

ARTICLE 20

BAY-FRIENDLY LANDSCAPING ORDINANCE

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ARTICLE 20

BAY-FRIENDLY LANDSCAPING ORDINANCE

SEC. 10-20.100 TITLE. This Article shall be known and may be cited as the Bay-Friendly Landscaping Ordinance of the City of Hayward.

SEC. 10-20.110 DEFINITIONS. For the purposes of this Article, the following definitions shall apply:

- a. “Bay-Friendly Landscaping Guidelines” means the most recent version of guidelines developed by StopWaste.Org for use in the professional design, construction and maintenance of Landscapes. City staff shall maintain the most recent version of the Bay-Friendly Guidelines at all times.
- b. “Bay-Friendly Landscaping Scorecard” means the most recent version of the Bay-Friendly Landscaping points system developed by StopWaste.Org. City staff shall maintain the most recent version of the Bay-Friendly Landscape Scorecard at all times.
- c. “City Landscape Project” means any new construction or renovation of a landscape owned or maintained by a City department or division.
- e. “Covered Project” means all new landscaping projects or renovations of landscapes that equal or exceed \$100,000 in landscape construction costs (including hardscaping) and are maintained by a City department or division or developed as a public-private partnership.
- f. “Bay-Friendly Landscaping Compliance Official” means the designated staff person authorized and responsible for implementing this Article, which is the Director of Public Works.
- g. “Initiated” means officially identified and substantially funded to offset the costs associated with the project.
- h. “Landscape” means the parcel area less the building pad and includes all planted areas and hardscapes (i.e. driveway, parking, paths and other paved areas).
- i. “Public-Private Partnership” means any project built on city-owned land, primarily funded by the City, built as a project of the Redevelopment Agency, or built under a Disposition and Development Agreement with the City.
- j. “Renovation” means any change, addition, or modification to an existing landscape.
- k. “Traditional Public Works Project” means heavy construction projects such as pump stations, flood control improvements, roads, and bridges, as well as traffic lights, medians, sidewalks, bike paths, bus stops, and associated infrastructure on City owned and maintained property.

SEC. 10-20.120 APPLICATION.

- a. All covered projects with landscapes initiated on or after the effective date of this Ordinance shall meet the most recent minimum Bay-Friendly Landscape Scorecard points as recommended by StopWaste.Org.
- b. For the purposes of reducing operating and maintenance costs in all City of Hayward facilities and public-private partnership facilities, projects that do not meet the threshold that triggers compliance with the requirements of this ordinance are required to meet as many Bay-Friendly Landscape Scorecard points as feasible, taking into account available resources and design objectives, and are required to complete and submit the Bay-Friendly Landscaping Scorecard as a way of documenting the Bay-Friendly landscaping practices that have been incorporated into the project.
- c. The Public Works Department, Landscape Architect, and related staff if applicable shall regularly review the project specifications used in bidding traditional public works projects to include the best environmental practices and Bay-Friendly landscape practices applicable.

SEC. 10-20.130 IMPLEMENTATION.

- a. The Bay-Friendly landscaping requirements of this Article shall be incorporated into the appropriate design, construction, maintenance and development agreement documents prepared for the applicable covered projects initiated on or after the effective date of this ordinance.
- b. The City Manager shall designate an appropriate Bay-Friendly Landscaping Compliance Official who shall have the responsibility to administer and monitor compliance with the Bay-Friendly landscaping requirements set forth in this Article, and to grant waivers or exemptions from the requirements of this Article. Bay-Friendly Landscaping Official will provide the City Council with an update on the implementation of this ordinance one year after its effective date.
- c. Should the City adopt an Environmental Purchasing Policy (EPP), the Bay-Friendly Landscaping Compliance Official will coordinate activities with the person(s) responsible for implementation of the EPP.

SEC. 10-20.140 EXEMPTIONS. Compliance with the provisions of this Article may be waived in unusual circumstances where the Bay-Friendly Landscaping Compliance Official has found and determined that the public interest would not be served by complying with such provisions.

SEC. 10-20.150 SEVERABILITY. If any provision of this Article is determined invalid, void, or unenforceable by a final judgment rendered by a court of competent jurisdiction, the validity of the remaining provisions of this Article shall not be affected, provided that the enforcement of the remaining provisions of this Article are not rendered impractical by the severance of the provision deemed to be invalid, void, or unenforceable.