

**ORDINANCE #492**

**AN ORDINANCE TO REPEAL ORDINANCE NO. 411 REGARDING BURNING WITHIN THE CITY OF HAYWARD**

The Common Council of the City of Hayward do ordain as follows:

**SECTION I: ORDINANCE #411 and #47 ARE REPEALED IN THEIR ENTIRETY.**

**SECTION II: BURNING WITHIN THE CITY OF HAYWARD**

It shall be unlawful for any person, firm or corporation to kindle or maintain an outdoor fire except as listed below.

- A. The following outside burning shall be allowed without a permit, but shall be subject to restriction by the Fire Department at any time and never when the fire danger is rated as extreme or emergency forest fire regulations are in place as posted at the Hayward Ranger Station.
  - 1. Training for fire departments.
  - 2. Cooking, warming or campfires under the following conditions:
    - a. They must be kindled of only clean, dry wood.
    - b. They must be attended and maintained in a metal, masonry or stone receptacle no more than 30" in diameter.
    - c. Under no circumstances will such receptacle be used to burn plastics, trash, garbage, leaves, brush, wet combustible rubbish, oily substances, asphalt containing materials, rubber products or other materials.
    - d. There must be no threat to the health, safety and welfare of the public.
    - e. There must be complete and thorough extinguishment when the fire is no longer being used.
- B. Burn barrels are not permitted.

Violations of this ordinance shall be subject to penalties set forth in the forfeiture schedule under Ordinance #306.

Invalidation of any part of this ordinance by a Court of law shall not invalidate the remaining portions thereof. This ordinance shall become effective upon its passing by the Common Council of the City of Hayward and publication thereof as provided by law.

Motion By: Ald. Munich                      Seconded By: Ald. Gillis

Ayes (7)      Nays (0)

Passed this 16<sup>th</sup> day of November, 2009

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William Swinkowski, Mayor

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Lucy Gunther, City Clerk

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