

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKLEY AMENDING SECTIONS 1.5.209(c)(i), 1.5.209(c)(iv) and 1.5.210(a) OF THE OAKLEY MUNICIPAL CODE, DEALING WITH ADMINISTRATIVE HEARINGS**

Section 1. Section 1.5.209(c)(i) of the Oakley Municipal Code is hereby amended to read as follows:

“The request for a hardship waiver shall be filed with the Community Development Director or designee (“Director”) within ten (10) regular business days of the date of issuance of the notice regarding initial review of the matter as set forth in Section 1.5.209(b). The requirement for submitting an Advance Deposit shall be stayed unless and until the Director has rendered a decision on the request for a hardship waiver.”

Section 2. Section 1.5.209(c)(iv) of the Oakley Municipal Code is hereby amended to read as follows:

“If the request for a hardship waiver is denied, the citee shall submit the full Advance Deposit to the City within ten (10) regular business days after the date of the Director’s decision. If the request for a hardship waiver is granted, but the Administrative Citation is upheld by the Hearing Officer, the fine shall be due and payable within ten (10) working days after the date the Hearing Officer’s decision is issued.”

Section 3. Section 1.5.210(a) of the Oakley Municipal Code is hereby amended to read as follows:

“The Administrative Hearing shall be conducted by a Hearing Officer not more than forty-five (45) regular business days after the City Clerk’s office receives the request for Administrative Hearing, unless continued with the consent of the citee.”

Section 4. California Environmental Quality Act (CEQA) Finding.

This Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that the project will not have a significant effect on the environment; therefore the project is not subject to CEQA.

Section 5. Severability.

In the event any section or portion of this Ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 6. Effective Date and Publication.

This ordinance shall take effect and be in force and effect thirty (30) days from and after the date of its passage. The City Clerk shall cause the ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation, or by publishing a summary of the proposed ordinance, posting a certified copy of the proposed ordinance in the office of the City Clerk at least five (5) days prior to the City Council meeting at which the ordinance is to be adopted, and within fifteen (15) days after its adoption, publishing a summary of the ordinance with the names of the Council Members voting for and against the ordinance.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on \_\_\_\_\_, 2017 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Sue Higgins, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date