

set forth herein shall be cumulative to other remedies which may be available under the Hayward Municipal Code or state law.

SEC. 4-15.04 APPLICATION. The provisions of this ordinance shall apply generally to all property, whether owner occupied or rental, throughout the City of Hayward wherein any of the nuisances hereinafter specified, are found to exist. A criminal conviction is not required for establishing the occurrence of a nuisance violation pursuant to this ordinance. The provisions of this ordinance shall not apply to activities which constitute a bona fide exercise of constitutional rights.

GENERAL RESPONSIBILITIES

SEC. 4-15.05 RESPONSIBILITY FOR PROPER PROPERTY MANAGEMENT. Every owner of real property within the city is required to manage the property in a manner so as not to violate the provisions of this ordinance and the owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding the property.

SEC. 4-15.06 RESPONSIBILITY OF EVERY TENANT. Every tenant, occupant, lessee or holder of any possessory interest in the real property is required to behave on the property, and supervise any guests on the property, in a manner so as not to violate the provisions of this ordinance.

SEC. 4-15.07 AUTHORITY. The City Manager, or the city manager's designee (hereafter "city manager"), shall administer the provisions of this ordinance. The city manager shall have the authority to designate employees as Enforcement Officers in conformance with this ordinance to assist with enforcement responsibilities of this ordinance, including, but not limited to, the issuance of notices, orders and fines. Hearings or appeals of the city manager's orders shall be heard by a hearing officer appointed by the city manager.

SEC. 4-15.08 PENALTY FOR VIOLATIONS; ENFORCEMENT.

- a) The administrative enforcement described in this ordinance notwithstanding, the city attorney may bring a civil action for injunctive relief and civil penalties against any owner who violates this ordinance.
- b) Any person affected aggrieved by a public nuisance described in this ordinance may bring a civil action for injunctive relief and damages against any owner who violates this ordinance.
- c) In any civil action brought pursuant to this ordinance, the court may award reasonable attorneys fees and costs to the prevailing party. This section shall not be interpreted to govern attorney fees in an unlawful detainer action between a property owner and a tenant.