



CITY OF  
**HAYWARD**  
HEART OF THE BAY

2

**DATE:** May 26, 2009  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of an Ordinance Adding Chapter 4 Article 12 of the Hayward Municipal Code Relating to the Prohibition of Spectators at Illegal Speed Contests or Exhibitions of Speed

**RECOMMENDATION**

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

**BACKGROUND**

The ordinance was introduced by Council Member Henson at the May 12, 2009, meeting of the City Council with the following vote:

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

The ordinance was published in the Hayward Daily Review on Tuesday, May 19, 2009. Adoption at this time is therefore appropriate.

Recommended by:

A handwritten signature in cursive script that reads "Miriam Lens".

Miriam Lens, City Clerk

Approved by:

A handwritten signature in cursive script that reads "Gregory T. Jones".  
\_\_\_\_\_  
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 ADDING CHAPTER 4 ARTICLE 12 OF THE HAYWARD MUNICIPAL  
CODE RELATING TO THE PROHIBITION OF SPECTATORS AT ILLEGAL SPEED  
CONTESTS OR EXHIBITIONS OF SPEED

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

Section 1. Upon the effective date of this ordinance, Chapter 4 of the Hayward Municipal Code is hereby amended by adding Article 12 thereto, to read in full as follows:

ARTICLE 12

Spectators Prohibited at Illegal Speed Contests or Exhibitions of Speed

SEC. 4-12.001	PURPOSE
SEC. 4-12.002	DEFINITIONS
SEC. 4-12.003	SPECTATOR AT ILLEGAL SPEED CONTEST OR EXHIBITION OF SPEED – VIOLATION
SEC. 4-12.004	RELEVANT CIRCUMSTANCES TO PROVE VIOLATION
SEC. 4-12.005	ADMISSIBILITY OF PRIOR ACTS

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 from and after the date of its adoption.

Introduced at a meeting of the Hayward City Council held May 12, 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 May 26, 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: May 19, 2009

Miriam Lens, City Clerk  
City of Hayward