



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/27/05
AGENDA ITEM 2
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Amending Chapter 11, Article 5, of the Hayward Municipal Code Relating to Stormwater Management and Urban Runoff Control

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

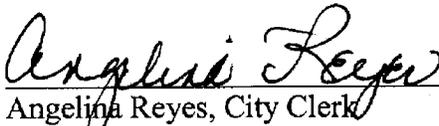
BACKGROUND:

The ordinance was introduced at the September 20, 2005, meeting of the City Council with the following vote:

AYES: Council Members: Jimenez, Quirk, Halliday, Ward, Henson
Mayor: Cooper
NOES: Council Members: None
ABSENT: Council Members: Dowling
ABSTAIN: Council Members: None

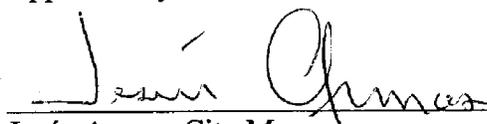
The ordinance was published in the Hayward Daily Review on September 24, 2005. Adoption at this time is therefore appropriate.

Prepared by:



Angelina Reyes, City Clerk

Approved by:



Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY
COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 5 OF THE HAYWARD
MUNICIPAL CODE RELATING TO STORMWATER MANAGEMENT AND URBAN
RUNOFF CONTROL

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

Section 1. Sec. 11-5 of Chapter 11, Article 5 of the Hayward Municipal Code is hereby amended to read in full, as follows:

TITLE, PURPOSE, AND GENERAL PROVISIONS

SEC. 11-5.10 TITLE. 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.

SEC. 11-5.13 DEFINITIONS.

SEC. 11-5.14 RESPONSIBILITY FOR ADMINISTRATION.

SEC. 11-5.15 CONSTRUCTION AND APPLICATION.

SEC. 11-5.17 INVERSE CONDEMNATION.

DISCHARGE REGULATIONS AND REQUIREMENTS

SEC 11-5.19 DISCHARGE OF POLLUTANTS.

SEC. 11-5.20 DISCHARGE IN VIOLATION OF PERMIT.

SEC. 11-5.21 ILLICIT DISCHARGE AND ILLICIT CONNECTIONS.

SEC. 11-5.22 REDUCTION OF POLLUTANTS IN STORMWATER.

SEC. 11-5.23 WATERCOURSE PROTECTION.

SEC. 11-5.24 AUTHORITY TO INSPECT.

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

SEC. 11-5.26 NOTIFICATION OF SPILLS.

SEC. 11-5.31 CONCEALMENT.

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

SEC. 11-5.33 VIOLATIONS DEEMED A PUBLIC NUISANCE.

SEC. 11-5.34 CIVIL ACTIONS.

SEC. 11-5.35 ADMINISTRATIVE ENFORCEMENT POWERS.

SEC. 11-5.36 REMEDIES NOT EXCLUSIVE.

COORDINATION WITH OTHER PROGRAMS

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

SEC. 11-5.38 STORMWATER TREATMENT MEASURES REQUIRED.

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

SEC. 11-5.40 BEST MANAGEMENT PRACTICES DURING CONSTRUCTION.

SEC. 11-5.41 COMPLIANCE WITH BEST MANAGEMENT PRACTICES.

SEC. 11-5.42 AUTHORITY TO ENFORCE INDUSTRIAL STORMWATER PERMITS

SEC. 11-5.43 AUTHORITY TO ENFORCE CONSTRUCTION STORMWATER PERMITS.
FUNDING PROVISIONS
SEC. 11-5.50 CITY OF HAYWARD STORMWATER SYSTEM UTILITY FUND.
SEC. 11-5.51 FUNDING PROVISION - DEFINITIONS.
SEC. 11-5.52 REVENUE SOURCE.
SEC. 11-5.53 ESTABLISHMENT OF SERVICE CHARGE.
SEC. 11-5.54 CALCULATION OF SERVICE CHARGES.
SEC. 11-5.55 COLLECTION; INTEREST AND PENALTIES.
SEC. 11-5.56 DELINQUENT CHARGES REMEDIES.

Section 2. SEVERANCE. Should any part of this ordinance be declared by a final decision by 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 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. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

Introduced at a meeting of the Hayward City Council held September 20, 2005, the above-entitled ordinance was introduced by Council Member Ward.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on September 27, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: September 24, 2005

Angelina Reyes, City Clerk
City of Hayward