

## ARTICLE 3

### PENALTIES

Section	Subject Matter
1-3.00	VIOLATIONS
1-3.01	SEPARATE OFFENSES
1-3.02	UNLAWFUL ACTS
1-3.03	NUISANCE
1-3.04	REMEDIES CUMULATIVE
1-3.05	LIABILITY FOR COSTS
1-3.06	ENFORCEMENT
1-3.07	ADMINISTRATIVE CITATION PROGRAM

## ARTICLE 3

### PENALTIES

#### SEC. 1-3.00 VIOLATIONS.

- a. It shall be unlawful for any person to cause or to permit any violation of the provisions of the Hayward Municipal Code (this “Code”), or to fail to comply with any of the provisions of this Code. Any person violating or failing to comply with any of the provisions of this Code, except the provisions set forth in subsection (b), shall be guilty of a misdemeanor.
- b. Any person violating or failing to comply with any of the requirement or compliance provisions of this Code, or any provisions hereafter adopted and designated an infraction, shall be guilty of an infraction, unless otherwise described as a misdemeanor within the context of a specific enumerated section of an article herein. Such infractions include any all regulations of the City of Hayward adopted by reference pursuant to Health and Safety Code Section 17958, or any code or regulation adopted by reference, including, but not limited to, regulations of the Uniform Building Code, Uniform Fire Code, Uniform Housing Code, Uniform Mechanical Code, Uniform Plumbing Code, and National Electrical Code.
- c. Whenever there exists cause to suspect a violation of any provision of this Code and other codes or regulations adopted by reference pursuant to state law, the officials responsible for enforcement of the codes or regulations, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant, unless the enforcement officer first obtains an inspection warrant or court order permitting entry, or there exists legally exigent circumstances where immediate entry is authorized by law. An owner or occupant or agent thereof who unreasonably refuses to permit entry and investigation shall be guilty of a misdemeanor.
- d. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed limits set forth in California Government Code Section 36900. After a third conviction for a violation of the same provision, subsequent violations within a twelve (12) month period of the third violation may be charged as a misdemeanor. Upon conviction of a misdemeanor, a person shall be subject to payment of a fine, or imprisonment, or both, not to exceed the limits set for the California Government Code 36901.

SEC. 1-3.01 SEPARATE OFFENSES. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code, or any code or regulation adopted by reference, is committed, continued, or permitted by such person, and such person shall be punished accordingly.

SEC. 1-3.02 UNLAWFUL ACTS. Whenever this Code, or any code or regulation adopted by reference, makes any act or omission unlawful, it shall include causing, permitting,

aiding, abetting, suffering, or concealing the fact of such act or omission.

SEC. 1-3.03 NUISANCE. Any violation of this Code or any code or regulation adopted by reference shall constitute a public nuisance. In addition to any other remedies provided by this Code, the City may summarily abate such nuisance and may bring a civil suit to enjoin or abate the violation.

SEC. 1-3.04 REMEDIES CUMULATIVE. The remedies provided for herein shall be cumulative and not exclusive.

SEC. 1-3.05 LIABILITIES FOR COSTS. In addition to the punishment provided by law, a violator convicted of a misdemeanor or infraction, or who is issued an administrative citation, shall be liable for any fines and penalties assessed, and fees, costs, expenses or disbursements paid or incurred by the City or any of its contractors in connection with the abatement of, or the prosecution of, the violation.

SEC. 1-3.06 ENFORCEMENT.

- a. The following public officers and their designees shall have and are hereby vested with the authority to enforce the provisions of this Code, and other codes adopted by reference pursuant to state law, in the manner provided by California Penal Code Section 836.5, against any person who violates these provisions:
  - (1) City Manager or his or her designees;
  - (2) Chief of Police and his or her designees;
  - (3) Fire Chief and his or her designees;
  - (4) Director of Library and Neighborhood Services and his or her designees;
  - (5) Director of Public Works and his or her designees;
  - (6) Community and Economic Development Director and his or her designees.
- b. The City Manager shall have the power to designate the particular public officers and employees who shall be authorized to enforce particular provisions of this Code, or any code or regulation adopted by reference, in addition to those public officers enumerated in section 1-3.06 a. above.

SEC. 1-3.07 ADMINISTRATIVE CITATION PROGRAM. The City Council finds that there is a need for an alternative method of enforcement for violations of this Code and applicable State Codes. The City Council further finds that an appropriate method of enforcement for such violations is an Administrative Citation Program as authorized by Government Code Section 53069.4. The relevant authorities and procedures for an Administrative Citation Program are outlined and adopted herein as Article 7 of this Chapter.