



CITY OF  
**HAYWARD**  
HEART OF THE BAY

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**DATE:** November 17, 2009  
**TO:** Mayor and City Council  
**FROM:** City Clerk  
**SUBJECT:** Adoption of an Ordinance Amending Section 11-3.201 of Chapter 11, Article 3 of the Hayward Municipal Code, Establishing an Exception to the Requirement to Connect to the Public Sewer System for Certain Properties in the Mt. Eden Phase II Annexation Area

**RECOMMENDATION**

It is recommended that the City Council adopts the Ordinance introduced on November 3, 2009.

**BACKGROUND**

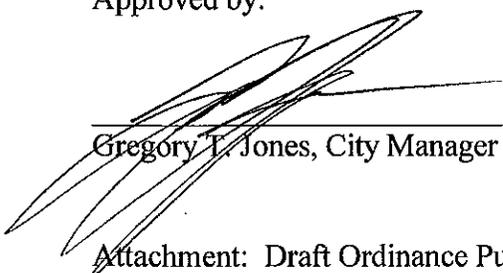
The ordinance was introduced by Council Member Quirk at the November 3, 2009, meeting of the City Council with the following vote:

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

The ordinance was published in the Hayward Daily Review on Saturday, November 14, 2009. Adoption at this time is therefore appropriate.

Recommended by: Miriam Lens, City Clerk

Approved by:

  
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Gregory T. Jones, City Manager

Attachment: Draft Ordinance Published on November 14, 2009

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

AN ORDINANCE AMENDING SECTION 11-3.201 OF CHAPTER 11, ARTICLE 3 OF THE HAYWARD MUNICIPAL CODE, ESTABLISHING AN EXCEPTION TO THE REQUIREMENT TO CONNECT TO THE PUBLIC SEWER SYSTEM FOR CERTAIN PROPERTIES IN THE MT. EDEN PHASE II ANNEXATION AREA

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

Section 1. FINDINGS

Section 2. SCOPE

Section 3. TEXT CHANGE

Section 4. 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 excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 5. EFFECTIVE DATE. This ordinance shall apply only if annexation of the involved properties is approved, and shall become effective upon the effective date of such annexation.

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

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on November 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: November 14, 2009  
Miriam Lens, City Clerk  
City of Hayward