

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY  
COUNCIL OF THE CITY OF HAYWARD

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 meeting of the City Council of the City of Hayward, held the 22<sup>nd</sup> day of March 2022, by Council Member Lamnin.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on April 5, 2022, at 7:00 p.m. Please note the City Council will hold a hybrid meeting which will allow for participation in the Council Chamber and virtually via the Zoom platform. The full text of this Ordinance is available for examination by the public by contacting the City Clerk's office at [cityclerk@hayward-ca.gov](mailto:cityclerk@hayward-ca.gov) or (510) 583-4400.

Dated: April 2, 2022  
Miriam Lens, City Clerk  
City of Hayward