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28

29 **PART 1 – GENERAL PROVISIONS**

30 **SEC. 10-28.010 - FINDINGS AND PURPOSE**

- 31 a. Neglected vacant or abandoned buildings and storefronts are a major source of blight in the
32 City of Hayward and pose serious threats to public health, safety and welfare. They attract
33 children, vagrants, gang members, and criminal activities. They are also vulnerable to fire set
34 by transients or others using the property illegally. The presence of neglected vacant or
35 abandoned buildings and storefronts can lead to neighborhood decline, create nuisance
36 conditions, lower property values, and discourage economic development in the area.
37 Furthermore, the presence of vacant, neglected, or abandoned buildings and storefronts
38 acutely affects the vitality and economic development of the downtown area.
- 39
- 40 b. It is the responsibility of property owners, lenders, trustees, or others with possessory,
41 equitable, or legal interests in the neglected vacant or abandoned buildings, including without
42 limitation, historic buildings or structures, to maintain, secure, and prevent these buildings
43 and storefronts from becoming a burden to the neighborhood and community or a threat to
44 public health, safety and welfare.
- 45
- 46 c. The purpose of this Article is to provide standards for maintaining vacant and abandoned
47 buildings and storefronts and to establish a monitoring program for those that are
48 determined to be neglected or not in compliance with the provision of this Article or
49 established laws and regulations adopted by the City of Hayward.

50 **SEC. 10-28.020 - DEFINITIONS**

- 51 a. "Abandoned" means a property, including a residence, building, structure, or any structural
52 improvement on real property, that is vacant and is (i) under a current notice of default and/or
53 notice of trustee's sale; (ii) subject to foreclosure sale where title was retained by the
54 beneficiary of a deed of trust; or (iii) transferred under a deed in-lieu of foreclosure/sale.
- 55
- 56 b. "Boarded" means the covering of all entry points, including doors and windows.
- 57
- 58 c. "Director" means the Director of Development Services or designee, or such other director
designated by the City Manager to administer this Chapter.
- 59
- 60 d. "Foreclosed" shall mean property for which the foreclosure process has begun with the filing
of a notice of default.
- 61
- 62 e. "Notice of Default" means a recorded notice that a Default has occurred under a Deed of Trust
63 and the Beneficiary intends to proceed with a Trustee's sale of the real property or asserts
any of its rights under the Deed of Trust.
- 64
- 65 f. "Property" means any real property interest or estate which may be granted or devised by
66 deed. The word "property" includes tracts, lots, easements, or parcels of land and any and all
improvements thereon.

67 g. "Property owner" shall mean the owner or owners of record of real property as shown on the
68 latest equalized assessment roll of Alameda County and any person, partnership, co-
69 partnership, association, corporation, beneficiary in a deed of trust, fiduciary, including a
70 trustee or substitute trustee, or any other legal entity having a legal or equitable interest in
71 the subject property as otherwise known to the Code Enforcement Manager or other City
72 Official by virtue of more recent and reliable information, including any beneficiary that is
73 pursuing foreclosure of a property subject to this ordinance secured by a mortgage, deed of
74 trust or similar instrument or a property that has been acquired by the beneficial interest at
75 a trustee's sale.

76 h. "Vacant" means any building or structure which has remained unoccupied for a period of
77 more than thirty (30) days or which has been occupied by any unauthorized person for any
78 length of time. A building or structure is not deemed to be Vacant for purposes of this Chapter
79 if construction, alteration, improvements, rehabilitation, or repair is in progress pursuant to
80 a valid, unexpired building permit with inspections occurring at least every six (6) months.

81 SEC. 10-28.030 - APPLICATION

82 a. The provisions of this Article apply to all improved real property throughout the City of
83 Hayward where any of the conditions specified in this Article are found to exist, including but
84 not limited to vacant, unsecured, neglected, distressed and unoccupied buildings, structures
85 or parts thereof.

86 b. Provisions of this Article are to be supplementary, complementary and cumulative to all of
87 the provisions of the Hayward Municipal Code, state law, and any law cognizable at common
88 law or in equity, and nothing in this Article shall be read, interpreted, or construed in any
89 manner so as to limit any right or power of the City of Hayward to abate or prosecute any and
90 all violations and nuisances.

91 c. When the requirements of this Chapter conflict with any other part of the California Building
92 Standards Code, Title 24, any provision contained elsewhere in the Hayward Municipal Code,
93 or any regulation or requirement adopted by the City, the more restrictive requirement shall
94 prevail.

95 SEC. 10-28.040 - EXEMPTION

96 a. In the event that the City enters into a development-related agreement with the owner
97 and/or developer of a property incorporating the partial or total demolition, repair,
98 reconstruction, and/or preservation of one or more unoccupied building, structure or parts
99 thereof located at the property, the unoccupied building or vacant building in question shall
100 be exempt from application of this Article.

101 b. In the instance of any abandoned building or structure, or vacant building exempt from
102 application of this Chapter pursuant to this Subsection 10-28.040(a), the property and each
103 building or structure located at the property shall be owned, managed, and maintained in
104 strict accord with the terms and conditions of the applicable development-related agreement.

105 c. In the event that the City Manager or designee determines, in an exercise of his/her sole
106 discretion that an owner is in default with respect to any term or condition of a development-

related agreement through which any abandoned building or structure, or vacant building is exempt from application of this Article, City shall issue written notice to the owner, if the default in question is not cured in its entirety within a time as prescribed by the City Manager or designee of the issuance of said notice, the exemption provided by Subsection 10-28.040(a), shall be revoked, and that this Article shall immediately become fully applicable to the abandoned building(s) or structure(s), or vacant building(s) in question.

SEC. 10-28.050 – PUBLIC NUISANCE

Any property in violation of this Article shall constitute a public nuisance.

PART 2 – VACANT BUILDING MAINTENANCE AND SECURITY STANDARDS

The City recognizes that attention and response to maintaining minimum maintenance and security standards for vacant or abandoned properties can contribute to a reduction of neighborhood blight, criminal activity and hazards in vacant or abandoned buildings. This section establishes minimum maintenance and security standards for vacant or abandoned residential and non-residential buildings, structures and properties thereon.

All vacant or unoccupied buildings, structures, and property shall be maintained in a manner which minimizes the appearance of vacancy and meets the minimum standards set forth herein:

SEC. 10-28.060 - EXTERIOR SITE AND LANDSCAPING

- a. Landscaping: All site landscaping materials, including but not limited to plants, trees, irrigation systems, lighting fixtures and pathways shall be maintained in good condition. Commercial and industrial properties with previously approved landscape plans must maintain landscaping in accordance with the originally approved plans or Conditions of Approval unless otherwise determined by the Director or designee.
- b. Parking lots: All parking areas must be maintained free of deterioration and in accordance with the applicable zoning district standards and off-street parking requirements and/or conditions of approval, including but not limited to lighting, stall markings, art installations, signage, bollards, fire lane markings, and permitted mechanical equipment.
- c. Swimming Pools, spas and other body collection of water shall be kept clear and free of pollutants and debris or drained and kept dry and shall be secured with fencing in accordance with HMC CHAPTER 3, Sections 3-5.50, 3-5.51, 3-5.52, Swimming Pools and applicable County and State regulations.
- d. Accessory Structures: All accessory structures, including detached garages, fences and walls, shall be maintained in structurally sound and good repair. Fencing installed pursuant to Section 10-1.2725 - Special Yard Requirements shall comply with standards as set forth in Section 10-1.2725(k) of the Hayward Municipal Code.
- e. The exterior of the property shall be kept free of weeds, dry brush, dead or dying vegetation, accumulation of newspapers, circulars, flyers, papers, building materials, discarded items,

junk, trash, debris, and other public nuisance conditions as identified in Section 5-7.20 of the Hayward Municipal Code.

- f. The property shall be maintained free of graffiti, tagging, or similar markings by removal or painting over within twenty-four hours with similar exterior grade paint to match the color of the exterior of the building or structure.

SEC. 10-28.070 - BUILDING STANDARDS.

- a. Each vacant building shall be maintained in conformance with all adopted state and local city codes including, but not limited to Section 17920.3 of the California Health and Safety Code when identified as residential structure.
- b. Stairways, decks, porches, and balconies: Every stairway, deck, porch, balcony, and all appurtenances attached thereto, including, but not limited to handrails and guards shall be maintained as structurally sound, in good repair, with proper anchorage, capable of supporting the imposed loads, and free of dry rot or other deteriorating conditions.
- c. Walls and Structural members: All interior and exterior wall systems, structural members and roofs shall be kept in good condition and shall be free from holes, breaks, loose or rotting materials, and partial or un-permitted repair. Exterior walls shall be maintained as weatherproofed and properly surface coated where necessary to prevent deterioration.
- d. Utility Systems: All electrical, plumbing and mechanical systems shall be maintained in conformance with the provisions of the California Building Standards Code so as not to create a hazard to public health or safety, as determined by the Building Official or designee.
- e. Protective treatment: All exterior protective treatment, including but not limited to exterior paint, siding materials, roofing tiles, wood treatment or other weather proofing or protective coatings or any surfaces shall be maintained uniformly without any signs of defect or deterioration.
- f. All windows and doors, must be maintained in good and functional condition consistent with intended use and free from any deterioration, damage or neglect, including but not limited to all associated locks, components, glass panes or other hardware.

SEC. 10-28.080 – FIRE SAFETY STANDARDS

- a. All vacant buildings shall be maintained in a manner where all existing fire protection systems are kept in operating condition in accordance with applicable codes and ordinances, unless written authorization for removal of those systems has been granted by the City of Hayward Fire Marshall.
- b. The vacant building shall be maintained clear of combustible materials, flammable or combustible waste or rubbish, waste, or hazardous materials. Doors, windows and other openings shall be locked or otherwise secured to prevent entry by unauthorized persons in accordance with all applicable codes.

- 186
- 187 c. All vacant or abandoned buildings shall be maintained in a manner whereby the heating
- 188 facilities or heating equipment are either removed pursuant to a valid permit or maintained
- 189 in accordance with applicable codes and ordinances. If heating equipment is removed, any
- 190 fuel supply shall be removed or terminated in accordance with applicable permits, codes and
- 191 ordinances.
- 192 d. All vacant or abandoned buildings or accessory structures shall be maintained in a manner in
- 193 which all emergency access areas, egress points, stairways, roof-access ladders and exit
- 194 signage are in functioning condition and free from deterioration.
- 195 e. The intentional design or alteration of buildings to disable, injure, maim or kill intruders is
- 196 prohibited. A person shall not install and use firearms, sharp or pointed objects, razor wire,
- 197 explosives, flammable or combustible liquid containers, or dispensers containing highly toxic,
- 198 toxic, irritant or other hazardous materials in a manner that could passively or actively disable,
- 199 injure, maim or kill a fire fighter who forcibly enters a building for the purpose of controlling
- 200 or extinguish a fire, rescuing trapped occupants or rendering other emergency assistance.
- 201 f. Shaftway markings. Vertical shafts shall be identified as required by this section.
- 202 1. Exterior access to shaftways. Outside openings accessible to the fire department and
- 203 that open directly on a hoistway or shaftway communicating between two or more
- 204 floors in a building shall be plainly marked with the word SHAFTWAY in red letters not
- 205 less than 6 inches high on a white background. Such warning signs shall be placed so
- 206 as to be readily discernible from outside the building.
- 207 2. Interior access to shaftways. Door or window openings to a hoistway or shaftway from
- 208 the interior of the building shall be plainly marked with the word SHAFTWAY in red
- 209 letters not less than 6 inches high on a white background. Such warning signs shall be
- 210 placed as to be readily discernible.

211

212 **SEC. 10-28.090 – SECURITY AND BOARDING STANDARDS**

213 A vacant building shall be adequately secured in a way which prevents entry from any unauthorized

214 person. The property owner or responsible party of a vacant building or structure that has experienced

215 an unauthorized entry or ongoing vandalism must provide security in accordance with this section at the

216 direction of the Director:

- 217 a. Materials such as plywood, particle board, wafer-board, Masonite-board, plexi-board or other
- 218 similar material shall not be used for boarding unsecured windows, doors, or openings unless
- 219 completed under an emergency board up as identified in Section 10-28.100.
- 220 b. Vacant buildings identified with broken windows or other broken transparent or semi-
- 221 transparent openings must be secured by boarding with sheeting material in accordance with
- 222 this section.

- 224 1. All windows and transparent or semi-transparent openings shall use impact
225 resistant, transparent or semi –clear sheeting material.
- 226 2. As used herein, “sheeting material” or “sheeting” means a minimum of .177-
227 inch thick clear or semi-clear shatter-proof polycarbonate material with a
228 strength capable of sustaining impact without breaking or shattering, absent
229 excess force. For example, such polycarbonate material shall be capable of
230 sustaining a human propelled brick without breaking or shattering. Examples of
231 such sheeting strength yields would include strength yields equal or greater than
232 American Society for Testing and Materials (ASTM) D638 Tensile Strength, Yield
233 value 8000 psi. Sheetting shall be installed in a manner intended to provide an
234 appearance approximating glass in the window casings, and consistent in
235 appearance with the surrounding surface in the case of all other openings that
236 require securing. Unless otherwise granted approval by the director or designee
237 through the board-up permit application process and strict compliance.
- 238 c. The owner or party responsible for a vacant or unoccupied building shall obtain the
239 appropriate building permits
- 240 d. The Director or designee may approve and require, as deemed necessary, other minimum-
241 security standards to adequately secure and prevent unauthorized entry or vandalism.
- 242 e. The owner or party responsible for a vacant or unoccupied building required to register under
243 this Article must file a statement letter with the Hayward Police Department for trespassing
244 at the discretion of the Director.
- 245 f. A vacant property with an active demolition permit on file with the City of Hayward Building
246 Division, must have security fencing around the property perimeter and construction site until
247 the demolition process has been completed or as otherwise determined by the Director or
248 designee. All fencing must be maintained free of graffiti, deterioration, and disrepair at all
249 times.
- 250 g. Continuous physical monitoring by means of an onsite patrol shall be provided as determined
251 by the Director or designee.
- 252 h. All vacant buildings, appurtenances or parts thereof must be secured in a manner so as not
253 to be accessible to unauthorized persons, including, but not limited to, the replacement of
254 broken windows and the closing and locking of windows, doors (walk-through, sliding and
255 garage), gates and any other opening that may allow access to the interior of the property.
- 256 i. There shall be a sign no less than 18" x 24" posted on the front of the exterior building or
257 structure so it is legible from the public-right-of-way with the following information: (i) name
258 and twenty-four hour contact telephone number and address of the owner, responsible party,
259 or property management company; and (ii) the statement that "THIS PROPERTY MANAGED
260 BY" with the appropriate name inserted and "TO REPORT PROBLEMS OR CONCERNS CALL"
261 with the twenty-four hour telephone number listed. The sign shall be constructed and printed
262 with weather resistant materials.

- j. A minimum of one “No Trespassing” sign in accordance with the Hayward Police Department sign and size requirements must be displayed along property frontage and visible to the public.

SEC. 10-28.100 – EMERGENCY BOARD-UP AND SECURING

Property owners or responsible parties of vacant buildings and structures damaged as part of a fire incident or other emergency incident are required to complete the following mitigations to secure and prevent unauthorized access:

- a. Within 48 hours of an emergency, unless otherwise directed by the City Manager or designee, secure all windows, doors, or openings with a minimum of 5/8” in thickness plywood material and 3-inch screws or nails. The emergency boarding will be effective for a maximum of 30 days or as determined by the Director or designee.
- b. All utility services shall be terminated by notifying the utility service providers of the emergency incident, unless otherwise determined by the Director or designee.
- c. If a vacant or abandoned building is damaged by fire, the owner has 90 days from the date of the fire to submit an application for restoration and obtain a building permit to start construction or demolition. The Director or designee may grant additional extensions, provided the owner can demonstrate substantial progress towards completing repairs.

PART 3 –MONITORING AND REGISTRATION

SEC. 10-28.110 – VACANT BUILDING MONITORING PROGRAM

- a. The Director shall be responsible for administering a program for identifying and monitoring the maintenance of all vacant buildings in the City. The program shall be documented and regularly updated.
- b. If the subject property meets the vacant property criteria established herein, the Director or designee shall send notice to require the owner of any vacant or unoccupied building, structure or parts thereof to register the property with the vacant building monitoring program within 10 calendar days of the date of notice to register.
- c. The owner of a neglected vacant or abandoned building or structure may appeal the Director or designee's decision to place the building or structure into the vacant building monitoring program.
- d. If the Director finds that a vacant or abandoned building or structure which has been placed in the monitoring program has not been in further violation of the provisions of this chapter for more than six consecutive months, the director shall have the discretion to remove the building or structure from the monitoring program.
- e. Property owner shall file a written statement of intent - Propose rehabilitation plan with timeline to return properties to productive use.

- 300 f. Any change in the information provided pursuant to this section, including but not limited to
301 a change in ownership, shall be filed with the director or designee within fifteen days of the
302 change.

303 SEC. 10-28.120 - REGISTRATION

- 304 a. Within ten (10) calendar days of City's identification of any vacant or unoccupied building
305 and issuance of written notice, or owner's actual knowledge of any vacant building or
306 abandoned building, the owner of record shall file a completed Vacant Building Registration
307 form, as provided by the Director, to the City of Hayward Code Enforcement Division.
- 308 b. The registration form shall include information including but not limited to:
- 309 1. The address of the vacant or abandoned building or structure.
- 310 2. The assessor parcel number of the real property where the vacant or abandoned
311 building or structure is located.
- 312 3. The name, address, and telephone number of the owner. If a notice of default has
313 been issued, the name, address, and phone number of the beneficiary or trustee on
314 the deed of trust shall be included. In the case of a corporation or out of area
315 beneficiary or trustee, as defined below, the local property management company
316 or agent responsible for the security, maintenance, and monitoring of the property
317 shall be included.
- 318 4. The date the building or structure became vacant.
- 319 c. Any change in the information provided pursuant to this section, including but not limited
320 to; a change in ownership, partnership, association, corporation, fiduciary or other legal
321 entity that has registered a property under this article shall file a written statement with the
322 Code Enforcement Division within 15 calendar days of the change.
- 323
- 324 d. Properties subject to this article shall remain subject to the annual registration requirement,
325 security and maintenance standards of this article as long as they remain vacant or
326 unoccupied, unless removed from the monitoring program pursuant to Section 10-
327 28.110(d).

328 SEC. 10-28.125 - INSPECTIONS

- 329 a. Each property owner, beneficiary and trustee, who holds a deed of trust on a property located
330 within the city, shall perform an inspection of the property in question prior to recording a
331 notice of default or similar instrument with the Alameda County clerk-recorder's office. If the
332 property is found to be vacant or shows evidence of vacancy, as defined by the article, it is
333 hereby deemed to be vacant or unoccupied and must be registered pursuant to Section 10-
334 28.120.
- 335 b. The owner or responsible agent of the vacant, unoccupied building, structure or any part
336 thereof which is required to be registered in the vacant building monitoring program shall
337 inspect or cause the inspection of such vacant, unoccupied building, structure or part thereof

no less than once every thirty (30) days, unless otherwise determined by the Code Enforcement Division.

- c. Such owner or responsible agent shall keep or cause to be kept a written log of all inspections. The log shall contain the following information:

1. The date and time of the inspection;
2. The name and signature of the person performing the inspection;
3. A notation of any problems or violation of this chapter or Municipal Code identified;
4. A detailed description of any corrective action performed to address any violation of this chapter or Municipal Code. A copy of the log shall be provided to the city upon request of the director.

- d. The duties/obligations specified in this section shall be joint and several among and between all property owners, trustees and beneficiaries and their respective agents.

SEC. 10-28.130 – ANNUAL REGISTRATION FEE

The Annual Registration and Monitoring Fee pursuant to the City of Hayward Master Fee Schedule shall be set, from time to time, by resolution of the City Council. The amount of the fee shall not exceed the reasonable estimated cost of administering the provisions of this Chapter. The fee and registration shall be valid the calendar year and registration fee shall not be prorated.

PART 4 – ADMINISTRATIVE

SEC. 10-28.140 - AUTHORITY AND ENFORCEMENT

- a. Compliance with these regulations shall be enforced by the Director or designee. The designated Code Enforcement Official is authorized and directed to use the provisions of this Article and the Hayward Municipal Code for abating violations of the conditions defined by this Article as a public nuisance or abating the unlawful conditions defined in this Article.
- b. Whenever the City designee or Enforcement Inspector determines that a property is in violation of the provisions of this Article or the Hayward Municipal Code, a Notice of Violation will be issued and mailed via 1st class mail with proof of service to the property owner and responsible party, unless otherwise authorized under Summary Abatement, Section 5-7.65 or any other manner provided by law. The Notice of Violation will include the following information:
1. All violations and necessary corrective actions to be completed by the specified date of no less than three (3) and not more than ten (10) calendar days from the date of Notice of Violation.
 2. Notification that non-compliance may result in a City abatement in accordance with the provisions set forth in this Article and Hayward Municipal Code.

- 373 3. Notification that all inspection/abatement costs, penalties, and any other applicable
374 fees will be assessed upon the property, and if not paid, will constitute a lien or
375 special assessment.
- 376 4. Right to appeal through an administrative hearing requires submission of an
377 Administrative Hearing form within ten (10) calendar days of the initial notice of
378 violation and payment of a required hearing fee as adopted in the City's Master Fee
379 Schedule.

380 SEC. 10-28.150 - SUMMARY ABATEMENT BY CITY.

381 If the Enforcement Officer finds that a violation constitutes an imminent danger to public health or safety,
382 he or she shall have the authority to abate the condition or cause the condition to be abated summarily
383 and without notice. The expenses of such abatement shall be billed to the property owner(s) and if unpaid
384 will become a lien or special assessment collected on the property.

385 SEC. 10-28.160 - CUMULATIVE REMEDIES

- 386 a. Failure to comply as ordered will result in the issuance of egregious penalty fees in accordance
387 with the City of Hayward Master Fee Schedule. In addition, the Enforcement Officer may take
388 all steps necessary to cause the same to be abated by such City employees or City authorized
389 private contractor(s) to enter upon subject property. All City abatement expenses, including
390 but not limited to, administrative costs and nuisance condition abatement costs shall be billed
391 to the owner and shall become due and payable thirty (30) days thereafter. Failure to pay
392 may result in a lien or special assessment being placed on the property after a hearing on the
393 matter if requested as provided in Chapter 5, Article 7 of this Code.
- 394 b. Any persons in violation of any provision of the Vacant Building Ordinance regulations is
395 chargeable of a separate offense for each day or part of a day during which the violation is
396 committed, continued, or permitted. The remedies provided in these regulations shall be
397 cumulative and may include administrative citation pursuant to Chapter 1, Article 7 of this
398 Code and/or abatement pursuant to Chapter 5, Article 7 of this Code, in addition to any other
399 procedures provided in the Hayward Municipal Code or by state law. Administrative action
400 hereunder shall not prejudice or affect any other action, civil or criminal, for the maintenance
401 of any such violation. All inspection, fines and penalties fees for violation of the Vacant
402 Building Ordinance shall be as established by resolution of the City Council in the Master Fee
403 Schedule for the City of Hayward Code Enforcement Division.

404 SEC. 10-28.170 - ADDITIONAL VACANT BUILDING FEES

405 In addition to all other fees imposed in accordance with the Vacant Building Ordinance, other applicable
406 fees in accordance with the Master Fee Schedule may be imposed related to the cost associated with
407 police and fire services: including but not limited to personnel, equipment and mutual aid response costs
408 and emergency board-up cost.

410 SEC. 10-28.180 - PROCEDURE NOT EXCLUSIVE; VIOLATION AN INFRACTION

- 411 a. The procedures for abatement set forth herein shall not be exclusive and shall not limit or
412 restrict the City from enforcing other City ordinances and regulations or abating public
413 nuisances in any other manner provided by law. Nothing in this Article shall be deemed to
414 prevent the City Council from ordering the commencement of a civil proceeding to abate a
415 public nuisance pursuant to applicable law or from pursuing any other remedy available under
416 applicable law.
- 417 b. Violation of the provisions of this Article constitutes an infraction, as set forth in Chapter 1,
418 Article 3 of the Hayward Municipal Code.
- 419 c. The right to Judicial Review shall be governed pursuant to section 1-7.13 Administrative
420 Citation Right to Judicial Review.

421 SEC. 10-28.190 – APPEALS – ADMINISTRATIVE HEARING

- 422 a. Any owner may request an Administrative Hearing. The purpose of an Administrative Hearing
423 is to allow the owner to dispute the factual findings of the violation(s). If a hearing is
424 requested, at the time fixed for the Administrative Hearing, the Hearing Officer shall hear
425 and consider all relevant evidence, objections, or protests offered on behalf of the owner to
426 show why the condition should not be abated. The Hearing Officer may also consider rebuttal
427 evidence offered by the City.
428
- 429 b. The Hearing Officer shall have the ability to render decisions related to issued penalties and
430 fines based on substantial evidence presented during the administrative hearing.
431
- 432 c. The hearing may be continued from time to time. If, at the conclusion of the hearing, based
433 upon the record, the Hearing Officer determines that the evidence establishes that it is more
434 likely than not that the condition exists, and concludes that it should be abated, he or she
435 shall issue a written decision setting forth his/her findings and shall cause the same to be
436 served upon the persons attending the hearing. The right to Judicial Review shall be
437 governed pursuant to section 1-7.13 Administrative Citation - Right to Judicial Review and is
438 subject to the (CHAPTER 4 PUBLIC WELFARE, MORALS AND CONDUCT (SEC. 4-11.30)).
439