

ORDINANCE NO. 19-

AN ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA ADDING ARTICLE 29 TO CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE RELATING TO VACANT PROPERTIES

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Article 29 is added to Chapter 10 of the Hayward Municipal Code and is hereby enacted to read as follows:

ARTICLE 29

VACANT PROPERTY ORDINANCE

PART 1 – GENERAL PROVISIONS

SEC. 10-29.010 - FINDINGS AND PURPOSE. The City Council finds and declares as follows:

- a. Neglected vacant or abandoned properties are a major source of blight in the City of Hayward and pose serious threats to public health, safety and welfare. They attract ~~children, vagrants, gang members, and~~ criminal and unsafe activities. ~~As such, t~~They are also vulnerable to fire, theft and other illegal activities. ~~set by transients or others using the property illegally.~~ The presence of neglected vacant or abandoned buildings and storefronts can lead to neighborhood decline, create nuisance conditions, lower property values, and discourage economic development in the area. Furthermore, the presence of vacant, neglected, or abandoned buildings and storefronts acutely affects the vitality and economic development of the downtown area.
- b. It is the responsibility of property owners, lenders, trustees, or others with possessory, equitable, or legal interests in the neglected vacant or abandoned lots, buildings, including without limitation, historic buildings or structures, to maintain, secure, and prevent these buildings and lots from becoming a burden to the neighborhood and community or a threat to public health, safety and welfare.
- c. The purpose of this Article is to provide standards for maintaining vacant and abandoned properties and to establish a monitoring program for those that are determined to be neglected or not in compliance with the provision of this Article or established laws and regulations adopted by the City of Hayward.

SEC. 10-29.020 – DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and provisions shall be construed as herein set out, unless it shall be apparent from their content that a different meaning is intended.

- a. "**Abandoned**" means a property, including a residence, building, structure, or any structural improvement on real property, that is vacant and is (i) under a current notice of default and/or notice of trustee's sale; (ii) subject to foreclosure sale where title was retained by the beneficiary of a deed of trust; or (iii) transferred under a deed in-lieu of foreclosure/sale.
- b. "**Boarded**" means the covering of all entry points, including doors and windows.
- c. "**Director**" means the Director of Development Services or designee, or such other director designated by the City Manager to administer this Chapter.
- d. "**Foreclosed**" shall mean property for which the foreclosure process has begun with the filing of a notice of default.
- e. "**Neglected vacant property**" means any vacant lot, building or structure that is not maintained in accordance with this chapter or has been occupied by unauthorized persons for any length of time.
- f. "**Notice of Default**" means a recorded notice that a Default has occurred under a Deed of Trust 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.
- g. "**Property**" means any real property interest or estate which may be granted or devised by deed. The word "property" includes tracts, lots, easements, or parcels of land and any and all improvements, buildings or structures thereon.
- h. "**Property owner**" shall mean the owner or owners of record of real property as shown on the latest equalized assessment roll of Alameda County and any person, partnership, co-partnership, association, corporation, beneficiary in a deed of trust, fiduciary, including a trustee or substitute trustee, or any other legal entity having a legal or equitable interest in the subject property as otherwise known to the Code Enforcement Manager or other City Official by virtue of more recent and reliable information, including any beneficiary that is pursuing foreclosure of a property subject to this ordinance secured by a mortgage, deed of trust or similar instrument or a property that has been acquired by the beneficial interest at a trustee's sale.
- i. "**Un-Improved Vacant Lot**": means any undeveloped property without an approved or permitted structure.
- j. "**Vacant**" means any building or structure which has remained unoccupied for a period of more than thirty (30) days. A building or structure is not deemed to be

Vacant for purposes of this Chapter if construction, alteration, improvements, rehabilitation, or repair is in progress pursuant to a valid, unexpired building permit with inspections occurring at least every six (6) months.

SEC. 10-29.030 - APPLICATION

- a. The provisions of this Article apply to all real property throughout the City of Hayward where any of the conditions specified in this Article are found to exist, including but not limited to vacant, unsecured, neglected, distressed and unoccupied lots, buildings, structures or parts thereof.
- b. Provisions of this Article are to be supplementary, complementary and cumulative to all of the provisions of the Hayward Municipal Code, state law, and any law cognizable at common law or in equity, and nothing in this Article shall be read, interpreted, or construed in any manner so as to limit any right or power of the City of Hayward to abate or prosecute any and all violations and nuisances.
- c. When the requirements of this Chapter conflict with any other part of the California Building Standards Code, Title 24, any provision contained elsewhere in the Hayward Municipal Code, or any regulation or requirement adopted by the City, the more restrictive requirement shall prevail.

SEC. 10-29.040 - EXEMPTION

- a. In the event that the City enters into a development-related agreement with the owner and/or developer of a vacant lot, or property incorporating the partial or total demolition, repair, reconstruction, and/or preservation of one or more unoccupied building, structure or parts thereof located at the property, the unoccupied building or vacant building in question shall be exempt from application of this Article.
- b. In the instance of any abandoned building or structure, or vacant building exempt from application of this Chapter pursuant to Section 10-29.040(a), the property and each building or structure located at the property shall be owned, managed, and maintained in strict accord with the terms and conditions of the applicable development-related agreement.
- c. In the event that the City Manager or designee determines, in an exercise of his/her sole 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 10-29.040(a), shall be revoked, and that this Article shall immediately become fully applicable to the abandoned building(s) or structure(s), or vacant property(s) in question.

SEC. 10-29.050 – PUBLIC NUISANCE

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

PART 2 – MAINTENANCE AND SECURITY STANDARDS

The City recognizes that attention and response to maintaining minimum maintenance and security standards for vacant or abandoned properties and buildings 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 lots, abandoned residential and non-residential buildings, structures and properties thereon.

All vacant properties and improvements thereon shall be maintained in a manner which minimizes the appearance of vacancy and meets the minimum standards set forth herein:

SEC. 10-29.060 - 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. Fencing on vacant properties shall be provided in accordance with Section 10-1.2735 (k).
- c. 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.
- d. Accessory Pools: 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.
- e. 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.

- f. Exterior Site Grounds: The exterior of vacant properties 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.
- g. Graffiti: 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.
- h. Un-Improved Vacant Lots: All unimproved vacant lots shall be maintained in accordance with the following standards;
 - a. A landscape area must be provided and maintained along the perimeter of the lot adjacent to streets, alleys, or public rights-of-ways.
 - b. Landscape areas must be planted with natural and drought tolerant vegetation.
 - c. An operable automatic irrigation system for the groundcover must be installed and maintained.
 - d. Fencing shall be located behind all required perimeter landscaping and provided in accordance with Section 10-1.2735 (k).
 - e. The lot must be adequately secured to prevent illegal dumping, criminal activity, vandalism, graffiti, trespassing, & all other attractive nuisance.

SEC. 10-29.070 - 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. 10-29.080 – 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 Marshal
- 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.
- c. All vacant or abandoned buildings shall be maintained in a manner whereby the heating facilities or heating equipment are either removed pursuant to a valid permit or maintained in accordance with applicable codes and ordinances. If heating equipment is removed, any fuel supply shall be removed or terminated in accordance with applicable permits, codes and ordinances.
- d. All vacant or abandoned buildings or accessory structures shall be maintained in a manner in which all emergency access areas, egress points, stairways, roof-access ladders and exit signage are in functioning condition and free from deterioration.
- e. The intentional design or alteration of buildings to disable, injure, maim or kill intruders is prohibited. A person shall not install and use firearms, sharp or pointed objects, razor wire, explosives, flammable or combustible liquid containers, or dispensers containing highly toxic, toxic, irritant or other hazardous materials in a manner that could passively or actively disable, injure, maim or kill a fire fighter who forcibly enters a building for the purpose of controlling or extinguish a fire, rescuing trapped occupants or rendering other emergency assistance.

- f. Shaftway markings. Vertical shafts shall be identified as required by this section.
1. Exterior access to shaftways. Outside openings accessible to the fire department and that open directly on a hoistway or shaftway communicating between two or more floors in a building shall be plainly marked with the word SHAFTWAY in red letters not less than 6 inches high on a white background. Such warning signs shall be placed so as to be readily discernible from outside the building.
 2. Interior access to shaftways. Door or window openings to a hoistway or shaftway from the interior of the building shall be plainly marked with the word SHAFTWAY in red letters not less than 6 inches high on a white background. Such warning signs shall be placed as to be readily discernible.

SEC. 10-29.090 – SECURITY AND BOARDING STANDARDS

The property owner or responsible party of a vacant property that has experienced an unauthorized entry or ongoing vandalism must provide security in accordance with this section at the direction of the Director or designee:

- a. Materials such as plywood, particle board, wafer-board, Masonite-board, plexi-board or other similar material shall not be used for boarding unsecured windows, doors, or openings unless completed under an emergency board up as identified in Section 10-29.100.
- b. Vacant buildings identified with broken windows or other broken transparent or semi-transparent openings must be secured by boarding with sheeting material in accordance with this section.
 1. All windows and transparent or semi-transparent openings shall use impact resistant, transparent or semi-clear sheeting material.
 2. As used herein, “sheeting material” or “sheeting” means a minimum of .177-inch thick clear or semi-clear shatter-proof polycarbonate material with a strength capable of sustaining impact without breaking or shattering, absent excess force. For example, such polycarbonate material shall be capable of sustaining a human propelled brick without breaking or shattering. Examples of such sheeting strength yields would include strength yields equal or greater than American Society for Testing and Materials (ASTM) D638 Tensile Strength, Yield value 8000 psi. Sheeting shall be installed in a manner intended to provide an appearance approximating glass in the window casings, and consistent in appearance with the surrounding surface in the case of all other openings that require securing.
- c. The owner or party responsible for a vacant or unoccupied building shall obtain the appropriate building permits

- d. The Director or designee may approve and require, as deemed necessary, other minimum-security standards or boarding standards to adequately secure and prevent unauthorized entry or vandalism.
- e. The owner or party responsible for a vacant or unoccupied building required to register under this Article must file a statement letter with the Hayward Police Department for trespassing at the discretion of the Director.
- f. A vacant property with an active demolition permit on file with the City of Hayward Building Division, must have security fencing around the property perimeter and construction site until the demolition process has been completed or as otherwise determined by the Director or designee. All fencing must be maintained free of graffiti, deterioration, and disrepair at all times.
- g. Continuous physical monitoring by means of an onsite patrol shall be provided as determined by the Director or designee.
- h. All vacant buildings, appurtenances or parts thereof must be secured in a manner so as not to be accessible to unauthorized persons, including, but not limited to, the replacement of broken windows and the closing and locking of windows, doors (walk-through, sliding and garage), gates and any other opening that may allow access to the interior of the property.
- i. There shall be a sign no less than 18" x 24" posted on the front of the exterior building or structure so it is legible from the public-right-of-way with the following information: (i) name and twenty-four hour contact telephone number and address of the owner, responsible party, or property management company; and (ii) the statement that "THIS PROPERTY MANAGED BY" with the appropriate name inserted and "TO REPORT PROBLEMS OR CONCERNS CALL" with the twenty-four hour telephone number listed. The sign shall be constructed and printed 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. 10-29.100 – 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. 10-29.110 – VACANT PROPERTY MONITORING PROGRAM

- a. The Director shall be responsible for administering a program for identifying and monitoring the maintenance of all vacant properties in the City. The program shall be documented and regularly updated.
- b. If the subject property meets the neglected vacant property criteria established herein, the Director or designee shall send notice to require the owner of any vacant lot, vacant or unoccupied building, structure or parts thereof to register the property with the vacant property monitoring program within 10 calendar days of the date of notice to register.
- c. The owner of a neglected vacant property may appeal the Director or designee's decision to place the property, building or structure into the vacant property monitoring program within 10 days of the date of the notice.
- d. If the Director finds that a vacant property, 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 property 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.
- f. Any change in the information provided pursuant to this section, including but not limited to a change in ownership, shall be filed with the director or designee within fifteen days of the change.

SEC. 10-29.120 - REGISTRATION

- a. Within ten (10) calendar days of City's identification of any neglected vacant property, issuance of written notice, or owner's actual knowledge of any neglected vacant building or abandoned building, the owner of record shall file a

completed Vacant Property Registration form, as provided by the Director, to the City of Hayward Code Enforcement Division.

- b. The registration form shall include information including but not limited to:
 1. The address of the vacant or property.
 2. The assessor parcel number of the real property where the vacant property, or structures thereon is located.
 3. The name, address, and telephone number of the owner. If a notice of default has been issued, the name, address, and phone number of the beneficiary or trustee on the deed of trust shall be included. In the case of a corporation or out of area beneficiary or trustee, as defined below, the local property management company or agent responsible for the security, maintenance, and monitoring of the property shall be included.
 4. The date the property, building or structure became vacant.
- c. Any change in the information provided pursuant to this section, including but not limited to; a change in ownership, partnership, association, corporation, fiduciary or other legal entity that has registered a property under this article shall file a written statement with the Code Enforcement Division within 15 calendar days of the change.
- d. Properties subject to this article shall remain subject to the annual registration requirement, security and maintenance standards of this article as long as they remain vacant or unoccupied, unless removed from the monitoring program pursuant to Section 10-29.110(d).

SEC. 10-29.125 - INSPECTIONS

- a. Each property owner, beneficiary and trustee, who holds a deed of trust on a property located within the city, shall perform an inspection of the property in question prior to recording a notice of default or similar instrument with the Alameda County clerk-recorder's office. If the property is found to be a neglected vacant property, as defined by the article, it is hereby deemed to be a neglected vacant property and must be registered pursuant to Section 10-29.120.
- b. The owner or responsible agent of the vacant property or any part thereof which is required to be registered in the vacant property monitoring program shall 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. 10-29.130 – 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. 10-29.140 - 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.
3. Notification that all inspection/abatement costs, penalties, and any other applicable fees will be assessed upon the property, and if not paid, will constitute a lien or special assessment.
4. Right to appeal through an administrative hearing requires submission of an Administrative Hearing form within ten (10) calendar days of the initial notice of violation and payment of a required hearing fee as adopted in the City's Master Fee Schedule.

SEC. 10-29.150 - SUMMARY ABATEMENT BY CITY.

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

SEC. 10-29.160 - CUMULATIVE REMEDIES

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

SEC. 10-29.170 - ADDITIONAL VACANT PROPERTY FEES

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

SEC. 10-29.180 - PROCEDURE NOT EXCLUSIVE; VIOLATION AN INFRACTION

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

SEC. 10-29.190 – APPEALS – ADMINISTRATIVE HEARING

- a. Any owner may request an Administrative Hearing upon issuance of A Notice of Violation or administrative penalty fee. The purpose of an Administrative Hearing is to allow the owner to dispute the factual findings of the violation(s). If a hearing is requested, at the time fixed for the Administrative Hearing, the Hearing Officer shall hear and consider all relevant evidence, objections, or protests offered on behalf of the owner to show why the Notice of Violation or penalty fee should not apply. The Hearing Officer may also consider rebuttal evidence offered by the City.
- b. The Hearing Officer shall have the ability to render decisions related to issued penalties and fines based on substantial evidence presented during the administrative hearing.
- c. The hearing may be continued from time to time. If, at the conclusion of the hearing, based upon the record, the Hearing Officer determines that the evidence establishes that it is more likely than not that the condition exists, and concludes that it should be abated, he or she shall issue a written decision setting forth his/her findings and shall cause the same to be served upon the persons attending the hearing. The right to Judicial Review shall be governed pursuant to

section 1-7.13 Administrative Citation - Right to Judicial Review and is subject to the (CHAPTER 4 PUBLIC WELFARE, MORALS AND CONDUCT (SEC. 4-11.30).

Section 2. Severance. Should any part of this ordinance be declared by a final decision of a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this authority of the city, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. This ordinance shall become effective (30) days from the date of adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2019, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Mayor of the City of Hayward

DATE: _____

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward