



CITY OF
HAYWARD
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DATE: February 17, 2009
TO: Mayor and City Council
FROM: Deputy City Clerk
SUBJECT: Adoption of an Ordinance Repealing and Replacing Chapter 5 Article 7 of the Hayward Municipal Code Relating to the Hayward Community Preservation Ordinance

RECOMMENDATION

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

BACKGROUND

The ordinance was introduced by Council Member Henson at the February 3, 2009, meeting of the City Council with the following vote:

AYES:	Council Members:	Zermefio, Quirk, Halliday, May, Dowling, Henson
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on Saturday, February 7, 2009. Adoption at this time is therefore appropriate.

Recommended by:

Miriam Lens, Deputy 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 REPEALING AND REPLACING CHAPTER 5 ARTICLE 7 OF THE
HAYWARD MUNICIPAL CODE RELATING TO THE HAYWARD COMMUNITY
PRESERVATION ORDINANCE

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

Section 1 Upon the effective date of this ordinance, Chapter 5, Article 7, of the Hayward Municipal Code is hereby repealed and, in substitution thereof, a new Article 7 of Chapter 5 of the Hayward Municipal Code is hereby enacted to read in full as follows:

ARTICLE 7

COMMUNITY PRESERVATION AND IMPROVEMENT

SEC. 5-7.00	FINDINGS
SEC. 5-7.10	DEFINITIONS
SEC. 5-7.20	PUBLIC NUISANCE
SEC. 5-7.30	ADMINISTRATIVE CITATION/ABATEMENT NOTICE
SEC. 5-7.35	MANNER OF GIVING ABATEMENT NOTICE
SEC. 5-7.40	ADMINISTRATIVE HEARING
SEC. 5-7.50	INSPECTION WARRANTS
SEC. 5-7.60	ABATEMENT WARRANTS
SEC. 5-7.65	SUMMARY ABATEMENT BY CITY
SEC. 5-7.70	ABATEMENT OF NUISANCES
SEC. 5-7.80	NOTICE OF LIEN/SPECIAL ASSESSMENT
SEC. 5-7.90	LIEN/SPECIAL ASSESSMENT HEARING
SEC. 5-7.100	ACCOUNT AND REPORT OF COST
SEC. 5-7.110	NOTICE OF REPORT
SEC. 5-7.120	COLLECTION ON TAX ROLL
SEC. 5-7.130	PROCEDURE NOT EXCLUSIVE; VIOLATION AN INFRACTION

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 unexercised 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 from and after the date of its adoption.

Introduced at a meeting of the Hayward City Council held February 3, 2009, the above-entitled ordinance was introduced by Council Member Henson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on February 17, 2009, 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: February 7, 2009

Miriam Lens, Deputy City Clerk
City of Hayward