject to all applicable provisions of Sec. 2-6.18 of the Code.

Chapter 2- Government & Administration: Article 6- Hayward Executive Airport Code- Hayward Executive Airport Code. Aircraft Noise and Restrictions.- § 2-6.128 - Operative Date

~~SEC. 2-6.128—OPERATIVE DATE.~~

~~Sections 2-6.119 through 2-6.127 of this Article shall not be enforced until six (6) months after their adoption. This transition period is provided to permit education of the aviation community about the existence of these noise restrictions as well as alternative noise restrictions which were considered and rejected, to provide reasonable notification to the owners and operators of aircraft which are presumptively incapable of complying with such noise restrictions, and to permit compliance with the noise restrictions by allowing a reasonable time for transition to quieter models of aircraft or modification of existing equipment.~~

(Amended by Ordinance 07-23, adopted December 18, 2007)

Chapter 2- Government & Administration: Article 9- Business Enterprise Preference System - § 2-9.07-
Periodic Review

SEC. 2-9.07 - PERIODIC REVIEW.

~~This article shall be reviewed by the City Council to determine whether termination or any revision is appropriate by December 31, 1996.~~ This article or any revision shall be periodically reviewed at least every three (3) years thereafter.

Ch. 3- Public Safety: Article 1- Fire Prevention - § 3-1.00 (Definitions) through 3-1.09 (Rubbish Defined)

SEC. 3-1.00 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

~~SEC. 3-1.01 - BONFIRE DEFINED.~~

Bonfire shall mean any open fire not contained in a Type 1, 2 or 3 incinerator.

~~SEC. 3-1.02 - FIRE ZONE ONE DEFINED.~~

Fire Zone One shall mean that fire zone of the City described as Zone One pursuant to the Building Code of the City of Hayward.

~~SEC. 3-1.03 - FIRE ZONE TWO DEFINED.~~

Fire Zone Two shall mean that fire zone of the City described as Zone Two pursuant to the Building Code of the City of Hayward.

~~SEC. 3-1.04 - GARBAGE DEFINED.~~

Garbage shall mean animal or vegetable waste, provided that dried weeds, grass and garden and lawn trimmings shall be considered as rubbish.

~~SEC. 3-1.05 - TYPE 1 INCINERATOR DEFINED.~~

Type 1 Incinerator shall mean an enclosed incinerator as described in the Building Code of the City of Hayward.

~~SEC. 3-1.06 - TYPE 2 INCINERATOR DEFINED.~~

Type 2 Incinerator shall mean a metal or masonry incinerator which is entirely closed, has a chimney extending at least thirty (30) inches above the fire door, and is equipped with a clean-out door, fire door and spark arrester.

~~SEC. 3-1.07 - TYPE 3 INCINERATOR DEFINED.~~

Type 3 Incinerator shall mean a metal or masonry incinerator, barbecue pit or other structure designed, intended or useful for burning rubbish, entirely enclosed, and equipped with a removable cover. No hole or opening in the top or sides shall exceed one-half (1/2) inch in diameter or square dimension.

~~SEC. 3-1.08 - OPEN FIRE DEFINED.~~

Open Fire shall mean any fire located outside a building for the purpose of burning the contents thereof.

~~SEC. 3-1.09 - RUBBISH DEFINED.~~

Rubbish shall mean any combustible material or substance, other than garbage.

Ch. 3- Public Safety: Article 5- Dangerous Structures (Swimming Pools) - § 3-5.53- Time for Compliance

SEC. 3-5.53 - TIME FOR COMPLIANCE.

~~The fencing required by these regulations shall be installed around all existing pools or bodies of water within ninety (90) days from and after the effective date of these regulations.~~ No pool or other body of water, the construction of which is completed after the effective date of these regulations, shall be filled with water until the fencing required by the provisions hereof has been provided.

Ch. 3- Public Safety: Article 8- Hazardous Materials Storage. Part XIII Miscellaneous. § 3-8.72- Report to the State Water Resources Control Board.

SEC. 3-8.72 - REPORT TO THE STATE WATER RESOURCES CONTROL BOARD.

The City will require its permit applicants and permittees to fill out, in addition to forms required for City's own purposes under this Article, standardized forms based on the application form and annual report form prepared by the State Water Resources Control Board as specified by California Health and Safety Code Section ~~25283.2~~ **25286**, and City will forward these forms to the State Water Resources Control Board.

However, where any of the information required on such standardized forms is claimed by the permit applicant or permittee to be a trade secret, the permit applicant or permittee shall leave that portion of the form submitted to City blank, except to indicate the words trade secret, and the permit applicant or permittee shall thereafter, within ten (10) days of submitting the incomplete form to City, submit the completed form including the trade secret information directly to the State Water Resources Control Board. City shall have no obligation to protect as a trade secret any information which is furnished to it for forwarding to the State Water Resources Control Board on these standardized forms.

Ch. 4- Public Welfare, Morals & Conduct: Article 1- Abandoned Vehicle Abatement Part - § 4-1.34- Notice

SEC. 4-1.34 - NOTICE.

A ten-day notice of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be mailed by registered or certified mail to the owner of the property on which the vehicle is located and to the owner of the vehicle itself, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. The notices of intention shall be in the form as established by the City Council, from time to time. The notice of intention is not required for removal of a vehicle or part thereof that is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than two hundred dollars (\$200) by a person specified in Vehicle Code §22855, and is determined by the City Council to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof.

~~A ten-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:~~

~~NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE~~

~~(Name and address of owner of the land)~~

~~As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Sec. 4-1.33 of the City of Hayward Municipal Code has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to , license number , which constitutes a public nuisance pursuant to the provisions of Article 1 of Chapter 4 of the City of Hayward Municipal Code.~~

~~You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.~~

~~As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Enforcement Officer within such 10-day period, the Enforcement Officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.~~

~~Notice Mailed _____ (date)~~

~~(Enforcement Officer)~~

~~NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE~~

~~(Name and address of last registered and/or legal owner of record of vehicle—notice should be given to both if different)~~

~~As last registered (and/or legal) owner of record of (description of vehicle—make, model, license, etc.), you are hereby notified that the undersigned pursuant to Sec. 4 1.33 of the City of Hayward Municipal Code has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Article 1 of Chapter 4 of the City of Hayward Municipal Code.~~

~~You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date of mailing of this notice.~~

~~As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Enforcement Officer within such 10-day period, the Enforcement Officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.~~

~~Notice Mailed _____ (date)~~

~~(Enforcement Officer)~~

Ch. 4- Public Welfare, Morals & Conduct: Article 1- Public Nuisances. Weed, Rubbish & Litter Abatement
Part - § 4-1.58- Abatement Notice

SEC. 4-1.58 - ABATEMENT NOTICE.

The enforcement officer shall cause the responsible person to be notified of a violation of this ordinance and shall direct the responsible person to abate the violation or appear before the enforcement officer to show cause why the violation should not be abated by the City at the property owner's expense.

The notice shall be **in a form proscribed by the City Council.** substantially in the following form:

~~NOTICE TO REMOVE WEEDS, RUBBISH, AND LITTER~~

(Name and address of person notified)

~~As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at _____, you are hereby notified that the undersigned has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of Section 4-1.57: (subsection number and description of condition)~~

~~You are hereby notified that by _____, you must abate the above condition(s) to the satisfaction of the undersigned or request an administrative hearing to show cause, if any you have why said condition should not be abated by the City and the expenses thereof charged to your property and if not paid thereafter made a lien upon the real property described above. Abatement is to be accomplished in the following manner:~~

Dated: _____ By _____

Ch. 4- Public Welfare, Morals & Conduct: Article 3- Card Club & Bingo Regulations - Bingo Games For Charity Part - § 4-3.51- Definitions (“bingo”)

SEC. 4-3.51 - DEFINITIONS.

Whenever in these regulations the following terms are used they shall have the meanings respectively ascribed to them in this section.

"Bingo" **has the meaning set forth in California Penal Code § 326.5(o) as it now exists or may hereafter be amended.** ~~is a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.~~

Ch. 4- Public Welfare, Morals & Conduct: Article 3- Card Club & Bingo Regulations - Bingo Games For Charity Part - § 4-3.52- Organizations Eligible for City Permit

SEC. 4-3.52 - ORGANIZATIONS ELIGIBLE FOR CITY PERMIT.

Bingo may be conducted by organizations which have obtained an exemption from the payment of the bank and corporation tax by State Revenue Code Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), ~~and~~ 23701(1), 23701(k), and 23701(w). Said organizations are of the following types:

Labor, agricultural, or horticultural

Fraternal beneficiary societies, orders, or associations operating under a lodge system

Religious, charitable, scientific, literary, educational and humanitarian

Business leagues, chambers of commerce, real estate boards, and boards of trade

Civic leagues, social welfare and employee organizations

Nonprofit pleasure and recreation clubs

Bingo may also be conducted by mobile home park associations and senior citizen organizations.

Ch. 4- Public Welfare, Morals & Conduct: Article 3- Card Club & Bingo Regulations - Bingo Games For Charity Part - § 4-3.67- Profits—Separate Fund or Account.

SEC. 4-3.67 - PROFITS—SEPARATE FUND OR ACCOUNT.

The proceeds of bingo games shall be used only for charitable purposes.

With respect to organizations granted tax exempt status under the provisions of State Revenue Code Section 23701(d) all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account.

With respect to other organizations authorized to conduct bingo games, all proceeds shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds, however, may be used for prizes. **A portion of such proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or two thousand dollars (\$2,000) per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.** ~~A portion of such proceeds not to exceed ten percent (10%) after the deduction for prizes, or five hundred dollars (\$500.00) per month, whichever is less, may also be used for rental of property, overhead and administrative expenses.~~

The permittee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by these regulations. The City, by and through its authorized officers, shall have the right to examine and audit such records at any reasonable time and permittee shall fully cooperate with the City by making such records available.

(Amended by Ordinance No. 77-039 C.S., adopted August 23, 1977.)

Ch. 4- Public Welfare, Morals & Conduct: Article 5- Minors - § 4-5.15- Minors Prohibited in Pool Rooms

~~SEC. 4-5.15— MINORS PROHIBITED IN POOL ROOMS.~~

~~It shall be unlawful for any minor, unless accompanied by a parent or legal guardian, to enter or remain in any public pool room or billiard room.~~

~~It shall be unlawful for any person having charge of or conducting a public pool room or billiard room, to permit any minor, unless accompanied by a parent or legal guardian, to enter or remain in any public pool room or billiard room.~~

(Amended by Ordinance 72-023 C.S., adopted May 23, 1972)

Ch. 5- Sanitation & Health: Article 2- Food Regulations - § 5-2.00 (Definitions), 5-2.01 (Health Officer), & 5-2.02 (Health Department)

SEC. 5-2.00 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

~~SEC. 5-2.01 - HEALTH OFFICER.~~

Health Officer means the Health Officer of the County of Alameda.

~~SEC. 5-2.02 - HEALTH DEPARTMENT.~~

Health Department means the Health Department of the County of Alameda.

Ch. 5- Sanitation & Health: Article 3- Mobile Home Regulations - § 5-3.102 (Alter) through 5-3.171 (Travel Trailer)

SEC. 5-3.100 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

~~SEC. 5-3.102 - ALTER.~~

Alter shall mean any change, addition or modification in construction or occupancy.

~~SEC. 5-3.103 - AWNING.~~

Awning shall mean any shade structure of approved material, installed, erected or used adjoining or adjacent to a mobile home, and which is completely open on at least one (1) side. A side may be interpreted to be an "end". Awning does not include a window awning. Awning does not mean cabana.

~~SEC. 5-3.110 - BUILDING.~~

Building shall mean any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. Building includes public baths and toilets, cabanas and laundry rooms, community or recreation structures or other permanent or portable enclosures constructed for the exclusive use of occupants of a mobile home park.

~~SEC. 5-3.115 - CABANA.~~

Cabana shall mean any portable or demountable building, enclosed on at least three (3) sides, erected, constructed or placed on any mobile home site within six (6) feet adjacent to a mobile home and used for human habitation. Cabana does not include awning.

~~SEC. 5-3.116 - CARPORT.~~

Carport shall mean an awning or shade structure under which an automobile is to be stored.

~~SEC. 5-3.120 - EXISTING PARKS.~~

Existing parks shall mean trailer parks or mobile home parks presently established in areas annexed by the City of Hayward after the effective date of this Article.

~~SEC. 5-3.125 - FREE STANDING.~~

Free standing shall mean a structure sufficiently strong to withstand loads and forces as specified in the Building Code of the City of Hayward.

~~SEC. 5-3.130 - MOBILE HOME.~~

Mobile home shall mean an "independent" trailer coach of any length and excludes "dependent" trailer coach and "camp car".

~~SEC. 5-3.131 - MOBILE HOME PARK.~~

Mobile home park shall mean any lot or parcel of land designed for, used or intended to be used for the parking and occupancy of two (2) or more mobile homes for dwelling or sleeping purposes.

~~SEC. 5-3.132 MOBILE HOME SITE.~~

Mobile home site shall mean that portion of a mobile home park designated and designed for the use or occupancy of a mobile home, and includes any area thereon that is set aside or used for automobile parking, carport, storage cabinet, awning, cabana, or other structure, but not including park roadways, sidewalks, or central service, recreation or parking areas.

~~SEC. 5-3.140 NUISANCE.~~

Nuisances includes any of the following.

- a. Any public nuisance known at common law or in equity jurisprudence.
- b. Whatever is dangerous to human life or detrimental to health.
- c. The overcrowding of any room or mobile home to a degree which will limit the cubic footage of available air space to less than 300 cu. ft. per person for permanent or semi-permanent occupancy.
- d. Insufficient ventilation or illumination of any room or mobile home.
- e. Inadequate or insanitary sewage or plumbing facilities.
- f. Whatever renders air, food or drink unwholesome, or detrimental to the health of human beings.

~~SEC. 5-3.150 PARK ROADWAY.~~

Park roadway shall mean any passageway inside a mobile home park intended for the use of automobiles and for transporting mobile homes, except areas on or within approved mobile home sites.

~~SEC. 5-3.151 PARK SEWER COLLECTOR SYSTEM.~~

Park sewer collector system shall mean that part of the mobile home park sanitary sewer system which collects sewage from the park sewer service line and conveys sewage to the park sewer outfall.

~~SEC. 5-3.152 PARK SEWER OUTFALL.~~

Park sewer outfall shall mean that part of the mobile home park sanitary sewer system which is connected to the public sanitary sewer main either in a public street or in a public easement.

~~SEC. 5-3.153 PARK SEWER SERVICE LINE.~~

Park sewer service line shall mean that part of the mobile home park sanitary sewer system which conveys the sewage from the mobile home sites to the park sewer collector system.

~~SEC. 5-3.154 PARK WATER SERVICE LINE.~~

Park water service line shall mean that part of the mobile home park water system extending from the park water main to a mobile home site or to a service building, and includes connections, devices and appurtenances.

~~SEC. 5-3.155 PARK WATER SYSTEM.~~

Park water system shall mean all of the water supply piping from the main public supply to, but not including, the park water service line.

~~SEC. 5-3.160 SERVICE BUILDING.~~

Service building means any structure providing public facilities including, but not limited to the following: bathing, toilet, laundry, recreation.

~~SEC. 5-3.170- TRAILER COACH.~~

Trailer coach shall mean any camp car, trailer or other vehicle, with or without motive power, designated and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the State Vehicle Code and designed or used for human habitation.

Camp Car shall mean any self-propelled vehicle provided with living or sleeping quarters.

Dependent shall refer to a trailer coach which is not equipped with all of the following.. a toilet for sewage disposal, a sink and a bath or shower.

Independent shall refer to a trailer coach which is equipped with a toilet for sewage disposal, a sink and a bath or shower.

~~SEC. 5-3.171- TRAVEL TRAILER.~~

Travel trailer shall mean a "dependent" trailer coach or a "camp car".

Ch. 5- Sanitation & Health: Article 4- Food Regulations -§ 5-4.10- County of Alameda Ordinance No. 73-68 Entitled "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda", Adoption by Reference.

SEC. 5-4.10 COUNTY OF ALAMEDA ORDINANCE NO. 73-68 ENTITLED "AN ORDINANCE TO REGULATE THE CONSTRUCTION, REPAIR, RECONSTRUCTION, DESTRUCTION OR ABANDONMENT OF WELLS WITHIN THE BOUNDARIES OF THE COUNTY OF ALAMEDA", ADOPTION BY REFERENCE.

The well standards regulations of the County of Alameda adopted by Ordinance No. 73-68 on the 17th day of July, 1973 and entitled, "~~An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda~~" as ~~Sec.5-4.10, Alameda County Code of Ordinances, Title 6 – Health and Safety / Chapter 6.88, Water Wells (Ref.: https://www.municode.com/library/ca/alameda_county/codes/code_of_ordinances?nodid=TIT6HESA_CH6.88WAVE)~~, as amended by Alameda County Ordinance No. O-2015-20, Section 1,4-21-15 (Ref.: Ord. No. O-2015-20, § 1, 4-21-15) is hereby adopted as the well standards ordinance of the City of Hayward regulating the construction, repair, reconstruction, destruction or abandonment of wells within the City of Hayward.

Three printed copies of such Alameda County regulations (primary code) and three (3) printed copies of Chapter II of the Department of Water Resources Bulletin No. 74, "Water Well Standards: State of California" and Appendixes E, F and G a part thereof, together with the supplemental standards of Department of Water Resources Bulletin No. 74-2, "Water Well Standards: Alameda County" and Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Wells Standards: State of California" (secondary code), are on file in the office of the City Clerk, to which reference is hereby made for further particulars.

Ch. 5- Sanitation & Health: Article 5 - Food Regulations -§ 5-5.10- (Definitions), 5-5.11 (Advertising Matter), & 5-5.12- (Newspaper).

SEC. 5-5.10 - DEFINITIONS.

For purpose of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

~~SEC. 5-5.11 - ADVERTISING MATTER.~~

"Advertising Matter" shall mean any printed or written matter, including handbills and signs, or otherwise reproduced original or copies of any matter or literature except a newspaper as defined in this Article.

(Amended 84-026 C.S., adopted October 2, 1984.)

~~SEC. 5-5.12 - NEWSPAPER.~~

"Newspaper" shall mean any printed matter of general circulation published for the dissemination of local or telegraphic news and intelligence of a general character.

Ch. 6- Businesses, Professions & Trades: Article 3 - Pawnbrokers, Secondhand Dealers & Auctioneers - § 6-3.27- Pawnbrokers. Receipt Books Required

~~SEC. 6-3.27 - PAWNBROKERS. RECEIPT BOOKS REQUIRED.~~

~~Any person managing, maintaining or conducting the business of a Pawnbroker in the City of Hayward shall keep or cause to be kept, at the store or place of business, receipt books as hereinafter described. Such books shall be kept in addition to the record of transactions required by Section 6-3.22 of this Article, and shall consist of duplicate sheets of not less than four by seven (4 x 7) inches in size and bearing consecutive numbers, one (1) of each of said duplicate pages shall be perforated as to enable its removal. One (1) of the aforesaid books shall be kept for the recording of, and the receipting for, sales, and there shall be printed at the top of the perforated sheet, in colored type not less than three eighths (3/8) of an inch in height, the following words: "This is a pledge and not a sale." The perforated sheet, which shall be the duplicate, shall, after being filled out as herein provided, be delivered to the person with whom the transaction is made. The original thereof shall be kept by the Pawnbroker for a period of at least two (2) years next following the date of the transaction, and shall, during such time, be available at all times during business hours for inspection by the Police Department.~~

Ch. 6- Businesses, Professions & Trades: Article 10 – Massage Permit Ordinance - § 6-10.02- Definitions
 ("Massage therapist")

SEC. 6-10.02 - DEFINITIONS.

For the purpose of this Article, certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a different meaning is intended:

- a. 'Acupuncture.' Whereas acupuncture is described as the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electro acupuncture, cupping, and moxibustion; 'Acupressure' is based on a theory similar to acupuncture except that it stimulates acupuncture points by the application of pressure rather than needling.
- b. 'Adult-oriented merchandise.' Any sexually-oriented implements, paraphernalia, or novelty items, such as but not limited to: condoms and sexually-oriented items that are designed or marketed primarily for the stimulation of human genital organs.
- c. 'Applicant.' In the case of a massage establishment permit, means an individual, or if not an individual, the general partner, chief executive officer, chief advisor, or other person responsible for the ownership and operation of the massage establishment, who applies to obtain a permit under this Article. In the case of a massage therapist permit, "applicant" means an individual who applies for a permit under this Article.
- d. 'CAMTC.' California Massage Therapy Council.
- e. 'Chief of Police.' The Chief of Police of the City of Hayward or his or her designee.
- f. 'Employee.' Includes any owner, partner, operator, manager, supervisor or worker, (whether part-time, full-time, temporary, permanent, or independent contractor) whether paid or not, who renders personal services of any nature in the operation of a massage establishment.
- g. 'Massage.' The scientific manipulation of the soft tissues. For purposes of this definition, the terms "massage", "massage therapy", and "bodywork" shall have the same meaning.
- h. 'Massage establishment.' A fixed location where massage is performed for compensation, excluding those locations where massage is only provided on an out-call basis.
- i. 'Massage practitioner.' A person who is certified by the California Massage Therapy Council pursuant to CA Business and Professions Code Section 4604.2 and who administers massage for compensation.
- ij. 'Massage therapist.' A person who is certified by the California Massage Therapy Council under CA Business and Professions Code Section 4604 and who administers massage for compensation. ~~Any person who provides massage therapy services to another person for compensation.~~ For purposes of this definition, "Massage therapist", "Massage Technician", and "Masseuse" shall have the same meaning.
- j.k. 'Managing employee.' Any employee of a massage establishment who has been designated by the massage establishment permittee to manage the business.

- kl. 'Out-call massage therapy.' A massage therapy performed or administered for money or other consideration by a licensed massage practitioner at a location other than a licensed massage establishment.
- lm. 'Permit.' The permit to engage in the business of massage therapy as required by this Article.
- mn. 'Permittee.' Any person possessing a permit required and issued under this Article, or any owner or operator of the permitted establishment.
- no. 'Person.' Any individual, co-partnership, firm, association, joint stock company, corporation, joint venture, or combination of individuals of whatever form or character.
- op. 'Sexual or Genital Part.' Sexual and genital parts shall include the genitals, pubic area, anus, perineum of any person and the breasts of any female.

Ch. 6- Businesses, Professions & Trades: Article 10 – Massage Permit Ordinance - § 6-10.21- Applicability To Existing Businesses

SEC. 6-10.21 - APPLICABILITY TO EXISTING BUSINESSES.

- a. ~~All persons currently holding a valid massage establishment permit shall have six (6) months following the enactment of this Ordinance in which to comply with the requirements of this Article. Except as provided in section 6-10.24b., if a permittee does not attain compliance with this Article within the prescribed time limits, the Chief of Police shall immediately suspend or revoke the permittee's permit(s).~~
- b. ~~The Chief of Police may issue a provisional permit to any massage establishment, for a period not to exceed six (6) months, if the applicant is able to show that substantial compliance with the requirements of this Article has been met and that the remaining compliance can be achieved within the period of the provisional permit. This six-month provisional permit shall not be renewed.~~
- e. Any business that holds itself out as a massage establishment in any way will be subject to the provisions of this Ordinance.

Ch. 6- Businesses, Professions & Trades: Article 11 -Permit Requirements For Firearms Dealers – § 6-11.05-CONDITIONS OF APPROVAL and § 6-11.11-GROUNDS FOR PERMIT DENIAL.

SEC. 6-11.05 - CONDITIONS OF APPROVAL.

In addition to other requirements and conditions of this article, a permit is subject to the following conditions, the breach of any of which is sufficient cause for revocation of the permit by the Chief of Police:

- (a) The business shall be carried on only in the building located at the street address shown on the permit. This requirement, however, does not prohibit the permittee from participating in a gun show or event which is authorized by federal and state law upon compliance with federal and state law;
- (b) The permit, or a certified copy of it, shall be displayed on the premises and at gun shows where it can be easily seen;
- (c) The applicant shall not permit any person under eighteen (18) years of age to enter or remain within the premises without being accompanied by the parent or other adult legally responsible for the minor child where the firearms and/or ammunition sales activity is the primary business performed at the site;
- (d) The permittee shall not deliver a firearm to a purchaser earlier than is allowed by applicable state and federal law;
- (e) The permittee shall not deliver a firearm to another purchaser, lessee, or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container;
- (f) The permittee shall not deliver a firearm to a purchaser, lessee, or other transferee under the age of eighteen (18) years, or a firearm capable of being concealed upon the person to another person under the age of twenty-one (21) years. Clear evidence of the identity and age of the purchaser shall be required before delivery of a firearm to a purchaser, lessee, or other transferee. Evidence of identity may include, but is not limited to, a motor vehicle operator's license, a state identification card, an armed forces identification card, an employee identification card containing the bearer's signature and photograph, or similar documentation which provides the permittee or seller reasonable assurance of the identity and age of the purchaser;
- (g) The permittee shall not sell, lease or otherwise transfer a firearm to a person whom the permittee or seller has reason to believe is within any of the classes prohibited by **California** Penal Code sections ~~12021 or 12021.1~~ **29900, et seq.**, or Welfare and Institutions Code section 8100 or 8103;
- (h) No firearm or imitation of one, or placard advertising its sale or other transfer, shall be displayed in any part of the premises where it can readily be seen from the outside;
- (i) The permittee shall not sell, lease, or otherwise transfer a firearm without also selling or otherwise providing with each such firearm a trigger lock or similar device that is designed to prevent the unintentional discharge of the firearm;
- (j) The permittee shall properly and promptly process firearms transactions as required by Penal Code section 12082;
- (k) The permittee shall keep a register of sales as required by Penal Code sections 12073 and 12077;
- (l) The permittee shall post conspicuously within the licensed premises all charges and fees required by Penal Code section 12071(b)(11) and the following warning in block letters not less than one (1) inch in height:

IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO PRISON

- (m) No firearm capable of being concealed on the person shall be delivered to a purchaser or transferee, unless that person presents to the permittee or seller a current basic firearm safety certificate, unless otherwise exempted by state law;
- (n) The permittee shall offer to provide to the purchaser or transferee of a firearm a copy of the pamphlet described in Penal Code section 12080 and may add the cost of the pamphlet, if any, to the sales price of the firearm;
- (o) The permittee shall report to the police department the loss or theft of a firearm and/or ammunition that is merchandise of the permittee, a firearm that the permittee takes possession of pursuant to Penal Code section 12082, or a firearm and/or ammunition kept at the permittee's place of business, within 48 hours of discovery.

SEC. 6-11.11. - GROUNDS FOR PERMIT DENIAL.

The Chief of Police shall deny the issuance or renewal of a permit when one (1) or more of the following conditions are met:

- (a) The applicant is under twenty-one (21) years of age;
- (b) The applicant is not licensed as required by federal, state, and local law;
- (c) The applicant has had a firearms permit or license previously revoked or denied for good cause within the immediately preceding two (2) years;
- (d) The applicant has made a false or misleading statement of a material fact or omission of a material fact in the application for a permit. If a permit is denied on the ground, the applicant is prohibited from reapplying for a permit for a period of two (2) years;
- (e) The applicant has been convicted of:
 - (1) An offense which disqualifies the applicant from owning or possessing a firearm under federal, state and local law, including, but not limited to, the offenses listed in **California** Penal Code section ~~12021~~ **29900, et seq.**;
 - (2) An offense relating to the manufacture, sale, possession, use, or registration of a firearm or dangerous or deadly weapon;
 - (3) An offense involving the use of force or violence upon the person of another;
 - (4) An offense involving theft, fraud, dishonesty, or deceit;
 - (5) An offense involving the manufacture, sale, possession, use of a controlled substance as defined by the state Health and Safety Code, as it now reads or may hereafter be amended to read;
- (f) The applicant is within a class of persons defined in the Welfare and Institutions Code sections 8100 or 8103;
- (g) The applicant is currently, or has been within the past two (2) years, an unlawful user of a controlled substance as defined by the Health and Safety Code as that definition now reads or may hereafter be amended to read;

(h) The operation of the business as proposed would not comply with federal, state, and local law;

Ch. 7- Public Works s: Art. 2- Streets - Disturbance of Streets - § 7-2.00 (Definitions) through 7-2.04 (Major project)

SEC. 7-2.00 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined and certain provisions are to be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

~~SEC. 7-2.01 - STREET CUT.~~

Street cut shall mean the action of or the result of opening, tearing up, excavating, repairing, installing, adding to, removing, or otherwise altering any portion of any public roadway, street, thoroughfare, sidewalk, curb, gutter, or driveway, or any other such facility existing within a public right-of-way area for any purpose whatsoever.

~~SEC. 7-2.02 - EMERGENCY STREET CUT.~~

Emergency street cut shall mean any street cut which must be made to repair a defective or broken underground facility, the condition of which facility constitutes an evident and immediate hazard to life, health, or property, and it is impractical to secure a permit before work is commenced.

~~SEC. 7-2.03 - UNDERGROUND FACILITY.~~

Underground facility shall mean any pipe, conduit, tile, or other material installed within and below the surface of any public roadway, street, sidewalk, thoroughfare, or other place.

~~SEC. 7-2.04 - MAJOR PROJECT.~~

Major project shall mean the installation or replacement of any underground facility other than a service from an existing main to a single user.

Ch. 7- Public Works s: Art. 2- Street Trees - § 7-2.51 (Definitions) through 7-2.52 (Public Street Defined).

SEC. 7-2.51 - DEFINITIONS.

For the purposes hereof, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

~~SEC. 7-2.52 - PUBLIC STREET DEFINED.~~

The words "public street" shall include every way set apart for public travel or use in the City of Hayward, including the entire planting strip, sidewalk area, easements and rights-of-way.

Ch. 8- Finance, Revenue & Taxation: Art. 3- Uniform Sales & Use Tax - § 8-3.70- Exclusions & Exemptions

~~SEC. 8-3.70 – EXCLUSIONS AND EXEMPTIONS.~~

~~There shall be the following exclusions and exemptions from the measure of tax.~~

- ~~(a) The amount subject to tax shall not include any sales of use tax imposed by the State of California upon a retailer or consumer.~~
- ~~(b) The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city, in this state shall be exempt from the tax due under this ordinance.~~
- ~~(c) There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.~~
- ~~(d) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued Pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax.~~

(Former Sec. 8-3.70 repealed and replaced by Ordinance No. 83-032 C.S., adopted December 13, 1983, effective January 1, 1984)

Ch. 8- Finance, Revenue & Taxation: Art. 4- Transient Occupancy Tax - § 8-4.40- Records.

SEC. 8-4.40 - RECORDS.

It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this Article to keep and preserve, for a period of ~~three (3)~~ **four (4)** years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, which records the Tax and License Administrator shall have the right to inspect at all reasonable times.

Ch. 8- Finance, Revenue & Taxation Art. 12- Downtown Hayward Business Improvement Area - § 8-12.00- Authority.

SEC. 8-12.00 - AUTHORITY.

This Article is adopted pursuant to the authority of the "Parking and Business Improvement Area Law of 1989 ~~1979~~," being Section 36500 et seq. of the Streets and Highways Code of the State of California.

Ch. 8- Finance, Revenue & Taxation Art. 18- Utility Users Tax - § 8-18.180- Records

SEC. 8-18.180 - RECORDS.

- (a) It shall be the duty of every person required to collect and/or remit to the City any tax imposed by this Article to keep and preserve, for a period of at least ~~three (3)~~ **four (4)** years, all records as may be necessary to determine the amount of such tax as he/she may have been liable for the collection of and remittance to the Tax Administrator, which records the Tax Administrator shall have the right to inspect at a reasonable time.
- (b) The City, through the City Council, may issue an administrative subpoena to compel a person to deliver, to the Tax Administrator, copies of all records deemed necessary by the Tax Administrator to establish compliance with this Article, including the delivery of records in a common electronic format on readily available media if such records are kept electronically by the persons in the usual and ordinary course of business. As an alternative to delivering the subpoenaed records to the Tax Administrator on or before the due date provided in the administrative subpoena, such person may provide access to such records outside the City on or before the due date, provided that such person shall reimburse the City for all reasonable travel expenses incurred by the City to inspect those records, including travel, meals, lodging and similar expenses, but excluding the normal salary or hourly wages of those persons designated by the City to conduct the inspection.
- (c) The Tax Administrator is authorized to execute a non-disclosure agreement approved by the City Attorney to protect the confidentiality of customer information pursuant to California Revenue and Tax Code Section 7284.6 and 7284.7.
- (d) If a service supplier uses a billing agent or billing aggregator to bill, collect, and/or remit the tax, the service supplier shall: i) provide to the Tax Administrator the name, address and telephone number of each billing agent and billing aggregator currently authorized by the service supplier to bill, collect, and/or remit the tax to the City; and, ii) upon request of the Tax Administrator, deliver, or effect the delivery of, any information or records in the possession of such billing agent or billing aggregator that, in the opinion of the Tax Administrator, is necessary to verify the proper application, calculation, collection and/or remittance of such tax to the City.
- (e) If any person subject to record-keeping under this Section unreasonably denies the Tax Administrator access to such records, or fails to produce the information requested in an administrative subpoena within the time specified, then the Tax Administrator may impose a penalty of five hundred dollars (\$500.00) on such person for each day following: i) the initial date that the person refuses to provide such access; or, ii) the due date for production of records as set forth in the administrative subpoena. This penalty shall be in addition to any other penalty imposed under this Article.

Ch. 9- Building Regulations Art. 5- Residential Rental Inspection - General Responsibilities - § 9-5.311-
Enforcement: Report to Franchise Tax Board.

SEC. 9-5.311 - ENFORCEMENT: REPORT TO FRANCHISE TAX BOARD.

The Enforcement Official shall take appropriate action to cause the correction, repair, or abatement of violations that are found as a result of any inspection required by this code. In addition to employing the applicable enforcement measures that are or may hereafter be provided by law, including but not limited to the enforcement provisions of the following codes: California Code of Regulations, State Housing Code, California Health and Safety Code, California Building, Plumbing, Mechanical or Electrical Codes, Uniform Code for the Abatement of Dangerous Buildings, International Property Maintenance Code or provisions of the Hayward Municipal Code. The Enforcement Official shall also comply with the provisions of sections 17299.9(c) and 24436.5(c) of the Revenue and Taxation Code of the State of California.

Ch. 10- Planning, Zoning & Subdivisions Art. 1- Zoning Ordinance - § 10-1.2915(h)- Nonconforming Uses.;

SEC. 10-1.2915 - NONCONFORMING USES.

A nonconforming use is one which lawfully existed prior to the effective date of this Ordinance, but which is no longer permitted in the land use district in which it is located. The continuance of a legal nonconforming use is subject to the following:

- a. Change of ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status, provided that the use and intensity of use, as determined by the Planning Director, does not change.
- b. If a nonconforming use is discontinued for a period of six or more consecutive calendar months, it shall lose its legal nonconforming status, and the continued use of the property shall be required to conform with the provisions of this Ordinance.
- c. Additional development of any property on which a legal nonconforming use exists shall require that all new uses conform to the provisions of this Ordinance.
- d. If a nonconforming use is converted to a conforming use, no nonconforming use may be resumed.
- e. No nonconforming use may be established or replaced by another nonconforming use, nor any nonconforming use be expanded or changed, except as provided in subsections "f" through "h" below.
- f. A nonconforming use of a portion of a nonconforming commercial or industrial center or complex may be established or replaced by another similar nonconforming use when the Planning Director finds:
 - (1) That the nonconforming use is similar to or less intensive than the ones originally allowed in the center or complex;
 - (2) That the nonconforming use will not adversely affect or be materially detrimental to adjoining properties; and
 - (3) That the use of the entire center or complex has not been vacant or discontinued for a period of six or more calendar months.
- g. Notwithstanding all provisions in this subsection a legal nonconforming new car auto dealership facility on Mission Boulevard between Highland/Sycamore and Harder Road shall be allowed to apply for Site Plan Review for minor exterior alterations, improvements, or expansions of less than 10 percent of the building area of an existing facility as long as all minimum development standards, to the extent possible, are met, subject to review and approval by the Planning Director.
- h. ~~Any legal residential use in the Baumberg area in existence as of June 6, 1995, formerly zoned as part of a Limited Industrial Zoning District, which became a nonconforming use due to the reclassification of area on June 6, 1995, may be lawfully reconstructed as a residential use for a period of twenty years from June 6, 1995, if such residential use is damaged or destroyed by fire or other catastrophe, as long as that the building footprint of the replacement residence does not exceed that of the residential structure in existence as of June 6, 1995.~~

Ch. 10- Planning, Zoning & Subdivisions Art. 1- Zoning Ordinance - § 10-1.3510- Uses & Activities Defined (“Group Home”).

GROUP HOME. The use of any single-family residence or other dwelling unit for a group residence where residents pay a fee or other consideration to the Group Home operator in return for residential accommodations. A Group Home includes a boarding home, a rooming house, as well as a group residence for the elderly, or mentally or physically disabled or handicapped persons, or other persons in need of care and supervision. Each dwelling unit so used shall be considered a single Group Home. The term Group Home includes both licensed and unlicensed Group Homes.

- a. Licensed Group Home. A licensed Group Home is any residential facility subject to State licensing requirements pursuant to the California Health and Safety Code (HSC), implementing State regulations, and amendments thereto. Any Group Home which is subject to State licensing requirements shall be treated as an unlicensed Group Home if the facility's license has expired or such license has been suspended, revoked or terminated. Group Homes subject to State licensing requirements include the following:
 - (1) Residential facilities providing non-medical residential care, specifically, any residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and a alcoholism or drug abuse recovery or treatment facility (HSC section ~~11834.11~~ **11834.02**).
 - (2) The following types of Health Facilities (HSC section 1250, specifically, a Congregate Living Health Facility (HSC section 1250 (i)), an Intermediate Care Facility/Developmentally Disabled Habilitative (HSC section 1250 (e), an Intermediate Care Facility/Developmentally Disabled (HSC section 1250(g)), and an Intermediate Care Facility/Developmentally Disabled-Nursing (HSC section 1250(h)).

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.010 – PURPOSE.

The purpose of this article is as follows:

- a. To provide policies, standards, and procedures to regulate and control the design and improvement of all subdivisions.
- b. To ensure that all proposed subdivisions, together with the provisions for their design and improvement, are consistent with and implement the procedures, policies, and programs of the General Plan and all applicable Specific Plans and Neighborhood Plans, and other City adopted plans and policies.
- c. To regulate design of subdivisions to complement existing development, existing and planned street capacity, roadways, school capacity, public facilities and utilities, open space, and physical features.
- d. To provide lots and dwelling units of sufficient size and appropriate design for the purposes for which they are to be used.
- e. To provide streets of adequate capacity and design for the traffic that will utilize them, and to insure maximum safety for pedestrians, bicyclists, and vehicles.
- f. To provide adequate access to each building site.
- g. To provide ~~sidewalks and, where needed, pedestrian ways, biking paths, and equestrian and hiking trails~~ complete streets for the safety, convenience, and enjoyment of the residents of new developments.
- h. To provide adequate systems of water supply, sanitary sewage disposal, storm drainage, street lighting, and other utilities needed for the public health, safety and convenience.
- i. To provide adequate sites for public facilities, e.g., schools and parks, needed to serve the residents of new developments.
- j. To prevent land which is actually or potentially dangerous by reason of flood hazard, inundation, proximity to excessive noise, inadequate access, inadequate water supply or fire protection, insufficient sewerage facilities, hazardous geological conditions, or critical soil conditions from being subdivided for any use or in any manner tending to create an increased detriment to the public health, safety or welfare.
- k. To regulate the subdivision of land to provide for orderly development in a manner that will promote the public health, safety, convenience, and general welfare.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.115 - MAPS.

- a. Final Map. Subject to the provisions of this article and the Subdivision Map Act, a final map is a map that delineates the division of land into five or more parcels, five or more condominiums as defined in section 783 of the Civil Code, a community apartment project containing five or more parcels, or the conversion of a dwelling into condominium, community apartment, or a stock cooperative containing five or more dwelling units.
- b. Parcel Map. A map delineating a division of land, where said division can be done by parcel map as provided for by the Subdivision Map Act.
- c. Tentative Map - Final Map. ~~It is also commonly referred to as a tentative map or a tentative tract map.~~ A tentative map ~~or tentative tract map~~ is a map made for the purpose of showing the design and improvement of a proposed ~~major~~ subdivision and the existing conditions in and around the proposed subdivision. A tentative map is required for all subdivisions creating five or more parcels, as codified in Subdivision Map Act Section 66426 or its successor.
- d. ~~Tentative Map - Parcel Map. It is also commonly referred to as a tentative parcel map. A tentative parcel map is a map made for the purpose of showing the design and improvement of a proposed minor subdivision and the existing conditions in and around the proposed subdivision.~~
- ed. Vesting Tentative Map. A vesting tentative map ~~(c) or (d)~~ is a map that meets the requirements of the Subdivision Map Act Section 66452 or its successor. The vesting tentative map must have printed conspicuously on its face the words 'Vesting Tentative Map' when filed to obtain the rights conferred by Chapter 4.5 of the Subdivision Map Act.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.130 - PUBLIC UTILITY EASEMENT (PUE).

~~The easement indicated on a map which may or may not be offered for dedication and acceptance by the City of Hayward and intended primarily for the installation of water and other utilities, including utilities owned and operated by public utility companies.~~ A PUE shall be dedicated for any and all public utility facilities including poles, wires, conduits, gas, water, sewer mains and all appurtenances there to as directed by the Director of Public Works.

Ch. 10- Planning, Zoning & Subdivisions Art. 3- Subdivision Ordinance General Responsibilities - § 10-3.150(e)- Advisory Agency/Approval Authority, § 10-3.165(e)- Planning Director, & § 10-3.497- Merger of Contiguous Parcels Under Common Ownership

Section 10-3.150(e)

- e. Certificate of Merger. The Planning Director, or his or her designee, shall have the authority to approve or deny the application for a Certificate of Merger authorized by Section 10-3.499 of this Subdivision Ordinance, in accordance with the provisions of Subdivision Map Act Section 66499.20.3/4.

Section 10-3.165(e)

- e. The Planning Director, or his or her designee, shall administer the provisions of the Subdivision Map Act Section ~~66499.20.3/4~~ **66499.20.3** and is authorized by Section 10-3.499 of this Article to approve and issue Certificates of Merger.

SEC. 10-3.497 - MERGER OF CONTIGUOUS PARCELS UNDER COMMON OWNERSHIP.

Pursuant to the authority provided by section ~~66499.20—3/4~~ **66499.20.3** of the Subdivision Map Act a merger of contiguous parcels under common ownership may be accomplished by the recordation of a Certificate of Merger where the following conditions are met:

- a. The result of the merger is to eliminate a common property line of at least 10 feet in length between two or more parcels; and
- b. There are no easements held by a governmental agency or public or private utility on the parcels to be merged or all agencies or utilities owning an easement on the parcels to be merged have indicated in writing either that they have no objection to the merger or that they will have no objection to the merger if the easement they own is vacated or relocated.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.210 - INFORMATION TO BE SUBMITTED.

- a. Tentative Map—Final Map. The following information shall appear on a tentative map for a final map.
 - (1) A tract number issued by the County Recorder of Alameda County.
 - (2) The names, addresses and telephone numbers of the record owners, subdividers and the civil engineer or land surveyor who prepared the map.
 - (3) Boundaries of the subdivision with sufficient information to locate the property. Existing contour lines at intervals of not more than one foot where the slope of the natural ground is 1 percent or less; two-foot intervals where the slope is greater than 1 percent, but less than 50 percent; and ten-foot intervals where the slope is greater than 50 percent. The limits of all grading and the proposed grading slopes shall be indicated. Contours shall extend beyond the tract boundaries to show drainage or other conditions on surrounding property which may affect the subdivision.
 - (4) The location, width, and names of all existing streets or other public rights-of-way in or adjacent to the tract.
 - (5) Existing buildings on or around the property, distances between structures to be retained, and notations of structures to be removed.
 - (6) Railroad rights-of-way, easements, or other important features such as political subdivision lines, rancho lines, water courses, or other physical features.
 - (7) The approximate location and general description of any trees that would be governed by the City tree preservation regulations (Article 15, Chapter 10, Hayward Municipal Code).
 - (8) Existing storm and sanitary sewers, culverts, or other underground structures and wells within the boundaries of the tract and immediately adjacent thereto. Pipe sizes, grades, and locations shall be shown.
 - (9) True north point, dimensional and graphic, scale, and date.
 - (10) The layout, numbers, and approximate dimensions of the proposed lots.
 - (11) The locations, widths, and approximate grades and elevations of all proposed streets.
 - (12) The location and width of all proposed easements for all utility purposes.
 - (13) Size, slope, and location of proposed sanitary sewer, storm drain, and water main facilities.

~~(14) Proposed names for all streets.~~

(15~~14~~) Statement of existing and proposed zoning and the use of the property.

(16~~15~~) A certificate on the map signed by the owners agreeing to the filing of said map and agreeing to comply with the provisions of these subdivision regulations and the State Map Act as they apply to the processing and approval of said map.

- b. Tentative Map—Parcel Map. The same information as listed hereinabove in section a. shall appear on a tentative map for a parcel map except where such information is waived in writing by the Planning Director.
- c. Vesting Tentative Map. The same information as listed hereinabove in sections a. or b. shall appear on a vesting tentative map.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.230 - ~~PRELIMINARY MEETING~~ INTERAGENCY REVIEW.

The Planning Director shall transmit copies of the tentative map and other related necessary data to known interested organizations, and other public or private agencies which may be affected by the proposed subdivision. ~~Transmittal shall include notification of the time, date, and place of a preliminary meeting with the subdivider to discuss any responses received and other recommendations with the parties involved. A notice of the meeting shall be mailed to all property owners and occupants of all buildings within the proposed subdivision and to all property owners within 300 feet of the property and occupants of all buildings abutting the property which is proposed to be subdivided.~~

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.245 - PUBLIC HEARINGS.

The Advisory Agency and/or the City Council shall hold a public hearing when considering any tentative map, or a parcel map where tentative map was waived. At least 10 days before the public hearing, a notice of the hearing shall be (1) published in a newspaper of general circulation in the City of Hayward, and (2) mailed to all property owners and occupants of all buildings within the proposed subdivision and to all property owners within 300 feet of the property and occupants of all buildings abutting the property which is proposed to be subdivided.

The Planning Director may give such other notice that he or she deems necessary or advisable. ~~The subdivider shall furnish to the City a list of the names and mailing addresses of all property owners and occupants within the prescribed area on forms provided by the City or on forms otherwise acceptable to the Planning Director. The list shall be accompanied by typewritten labels for each different owner or occupant within the above described area, with one set of labels provided for all official hearings and subdivision conferences.~~

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.275 - STATEMENTS, DOCUMENTS AND OTHER DATA TO ACCOMPANY PARCEL MAP.

The parcel map shall substantially conform to the tentative map as approved, or conditionally approved, by the Advisory Agency/Approval Authority, and shall contain, or be accompanied by, such additional information as may be required by the City Engineer, including:

- a. All required survey data and information.
- b. All parcels with dimensions, boundaries, and courses clearly shown and defined with each parcel identified by number.
- c. The location and width of streets, alleys, pedestrian ways, and other easements and portions thereof dedicated or offered for dedication to the City, including the recording references on easements that are existing of record.
- d. All limitations on rights of access to and from the streets from lots and other parcels of land.
- e. A guarantee of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all acknowledgments thereto appear and are correctly shown on the certificates, and said certificates are correctly shown on the parcel map, both as to consents for making thereof and the affidavit of dedication.
- f. If a field survey is made, the engineer or surveyor shall furnish the City Engineer boundary closure sheets ~~calculations~~.
- g. Plans, specifications, and applicable permits for the construction and installation of improvements that have been approved by the City Engineer and on which security has been posted to guarantee the installation of said improvements. Alternatively, if approved by the City Engineer, an agreement for the construction and installation of improvements at a later date.
- h. Any city or district boundary line crossing or contiguous to the subdivision shall be clearly designated to determine its relative location to all parcels.
- i. Adjacent subdivisions or ownerships of record.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.320 - STATEMENTS, DOCUMENTS AND OTHER DATA TO ACCOMPANY FINAL MAP.

The following statements, documents or other data, and as many additional copies thereof as may be required by the City Engineer, shall accompany the final map:

- a. The names, addresses and telephone numbers of the subdivider and persons preparing the final map.
- b. A guaranty of title or letter from a title company certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all acknowledgments thereto appear and are correctly shown on the certificates, and said certificates are correctly shown on the final map both as to consents for making thereof and the affidavit of dedication.
- c. Closure sheets ~~calculations~~ for lots, boundary lines, streets, easements and monument lines as required by the City Engineer.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.332 - SECURITY FOR INSTALLATION OF IMPROVEMENTS.

If an agreement to install public improvements, and/or private improvements which have been offered for dedication to the City and rejected, is entered into as provided above, it shall be secured by security in the amount of 100 percent of the estimated total cost of the improvements to guarantee faithful performance of the agreement and to guarantee and warrant the public improvements for a period of one year following the completion and acceptance thereof against any defective work or labor done or defective materials used or furnished, and by security in the additional amount of 50 percent of the estimated total cost of the improvements to guarantee payment of persons supplying labor, materials, or equipment for the installation of such public improvements.

Improvement cost is the total cost of construction and installation of improvements, including the related grading, erosion control, and geotechnical work, a contingency amount as required by the City Engineer as well as reasonable expenses and fees, including attorney's fees incurred by the City in enforcing the obligation secured.

The form and content of security instruments shall be as specified by and satisfactory to the City and shall otherwise conform to the requirements of Chapter 5 of the Subdivision Map Act. Approved security shall have been submitted prior to the City approval of the final map. Security shall be one or a combination of the following at the option of and subject to the approval of the City, to wit:

- a. A bond or bonds by one or more duly authorized corporate sureties;
- b. A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public monies;
- c. An instrument of credit from one or more financial institutions subject to regulation by the City and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment; or
- d. A lien upon the property to be divided, created by contract between the owner and the City, if the City finds that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map, in which case the contract or security interest shall be recorded with the

Ch. 10- Planning, Zoning & Subdivisions § 10-3.850- Findings, Intent & Applicable Law

SEC. 10-3.850 - FINDINGS, INTENT AND APPLICABLE LAW.

A majority of mobilehome residents in the City of Hayward have significant personal and social ties to the community and virtually all mobilehome owners have made a substantial financial investment in their mobilehomes. Mobilehome owners in the City of Hayward elected to make this financial investment in part to secure certain social as well as economic benefits they enjoy in close, secure physical surroundings. A significant proportion of mobilehome residents are senior citizens, many of whom live on limited or fixed incomes. In addition, the cost and risk of potential damage in moving mobilehomes is great, as is the cost of preparing a new site and meeting the code requirements for reinstalling a mobilehome. Unlike other residents of the City of Hayward who rent their dwelling units or even those who own their own homes, mobilehome owners cannot relocate easily within the City of Hayward or Alameda County because of the scarcity of vacant mobilehome sites and/or cost of relocation. It is necessary that the provisions of the Conversion Provisions be applied to mobilehome park subdivisions so that the potential adverse effects of a change in the form of ownership or use are prevented or minimized.

A unique risk to a significant segment of the City's residents is therefore presented when a mobilehome park is converted from a park owned by a single entity in which sites are rented into a form of ownership in which individual sites may be owned. Furthermore, the protection offered by City of Hayward Ordinance No. 89-057 C.S., as amended through Ordinance No. 05-02, Mobilehome Space Rent Stabilization Ordinance, is likely to be lost by a significant number of mobilehome park residents who are unable to afford to buy their mobilehome spaces.

The State Legislature has provided a basis for protecting mobilehome owners in the enactment of Government Code Sections 66426, 66427, 66427.4, 66427.5 and 66428.1, as well as the **Manufactured Housing Act of 1980** ~~Mobilehome Parks Act~~ located in the Health and Safety Code Section 18000 et seq., and the Mobilehome Residency Law (MRL) found in the Civil Code Section 798 et seq. These legislative sections are the bases for all mobilehome and mobilehome park regulations within the State of California and are the bases for the conversion provisions that follow.

These provisions (the "Conversion Provisions") address the need for standards and procedures pertaining to mobilehome park conversions to resident ownership pursuant to Government Code Sections 66427.5 and 66428.1 only. The Conversion Provisions do not apply to a change in use or cessation of use of property as a mobilehome park.

In addition, the Conversion Provisions are intended to implement state laws regarding the conversion of mobilehome parks to resident ownership; ensure that conversions to resident ownership are bona fide resident conversions in accordance with state law; maintain consistency with the housing goals and policies of the City's general plan and zoning code; ensure that park residents receive appropriate and timely information to assist them in fully understanding their rights and obligations under the statute; and ensure the public health and safety in converted parks.

Ch. 10- Planning, Zoning & Subdivisions § 10-3.895(a)- Avoidance of Economic Displacement.

SEC. 10-3.895 - AVOIDANCE OF ECONOMIC DISPLACEMENT.

The subdivider shall avoid any economic displacement of any nonpurchasing resident by the following:

- a. Non-Lower Income Households. As to nonpurchasing residents who are not lower income households, as defined in Section ~~58079.5~~ 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, in equal annual increases over a four-year period, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards.
- b. Lower Income Households. As to nonpurchasing residents who are lower income households, as defined in Section 50079.5 of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent by an amount equal to the average monthly increase in rent in the four years immediately preceding the conversion, except that in no event shall the monthly rent be increased by an amount greater than the average monthly percentage increase in the Consumer Price Index for the most recently reported period.

Ch. 10- Planning, Zoning & Subdivisions § 10-3.915(b)- Tenant Notification.

SEC. 10-3.915 - TENANT NOTIFICATION.

The following tenant notifications are required:

- a. If the application for conversion is approved, the subdivider shall give each resident household written notice of its exclusive right to contract for the purchase of the unit of space it occupies at the same or more favorable terms and conditions than those on which such unit of space shall be initially offered to the general public. The right shall run for a period of not less than ninety days from the issuance of the subdivision public report ("white paper") pursuant to California Business and Professions Code Section 11018.2, unless the subdivider received prior written notice of the resident's intention not to exercise such right.
- b. If the application for conversion is approved, the subdivider shall give each resident household written notice of its right to continue residency as a tenant in the park as required by Government Code Section ~~66417.5(a)~~ 66427.5(a).

Ch. 10- Planning, Zoning & Subdivisions Art. 8- Grading & Clearing - § 10-8.02(o)- Definitions.

Section 10-8.02(o)

- (o) Soils Engineer or Geotechnical Engineer. A civil engineer, or soils engineer registered by the State of California to engage in the practice of civil engineering, who is experienced in and is engaged in the practice of soils engineering. (No person may use the title "Soil Engineer," "Soils Engineer," or "Geotechnical Engineer," unless he or she is currently authorized to do so by the California State Board of Registration of Professional Engineers and Land Surveyors.) ~~Business & Professions Code section E736.1.~~

Ch. 10- Planning, Zoning & Subdivisions Art. 9- Development Agreements -§ 10-9.06- Notice.

SEC. 10-9.06 - NOTICE.

- (a) The time and manner of giving notice for the Planning Commission and City Council hearings on the proposed development agreement shall be as prescribed in Government Code Sections 65854, ~~65854.5~~ and 65856.
- (b) The notice of the hearing on the development agreement shall contain:
 - (1) The time and place of the hearing.
 - (2) A general explanation of the matter to be considered, including a general description of the area to be affected; and
 - (3) Other information required by law or which the planning director considers necessary or desirable.

Ch. 10- Planning, Zoning & Subdivisions Art. 10- Maintenance Districts - § 10-10.35- Notice Form

SEC. 10-10.35 - NOTICE FORM.

The form of notice, depending on the particular situation, shall be substantially as follows:

(a) Published Notice.

_____ NOTICE OF HEARING ON MAINTENANCE DISTRICT

NOTICE IS HEREBY GIVEN that the Director of Public Works has caused to be prepared and filed with the City Clerk a report, in writing, which provides the basis for the benefit assessment for the following type(s) of maintenance and operation to be borne by all lots or parcels of property within existing district, or proposed maintenance District No. _____ more particularly described in Exhibit "A" attached and incorporated by reference. The report sets forth the amounts to be provided in the budget for maintenance and operation, a description of each lot or parcel of property in the maintenance district by assessor's parcel number or address, and the amount of assessment to be levied for the fiscal year ~~20 19~~ _____ through ~~20 19~~ _____ against each lot or parcel of property. The report is available for public inspection in the office of the City Clerk.

Any interested owner objecting to (only items with X are subject to objection at this hearing):

_____ establishment of the district;

_____ boundaries of the district;

_____ fairness of the benefit formula(ae);

_____ boundaries of the zones of benefit;

_____ the amount of the assessment on any lot or parcel of property;

_____ if applicable, reservation by City of right to elect whether to proceed each year by either negotiated or bid contract or contracts or combination of both instead of bid contract or contracts only;

_____ additional improvements;

may file with the City Clerk at or before the hour fixed for hearing a written and signed protest, describing the lot or parcel of property by assessor's parcel number or address and stating the grounds of protest, and may appear and be heard at the hearing.

The report will be heard by the Council at its meeting on the day of ~~20 19~~ _____ , at the hour of _____ o'clock _____ .m. in the Council Chambers, 22300 Foothill Boulevard, Hayward, California 94541, at which time Council will examine the report and hear protests.

Notice prior to the final determination of the district shall indicate that the formation of the district, the boundaries of the district, the benefit formula(ae) and the amount of assessment and reservation of the right to elect each year at the time the budget and assessment are adopted

and confirmed by bid or negotiated contract(s) or combination thereof for operation and maintenance of the improvements, are subject to objection. In subsequent years, only the amount of assessment or changes in the formula(ae) are subject to objection and the notice shall so indicate.

- (b) Mailed Notice. The form of mailed notice shall be substantially the same as that of published notice, but shall also contain a description of the lot or parcel of property by assessor's parcel number or address and the amount of the proposed assessment against the property as set forth in the report. If applicable, the notice shall contain a statement that the City Council intends to reserve the right to elect to award contract(s) for maintaining and operating the public improvements, the costs of which are to be assessed in whole or in part upon the district by either negotiated or bid contract(s) or combination thereof, in each of the years during which the district continues in existence. The election to proceed by negotiated or bid contract(s) or combination thereof shall be made each year at the time the budget and assessment are adopted for the year in question and not at the time the right to elect is reserved.

Affidavits or certifications of publication and mailing shall be filed with the City Clerk.

Ch. 10- Planning, Zoning & Subdivisions Art. 26--Mobile Home Park Closure or Change of Use - § 10-26.106- Relocation Assistance

SEC. 10-26.106 - RELOCATION ASSISTANCE.

Under Government Code Sections 65863.7 and ~~66427.4~~ ~~66426.4~~, the applicant shall provide relocation assistance to mitigate any adverse impacts of a mobile home park conversion on displaced residents and mobile home owners in a manner that does not exceed the reasonable cost of relocation. This section establishes minimum relocation assistance for residents and mobile home owners. The applicant and any person eligible for relocation assistance may agree to other mutually satisfactory relocation assistance.

More text to code...

Ch. 11- Public Utilities - Art. 5- Stormwater Management & Urban Runoff Control - Alameda Countywide NPDES Municipal Stormwater Permit- ~~Order R2-2003-0021\NPDES Permit No. CA0029831~~ **CAS612008**.

Note: Attachment A (Alameda Countywide NPDES Municipal Stormwater Permit) is being deleted as it is outdated, a link referencing the current permit will be included in the revised Hayward Municipal Code as this document is 350 pages in length.

SEC. 11-5 - STORMWATER MANAGEMENT AND URBAN RUNOFF CONTROL [L71](#)

This article shall be known as the "City of Hayward Stormwater Management and Urban Runoff Control Ordinance" and may be so cited.

SEC. 11-5.12 - PURPOSE AND INTENT.

The purpose of this article is to ensure the future health, safety, and general welfare of the residents of the City by:

- (a) eliminating non-stormwater discharges to the municipal separate storm sewer;
- (b) controlling the discharge to municipal separate storm sewers from spills, dumping, or disposal of materials other than storm water; and
- (c) reducing pollutants in storm water discharges to the maximum extent practicable.

The intent of this ordinance is to protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act.

SEC. 11-5.13 - DEFINITIONS.

(a) Any terms defined in the federal Clean Water Act, and acts amendatory thereof or supplementary thereto, or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency on November 16, 1990 (as may from time to time be amended) as used in this article shall have the same meaning as in that statute or those regulations. Specifically, the definitions of the following terms included in that statute or those regulations are hereby incorporated by reference, as now applicable or as may hereafter be amended: administrator, discharge of a pollutant, illicit discharge, navigable waters, point source, pollutants, pollution, publicly owned treatment works, and stormwater. These terms are presently defined as follows:

- (1) *Administrator*: The Administrator of the United States Environmental Protection Agency.
- ~~(2) *Development Project*: "Development Project," as used in this Article, refers to both Group 1 and Group 2 projects as defined in NPDES Permit No. CA0029831 and any amendment or revision thereto, or reissuance thereof. However, the City has the authority to expand this definition, when deemed appropriate, to include any development project.~~
- ~~(3) *Discharge of a Pollutant*: (a) Any addition of any pollutant to navigable waters from any point source, or (b) Any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.~~
- ~~(4) *Illicit Discharge*: Any discharge to the City storm sewer system that is not composed entirely of stormwater except exempt discharges pursuant to the a NPDES permit and discharges resulting from fire fighting activities.~~

- (54) *Navigable Waters*: All navigable waters of the United States; tributaries of navigable waters of the United States; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in inter-state commerce; and intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.
- (65) *Point Source*: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
- (76) *Pollutants*: Dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.
- (87) *Pollution*: The man-made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (98) *Publicly Owned Treatment Works (POTW)*: Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of liquid nature which is owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.
- (9) *Regulated Project*: "Regulated Project," as used in this Article, refers to projects as defined in NPDES Permit No. CAS612008 and any amendment or revision thereto, or reissuance thereof. However, the City has the authority to expand this definition, when deemed appropriate, to include any development or redevelopment project.
- (10) *Significant Redevelopment Project*: "Significant Redevelopment Project," as used in this Article, refers to both ~~Group 1 and Group 2~~ projects as defined in NPDES Permit No. ~~CAS612008~~ ~~CA0029831~~ and any amendment or revision thereto, or reissuance thereof. However, the City has the authority to expand this definition, when deemed appropriate, to include any redevelopment project.
- (11) *Stormwater*: Stormwater runoff, snow melt runoff, and surface runoff and drainage.
- (b) When used in this article, the following words shall have the meanings ascribed to them in this section:
- (1) *Authorized Enforcement Official*: Individuals designated by the City Manager.
 - (2) *Best Management Practices (BMPs)*: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
 - (3) *City*: The City of Hayward.
 - (4) *Municipal Storm Sewer System*: Includes but is not limited to those facilities within the City by which stormwater may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, which is not part of a Publicly Owned Treatment Works.

- (5) *Non-Stormwater Discharge*: Any discharge of a pollutant that is not entirely composed of stormwater.
- (6) *Premises*: Any building, lot parcel, real estate, or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
- (7) *Watercourse*: Watercourse is defined as a river, stream, creek, watercourse, waterway, or channel, including any property over which the City of Hayward has an easement for drainage purposes duly recorded in the Office of the County Recorder of the County of Alameda.

SEC. 11-5.14 - RESPONSIBILITY FOR ADMINISTRATION.

This article shall be administered by the Director of ~~Public Works~~ **Utilities and Environmental Services**. Where storm drain facilities or watercourses have been accepted for maintenance by the Alameda County Flood Control and Water Conservation District or other public agency legally responsible for certain watercourses, then the responsibility for enforcing the provisions of this article may be assigned by contract executed by the City and such agency to those public agencies over those watercourses for which they have accepted maintenance.

SEC. 11-5.15 - CONSTRUCTION AND APPLICATION.

This article shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. ~~CA0029831~~ **CAS612008** and any amendment or revision thereto, or reissuance thereof.

SEC. 11-5.17 - INVERSE CONDEMNATION.

The provisions of this article shall not operate to deprive any landowner of substantially all of the value of his or her property or otherwise constitute an unconstitutional taking of property without compensation. If application of this article to a specific project would create a taking of property then, pursuant to this section the City Council may allow additional land uses, but only to the extent necessary to avoid a taking. Such uses shall be consistent with and carry out the purposes of this article as stated in section 11-5.12 above.

DISCHARGE REGULATIONS AND REQUIREMENTS

SEC. 11-5.19 - DISCHARGE OF POLLUTANTS.

The discharge of non-stormwater discharges to the City storm sewer system is prohibited. Prohibited discharges include, but are not limited to polluted cooling water, chlorinated or chloraminated swimming pool water, hazardous or toxic chemicals, grease, animal wastes, detergents, solvents, pesticides, herbicides, fertilizers, and dirt. All discharges of material other than stormwater must be in compliance with a NPDES Permit issued for the discharge other than NPDES Permit No. ~~CA0029831~~ **CAS612008**. Exceptions to this prohibition are set forth in subsections (a) and (b) below.

- (a) NPDES permitted non-stormwater discharges and discharges which are not sources of pollutants to waters of the state (as described in 40 C.F.R. 122.26(d)(2)(iv)(B)(1)) provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed in a manner satisfactory to the Director of **Utilities and**

Environmental Services ~~Public Works~~: water line flushing or other discharges from potable water sources, landscape irrigation, lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, or flows from ~~fire fighting~~ **firefighting**.

Allowable discharges shall not cause any impairment in the beneficial uses or quality of water of the state as defined in the California Water Code or any special requirements of the Regional Water Quality Control Board, San Francisco Bay Region, or injure or interfere with the operation of any watercourses within the State.

SEC. 11-5.20 - DISCHARGE IN VIOLATION OF PERMIT.

Any discharge that would result in or contribute to a violation of NPDES Permit No. **CAS612008** ~~CA0029834~~, attached to this article as Attachment A, and any amendment or revision thereto, or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. The person causing or responsible for the discharge shall be liable for the discharge, and shall defend, indemnify, and hold the City harmless in any administrative or judicial enforcement action relating to such discharge.

SEC. 11-5.21 - ILLICIT DISCHARGE AND ILLICIT CONNECTIONS.

The establishment, use, maintenance, or continuation of an illicit drainage connection to the City storm sewer system, and the commencement or continuation of any illicit discharges to the City storm sewer system is prohibited. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or in effect at the time of the connection.

SEC. 11-5.22 - REDUCTION OF POLLUTANTS IN STORMWATER.

Any person engaged in activities which will or may result in pollutants entering the City storm sewer system shall undertake all practicable measures to reduce such pollutants. Examples of activities that might result in pollutants entering the City storm sewer system include littering and ownership or use of facilities which may be a source of pollutants such as but not limited to parking lots, gasoline stations, industrial facilities, commercial facilities, and stores fronting City streets. The following are minimal requirements applicable to such persons:

- (a) *Littering Prohibited.* No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left, or maintained, any 'refuse,' 'rubbish,' 'garbage,' or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit, or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant. Nor shall any person throw or deposit litter in any fountain, pond, lake, stream, or any other body of water in a park or elsewhere within the City. The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor, of any real property in the City of Hayward that abuts a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for the disposal of garbage.

- (b) *Standard of Maintenance for Parking Lots and Similar Structures.* Persons owning or operating a parking lot, a gasoline station, or a similar structure or uses shall clean the property as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the City storm sewer system.
- (c) *Outdoor Storage of Materials.*
- (1) *Proper Outdoor Storage of Materials Required.* All applicable materials stored outdoors at a commercial or industrial establishment shall be managed in a manner that minimizes the discharge of pollutants to stormwater. Establishments covered by the General Industrial NPDES Permit promulgated by the California Regional Water Quality Control Board, San Francisco Bay Region for stormwater discharges associated with industrial activities, excluding construction activities, shall address this requirement in applicable provisions of their Stormwater Pollution Prevention Plans (SWPPPs).
 - (2) *Protection Against Accidental Discharge.* Each property owner, its administrators, lessees/tenants, or successors, or any other persons in possession or control of the property who store applicable materials outdoors at a commercial or industrial establishment shall provide protection against the accidental discharge of prohibited materials to the City's storm sewer system or watercourse. Such protection may include, but is not limited to, secondary containment systems or any equivalent protective measures. Any secondary containment system that includes the permanent modification of a building or site, or the addition of a building or structure, shall be submitted to the City's Planning Division and Building Division for approval in accordance with applicable codes. All facilities necessary to prevent the accidental discharge of prohibited materials to the City's storm sewer system or watercourse shall be provided and maintained at the property owner's or operator's expense.
 - (3) *Report of Accidental Discharge to the Storm Drain.* The property owner, its administrators, successors, or any other persons shall notify the City of any accidental discharge to the City's storm sewer system or watercourse as described in Section 11-5.26 of this Code.
 - (4) *Posted Notice.* A notice advising employees of the requirements of Section 11-5.26 and the telephone number to call in case of such an accidental discharge shall be permanently posted in a conspicuous place on the premises of each commercial or industrial establishment.

SEC. 11-5.23 - WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee or tenant, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse; shall maintain existing privately owned structures within or adjacent to a watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and shall not remove healthy bank vegetation beyond that actually necessary for its maintenance nor remove healthy bank vegetation in a manner so as to increase the vulnerability of the watercourse to erosion.

No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the Director of Public Works:

- (a) Discharge into or connect any pipe or channel to a watercourse;

- (b) Modify the natural flow of water in a watercourse;
- (c) Carry out development within a watercourse setback;
- (d) Deposit in, plant in, or remove any material from a watercourse including its banks, except as required for necessary maintenance;
- (e) Construct, alter, enlarge, connect to, change, or remove any structure in a watercourse; or
- (f) Place any loose or unconsolidated material along the side of or within a watercourse or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by stormwaters passing through such watercourse.

INSPECTION AND ENFORCEMENT

SEC. 11-5.24 - AUTHORITY TO INSPECT.

Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever an Authorized Enforcement Official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this article, the official may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the official by this article; provided that (1) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (2) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused inspection may be made only upon issuance of a search warrant by a duly authorized magistrate. In the event the owner or occupant refuses entry after such request has been made, the official is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary by the Authorized Enforcement Official to carry out the objectives of this article, including but not limited to random sampling and/or sampling in areas with evidence of stormwater contamination, illicit discharges, discharge of non-stormwater to the stormwater system, or similar factors.

SEC. 11-5.25 - AUTHORITY TO SAMPLE AND ESTABLISH SAMPLING DEVICES.

An Authorized Enforcement Official shall have the right to establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided in this article, the official may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on site.

SEC. 11-5.26 - NOTIFICATION OF SPILLS.

As soon as any person in charge of a facility, or responsible for emergency response for a facility, has knowledge of any confirmed or unconfirmed release of materials, pollutants, or waste which may result in pollutants or non-stormwater discharges entering the City storm sewer system or watercourse, such person shall take all necessary steps to ensure the discovery and containment and clean up of such release and shall notify the City of the occurrence by telephoning an Authorized Enforcement Official.

SEC. 11-5.31 - CONCEALMENT.

Causing, permitting, aiding, abetting, or concealing a violation of any provision of this article shall constitute a violation of such provision.

SEC. 11-5.32 - ACTS POTENTIALLY RESULTING IN VIOLATION OF FEDERAL CLEAN WATER ACT OR STATE LAW.

Any person who violates any provision of this article, or any provision of any permit issued pursuant to this article, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the federal Clean Water Act and state law, including the Porter-Cologne Act, and may be subject to the sanctions of those laws including civil and criminal penalty. Any enforcement action authorized under this article shall also include notice to the violator of such potential liability.

SEC. 11-5.33 - VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to the public health, safety, and welfare and is declared and deemed a public nuisance, and may be summarily abated or restored by any Authorized Enforcement Official and civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the City Attorney.

The cost of such abatement and restriction shall be borne by the owner of the property and the cost thereof shall be a lien upon and against the property and such lien shall continue in existence until the same shall be paid. If the lien is not satisfied by the owner of the property within three (3) months after the completion by the Authorized Enforcement Official of the removal of the nuisance and the restoration of the property to its original condition, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

If any violation of this article constitutes a seasonal and recurrent nuisance, the City Council shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

SEC. 11-5.34 - CIVIL ACTIONS.

In addition to any other remedies provided in this article, any violation of this article may be enforced by civil action brought by the City. In any such action, the City may seek, and the Court shall grant, as appropriate, the following remedies:

- (a) A temporary or permanent injunction;
- (b) Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation and for the reasonable costs of preparing and bringing legal action under this article;
- (c) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation; and
- (d) Compensatory damages for loss or destruction to water quality, wild-life, fish, and aquatic life.

Any assessments ordered under subsection (d) shall be paid to the City to be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control systems and implementing or enforcing the provisions of this article

SEC. 11-5.35 - ADMINISTRATIVE ENFORCEMENT POWERS.

In addition to the other enforcement powers and remedies established by this article, any Authorized Enforcement Official has the authority to utilize the administrative remedies set forth below.

- (a) *Cease and Desist Orders.* When an Authorized Enforcement Official finds that a discharge has taken place or is likely to take place in violation of this article, the official may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (1) comply with the requirement; (2) comply with a time schedule for compliance; and (3) take appropriate remedial or preventive action to prevent the violation from recurring.
- (b) *Notice to Clean.* Whenever an Authorized Enforcement Official finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste, or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land or upon any parcel of land or grounds which may result in an increase in pollutants entering the City storm sewer system or a non-stormwater discharge to the City storm sewer system, he or she shall give notice to remove such oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste, or other material, in any manner that he or she may reasonably provide.

SEC. 11-5.36 - REMEDIES NOT EXCLUSIVE.

Remedies under this article are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

COORDINATION WITH OTHER PROGRAMS

SEC. 11-5.37 - COORDINATION WITH HAZARDOUS MATERIALS INVENTORY AND RESPONSE PROGRAM.

The first revisions of the business plan for any facility subject to the City's hazardous materials inventory and response program shall include a program for compliance with this article, including the prohibitions on non-stormwater discharges and illicit discharges, and the requirements to reduce stormwater pollutants to the maximum extent practicable.

SEC. 11-5.38 - STORMWATER TREATMENT MEASURES REQUIRED.

- (a) All ~~Development~~ **Regulated** Projects shall include Stormwater Treatment Measures to reduce water quality impacts of urban runoff from the entire project site for the life of the project. Such measures shall be in accordance with the guidelines contained in the City of Hayward's Site Design Standards and Guidance, including but not limited to flow duration and volume control requirements. All **Regulated Projects** ~~development projects~~ shall also abide by the rules set forth in the NPDES municipal stormwater discharge permit issue to the City by the California Regional Water Quality Control Board, San Francisco Bay Region. Furthermore, all ~~Group 1 and Group 2 development projects, as well as~~ other development projects deemed appropriate by the City, are required to apply the City of Hayward's Source Control Measures List to each respective project.
- (b) All Significant Redevelopment Projects shall include Stormwater Treatment Measures to reduce water quality impacts of urban runoff for the life of the project.
 - (1) Significant Redevelopment Projects that result in an increase of, or replacement of, more than fifty percent (50%) of the impervious surface of a previously existing development shall include Stormwater Treatment Measures sufficient to reduce water quality impacts of urban runoff from the entire site for the life of the project.

- (2) Significant Redevelopment Projects that result in an increase of, or replacement of, fifty percent (50%) or less of the impervious surface of a previously existing development shall include Stormwater Treatment Measures sufficient to reduce water quality impacts of urban runoff from the increased or replaced portion of the site for the life of the project.
- (c) Stormwater Treatment Measures must be incorporated into all applicable plan documents. All plan documents and construction activities are subject to inspection and approval by the City.
- (d) No final building or occupancy permit shall be issued without the written certification of the ~~Public Works~~ Director of Utilities and Environmental Services or his or her designee that the requirements of this article have been satisfied. Such certification shall be in the form prescribed by the City and shall not be issued without payment of all applicable fees, if any, which may be imposed for administration of this article.

SEC. 11-5.39 - INSPECTION AND MAINTENANCE OF STORMWATER TREATMENT MEASURES.

- (a) The property owner, its administrators, successors, or any other persons in possession or control of the property, including any homeowners association, shall take all necessary actions to ensure that Stormwater Treatment Measures or other required measures are properly maintained so that they continue to operate as originally designed and approved, for the life of the development. The ~~Public Works~~ Director of Utilities and Environmental Services may require verification of proper maintenance be submitted to the City. Any property owner required by this article to construct, install, operate or maintain Stormwater Treatment Measures or other measures shall record a document evidencing the permanent maintenance requirement and binding all successors in interest to the maintenance obligation.
- (b) Upon transferring ownership of the property, any property owner required by this article to construct, install, operate, or maintain Stormwater Treatment Measures or other measures shall notify the City in writing of the transfer of ownership and provide the new owners with a current copy of this Chapter, and inform the new owners in writing of their obligation to properly operate and maintain the Stormwater Treatment Measures.
- (c) It shall be unlawful to alter, modify, change, or remove any Stormwater Treatment Measures or other measures without first obtaining from the ~~Public Works~~ Director of Utilities and Environmental Services or his or her designee written certification that the requirements of this article have been satisfied.

SEC. 11-5.40 - BEST MANAGEMENT PRACTICES DURING CONSTRUCTION.

Any construction contractor performing work in the City shall adhere to the City of Hayward's Site Design Standards and Guidance as it relates to construction Best Management Practices (BMPs).

SEC. 11-5.41 - COMPLIANCE WITH BEST MANAGEMENT PRACTICES.

Where best management practices guidelines or requirements have been adopted by any federal, State of California, regional, and/or City agency, for any activity, operation, or facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of non-stormwater to the stormwater system, every person undertaking such activity or operation, or owning or operating such facility, shall comply with such guidelines or requirements.

SEC. 11-5.42 - AUTHORITY TO ENFORCE INDUSTRIAL STORMWATER PERMITS.

The City of Hayward shall have the authority to enforce the permit requirements of any individual, group, or general stormwater discharge permit issued to any industrial facility by the United States Environmental Protection Agency, State of California Water Resources Control Board, or the San Francisco Bay Regional Water Quality Control Board to the extent that such authority is delegated to the City by the issuing agency of government.

SEC. 11-5.43 - AUTHORITY TO ENFORCE CONSTRUCTION STORMWATER PERMITS.

The City of Hayward shall have the authority to enforce the permit requirements of any individual, group, or general stormwater discharge permit issued to any construction activity by the Environmental Protection Agency, the State of California Water Resources Control Board, or the San Francisco Bay Regional Water Quality Control Board to the extent that such authority is delegated to the City by the issuing agency of government.

FUNDING PROVISIONS

SEC. 11-5.50 - CITY OF HAYWARD STORMWATER SYSTEM UTILITY FUND.

The City of Hayward Stormwater System Utility Fund (hereinafter "Fund") is hereby established to provide funding for the Stormwater Management and Urban Runoff Control Program. The Fund may be expended for the following:

- (a) All activities and resultant expenses required under the Alameda Countywide Clean Water Program;
- (b) All activities and resultant expenses required by the NPDES permit which authorizes and regulates discharge from the City of Hayward stormwater collection and conveyance system;
- (c) All activities and resultant expenses associated with the maintenance and operation of the stormwater collection and conveyance system;
- (d) Capital expenses associated with the repair, replacement, and capital improvement of the stormwater collection and conveyance system;
- (e) All expenses associated with the maintenance, operation, and capital requirements of any stormwater treatment system which may be prospectively required by state or federal law;
- (f) All expenses for any activities directly related to any of the foregoing.

SEC. 11-5.51 - FUNDING PROVISION—DEFINITIONS.

- (a) *Land use category*: That category of land use assigned to a parcel of real property as shown on the most current official assessment roll of the Alameda County Assessor.
- (b) *Parcel*: A unit of real property in one ownership as shown on the most current official assessment roll of the Alameda County Assessor; parcel size means the area of such a unit, measure in acres, as determined from records maintained by Alameda County or the City of Hayward.
- (c) *Runoff factor*: The indicator of stormwater generation of a parcel and is based on the average ratio of impervious area to total parcel area for a category of land use.

SEC. 11-5.52 - REVENUE SOURCE.

The City of Hayward Stormwater System Utility Fund shall derive revenue from the following sources:

- (a) Reimbursements and subventions made available through the Alameda Countywide Clean Water Program;
- (b) Reimbursements and subventions made available by any other governmental entity for the purpose of supporting any of the activities of the City of Hayward Stormwater Management and Urban Runoff Control Program;
- (c) Any other funds the City Council directs be allocated to the Stormwater System Utility Fund from money available to it, including but not limited to, money in its General Fund; and
- (d) Service charges assessed by the City of Hayward in accordance with the provisions of this article.

SEC. 11-5.53 - ESTABLISHMENT OF SERVICE CHARGE.

Every person or entity owning real property within the City of Hayward, or owning property not within the incorporated City limits but discharging stormwater to a collection and conveyance system owned and operated by the City of Hayward, shall pay a service charge calculated in accordance with the provisions of this article as set forth from time to time by resolution of the City Council.

SEC. 11-5.54 - CALCULATION OF SERVICE CHARGES.

Service charges shall be calculated in a manner which distributes, as equitably as possible, stormwater system costs to users of the system proportionate to the benefit received. In consideration of the fact that stormwater runoff and consequent stormwater system loading is directly related to the physical size and impervious surface area of any parcel of land, those factors shall be utilized in the calculation of service charges. For the purpose of this section, impervious surface area shall be represented by the runoff factor established for parcels on the basis of use and as otherwise determined by the Alameda County Flood Control and Water Conservation District. In addition, other factors which disproportionately affect stormwater system costs and which are attributable to any user or class of users may be utilized in the setting of rates for that user or class of users.

SEC. 11-5.55 - COLLECTION; INTEREST AND PENALTIES.

The City Manager is authorized to have the charges imposed by this article collected by the County of Alameda in conjunction with the County's collection of property tax revenues for the City of Hayward. In the event that the County of Alameda collects the charges imposed by this article, the imposition of penalties, additional fees, and interest upon owners who fail to remit any charge imposed by this article or who fail to remit any delinquent remittance under this ordinance shall be subject to and governed by the rules, regulations, and procedures utilized by the County of Alameda in its collection of property taxes and charges for the City of Hayward, and in its collection of this additional charge for the City of Hayward.

Every penalty imposed and such interest as accrues under the provisions of this article shall become a part of the charges herein required to be paid.

SEC. 11-5.56 - DELINQUENT CHARGES REMEDIES.

- (a) Delinquent charges are hereby made a lien upon the real property served by the stormwater system;
- (b) The amount of any charge, penalty, and interest imposed under the provisions of this article shall be deemed a debt to the City.