

ORDINANCE NO. 22-

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA AMENDING
CHAPTER 3, ARTICLE 3 OF THE HAYWARD MUNICIPAL CODE
RELATING TO FIREWORKS BY SPECIFICALLY IDENTIFYING
PROPERTY OWNERS ACCOUNTABLE FOR FIREWORKS

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 3, Article 3 of the Hayward Municipal Code is hereby amended to read as follows:

ARTICLE 3
EXPLOSIVES, FIREARMS AND FIREWORKS

SEC. 3-3.00 FIREARMS AND FIREWORKS.

1. It shall be unlawful for any person at any time, to fire or discharge or cause to be fired or discharged any cannon, anvil, gun, pistol, or other firearms, Chinese or other firecrackers, bomb, fireworks or explosive preparation of any nature whatsoever, within the limits of the City of Hayward.

2. It shall be unlawful for any person, property owner or social host, to ignite, explode, project, or otherwise fire or use any fireworks, or permit the ignition, explosion or projection thereof, upon private property or over onto the property of another, or within 100 feet of any residence dwelling or other structure used as a place of habitation by human beings. Any person, social host or property owner shall be liable for any unlawful use, discharge, or display of fireworks at their property or gathering.

Provided, however, the use of fireworks at such public displays of fireworks inside the limits of the City of Hayward as may be given with the joint written consent first had and obtained, of the Fire Chief and the Police Chief, shall not be unlawful.

All acts under such joint permission must be done in a careful manner, and such joint permission shall not exempt the person to whom it is granted from any liability for damage done to person or property by him under such permission.

SEC. 3-3.10 FIREARMS, EXCEPTIONS AS TO USE.

The foregoing provisions as to the use of firearms shall not apply to peace officers in the discharge of their official duties and using reasonable care; nor to persons using firearms in necessary self-defense or in a careful manner for the purpose of destroying noxious animals upon land owned or occupied by them; nor to organizations which are by the United States Federal Government authorized to use such firearms; nor to members of any lawfully organized gun club when using said firearms for the purpose of practicing shooting at targets upon established target ranges; nor to any person having permission of the owner of the land to shoot birds and animals during hunting season.

Section 2. Severance.

If any section, subsection paragraph or sentence of the Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 3. Effective Date.

This ordinance shall become effective thirty (30) days after adoption by the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2022, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ____ day of ____, 2022, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED:

Mayor of the City of Hayward

DATE: _____

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward