

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A WILDLAND-URBAN INTERFACE CODE FOR THE CITY OF HAYWARD; ADOPTING THE 2025 CALIFORNIA WILDLAND-URBAN INTERFACE CODE, TITLE 24, PART 7, PRESCRIBING REGULATIONS GOVERNING THE ESTABLISHMENT OF MINIMUM SPECIAL REGULATIONS FOR THE SAFEGUARDING OF LIFE AND PROPERTY FROM THE INTRUSION OF FIRE FROM WILDLAND FIRE EXPOSURES AND FIRE EXPOSURES FROM ADJACENT STRUCTURES AND TO PREVENT STRUCTURE FIRES FROM SPREADING TO WILDLAND FUELS, EVEN IN THE ABSENCE OF FIRE DEPARTMENT INTERVENTION, REPEAL RESOLUTION No. 93-037 AND REPEALING ALL OTHER PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

Section 1. Effective January 1, 2026, a new wildland-urban interface code for the City of Hayward is hereby enacted to read as follows:

SEC. 1. WILDLAND-URBAN INTERFACE CODE OF THE CITY OF HAYWARD, ADOPTION OF CALIFORNIA WILDLAND-URBAN INTERFACE CODE. The City Council of the City of Hayward for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, hereby adopts that certain code and standards known as the 2025 California Wildland-Urban Interface Code, Title 24, Part 7 and based on the International Wildland-Urban Interface Code being particularly the 2024 edition thereof and the whole thereof including all Appendices save and except such portions as are hereunder deleted, modified, or amended as set forth hereinafter, as the Wildland-Urban Interface Code of the City of Hayward. A copy of each said California Wildland-Urban Interface Code is on file in the office of the Fire Marshal, to which reference is hereby made for further particulars.

Said code is adopted by reference pursuant to Section 50022.2 et seq. of the Government Code of the State of California, and the same is hereby adopted and incorporated as fully as if set out at length herein and, from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Hayward except as otherwise noted herein.

Sec. 2. ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION OFFICE.

- 2.1 California Wildland-Urban Interface Code shall be enforced by the Fire Prevention Bureau and the Operations Division in the Fire Department of the City of Hayward.
- 2.2 The chief officer in charge of the Fire Prevention Bureau shall be appointed by the Fire Chief.

- 2.3 The Chief of the Fire Department shall recommend to the City Manager the employment of technical personnel responsible for code enforcement. The Chief of the Fire Department may also detail such members of the Fire Department as inspectors as shall from time to time be necessary.

SEC. 3. DEFINITIONS.

- 3.1 Whenever the word "jurisdiction" is used in the California Wildland-Urban Interface Code, it shall be held to mean the City of Hayward.
- 3.2 Whenever the term "Corporation Counsel" is used in the California Wildland-Urban Interface Code, it shall be held to mean the City Attorney of the City of Hayward.
- 3.3 Whenever the term "Fire Code Official" or "Fire Marshal" is used, it shall be held to mean the Chief Officer in charge of the Fire Prevention Bureau for the Fire Department or designated representative.

SEC. 4. AMENDMENTS MADE IN THE CALIFORNIA WILDLAND-URBAN INTERFACE CODE. The California Wildland-Urban Interface Code is amended in the following respects, with reference numbers being taken from the California Wildland-Urban Interface Code, including deletions, additions and text changes.

**GENERAL
CHAPTER 1 – SCOPE AND ADMINISTRATION
DIVISION II – SCOPE AND ADMINISTRATION**

SECTION 101 SECTION 101 – SCOPE AND GENERAL REQUIREMENTS

101.1 Title. Amend section to read as:

101.1 Title. These regulations shall be known as the California Wildland-Urban Code of the City of Hayward, hereinafter referred to as "this code."

101.3.1.2 WHERE REQUIRED. Add subsection to read:

101.3.1.2 WHERE REQUIRED. Development in the area east of Mission Boulevard from the south side of D Street to the city limits south to Union City shall be constructed in accordance with this chapter.

SECTION 104 - DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

104.10.1 ASSISTANCE FROM OTHER AGENCY. Add subsection to read:

104.10.1 ASSISTANCE FROM OTHER AGENCY. The Police Department shall assist the Fire Department in its investigations whenever requested to do so, unless otherwise directed by the Chief of Police.

SECTION 108 – FEES.

108.1.1 PERMIT FEES. Add subsection to read:

108.1.1 PERMIT FEES. The City Council of the City of Hayward may, if it so desires establish by resolution, permit fees in connection with any permits required or authorized to be issued by the Fire Chief or any other authorized representative of the Fire Department.

SECTION 112 - MEANS OF APPEALS.

112.1 BOARD OF APPEALS ESTABLISHED. Amend section to read:

112.1. BOARD OF APPEALS ESTABLISHED. In order to determine the suitability of alternate materials and type of construction, there shall be and hereby is created an appropriate board consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The Fire Chief shall be an ex-officio member and shall act as secretary of the board.

The Fire Appeal Board shall be appointed by the City Manager and shall hold office. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant, and may recommend to the executive body such new legislation as is consistent therewith.

CHAPTER 2 – DEFINITIONS

SECTION 202 – DEFINITIONS

Amend “WILDLAND-URBAN INTERFACE FIRE AREA (WUI)” definition to read:

“WILDLAND-URBAN INTERFACE FIRE AREA (WUI)” is land designated which is covered with grass, grain, brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated by the Fire Chief on a map maintained in the office of the Fire Chief. The “WILDLAND-URBAN INTERFACE FIRE AREA” has been defined as:

"The areas east of Mission Boulevard Blvd. from the south side of D Street to the city limits south to Union City."

CHAPTER 5 – SPECIAL BUILDING CONSTRUCTION REGULATIONS

SECTION 503.1.1. Add new subsection to read:

SECTION 503.1.1 Buildings constructed shall comply with the following requirements:

1. Within ten feet of a structure, construct fences with an open wire mesh or non-combustible material to prevent fire from spreading to the structure.
2. Locate chimney at least ten feet away from existing tree canopies.

SEC. 4. APPEALS.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Manager.

SEC. 5. FEES. Fees may be established by resolution of the City Council for permits required by the code, and the fee required for any permit shall accompany the application for such permit. Unless the permit specifies otherwise, the permit shall be issued for a one-year period.

SEC. 6. PENALTIES.

- 7.1 Any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of the City of Hayward or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a criminal offense and subject to the penalties set forth in the Hayward Municipal Code, Chapter 1, Article 3, Section 1-3.00 et. seq.
- 7.2 The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or to prohibit the use of any other criminal or civil remedy.

SEC. 7. REPEAL OF CONFLICTING ORDINANCES. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the California Fire Code as adopted and amended herein are hereby repealed.

SEC. 8. SEVERABILITY. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid or beyond authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to intentions of the City Council.

SEC. 9. DATE OF EFFECT. This ordinance shall become effective on January 1, 2026.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the __ day of 20__, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the __ day of 20__, 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