



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**File #:** LB 23-018, **Version:** 1

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**DATE:** June 20, 2023

**TO:** Mayor and City Council

**FROM:** Acting Development Services Director

### **SUBJECT**

Community Preservation Ordinance: Introduction of an Ordinance Amending, Chapter 5, Article 7 of the Hayward Municipal Code Regarding Community Preservation Standards and Finding that this Action is Subject to the CEQA Common Sense Exemption

### **RECOMMENDATION**

That Council introduces an ordinance (Attachment II) to amend the Community Preservation Ordinance (Chapter 5, Article 7 of the Municipal Code) by Amending Section 5-7.10 relating to definitions, amending Section 5-7.20 relating to public nuisances, renaming Section 5-7.30 relating to administrative citation/abatement notice to authority and enforcement to include expanded subsections, and adding Section 5-7.140 cumulative remedies. It is further recommended that Council find that this action is subject to the CEQA Common Sense Exemption.

### **SUMMARY**

This report presents proposed amendments to the City of Hayward Community Preservation Ordinance (Chapter 5, Article 7 of the Municipal Code). The amendments aim to update and clarify the existing ordinance by amending strategic sections and adding a new section as proposed below. As part of the City's Strategic Plan to Enhance Community Safety and Quality of Life, updates to the ordinance are provided to assure focus on improving the ordinance's ability to combat blight and improve neighborhood livability. Additionally, this report presents proposed changes to the Community Preservation Ordinance in response to Council direction associated with the enforcement of fireworks through the community preservation process.

The purpose of the proposed amendments to Chapter 5, Article 7 of the Hayward Municipal Code relating to Community Preservation are meant to improve the ordinance's capability of combatting blight and improving neighborhood livability. The following changes are proposed to address these issues:

- 1) Amend Section 5-7.10 Definitions to update the definition section necessary for the administration of the code. Updates include, alphabetization of definitions section, and the addition of Fireworks, State Housing Law, and Vacant Properties as new defined terms due to increased use of the ordinance to address these issues.

- 2) Update and organize Section 5-7.20 Public Nuisance to combat blight and property degradation, to include:
  - a. Consolidation of standards that are similar in intent, to reduce redundancy. For example, Sections 5-7.20 - subsections “a” and “b”, both refer to the keeping of junk, trash and debris-related items on property as a public nuisance. Consolidating subsections with similar intent into one subsection will provide improved clarity and less redundancy in the code.
  - b. Clarification that violations of Hayward’s Building regulations, Fireworks regulations, State Health and Safety regulations and Zoning regulations are subject to the administrative enforcement process contained in Chapter 1, Article 3 (Penalties) and Chapter 1, Article 7 (Administrative Citation Program) of the Hayward Municipal Code, as well as to the nuisance abatement processes contained in Chapter 5, Article 7 (Community Preservation Ordinance).
  
- 3) Rename and Expand Section 5-7.30 “Administrative Citation/Abatement Notice” to “Authority and Enforcement” to provide clarity in the Notification, Citation and Penalty/Fee, Inspection and Rights of Entry processes consistent with administrative enforcement processes contained in Chapter 1, Article 3 (Penalties), Chapter 1, Article 7 (Administrative Citation Program), and Chapter 5, Article 7 (Community Preservation Program).
  
- 4) Add Section 5-7.140 Cumulative Remedies to provide a comprehensive and flexible approach to enforcement. This section provides additional clarity in the allowance of multiple remedies to be pursued simultaneously or consecutively in response to a violation, such as imposing fines, administrative fees and pursuing injunctive relief, and is consistent with established practices.

No new fees or penalties are proposed to be adopted through this action.

## **ATTACHMENTS**

- Attachment I Staff Report
- Attachment II Proposed Ordinance
- Attachment III Original Ordinance