

ORDINANCE NO. 17-09

AN ORDINANCE AMENDING CERTAIN HAYWARD MUNICIPAL CODE SECTIONS OF CHAPTER 1, CHAPTER 2, CHAPTER 3, CHAPTER 4, CHAPTER 5, CHAPTER 6, CHAPTER 7, CHAPTER 8, CHAPTER 9, CHAPTER 10, AND CHAPTER 11

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

Section 1. Provisions.

The following sections of the Hayward Municipal Code are hereby amended by deleting and/or adding language and the amendments are provided in their entirety as Exhibit A.

Chapter 1- General Provisions

Article 2- Definitions

Article 4- Procedures for Claims & Actions for Money or Damages

§ 1-4.00- Definitions

Chapter 2- Government & Administration

Article 1- City Council

§ 2-1.10 - Compensation for Members of the City Council

Article 6- Hayward Executive Airport Code- Hayward Executive Airport Code. Rules and Regulations

§ 2-6.42(b)- Airport Operations Area (AOA)

§ 2-6.128 - Operative Date

Article 9- Business Enterprise Preference System

§ 2-9.07- Periodic Review

Chapter 3- Public Safety

Article 1- Fire Prevention

§ 3-1.00 (Definitions) through 3-1.09 (Rubbish Defined)

Article 5- Dangerous Structures (Swimming Pools)

§ 3-5.53- Time for Compliance

Article 8- Hazardous Materials Storage

§ 3-8.72- Report to the State Water Resources Control Board.

Chapter 4- Public Welfare, Morals & Conduct

Article 1- Public Nuisances

Abandoned Vehicle Abatement Part

§ 4-1.34- Notice

Weed, Rubbish & Litter Abatement Part

§ 4-1.58- Abatement Notice

Article 3- Card Club and Bingo Regulations

Bingo Games For Charity Part

§ 4-3.51- Definitions (“bingo”).

§ 4-3.52- Organizations Eligible for City Permit

§ 4-3.67- Profits—Separate Fund or Account.

Article 5- Minors

§ 4-5.15- Minors Prohibited in Pool Rooms.

Chapter 5- Sanitation & Health

Article 2- Food Regulations

§ 5-2.00 (Definitions), 5-2.01 (Health Officer), & 5-2.02 (Health Department)

Article 3- Mobile Home Regulations

§ 5-3.102 (Alter) through 5-3.171 (Travel Trailer)

Article 4- Food Regulations

§ 5-4.10- County of Alameda Ordinance No. 73-68 Entitled "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda", Adoption by Reference.

Article 5- Food Regulations

§ 5-5.10- (Definitions), 5-5.11 (Advertising Matter), & 5-5.12- (Newspaper).

Chapter 6- Businesses, Professions & Trades

Article 3- Pawnbrokers, Secondhand Dealers & Auctioneers

§ 6-3.27- Pawnbrokers. Receipt Books Required

Article 10- Massage Permit Ordinance

§ 6-10.02- Definitions (“Massage therapist”)

§ 6-10.21- Applicability To Existing Businesses

Article 11-Permit Requirements For Firearms Dealers

§ 6-11.05- Conditions of Approval, 6-11.11- Grounds for Permit Denial

Chapter 7- Public Works

Article 2- Streets

Disturbance of Streets

§ 7-2.00 (Definitions) through 7-2.04 (Major project

Street Trees

§ 7-2.51 (Definitions) through 7-2.52 (Public Street Defined).

Chapter 8- Finance, Revenue & Taxation

Article 3- Uniform Sales & Use Tax

§ 8-3.70- Exclusions & Exemptions

Article 4- Transient Occupancy Tax

§ 8-4.40- Records.

Article 12- Downtown Hayward Business Improvement Area

§ 8-12.00- Authority.

Article 18- Utility Users Tax

§ 8-18.180- Records

Chapter 9- Building Regulations

Article 5- Residential Rental Inspection

General Responsibilities

§ 9-5.311- Enforcement: Report to Franchise Tax Board.

Chapter 10- Planning, Zoning & Subdivisions

Article 1- Zoning Ordinance

§ 10-1.2915(h)- Nonconforming Uses.

§ 10-1.3510- Uses & Activities Defined (“Group Home”).

Article 3- Subdivision Ordinance

§ 10-3.010- Purpose

Definitions

§ 10-3.115- Maps

§ 10-3.130- Public Utility Easement (PUE)

General Responsibilities

§ 10-3.150(e)- Advisory Agency/Approval Authority, § 10-3.165(e)-
Planning

Director, & § 10-3.497- Merger of Contiguous Parcels Under Common
Ownership

Tentative Maps

§ 10-3.210- Information to be Submitted

§ 10-3.230- Preliminary Meeting

§ 10-3.245- Public Hearings

Parcel Maps

§ 10-3.275- Statements, Documents and Other Data to Accompany Parcel
Map

Final Maps

§ 10-3.320- Statements, Documents and Other Data to Accompany Final
Map

Public Improvements

§ 10-3.332- Security for Installation of Improvements

Mobilehome Park Conversions

§ 10-3.850- Findings, Intent & Applicable Law

§ 10-3.895(a)- Avoidance of Economic Displacement.

§ 10-3.915(b)- Tenant Notification.

Article 8- Grading & Clearing

§ 10-8.02(o)- Definitions.

Article 9- Development Agreements

§ 10-9.06- Notice.

Article 10- Maintenance Districts

§ 10-10.35- Notice Form

Article 26- Mobile Home Park Closure or Change of Use

§ 10-26.106- Relocation Assistance

Chapter 11- Public Utilities

Article 5- Stormwater Management & Urban Runoff Control -

Alameda Countywide NPDES Municipal Stormwater Permit- Order R2-2003-0021\NPDES Permit No. CAS0029831.

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 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 the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

Section 3. Effective Date.

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 the special meeting of the City Council of the City of Hayward, held the 13th day of June, 2017, by Council Member Mendall .

ADOPTED at the special meeting of the City Council of the City of Hayward, held the 20th day of June, 2017, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS: Zermeño, Márquez, Mendall, Peixoto, Lamnin, Salinas
MAYOR: Halliday

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

APPROVED: Burke Halliday
Mayor of the City of Hayward

DATE: JUNE 22, 2017

ATTEST: [Signature]
for City Clerk of the City of Hayward

APPROVED AS TO FORM:
[Signature]
City Attorney of the City of Hayward

Exhibit A: Redlined Version of Hayward Municipal Code Amendments

Chapter 1- General Provisions: Article 2- Definitions

Ch. 1- General Provisions

Art. 2- Definitions.

SEC. 1-2.09 – RULES OF CONSTRUCTION.

Generally. All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the city council may be fully carried out. In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than another more general provision imposed by the Code or other law, the provision imposing the greater restriction or regulation shall be controlling.

California Codes. Any reference to the codified statutes of the state including but not limited to Business and Professions Code, Civil Code, Code of Civil Procedure, Commercial Code, Corporations Code, Education Code, Elections Code, Evidence Code, Family Code, Financial Code, Fish and Game Code, Food and Agricultural Code, Government Code, Harbors and Navigation Code, Health and Safety Code, Insurance Code, Labor Code, Military and Veterans Code, Penal Code, Probate Code, Public Contract Code, Public Resources Code, Public Utilities Code, Revenue and Taxation Code, Streets and Highways Code, Unemployment Insurance Code, Vehicle Code, Water Code, or Welfare and Institutions Code are to such codes as adopted and now or hereafter amended. Any reference to a state law or state act by title is to such law or act as amended.

Computation of time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.

Conjunctions. In a provision involving two or more items, conditions, provisions or events, which items, conditions, provisions or events are connected by the conjunction "and," "or" or "either . . . or," the conjunction shall be interpreted as follows, except that in appropriate cases the terms "or" and "and" are interchangeable:

(1) "And" indicates that all the connected terms, conditions, provisions or events apply.

(2) "Or" indicates that the connected terms, conditions, provisions or events apply singly or in any combination.

(3) "Either . . . or" indicates that the connected terms, conditions, provisions or events apply singly but not in combination.

Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

Officers, departments, etc. Officers, departments, boards, commissions and employees referred to shall mean officers, departments, boards, commissions and employees of the City of Hayward, California, unless the context clearly indicates otherwise.

Signature or subscription by mark. Includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the

signer' s or subscriber' s name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

Week. A week consists of seven consecutive days.

SEC. 1-2.10 – AMENDMENTS TO CODE.

(a) Each ordinance which proposes an ordinance to repeal, amend or add to any portion of this code and each ordinance which proposes an ordinance of a general and permanent nature suitable for inclusion in this code, though constituting new subject matter not therein contained, shall be drafted so as to specify the specific section numbers, subsections, etc., of this code which are to be repealed or amended and, with respect to additions and to new subject matter, so as to provide appropriate chapter, article, section, etc., numbers therefor and each amendment of and addition to this code shall be set out in full and appropriate chapter and article headings and section catchlines shall be included.

(b) Upon the adoption of an ordinance to repeal, amend or add to any portion of this Code or to include new subject matter in this Code, the city clerk shall separate the several chapters, articles, sections, etc., of such ordinance and enter them in their proper places in each file copy of this Code and shall remove therefrom any portion so repealed or amended and in the margin of each insertion in the file copies of this Code he shall note and initial the date of passage, effective date and number of the amending or repealing ordinance.

(c) Items removed from the file copies of this Code pursuant to subsection (b) of this section shall be maintained by the city clerk in a reasonably accessible manner.

SEC. 1-2.11 – SUPPLEMENTATION OF CODE.

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the city council or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code during that period. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages that have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code that have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier, meaning the person, agency or organization authorized to prepare the supplement, may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Provide appropriate section headings and titles for sections and other subdivisions of the Code printed in the supplement and make changes in section headings, titles for sections and headings for other subdivisions of the Code;

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;

(4) Change the term "this ordinance" or terms of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ through _____." The inserted section

numbers will indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

SEC. 1-2.12 – ALTERING CODE.

It shall be unlawful for any person in the city to change or amend by additions or deletions, any part or portion of this Code or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever except pursuant to ordinance or other official act of the city council which will cause the law of the city to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1.16.010 of this Title.

SEC. 1-2.13 – RATES, CHARGES, OR FEES ESTABLISHED.

(a) Unless otherwise provided for, all rates, charges, or fees necessary for the administration and enforcement of the provisions of this Code shall be as currently established or as hereafter adopted by motion, resolution or ordinance of the city council, from time to time. Any rates, charges, or fees established by the city pursuant to the regulations or requirements established herein may be changed from time to time by the city council, and such changes shall both be considered an amendment to this Code.

(b) Whenever any provision of this Code provides that a rate, charge, or fee shall be established by the city council, from time to time, and the amount of such rate, charge, or fee is not expressed in this Code in any dollar amount, then the amount of such rate, charge, or fee shall be the most recent and latest amount established, set or fixed by the city council by ordinance, resolution or motion.

SEC. 1-2.14 – CERTAIN ORDINANCES NOT AFFECTED BY CODE.

(a) Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;

(2) Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;

(3) Any contract or obligation assumed by the city;

(4) Any ordinance or resolution fixing the salary of any city officer or employee, unless superseded;

(5) Any right of franchise granted by the city to any person, firm, or corporation;

(6) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, opening, widening, paving, widening, vacating, etc., any street or public way in the city;

(7) Any ordinance or resolution establishing and prescribing the street grades of any street in the city;

(8) Any appropriation ordinance;

(9) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;

(10) Any ordinance or resolution providing for local improvements and assessing taxes therefor.

(11) Any ordinance or resolution describing or altering the boundaries of the city or annexing property to the city;

(12) The administrative ordinances or resolutions of the city not in conflict or inconsistent with the provisions of this Code;

(13) Any ordinance levying or imposing taxes not included in this Code;

(14) Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code;

(15) Any ordinance or resolution of agreement with another political subdivision;

(16) Any specific rezoning ordinance or amendments thereto;

(17) Any ordinance or resolution dedicating or accepting any specific subdivision plat;

(18) Any ordinance or resolution that creates and/or continues a governmental funding mechanism for potential future projects and programs under the Alternative Voluntary Redevelopment Program as established in accordance with California legislature townbills AB 1X26 and AB1X27; and

(19) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.

(b) Nor shall the repeal of any such ordinance or resolution be construed to revive any ordinance, resolution or part thereof that has been repealed or superseded by a subsequent ordinance or resolution which is repealed or superseded by this chapter. All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Chapter 1- General Provisions: Article 4 - Procedures for Claims & Actions for Money or Damages

SEC. 1-4.00 - DEFINITIONS.

Except as the provision or context otherwise requires, words and phrases used in this article shall have the same meaning as they do in the **Government Claims Act** ~~California Governmental Liability and Claims Act~~, being Division 3.6 (commencing with Section 810) of Title 1 of the California Government Code, but shall otherwise be defined by the provisions of Article 2 of Chapter 1 of this code.

Chapter 2- Government & Administration: Article 6- Hayward Executive Airport Code- Hayward Executive Airport Code. Rules and Regulations - § 2-6.42(b)- Airport Operations Area (AOA)

SEC. 2-6.42 - AIRPORT OPERATIONS AREA (AOA).

The Airport Operations Area (AOA) shall include the Aircraft Movement Area (see Sec. 2-6.43), non-Aircraft Movement Areas, Aprons, loading ramps, safety areas, and all portions of the Airport designed and used for landing, taking off or surface maneuvering of Aircraft. The AOA shall encompass both the Aircraft Movement Area and non-Aircraft Movement Areas. The AOA includes the runways, taxiways, ramps, aprons, helipads or hovering routes and tie-down areas or any adjacent areas.

- b. **Use of radio-controlled model airplanes, Unmanned Aerial Vehicles (“drones”), or cars is not permitted on the AOA.** ~~Use of radio-controlled model airplanes or cars is not permitted on the AOA.~~

Chapter 2- Government & Administration: Article 6- Hayward Executive Airport Code- Hayward Executive Airport Code. Aircraft Noise and Restrictions.- § 2-6.128 - Operative Date

~~SEC. 2-6.128—OPERATIVE DATE.~~

~~Sections 2-6.119 through 2-6.127 of this Article shall not be enforced until six (6) months after their adoption. This transition period is provided to permit education of the aviation community about the existence of these noise restrictions as well as alternative noise restrictions which were considered and rejected, to provide reasonable notification to the owners and operators of aircraft which are presumptively incapable of complying with such noise restrictions, and to permit compliance with the noise restrictions by allowing a reasonable time for transition to quieter models of aircraft or modification of existing equipment.~~

Chapter 2- Government & Administration: Article 9- Business Enterprise Preference System - § 2-9.07-
Periodic Review

SEC. 2-9.07 - PERIODIC REVIEW.

~~This article shall be reviewed by the City Council to determine whether termination or any revision is appropriate by December 31, 1996.~~ This article or any revision shall be periodically reviewed at least every three (3) years thereafter.

Ch. 3- Public Safety: Article 1- Fire Prevention - § 3-1.00 (Definitions) through 3-1.09 (Rubbish Defined)

SEC. 3-1.00 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

~~SEC. 3-1.01—BONFIRE DEFINED.~~

Bonfire shall mean any open fire not contained in a Type 1, 2 or 3 incinerator.

~~SEC. 3-1.02— FIRE ZONE ONE DEFINED.~~

Fire Zone One shall mean that fire zone of the City described as Zone One pursuant to the Building Code of the City of Hayward.

~~SEC. 3-1.03— FIRE ZONE TWO DEFINED.~~

Fire Zone Two shall mean that fire zone of the City described as Zone Two pursuant to the Building Code of the City of Hayward.

~~SEC. 3-1.04— GARBAGE DEFINED.~~

Garbage shall mean animal or vegetable waste, provided that dried weeds, grass and garden and lawn trimmings shall be considered as rubbish.

~~SEC. 3-1.05— TYPE 1 INCINERATOR DEFINED.~~

Type 1 Incinerator shall mean an enclosed incinerator as described in the Building Code of the City of Hayward.

~~SEC. 3-1.06— TYPE 2 INCINERATOR DEFINED.~~

Type 2 Incinerator shall mean a metal or masonry incinerator which is entirely closed, has a chimney extending at least thirty (30) inches above the fire door, and is equipped with a clean-out door, fire door and spark arrester.

~~SEC. 3-1.07— TYPE 3 INCINERATOR DEFINED.~~

Type 3 Incinerator shall mean a metal or masonry incinerator, barbecue pit or other structure designed, intended or useful for burning rubbish, entirely enclosed, and equipped with a removable cover. No hole or opening in the top or sides shall exceed one-half (1/2) inch in diameter or square dimension.

~~SEC. 3-1.08— OPEN FIRE DEFINED.~~

Open Fire shall mean any fire located outside a building for the purpose of burning the contents thereof.

~~SEC. 3-1.09— RUBBISH DEFINED.~~

Rubbish shall mean any combustible material or substance, other than garbage.

Ch. 3- Public Safety: Article 5- Dangerous Structures (Swimming Pools) - § 3-5.53- Time for Compliance

SEC. 3-5.53 - TIME FOR COMPLIANCE.

~~The fencing required by these regulations shall be installed around all existing pools or bodies of water within ninety (90) days from and after the effective date of these regulations.~~ No pool or other body of water, the construction of which is completed after the effective date of these regulations, shall be filled with water until the fencing required by the provisions hereof has been provided.

Ch. 3- Public Safety: Article 8- Hazardous Materials Storage. Part XIII Miscellaneous. § 3-8.72- Report to the State Water Resources Control Board.

SEC. 3-8.72 - REPORT TO THE STATE WATER RESOURCES CONTROL BOARD.

The City will require its permit applicants and permittees to fill out, in addition to forms required for City's own purposes under this Article, standardized forms based on the application form and annual report form prepared by the State Water Resources Control Board as specified by California Health and Safety Code Section ~~25283.2~~ 25286, and City will forward these forms to the State Water Resources Control Board.

Ch. 4- Public Welfare, Morals & Conduct: Article 1- Abandoned Vehicle Abatement Part - § 4-1.34- Notice

SEC. 4-1.34 - NOTICE.

A ten-day notice of intention to abate and remove the vehicle or parts thereof as a public nuisance shall be mailed by registered or certified mail to the owner of the property on which the vehicle is located and to the owner of the vehicle itself, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. The notices of intention shall be in the form as established by the City Council, from time to time. The notice of intention is not required for removal of a vehicle or part thereof that is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than two hundred dollars (\$200) by a person specified in Vehicle Code §22855, and is determined by the City Council to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof.

~~A ten day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered or certified mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:~~

~~NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE~~

~~(Name and address of owner of the land)~~

~~As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Sec. 4-1.33 of the City of Hayward Municipal Code has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to , license number , which constitutes a public nuisance pursuant to the provisions of Article 1 of Chapter 4 of the City of Hayward Municipal Code.~~

~~You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.~~

~~As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Enforcement Officer within such 10-day period, the Enforcement Officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.~~

~~Notice Mailed _____ (date)~~

~~(Enforcement Officer)~~

~~NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE~~

~~(Name and address of last registered and/or legal owner of record of vehicle—notice should be given to both if different)~~

~~As last registered (and/or legal) owner of record of (description of vehicle—make, model, license, etc.), you are hereby notified that the undersigned pursuant to Sec. 4-1.33 of the City of Hayward Municipal Code has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Article 1 of Chapter 4 of the City of Hayward Municipal Code.~~

~~You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within ten (10) days from the date of mailing of this notice.~~

~~As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within ten (10) days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the Enforcement Officer within such 10 day period, the Enforcement Officer shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.~~

~~Notice Mailed _____ (date)~~

~~(Enforcement Officer)~~

Ch. 4- Public Welfare, Morals & Conduct: Article 1- Public Nuisances. Weed, Rubbish & Litter Abatement
Part - § 4-1.58- Abatement Notice

SEC. 4-1.58 - ABATEMENT NOTICE.

The enforcement officer shall cause the responsible person to be notified of a violation of this ordinance and shall direct the responsible person to abate the violation or appear before the enforcement officer to show cause why the violation should not be abated by the City at the property owner's expense.

The notice shall be **in a form prescribed by the City Council.** substantially in the following form:

NOTICE TO REMOVE WEEDS, RUBBISH, AND LITTER

~~(Name and address of person notified)~~

~~As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at _____, you are hereby notified that the undersigned has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of Section 4-1.57: (subsection number and description of condition)~~

~~You are hereby notified that by _____, you must abate the above condition(s) to the satisfaction of the undersigned or request an administrative hearing to show cause, if any you have why said condition should not be abated by the City and the expenses thereof charged to your property and if not paid thereafter made a lien upon the real property described above. Abatement is to be accomplished in the following manner:~~

Dated: _____ By _____

Ch. 4- Public Welfare, Morals & Conduct: Article 3- Card Club & Bingo Regulations - Bingo Games For Charity Part - § 4-3.51- Definitions (“bingo”)

SEC. 4-3.51 - DEFINITIONS.

Whenever in these regulations the following terms are used they shall have the meanings respectively ascribed to them in this section.

"Bingo" **has the meaning set forth in California Penal Code § 326.5(o) as it now exists or may hereafter be amended.** ~~is a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random.~~

Ch. 4- Public Welfare, Morals & Conduct: Article 3- Card Club & Bingo Regulations - Bingo Games For Charity Part - § 4-3.52- Organizations Eligible for City Permit

SEC. 4-3.52 - ORGANIZATIONS ELIGIBLE FOR CITY PERMIT.

Bingo may be conducted by organizations which have obtained an exemption from the payment of the bank and corporation tax by State Revenue Code Sections 23701(a), 23701(b), 23701(d), 23701(e), 23701(f), 23701(g), ~~and~~ 23701(1), 23701(k), and 23701(w). Said organizations are of the following types:

Labor, agricultural, or horticultural

Fraternal beneficiary societies, orders, or associations operating under a lodge system

Religious, charitable, scientific, literary, educational and humanitarian

Business leagues, chambers of commerce, real estate boards, and boards of trade

Civic leagues, social welfare and employee organizations

Nonprofit pleasure and recreation clubs

Bingo may also be conducted by mobile home park associations and senior citizen organizations.

Ch. 4- Public Welfare, Morals & Conduct: Article 3- Card Club & Bingo Regulations - Bingo Games For Charity Part - § 4-3.67- Profits—Separate Fund or Account.

SEC. 4-3.67 - PROFITS—SEPARATE FUND OR ACCOUNT.

The proceeds of bingo games shall be used only for charitable purposes.

With respect to organizations granted tax exempt status under the provisions of State Revenue Code Section 23701(d) all profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account.

With respect to other organizations authorized to conduct bingo games, all proceeds shall be kept in a special fund or account and shall not be commingled with any other fund or account. Such proceeds, however, may be used for prizes. **A portion of such proceeds, not to exceed 20 percent of the proceeds before the deduction for prizes, or two thousand dollars (\$2,000) per month, whichever is less, may be used for the rental of property and for overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.** ~~A portion of such proceeds not to exceed ten percent (10%) after the deduction for prizes, or five hundred dollars (\$500.00) per month, whichever is less, may also be used for rental of property, overhead and administrative expenses.~~

The permittee shall keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by these regulations. The City, by and through its authorized officers, shall have the right to examine and audit such records at any reasonable time and permittee shall fully cooperate with the City by making such records available.

Ch. 4- Public Welfare, Morals & Conduct: Article 5- Minors - § 4-5.15- Minors Prohibited in Pool Rooms

~~SEC. 4-5.15— MINORS PROHIBITED IN POOL ROOMS.~~

~~It shall be unlawful for any minor, unless accompanied by a parent or legal guardian, to enter or remain in any public pool room or billiard room.~~

~~It shall be unlawful for any person having charge of or conducting a public pool room or billiard room, to permit any minor, unless accompanied by a parent or legal guardian, to enter or remain in any public pool room or billiard room.~~

Ch. 5- Sanitation & Health: Article 2- Food Regulations - § 5-2.00 (Definitions), 5-2.01 (Health Officer), & 5-2.02 (Health Department)

SEC. 5-2.00 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

~~SEC. 5-2.01 - HEALTH OFFICER.~~

Health Officer means the Health Officer of the County of Alameda.

~~SEC. 5-2.02 - HEALTH DEPARTMENT.~~

Health Department means the Health Department of the County of Alameda.

Ch. 5- Sanitation & Health: Article 3- Mobile Home Regulations - § 5-3.102 (Alter) through 5-3.171 (Travel Trailer)

SEC. 5-3.100 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

~~SEC. 5-3.102 - ALTER.~~

Alter shall mean any change, addition or modification in construction or occupancy.

~~SEC. 5-3.103 - AWNING.~~

Awning shall mean any shade structure of approved material, installed, erected or used adjoining or adjacent to a mobile home, and which is completely open on at least one (1) side. A side may be interpreted to be an "end". Awning does not include a window awning. Awning does not mean cabana.

~~SEC. 5-3.110 - BUILDING.~~

Building shall mean any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. Building includes public baths and toilets, cabanas and laundry rooms, community or recreation structures or other permanent or portable enclosures constructed for the exclusive use of occupants of a mobile home park.

~~SEC. 5-3.115 - CABANA.~~

Cabana shall mean any portable or demountable building, enclosed on at least three (3) sides, erected, constructed or placed on any mobile home site within six (6) feet adjacent to a mobile home and used for human habitation. Cabana does not include awning.

~~SEC. 5-3.116 - CARPORT.~~

Carport shall mean an awning or shade structure under which an automobile is to be stored.

~~SEC. 5-3.120 - EXISTING PARKS.~~

Existing parks shall mean trailer parks or mobile home parks presently established in areas annexed by the City of Hayward after the effective date of this Article.

~~SEC. 5-3.125 - FREE STANDING.~~

Free standing shall mean a structure sufficiently strong to withstand loads and forces as specified in the Building Code of the City of Hayward.

~~SEC. 5-3.130 - MOBILE HOME.~~

Mobile home shall mean an "independent" trailer coach of any length and excludes "dependent" trailer coach and "camp car".

~~SEC. 5-3.131 - MOBILE HOME PARK.~~

Mobile home park shall mean any lot or parcel of land designed for, used or intended to be used for the parking and occupancy of two (2) or more mobile homes for dwelling or sleeping purposes.

~~SEC. 5-3.132—MOBILE HOME SITE.~~

Mobile home site shall mean that portion of a mobile home park designated and designed for the use or occupancy of a mobile home, and includes any area thereon that is set aside or used for automobile parking, carport, storage cabinet, awning, cabana, or other structure, but not including park roadways, sidewalks, or central service, recreation or parking areas.

~~SEC. 5-3.140—NUISANCE.~~

Nuisances includes any of the following.

- a. Any public nuisance known at common law or in equity jurisprudence.
- b. Whatever is dangerous to human life or detrimental to health.
- c. The overcrowding of any room or mobile home to a degree which will limit the cubic footage of available air space to less than 300 cu. ft. per person for permanent or semi-permanent occupancy.
- d. Insufficient ventilation or illumination of any room or mobile home.
- e. Inadequate or insanitary sewage or plumbing facilities.
- f. Whatever renders air, food or drink unwholesome, or detrimental to the health of human beings.

~~SEC. 5-3.150—PARK ROADWAY.~~

Park roadway shall mean any passageway inside a mobile home park intended for the use of automobiles and for transporting mobile homes, except areas on or within approved mobile home sites.

~~SEC. 5-3.151—PARK SEWER COLLECTOR SYSTEM.~~

Park sewer collector system shall mean that part of the mobile home park sanitary sewer system which collects sewage from the park sewer service line and conveys sewage to the park sewer outfall.

~~SEC. 5-3.152—PARK SEWER OUTFALL.~~

Park sewer outfall shall mean that part of the mobile home park sanitary sewer system which is connected to the public sanitary sewer main either in a public street or in a public easement.

~~SEC. 5-3.153—PARK SEWER SERVICE LINE.~~

Park sewer service line shall mean that part of the mobile home park sanitary sewer system which conveys the sewage from the mobile home sites to the park sewer collector system.

~~SEC. 5-3.154—PARK WATER SERVICE LINE.~~

Park water service line shall mean that part of the mobile home park water system extending from the park water main to a mobile home site or to a service building, and includes connections, devices and appurtenances.

~~SEC. 5-3.155—PARK WATER SYSTEM.~~

Park water system shall mean all of the water supply piping from the main public supply to, but not including, the park water service line.

~~SEC. 5-3.160—SERVICE BUILDING.~~

Service building means any structure providing public facilities including, but not limited to the following: bathing, toilet, laundry, recreation.

~~SEC. 5-3.170 - TRAILER COACH.~~

Trailer coach shall mean any camp car, trailer or other vehicle, with or without motive power, designated and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the State Vehicle Code and designed or used for human habitation.

Camp Car shall mean any self-propelled vehicle provided with living or sleeping quarters.

Dependent shall refer to a trailer coach which is not equipped with all of the following.. a toilet for sewage disposal, a sink and a bath or shower.

Independent shall refer to a trailer coach which is equipped with a toilet for sewage disposal, a sink and a bath or shower.

~~SEC. 5-3.171 - TRAVEL TRAILER.~~

Travel trailer shall mean a "dependent" trailer coach or a "camp car".

Ch. 5- Sanitation & Health: Article 4- Food Regulations -§ 5-4.10- County of Alameda Ordinance No. 73-68 Entitled "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda", Adoption by Reference.

SEC. 5-4.10 COUNTY OF ALAMEDA ORDINANCE NO. 73-68 ENTITLED "AN ORDINANCE TO REGULATE THE CONSTRUCTION, REPAIR, RECONSTRUCTION, DESTRUCTION OR ABANDONMENT OF WELLS WITHIN THE BOUNDARIES OF THE COUNTY OF ALAMEDA", ADOPTION BY REFERENCE.

The well standards regulations of the County of Alameda adopted by Ordinance No. 73-68 on the 17th day of July, 1973 and entitled, "An Ordinance to Regulate the Construction, Repair, Reconstruction, Destruction or Abandonment of Wells Within the Boundaries of the County of Alameda" as Sec.5-4.10, Alameda County Code of Ordinances, Title 6 – Health and Safety / Chapter 6.88, Water Wells (Ref.: https://www.municode.com/library/ca/alameda_county/codes/code_of_ordinances?nodeId=TIT6HESA_CH6.88WAVE), as amended by Alameda County Ordinance No. O-2015-20, Section 1,4-21-15 (Ref.: Ord. No. O-2015-20, § 1, 4-21-15) is hereby adopted as the well standards ordinance of the City of Hayward regulating the construction, repair, reconstruction, destruction or abandonment of wells within the City of Hayward.

Three printed copies of such Alameda County regulations (primary code) and three (3) printed copies of Chapter II of the Department of Water Resources Bulletin No. 74, "Water Well Standards: State of California" and Appendixes E, F and G a part thereof, together with the supplemental standards of Department of Water Resources Bulletin No. 74-2, "Water Well Standards: Alameda County" and Department of Water Resources Bulletin No. 74-1, "Cathodic Protection Wells Standards: State of California" (secondary code), are on file in the office of the City Clerk, to which reference is hereby made for further particulars.

Ch. 5- Sanitation & Health: Article 5 - Food Regulations -§ 5-5.10- (Definitions), 5-5.11 (Advertising Matter), & 5-5.12- (Newspaper).

SEC. 5-5.10 - DEFINITIONS.

For purpose of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

~~SEC. 5-5.11 - ADVERTISING MATTER.~~

"Advertising Matter" shall mean any printed or written matter, including handbills and signs, or otherwise reproduced original or copies of any matter or literature except a newspaper as defined in this Article.

(Amended 84-026 C.S., adopted October 2, 1984.)

~~SEC. 5-5.12 - NEWSPAPER.~~

"Newspaper" shall mean any printed matter of general circulation published for the dissemination of local or telegraphic news and intelligence of a general character.

Ch. 6- Businesses, Professions & Trades: Article 3 - Pawnbrokers, Secondhand Dealers & Auctioneers - § 6-3.27- Pawnbrokers. Receipt Books Required

~~SEC. 6-3.27 – PAWNBROKERS. RECEIPT BOOKS REQUIRED.~~

~~Any person managing, maintaining or conducting the business of a Pawnbroker in the City of Hayward shall keep or cause to be kept, at the store or place of business, receipt books as hereinafter described. Such books shall be kept in addition to the record of transactions required by Section 6-3.22 of this Article, and shall consist of duplicate sheets of not less than four by seven (4 × 7) inches in size and bearing consecutive numbers, one (1) of each of said duplicate pages shall be perforated as to enable its removal. One (1) of the aforesaid books shall be kept for the recording of, and the receipting for, sales, and there shall be printed at the top of the perforated sheet, in colored type not less than three eighths (3/8) of an inch in height, the following words: "This is a pledge and not a sale." The perforated sheet, which shall be the duplicate, shall, after being filled out as herein provided, be delivered to the person with whom the transaction is made. The original thereof shall be kept by the Pawnbroker for a period of at least two (2) years next following the date of the transaction, and shall, during such time, be available at all times during business hours for inspection by the Police Department.~~

Ch. 6- Businesses, Professions & Trades: Article 10 – Massage Permit Ordinance - § 6-10.02- Definitions
 ("Massage therapist")

SEC. 6-10.02 - DEFINITIONS.

For the purpose of this Article, certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a different meaning is intended:

- i. 'Massage practitioner.' A person who is certified by the California Massage Therapy Council pursuant to CA Business and Professions Code Section 4604.2 and who administers massage for compensation.
- ij. Massage therapist.' A person who is certified by the California Massage Therapy Council under CA Business and Professions Code Section 4604 and who administers massage for compensation. ~~Any person who provides massage therapy services to another person for compensation.~~ For purposes of this definition, "Massage therapist", "Massage Technician", and "Masseuse" shall have the same meaning.
- j.k. 'Managing employee.' Any employee of a massage establishment who has been designated by the massage establishment permittee to manage the business.
- kl. 'Out-call massage therapy.' A massage therapy performed or administered for money or other consideration by a licensed massage practitioner at a location other than a licensed massage establishment.
- lm. 'Permit.' The permit to engage in the business of massage therapy as required by this Article.
- mn. 'Permittee.' Any person possessing a permit required and issued under this Article, or any owner or operator of the permitted establishment.
- no. 'Person.' Any individual, co-partnership, firm, association, joint stock company, corporation, joint venture, or combination of individuals of whatever form or character.
- op. 'Sexual or Genital Part.' Sexual and genital parts shall include the genitals, pubic area, anus, perineum of any person and the breasts of any female.

Ch. 6- Businesses, Professions & Trades: Article 10 – Massage Permit Ordinance - § 6-10.21- Applicability To Existing Businesses

SEC. 6-10.21 - APPLICABILITY TO EXISTING BUSINESSES.

- a. ~~All persons currently holding a valid massage establishment permit shall have six (6) months following the enactment of this Ordinance in which to comply with the requirements of this Article. Except as provided in section 6-10.24b., if a permittee does not attain compliance with this Article within the prescribed time limits, the Chief of Police shall immediately suspend or revoke the permittee's permit(s).~~
- b. ~~The Chief of Police may issue a provisional permit to any massage establishment, for a period not to exceed six (6) months, if the applicant is able to show that substantial compliance with the requirements of this Article has been met and that the remaining compliance can be achieved within the period of the provisional permit. This six-month provisional permit shall not be renewed.~~
- c. Any business that holds itself out as a massage establishment in any way will be subject to the provisions of this Ordinance.

Ch. 6- Businesses, Professions & Trades: Article 11 -Permit Requirements For Firearms Dealers – § 6-11.05-
CONDITIONS OF APPROVAL and § 6-11.11-GROUNDS FOR PERMIT DENIAL.

SEC. 6-11.05 - CONDITIONS OF APPROVAL.

In addition to other requirements and conditions of this article, a permit is subject to the following conditions, the breach of any of which is sufficient cause for revocation of the permit by the Chief of Police:

- (g) The permittee shall not sell, lease or otherwise transfer a firearm to a person whom the permittee or seller has reason to believe is within any of the classes prohibited by California Penal Code sections ~~12021 or 12021.1~~ 29900, et seq., or Welfare and Institutions Code section 8100 or 8103;

SEC. 6-11.11. - GROUNDS FOR PERMIT DENIAL.

The Chief of Police shall deny the issuance or renewal of a permit when one (1) or more of the following conditions are met:

- (e) The applicant has been convicted of:
 - (1) An offense which disqualifies the applicant from owning or possessing a firearm under federal, state and local law, including, but not limited to, the offenses listed in California Penal Code section ~~12021~~ 29900, et seq.;

Ch. 7- Public Works s: Art. 2- Streets - Disturbance of Streets - § 7-2.00 (Definitions) through 7-2.04 (Major project)

SEC. 7-2.00 - DEFINITIONS.

For the purposes of this Article, certain words and phrases are defined and certain provisions are to be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

~~SEC. 7-2.01 - STREET CUT.~~

Street cut shall mean the action of or the result of opening, tearing up, excavating, repairing, installing, adding to, removing, or otherwise altering any portion of any public roadway, street, thoroughfare, sidewalk, curb, gutter, or driveway, or any other such facility existing within a public right-of-way area for any purpose whatsoever.

~~SEC. 7-2.02 - EMERGENCY STREET CUT.~~

Emergency street cut shall mean any street cut which must be made to repair a defective or broken underground facility, the condition of which facility constitutes an evident and immediate hazard to life, health, or property, and it is impractical to secure a permit before work is commenced.

~~SEC. 7-2.03 - UNDERGROUND FACILITY.~~

Underground facility shall mean any pipe, conduit, tile, or other material installed within and below the surface of any public roadway, street, sidewalk, thoroughfare, or other place.

~~SEC. 7-2.04 - MAJOR PROJECT.~~

Major project shall mean the installation or replacement of any underground facility other than a service from an existing main to a single user.

Ch. 7- Public Works s: Art. 2- Street Trees - § 7-2.51 (Definitions) through 7-2.52 (Public Street Defined).

SEC. 7-2.51 - DEFINITIONS.

For the purposes hereof, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended.

~~SEC. 7-2.52 - PUBLIC STREET DEFINED.~~

The words "public street" shall include every way set apart for public travel or use in the City of Hayward, including the entire planting strip, sidewalk area, easements and rights-of-way.

Ch. 8- Finance, Revenue & Taxation: Art. 3- Uniform Sales & Use Tax - § 8-3.70- Exclusions & Exemptions

~~SEC. 8-3.70 – EXCLUSIONS AND EXEMPTIONS.~~

~~There shall be the following exclusions and exemptions from the measure of tax.~~

- ~~(a) The amount subject to tax shall not include any sales of use tax imposed by the State of California upon a retailer or consumer.~~
- ~~(b) The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city, in this state shall be exempt from the tax due under this ordinance.~~
- ~~(c) There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this state, the United States, or any foreign government.~~
- ~~(d) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued Pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax.~~

Ch. 8- Finance, Revenue & Taxation: Art. 4- Transient Occupancy Tax - § 8-4.40- Records.

SEC. 8-4.40 - RECORDS.

It shall be the duty of every operator liable for the collection and payment to the City of any tax imposed by this Article to keep and preserve, for a period of ~~three (3)~~ **four (4)** years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, which records the Tax and License Administrator shall have the right to inspect at all reasonable times.

Ch. 8- Finance, Revenue & Taxation Art. 12- Downtown Hayward Business Improvement Area - § 8-12.00- Authority.

SEC. 8-12.00 - AUTHORITY.

This Article is adopted pursuant to the authority of the "Parking and Business Improvement Area Law of ~~1989~~ 1979," being Section 36500 et seq. of the Streets and Highways Code of the State of California.

Ch. 8- Finance, Revenue & Taxation Art. 18- Utility Users Tax - § 8-18.180- Records

SEC. 8-18.180 - RECORDS.

- (a) It shall be the duty of every person required to collect and/or remit to the City any tax imposed by this Article to keep and preserve, for a period of at least ~~three (3)~~ **four (4)** years, all records as may be necessary to determine the amount of such tax as he/she may have been liable for the collection of and remittance to the Tax Administrator, which records the Tax Administrator shall have the right to inspect at a reasonable time.

Ch. 9- Building Regulations Art. 5- Residential Rental Inspection - General Responsibilities - § 9-5.311-
Enforcement: Report to Franchise Tax Board.

SEC. 9-5.311 - ENFORCEMENT: REPORT TO FRANCHISE TAX BOARD.

The Enforcement Official shall take appropriate action to cause the correction, repair, or abatement of violations that are found as a result of any inspection required by this code. In addition to employing the applicable enforcement measures that are or may hereafter be provided by law, including but not limited to the enforcement provisions of the following codes: California Code of Regulations, State Housing Code, California Health and Safety Code, California Building, Plumbing, Mechanical or Electrical Codes, Uniform Code for the Abatement of Dangerous Buildings, International Property Maintenance Code or provisions of the Hayward Municipal Code. The Enforcement Official shall also comply with the provisions of sections 17299.9(c) and 24436.5(c) of the Revenue and Taxation Code of the State of California.

Ch. 10- Planning, Zoning & Subdivisions Art. 1- Zoning Ordinance - § 10-1.2915(h)- Nonconforming Uses.;

SEC. 10-1.2915 - NONCONFORMING USES.

A nonconforming use is one which lawfully existed prior to the effective date of this Ordinance, but which is no longer permitted in the land use district in which it is located. The continuance of a legal nonconforming use is subject to the following:

- h. ~~Any legal residential use in the Baumberg area in existence as of June 6, 1995, formerly zoned as part of a Limited Industrial Zoning District, which became a nonconforming use due to the reclassification of area on June 6, 1995, may be lawfully reconstructed as a residential use for a period of twenty years from June 6, 1995, if such residential use is damaged or destroyed by fire or other catastrophe, as long as that the building footprint of the replacement residence does not exceed that of the residential structure in existence as of June 6, 1995.~~

Ch. 10- Planning, Zoning & Subdivisions Art. 1- Zoning Ordinance - § 10-1.3510- Uses & Activities Defined (“Group Home”).

GROUP HOME. The use of any single-family residence or other dwelling unit for a group residence where residents pay a fee or other consideration to the Group Home operator in return for residential accommodations. A Group Home includes a boarding home, a rooming house, as well as a group residence for the elderly, or mentally or physically disabled or handicapped persons, or other persons in need of care and supervision. Each dwelling unit so used shall be considered a single Group Home. The term Group Home includes both licensed and unlicensed Group Homes.

- a. Licensed Group Home. A licensed Group Home is any residential facility subject to State licensing requirements pursuant to the California Health and Safety Code (HSC), implementing State regulations, and amendments thereto. Any Group Home which is subject to State licensing requirements shall be treated as an unlicensed Group Home if the facility's license has expired or such license has been suspended, revoked or terminated. Group Homes subject to State licensing requirements include the following:
 - (1) Residential facilities providing non-medical residential care, specifically, any residential Community Care Facility (HSC section 1502), a Residential Care Facility for the Elderly (HSC section 1569.2) and a alcoholism or drug abuse recovery or treatment facility (HSC section ~~11834.11~~ **11834.02**).

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.010 – PURPOSE.

The purpose of this article is as follows:

- e. To provide streets of adequate capacity and design for the traffic that will utilize them, and to insure maximum safety for pedestrians, bicyclists, and vehicles.
- g. To provide ~~sidewalks and, where needed, pedestrian ways, biking paths, and equestrian and hiking trails~~ complete streets for the safety, convenience, and enjoyment of the residents of new developments.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.115 - MAPS.

- c. ~~Tentative Map - Final Map. It is also commonly referred to as a tentative map or a tentative tract map.~~ A tentative map ~~or tentative tract map~~ is a map made for the purpose of showing the design and improvement of a proposed ~~major~~ subdivision and the existing conditions in and around the proposed subdivision. A tentative map is required for all subdivisions creating five or more parcels, as codified in Subdivision Map Act Section 66426 or its successor.
- d. ~~Tentative Map - Parcel Map. It is also commonly referred to as a tentative parcel map. A tentative parcel map is a map made for the purpose of showing the design and improvement of a proposed minor subdivision and the existing conditions in and around the proposed subdivision.~~
- ed. Vesting Tentative Map. A vesting tentative map ~~(c) or (d)~~ is a map that meets the requirements of the Subdivision Map Act Section 66452 or its successor. The vesting tentative map must have printed conspicuously on its face the words 'Vesting Tentative Map' when filed to obtain the rights conferred by Chapter 4.5 of the Subdivision Map Act.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.130 - PUBLIC UTILITY EASEMENT (PUE).

~~The easement indicated on a map which may or may not be offered for dedication and acceptance by the City of Hayward and intended primarily for the installation of water and other utilities, including utilities owned and operated by public utility companies.~~ A PUE shall be dedicated for any and all public utility facilities including poles, wires, conduits, gas, water, sewer mains and all appurtenances there to as directed by the Director of Public Works.

Ch. 10- Planning, Zoning & Subdivisions Art. 3- Subdivision Ordinance General Responsibilities - § 10-3.150(e)- Advisory Agency/Approval Authority, § 10-3.165(e)- Planning Director, & § 10-3.497- Merger of Contiguous Parcels Under Common Ownership

Section 10-3.150(e)

- e. Certificate of Merger. The Planning Director, or his or her designee, shall have the authority to approve or deny the application for a Certificate of Merger authorized by Section 10-3.499 of this Subdivision Ordinance, in accordance with the provisions of Subdivision Map Act Section ~~66499.20.3/4~~.

Section 10-3.165(e)

- e. The Planning Director, or his or her designee, shall administer the provisions of the Subdivision Map Act Section ~~66499.20.3/4~~ **66499.20.3** and is authorized by Section 10-3.499 of this Article to approve and issue Certificates of Merger.

SEC. 10-3.497 - MERGER OF CONTIGUOUS PARCELS UNDER COMMON OWNERSHIP.

Pursuant to the authority provided by section ~~66499.20—3/4~~ **66499.20.3** of the Subdivision Map Act a merger of contiguous parcels under common ownership may be accomplished by the recordation of a Certificate of Merger where the following conditions are met:

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.210 - INFORMATION TO BE SUBMITTED.

a. Tentative Map—Final Map. The following information shall appear on a tentative map for a final map.

~~(14) Proposed names for all streets.~~

(15~~14~~) Statement of existing and proposed zoning and the use of the property.

(16~~15~~) A certificate on the map signed by the owners agreeing to the filing of said map and agreeing to comply with the provisions of these subdivision regulations and the State Map Act as they apply to the processing and approval of said map.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.230 - ~~PRELIMINARY MEETING~~ INTERAGENCY REVIEW.

The Planning Director shall transmit copies of the tentative map and other related necessary data to known interested organizations, and other public or private agencies which may be affected by the proposed subdivision. ~~Transmittal shall include notification of the time, date, and place of a preliminary meeting with the subdivider to discuss any responses received and other recommendations with the parties involved. A notice of the meeting shall be mailed to all property owners and occupants of all buildings within the proposed subdivision and to all property owners within 300 feet of the property and occupants of all buildings abutting the property which is proposed to be subdivided.~~

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.245 - PUBLIC HEARINGS.

The Advisory Agency and/or the City Council shall hold a public hearing when considering any tentative map, or a parcel map where tentative map was waived. At least 10 days before the public hearing, a notice of the hearing shall be (1) published in a newspaper of general circulation in the City of Hayward, and (2) mailed to all property owners and occupants of all buildings within the proposed subdivision and to all property owners within 300 feet of the property and occupants of all buildings abutting the property which is proposed to be subdivided.

The Planning Director may give such other notice that he or she deems necessary or advisable. ~~The subdivider shall furnish to the City a list of the names and mailing addresses of all property owners and occupants within the prescribed area on forms provided by the City or on forms otherwise acceptable to the Planning Director. The list shall be accompanied by typewritten labels for each different owner or occupant within the above described area, with one set of labels provided for all official hearings and subdivision conferences.~~

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.275 - STATEMENTS, DOCUMENTS AND OTHER DATA TO ACCOMPANY PARCEL MAP.

The parcel map shall substantially conform to the tentative map as approved, or conditionally approved, by the Advisory Agency/Approval Authority, and shall contain, or be accompanied by, such additional information as may be required by the City Engineer, including:

- f. If a field survey is made, the engineer or surveyor shall furnish the City Engineer boundary closure sheets **calculations**.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.320 - STATEMENTS, DOCUMENTS AND OTHER DATA TO ACCOMPANY FINAL MAP.

The following statements, documents or other data, and as many additional copies thereof as may be required by the City Engineer, shall accompany the final map:

- c. Closure ~~sheets~~ **calculations** for lots, boundary lines, streets, easements and monument lines as required by the City Engineer.

Chapter 10- Planning, Zoning and Subdivisions: Article 3- Subdivision Ordinance

SEC. 10-3.332 - SECURITY FOR INSTALLATION OF IMPROVEMENTS.

If an agreement to install public improvements, and/or private improvements which have been offered for dedication to the City and rejected, is entered into as provided above, it shall be secured by security in the amount of 100 percent of the estimated total cost of the improvements to guarantee faithful performance of the agreement and to guarantee and warrant the public improvements for a period of one year following the completion and acceptance thereof against any defective work or labor done or defective materials used or furnished, and by security in the additional amount of 50 percent of the estimated total cost of the improvements to guarantee payment of persons supplying labor, materials, or equipment for the installation of such public improvements.

Improvement cost is the total cost of construction and installation of improvements, including the related grading, erosion control, and geotechnical work, **a contingency amount as required by the City Engineer** as well as reasonable expenses and fees, including attorney's fees incurred by the City in enforcing the obligation secured.

Ch. 10- Planning, Zoning & Subdivisions § 10-3.850- Findings, Intent & Applicable Law

SEC. 10-3.850 - FINDINGS, INTENT AND APPLICABLE LAW.

A majority of mobilehome residents in the City of Hayward have significant personal and social ties to the community and virtually all mobilehome owners have made a substantial financial investment in their mobilehomes. Mobilehome owners in the City of Hayward elected to make this financial investment in part to secure certain social as well as economic benefits they enjoy in close, secure physical surroundings. A significant proportion of mobilehome residents are senior citizens, many of whom live on limited or fixed incomes. In addition, the cost and risk of potential damage in moving mobilehomes is great, as is the cost of preparing a new site and meeting the code requirements for reinstalling a mobilehome. Unlike other residents of the City of Hayward who rent their dwelling units or even those who own their own homes, mobilehome owners cannot relocate easily within the City of Hayward or Alameda County because of the scarcity of vacant mobilehome sites and/or cost of relocation. It is necessary that the provisions of the Conversion Provisions be applied to mobilehome park subdivisions so that the potential adverse effects of a change in the form of ownership or use are prevented or minimized.

A unique risk to a significant segment of the City's residents is therefore presented when a mobilehome park is converted from a park owned by a single entity in which sites are rented into a form of ownership in which individual sites may be owned. Furthermore, the protection offered by City of Hayward Ordinance No. 89-057 C.S., as amended through Ordinance No. 05-02, Mobilehome Space Rent Stabilization Ordinance, is likely to be lost by a significant number of mobilehome park residents who are unable to afford to buy their mobilehome spaces.

The State Legislature has provided a basis for protecting mobilehome owners in the enactment of Government Code Sections 66426, 66427, 66427.4, 66427.5 and 66428.1, as well as the **Manufactured Housing Act of 1980** ~~Mobilehome Parks Act~~ located in the Health and Safety Code Section 18000 et seq., and the Mobilehome Residency Law (MRL) found in the Civil Code Section 798 et seq. These legislative sections are the bases for all mobilehome and mobilehome park regulations within the State of California and are the bases for the conversion provisions that follow.

Ch. 10- Planning, Zoning & Subdivisions § 10-3.895(a)- Avoidance of Economic Displacement.

SEC. 10-3.895 - AVOIDANCE OF ECONOMIC DISPLACEMENT.

The subdivider shall avoid any economic displacement of any nonpurchasing resident by the following:

- a. Non-Lower Income Households. As to nonpurchasing residents who are not lower income households, as defined in Section ~~58079.5~~ **50079.5** of the Health and Safety Code, the monthly rent, including any applicable fees or charges for use of any preconversion amenities, may increase from the preconversion rent to market levels, in equal annual increases over a four-year period, as defined in an appraisal conducted in accordance with nationally recognized professional appraisal standards.

Ch. 10- Planning, Zoning & Subdivisions § 10-3.915(b)- Tenant Notification.

SEC. 10-3.915 - TENANT NOTIFICATION.

The following tenant notifications are required:

- b. If the application for conversion is approved, the subdivider shall give each resident household written notice of its right to continue residency as a tenant in the park as required by Government Code Section ~~66417.5(a)~~ **66427.5(a)**.

Ch. 10- Planning, Zoning & Subdivisions Art. 8- Grading & Clearing - § 10-8.02(o)- Definitions.

Section 10-8.02(o)

- (o) Soils Engineer or Geotechnical Engineer. A civil engineer, or soils engineer registered by the State of California to engage in the practice of civil engineering, who is experienced in and is engaged in the practice of soils engineering. (No person may use the title "Soil Engineer," "Soils Engineer," or "Geotechnical Engineer," unless he or she is currently authorized to do so by the California State Board of Registration of Professional Engineers and Land Surveyors.) ~~Business & Professions Code section E736.1.~~

Ch. 10- Planning, Zoning & Subdivisions Art. 9- Development Agreements -§ 10-9.06- Notice.

SEC. 10-9.06 - NOTICE.

- (a) The time and manner of giving notice for the Planning Commission and City Council hearings on the proposed development agreement shall be as prescribed in Government Code Sections 65854, ~~65854.5~~ and 65856.

Ch. 10- Planning, Zoning & Subdivisions Art. 10- Maintenance Districts - § 10-10.35- Notice Form

SEC. 10-10.35 - NOTICE FORM.

The form of notice, depending on the particular situation, shall be substantially as follows:

(a) Published Notice.

_____ NOTICE OF HEARING ON MAINTENANCE DISTRICT

NOTICE IS HEREBY GIVEN that the Director of Public Works has caused to be prepared and filed with the City Clerk a report, in writing, which provides the basis for the benefit assessment for the following type(s) of maintenance and operation to be borne by all lots or parcels of property within existing district, or proposed maintenance District No. _____ more particularly described in Exhibit "A" attached and incorporated by reference. The report sets forth the amounts to be provided in the budget for maintenance and operation, a description of each lot or parcel of property in the maintenance district by assessor's parcel number or address, and the amount of assessment to be levied for the fiscal year ~~20 19~~ _____ through ~~20 19~~ _____ against each lot or parcel of property. The report is available for public inspection in the office of the City Clerk.

Any interested owner objecting to (only items with X are subject to objection at this hearing):

_____ establishment of the district;

_____ boundaries of the district;

_____ fairness of the benefit formula(ae);

_____ boundaries of the zones of benefit;

_____ the amount of the assessment on any lot or parcel of property;

_____ if applicable, reservation by City of right to elect whether to proceed each year by either negotiated or bid contract or contracts or combination of both instead of bid contract or contracts only;

_____ additional improvements;

may file with the City Clerk at or before the hour fixed for hearing a written and signed protest, describing the lot or parcel of property by assessor's parcel number or address and stating the grounds of protest, and may appear and be heard at the hearing.

The report will be heard by the Council at its meeting on the day of ~~20 19~~ _____ , at the hour of _____ o'clock _____ .m. in the Council Chambers, 22300 Foothill Boulevard, Hayward, California 94541, at which time Council will examine the report and hear protests.

Ch. 10- Planning, Zoning & Subdivisions Art. 26--Mobile Home Park Closure or Change of Use - § 10-26.106- Relocation Assistance

SEC. 10-26.106 - RELOCATION ASSISTANCE.

Under Government Code Sections 65863.7 and ~~66427.4~~ ~~66426.4~~, the applicant shall provide relocation assistance to mitigate any adverse impacts of a mobile home park conversion on displaced residents and mobile home owners in a manner that does not exceed the reasonable cost of relocation. This section establishes minimum relocation assistance for residents and mobile home owners. The applicant and any person eligible for relocation assistance may agree to other mutually satisfactory relocation assistance.

Ch. 11- Public Utilities - Art. 5- Stormwater Management & Urban Runoff Control - Alameda Countywide NPDES Municipal Stormwater Permit- NPDES Permit No. CAS612008.

SEC. 11-5.12 - PURPOSE AND INTENT.

The purpose of this article is to ensure the future health, safety, and general welfare of the residents of the City by:

- (c) reducing pollutants in storm water discharges to the maximum extent practicable.

The intent of this ordinance is to protect and enhance the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Clean Water Act and the current **Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (Order No. R2-2015-0049)**, which is available at http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/stormwater/Municipal/.

SEC. 11-5.13 - DEFINITIONS.

- (a) Any terms defined in the federal Clean Water Act, and acts amendatory thereof or supplementary thereto, or defined in the regulations for the stormwater discharge permitting program issued by the Environmental Protection Agency on November 16, 1990 (as may from time to time be amended) as used in this article shall have the same meaning as in that statute or those regulations. Specifically, the definitions of the following terms included in that statute or those regulations are hereby incorporated by reference, as now applicable or as may hereafter be amended: administrator, discharge of a pollutant, illicit discharge, navigable waters, point source, pollutants, pollution, publicly owned treatment works, and stormwater. These terms are presently defined as follows:
 - (1) *Administrator*: The Administrator of the United States Environmental Protection Agency.
 - ~~(2) *Development Project*: "Development Project," as used in this Article, refers to both Group 1 and Group 2 projects as defined in NPDES Permit No. CA0029831 and any amendment or revision thereto, or reissuance thereof. However, the City has the authority to expand this definition, when deemed appropriate, to include any development project.~~
 - ~~(3) *Discharge of a Pollutant*: (a) Any addition of any pollutant to navigable waters from any point source, or (b) Any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.~~
 - ~~(4) *Illicit Discharge*: Any discharge to the City storm sewer system that is not composed entirely of stormwater except exempt discharges pursuant to the a NPDES permit and discharges resulting from fire fighting activities.~~
 - ~~(5) *Navigable Waters*: All navigable waters of the United States; tributaries of navigable waters of the United States; interstate waters; intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in inter-state commerce; and intrastate lakes, rivers, and streams which are utilized for industrial purposes by industries in interstate commerce.~~
 - ~~(6) *Point Source*: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.~~

- (76) *Pollutants*: Dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into water.
- (87) *Pollution*: The man-made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (98) *Publicly Owned Treatment Works (POTW)*: Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of liquid nature which is owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.
- (9) *Regulated Project*: "Regulated Project," as used in this Article, refers to projects as defined in NPDES Permit No. CAS612008 and any amendment or revision thereto, or reissuance thereof. However, the City has the authority to expand this definition, when deemed appropriate, to include any development or redevelopment project.
- (10) *Significant Redevelopment Project*: "Significant Redevelopment Project," as used in this Article, refers to both ~~Group 1 and Group 2~~ projects as defined in NPDES Permit No. ~~CA0029831~~ CAS612008 and any amendment or revision thereto, or reissuance thereof. However, the City has the authority to expand this definition, when deemed appropriate, to include any redevelopment project.

SEC. 11-5.14 - RESPONSIBILITY FOR ADMINISTRATION.

This article shall be administered by the Director of ~~Public Works~~ **Utilities and Environmental Services**. Where storm drain facilities or watercourses have been accepted for maintenance by the Alameda County Flood Control and Water Conservation District or other public agency legally responsible for certain watercourses, then the responsibility for enforcing the provisions of this article may be assigned by contract executed by the City and such agency to those public agencies over those watercourses for which they have accepted maintenance.

SEC. 11-5.15 - CONSTRUCTION AND APPLICATION.

This article shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. ~~CA0029831~~ CAS612008 and any amendment or revision thereto, or reissuance thereof.

SEC. 11-5.19 - DISCHARGE OF POLLUTANTS.

The discharge of non-stormwater discharges to the City storm sewer system is prohibited. Prohibited discharges include, but are not limited to polluted cooling water, chlorinated or chloraminated swimming pool water, hazardous or toxic chemicals, grease, animal wastes, detergents, solvents, pesticides, herbicides, fertilizers, and dirt. All discharges of material other than stormwater must be in compliance with a NPDES Permit issued for the discharge other than NPDES Permit No. ~~CA0029831~~ CAS612008. Exceptions to this prohibition are set forth in subsections (a) and (b) below.

- (a) NPDES permitted non-stormwater discharges and discharges which are not sources of pollutants to waters of the state (as described in 40 C.F.R. 122.26(d)(2)(iv)(B)(1)) provided that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed in a manner satisfactory to the Director of **Utilities and Environmental Services** ~~Public Works~~: water line flushing or other discharges from potable water sources, landscape irrigation, lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, or flows from ~~fire fighting~~ **firefighting**.

SEC. 11-5.20 - DISCHARGE IN VIOLATION OF PERMIT.

Any discharge that would result in or contribute to a violation of NPDES Permit No. **CAS612008 CA0029834**, attached to this article as Attachment A, and any amendment or revision thereto, or reissuance thereof, either separately considered or when combined with other discharges, is prohibited. The person causing or responsible for the discharge shall be liable for the discharge, and shall defend, indemnify, and hold the City harmless in any administrative or judicial enforcement action relating to such discharge.

SEC. 11-5.38 - STORMWATER TREATMENT MEASURES REQUIRED.

- (a) All ~~Development~~ **Regulated** Projects shall include Stormwater Treatment Measures to reduce water quality impacts of urban runoff from the entire project site for the life of the project. Such measures shall be in accordance with the guidelines contained in the City of Hayward's Site Design Standards and Guidance, including but not limited to flow duration and volume control requirements. All **Regulated Projects** ~~development projects~~ shall also abide by the rules set forth in the NPDES municipal stormwater discharge permit issue to the City by the California Regional Water Quality Control Board, San Francisco Bay Region. Furthermore, all ~~Group 1 and Group 2 development projects, as well as~~ other development projects deemed appropriate by the City, are required to apply the City of Hayward's Source Control Measures List to each respective project.
- (d) No final building or occupancy permit shall be issued without the written certification of the ~~Public Works~~ Director of **Utilities and Environmental Services** or his or her designee that the requirements of this article have been satisfied. Such certification shall be in the form prescribed by the City and shall not be issued without payment of all applicable fees, if any, which may be imposed for administration of this article.

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

- (a) The property owner, its administrators, successors, or any other persons in possession or control of the property, including any homeowners association, shall take all necessary actions to ensure that Stormwater Treatment Measures or other required measures are properly maintained so that they continue to operate as originally designed and approved, for the life of the development. The ~~Public Works~~ Director of **Utilities and Environmental Services** may require verification of proper maintenance be submitted to the City. Any property owner required by this article to construct, install, operate or maintain Stormwater Treatment Measures or other measures shall record a document evidencing the permanent maintenance requirement and binding all successors in interest to the maintenance obligation.
- (b) Upon transferring ownership of the property, any property owner required by this article to construct, install, operate, or maintain Stormwater Treatment Measures or other measures shall **notify the City in writing of the transfer of ownership and** provide the new owners with a current copy of this Chapter,

and inform the new owners in writing of their obligation to properly operate and maintain the Stormwater Treatment Measures.

- (c) It shall be unlawful to alter, modify, change, or remove any Stormwater Treatment Measures or other measures without first obtaining from the ~~Public Works~~ Director of **Utilities and Environmental Services** or his or her designee written certification that the requirements of this article have been satisfied.