



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**DATE:** May 20, 2008  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of an Ordinance Amending Chapter 1, Article 3, Sections 1-3.00 through 1-3.200 of the Hayward Municipal Code, Relating to Penalties

**RECOMMENDATION**

That the City Council adopts the attached Ordinance.

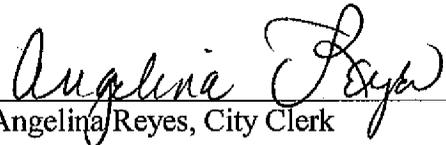
**BACKGROUND**

The ordinance was introduced at the May 13, 2008, meeting of the City Council with the following vote:

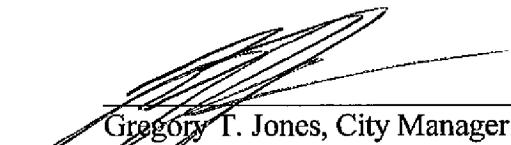
<b>AYES:</b>	<b>Council Members:</b>	Rodriquez, Quirk, Ward, Dowling, Henson
	<b>Mayor:</b>	Sweeney
<b>NOES:</b>	<b>Council Members:</b>	None
<b>ABSENT:</b>	<b>Council Members:</b>	Halliday
<b>ABSTAIN:</b>	<b>Council Members:</b>	None

The ordinance was published in the Hayward Daily Review on May 17, 2008. Adoption at this time is therefore appropriate.

Recommended by:

  
\_\_\_\_\_  
Angelina Reyes, City Clerk

Approved by:

  
\_\_\_\_\_  
Gregory T. Jones, City Manager

Attachment: Draft Ordinance

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

ORDINANCE AMENDING CHAPTER 1, ARTICLE 3, SECTIONS 1-3.00 THROUGH 1-  
3.200 OF THE HAYWARD MUNICIPAL CODE, RELATING TO PENALTIES

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

Section 1. Upon the adoption of this ordinance, Chapter 1, Article 3, Sections 1-3.00 through 1-3.200 of the Hayward Municipal Code are hereby repealed and, in substitution thereof, new Sections 1-3.00 through 1-3.07 of the Hayward Municipal Code are hereby enacted to read as follows:

ARTICLE 3  
PENALTIES

- SEC. 1-3.00 VIOLATIONS
- SEC. 1-3.01 SEPARATE OFFENSES
- SEC. 1-3.02 UNLAWFUL ACTS
- SEC. 1-3.03 NUISANCE
- SEC. 1-3.04 REMEDIES CUMULATIVE
- SEC. 1-3.05 LIABILITIES FOR COSTS
- SEC. 1-3.06 ENFORCEMENT
- SEC. 1-3.07 ADMINISTRATIVE CITATION PROGRAM

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. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days upon adoption.

Introduced at a meeting of the Hayward City Council held May 13, 2008, the above-entitled ordinance was introduced by Council Member Ward, with Council Member Halliday absent, and Council Members Rodriquez, Quirk, Ward, Dowling, Henson, and Mayor Sweeney voting yes.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on May 20, 2008, at 8:00 p.m., in the Council Chamber, 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: May 17, 2008

Angelina Reyes, City Clerk  
City of Hayward