

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A FIRE PREVENTION CODE FOR THE CITY OF HAYWARD; ADOPTING THE CALIFORNIA FIRE CODE, 2025 EDITION, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR PENALTIES FOR VIOLATION, AND REPEALING ORDINANCE NO. 22-10, AS AMENDED, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

Section 1. Effective January 1, 2026, Ordinance No.22-10, and all amendments thereto, is hereby repealed and in substitution thereof a new fire code for the City of Hayward is hereby enacted to read as follows:

SEC. 1. FIRE PREVENTION CODE OF THE CITY OF HAYWARD, ADOPTION OF CALIFORNIA FIRE 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 Fire Code and based on the International Fire Code being particularly the 2024 edition thereof and the whole thereof (including Appendices Chapter 4, B, BB, C, CC, D, E, F, G, I, N, O) save and except such portions as are hereunder deleted, modified, or amended as set forth hereinafter, as the Fire Code of the City of Hayward. A copy of each said California Fire 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 The California Fire 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 Fire Code, it shall be held to mean the City of Hayward.
- 3.2 Whenever the term "Corporation Counsel" is used in the California Fire 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 FIRE CODE. The California Fire Code is amended in the following respects, with the reference numbers being taken from the California Fire Code, including deletions, additions and text changes.

GENERAL

CHAPTER 1 – SCOPE AND ADMINISTRATION

DIVISION II- SCOPE AND ADMINISTRATION

SECTION 104 - DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

104.10.1 ASSISTANCE FROM OTHER AGENCY. Amend 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. 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 - GENERAL DEFINITIONS.

HIGH-RISE BUILDING. Add a paragraph to read:

The Fire Chief may determine that a building is a “high-rise structure” based on site/building configuration and the lack of viable exterior access to the upper floors for firefighting, rescue operations and where firefighters must place almost complete reliance on the building’s life safety features, fire protection systems and components of building construction.

CHAPTER 5 - FIRE SERVICE FEATURES

SECTION 503 - FIRE APPARATUS ACCESS ROADS.

Add new subsection 503.6.1 to read:

503.6.1 KEY SWITCHES. A key switch shall be provided and mounted on a stationary place on the outside of the security gate. The key switch shall be mounted on a permanently affixed monument three (3) to five (5) feet above ground.

SECTION 505 – PREMISES IDENTIFICATION

505.1 ADDRESS IDENTIFICATION. Amend section to read:

505.1 ADDRESS IDENTIFICATION. New and existing buildings shall have approved address numbers, building numbers or approved building identification plate in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Where required by the Fire Department, address numbers shall be provided in additional approved locations to facilitate emergency response. Address numbers shall be numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) and installed on the front of the dwelling (R-3) in a location so as to be visible from the street. Otherwise, minimum building address shall be 12” high with 1.5” stroke. When buildings are located greater than 50 feet from street frontage, address shall be minimum 16” high with 1.5” stroke.

Tenant space number shall be 6" high with 0.75" stroke on a contrasting background as to be visible from the street. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained in accordance with this section.

SECTION 507 - FIRE PROTECTION WATER SUPPLIES.

507.5 FIRE HYDRANT SYSTEMS.

507.5.1 WHERE REQUIRED. Amend subsection to read:

507.5.1 WHERE REQUIRED. Fire hydrant systems and fire hydrants shall be in accordance with Section 507.5. Hydrants shall be of the type approved in the City of Hayward and have not less than a six-inch connection with the mains. A shutoff valve shall be installed in the hydrant connection, a minimum distance of five feet from the hydrant. Hydrants should be tested annually for proper functioning in accordance with the requirements of the authority having jurisdiction or upon request of the Fire Chief.

Hydrants shall be placed at least 40 feet from the buildings to be protected. Where it is not feasible to place them at that distance, they may be in closer proximity in locations approved by the Fire Chief.

CHAPTER – 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS

SECTION 903 - AUTOMATIC SPRINKLER SYSTEMS.

903.2 WHERE REQUIRED. Amend 903.2 to read

903.2 WHERE REQUIRED. An automatic sprinkler system shall be installed in all new construction, regardless of occupancy classification, where the total floor area is 5,000 square feet (465 m²) or more (area separation walls may not be used in lieu of a sprinkler system except when buildings are separated by fire wall constructed in accordance with Section 706 FIRE WALLS of the 2025 California Building Code), building height exceeds two stories, or floor heights exceed 15 feet (4,572 mm) from the lowest level of Fire Department access and locations described in Section 903.2.1 through 903.2.22. In cases where multiple requirements may apply, the most restrictive requirement shall prevail. Floor areas of mezzanines shall be included in calculating the total floor area to be used in determining automatic fire-extinguishing requirements.

Add new subsection 903.2.8.2 to read:

903.2.8.2 GROUP R-2, R2.1, R4 MULTI-FAMILY RESIDENTIAL. In buildings with 3 or more Group R-3 dwelling units, or buildings with R-2.1 or R-4 uses, the automatic fire sprinkler systems shall be installed in accordance with Section 903.3.1.1.

Add new subsection 903.2.22 to read:

903.2.22 EXISTING BUILDINGS. An automatic sprinkler system shall be installed in an existing building when cumulative additions, repairs, or alterations are made to the building and such additions, repairs, or alterations meet any of the following conditions:

1. Additions to residential buildings (R-3) that increase the conditioned livable floor area of the existing structure by 50%. The increase in floor area shall be calculated cumulatively from July 1, 2010.
2. Any addition or additions to the original building which will add 10 percent or more to the total floor area of the existing building and the resulting floor area is 5,000 square feet (465 m²). The floor area shall be calculated in accordance with Section 903.2.
3. Additions, repairs, or alterations that will result in a change in occupancy or use and with the resulting floor area is 5,000 square feet (465 m²) or more and shall comply with the most current CBC and CFC edition. The floor area shall be calculated in accordance with Section 903.2.
4. Accumulative area of alteration, addition or repair is 5,000 square feet (465 m²) or more. Area of alteration, addition or repair area shall be calculated cumulatively from January 1, 2010. Building owners are to be held responsible.
5. Extensive remodeling in existing one- and two-family dwellings and townhouses, where roofs/ceilings are reconstructed or altered, and new sprinkler systems can be installed without inconvenience upon the Fire Chief's determination.

903.2.22.1 EXISTING BUILDINGS IN HAYWARD DOWNTOWN CORE AREA. Alternative design in lieu of fire sprinkler systems in Hayward's Downtown Core Area shall be permitted when it satisfies all provisions established by the Hayward Fire Department.

1. The Hayward Downtown Core is bounded by A St., Foothill Blvd., D St., and Grand St. and includes a four- block strip along the south side of D St. and a two-block area west of Grand St.

2. The alternative design option is only available to a renovation, improvement, or redevelopment project on an existing building used as Group A, B, E, F, M, R and S.
3. The alternative design is not applicable to newly constructed projects.
4. The project shall satisfy all provisions listed in the supplemental document - *Alternative Design in Lieu of Fire Sprinkler Systems in Hayward's Downtown Core*.

Add new subsection 903.2.23 to read:

903.2.23 HILLSIDE DESIGN AND WILDLAND-URBAN INTERFACE. Developments located in the hillside wildland-urban interface zone identified in Section 4901.3 of the ordinance shall be fully sprinkler per NFPA 13. Single family residence fire sprinkler system shall be installed in accordance with NFPA 13D with modifications listed in Section 903.3.1.3.1.

903.3 INSTALLATION REQUIREMENTS

903.3.1.1 NFPA 13 SPRINKLER SYSTEMS. Add to the end of this section to read:

“When automatic sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of 0.33 GPM for 3,750 square feet with a maximum coverage of 100 square feet per head. Use is considered undetermined if not classified at time permit is issued. Where subsequent use requires a system with greater capability, the system shall be reinforced to the required code in order to obtain clearance for the new use.”

903.3.1.2 NFPA 13R SPRINKLER SYSTEM. Deleted.

903.3.1.2.1 BALCONIES AND DECKS. Deleted.

903.3.1.3 NFPA 13D SPRINKLER SYSTEMS. Amend 903.3.1.3 to read:

903.3.1.3 NFPA 13D SPRINKLER SYSTEMS. Automatic sprinkler systems installed in one- and two-family dwellings (R-3) and R-3.1 shall be permitted to be installed throughout in accordance with NFPA 13D. Sprinkler systems in and R-3 buildings located in the Wildland Urban Interface Area shall be installed in accordance with this section, Section 903.2.8 and NFPA 13D with modifications listed in Section 903.3.1.3.1.

903.3.1.3.1 MODIFIED NFPA 13D SPRINKLER SYSTEMS.

NFPA 13D systems are required in the Wildland Urban Interface Area or areas identified as high hazard areas, the system shall be installed to meet the following requirements.

1. Complete sprinkler coverage shall be provided in attics, garages, decks, porches, foyers and crawl spaces 3 feet or higher or having storage.
2. For sprinkler systems in buildings with R-3.1 use, sprinkler coverage shall be provided in bathrooms and closets.
3. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any water flow activity in the fire sprinkler system.
4. Provide a minimum of two replacement sprinklers for emergency replacement along with an appropriate wrench for changing sprinkler heads.
6. Control valve shall be secured with a chain and breakaway lock.

903.3.5 WATER SUPPLIES. Amend 903.3.5 to read:

903.3.5 WATER SUPPLIES. Water supplies for automatic sprinkler systems shall comply with this section and the standards referenced in Section 903.3.1. Water supplies for automatic sprinkler systems shall be connected to the city water main. The potable water supply shall be protected against backflow in accordance with *Health and Safety Code, Section 13114.7*, NFPA 24, and the City of Hayward installation standards.

Add new subsections 903.3.5.3 to 903.3.5.4.2 to read:

903.3.5.3 FIRE SERVICE CONNECTIONS. Each fire service shall be installed in accordance with City of Hayward Standard Details.

903.3.5.3.1 FIRE SERVICE FOR NFPA 13 SPRINKLER SYSTEMS. Fire service for systems in accordance with NFPA 13 shall not be less than four inches in diameter. Fire service line smaller than four inches in diameter shall be permitted when all the following conditions are met:

- A fire service main is dedicated to supplying a single automatic fire sprinkler system in one building; and

- Hydraulic calculations shall show that the fire service line is able to supply the demand at the appropriate pressure for automatic fire sprinkler systems.

903.3.5.3.2 ONE- AND TWO- FAMILY RESIDENTIAL BUILDINGS. When an application is made for one- and two- family residential fire service connection serving residential fire sprinkler systems installed in accordance with NFPA 13D including modified NFPA 13D, such fire service installation shall not be less than one inch in diameter. For an application utilizing existing underground water line, a minimum $\frac{3}{4}$ inch in diameter shall be permitted.

903.3.5.4 WATER FLOW TEST DATA. Water flow test data applied in automatic fire sprinkler system design shall be less than five years old. Adjustments shall be made to the flow test results in order to take into account daily and seasonal fluctuations and uncertainties of overall water supply per the Hayward Public Works Department's recommendation of the maximum water pressure applied in the fire protection system design.

903.3.5.4.1 SAFETY MARGIN. A safety margin of 10% or 10 PSI may be used as a guideline. The projections prepared by the water utility shall be used when they are available.

Add new subsections 903.3.11 to 903.3.11.2 to read:

903.3.11 POST INDICATOR VALVES. One dedicated post indicator valve shall be provided for each sprinkler system water supply.

903.3.11.1 CONTROL INDICATOR VALVES. Use of control indicator valves which are parts of a backflow preventer assembly in lieu of the dedicated post indicator valve shall be allowed, subject to the approval of the Fire Department, when all of the following conditions are met:

1. The city water main is the only source of water supply to the fire service line.
2. The underground fire service line serves the wet fire sprinkler system(s) for only one (1) building.
3. The control valves of the backflow preventers are indicator valves, such as OS&Y valves.
4. A backflow preventer has at least one indicator valve not less than 40 feet away from the building, except in the following circumstances:
 - For buildings less than 40 feet in height, a backflow preventer with at least one indicator valve shall be permitted to be installed closer than

40 feet, but at least as far from the building as the height of the wall facing the backflow preventer.

- For buildings located in the Hayward Downtown Area, a backflow preventer with at least one indicator valve shall be permitted to be installed closer than 40 feet but shall be at the farthest possible location from the building.
5. The backflow preventer is located no farther than 150 feet away from the building, measured by underground fire service line. The backflow preventer shall be located in a way to avoid confusion in the field.

903.3.11.2 OTHER TYPE POST INDICATOR VALVES. The following valves controlling fire service water supply shall also be allowed in lieu of the dedicated post indicator valves.

1. An approved wall-type post indicator valve; or
2. Control valves installed in a fire-rated room accessible from the exterior.

903.4.2 MONITORING. Amend 903.4.2 to read:

903.4.2 MONITORING. Alarm, supervisory and trouble signals shall be distinctly different from one another and shall be automatically transmitted to an approved central supervising station and shall sound an audible signal at a constantly attended location in accordance with Section 903.4.3. This system shall have a supervised alarm and local alarm signaling capability.

903.4.3 - ALARMS. Add new subsection 903.4.3.1 and 903.4.3.2 to this section to read:

903.4.2.1 COMMERCIAL OR INDUSTRIAL BUILDINGS. At least one interior audible alarm device shall be installed within each tenant space of the building at a constantly attended location in the building and shall be placed in a location so as to be heard throughout the constantly attended areas in accordance with NFPA 72. The device shall activate upon any water flow activity in the fire sprinkler system.

903.4.2.2 ONE- AND TWO- AND MULTI-FAMILY RESIDENTIAL BUILDINGS. At least one interior audible alarm device shall be installed within the dwelling units in a location so as to be heard throughout the home with bedroom doors closed. The device shall activate upon any water flow activity in the fire sprinkler system.

SECTION 904 – ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS

904.3.5 MONITORING. Amend 904.3.5 to read:

904.3.5 MONITORING. Where a building fire alarm system or fire sprinkler monitoring system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system or the fire sprinkler monitoring system in accordance with NFPA 72. This system shall have a supervised alarm and local alarm signaling capability. Central station monitoring is required, which shall be done by an approved and/or listed central station monitoring company.

CHAPTER 50 – HAZARDOUS MATERIALS - GENERAL PROVISIONS

SECTION 5001 – GENERAL.

Add new subsection 5001.5.3 to read:

SECTION 5001.5.3 Hazardous Materials Business Plans (HMBP). - Shall be submitted annually. The frequency may be increased, modified or waived by the Fire Chief or their designee, but shall not exceed the time frames as established by the State of California laws and regulations.

SECTION 5003 - GENERAL REQUIREMENTS.

Add new subsection 2703.1.5 to read:

SECTION 5003.1.5 - PROHIBITED LOCATION. – Hazardous materials are not allowed below grade plane in buildings.

SECTION 5004.2.2 – SECONDARY CONTAINMENT FOR HAZARDOUS MATERIALS LIQUIDS AND SOLIDS. Where required by Table 5004.2.2, buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section when the capacity of an individual vessel or aggregate capacity of multiple vessels equals or exceeds 55 gallons. Additionally, the Fire Chief or his designee may require secondary containment at quantities less than 55 gallons or as specified in Chapter 50 in order to protect life safety, emergency responders, or the environment.

CHAPTER 57 – FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5701 - GENERAL.

5701.4 PERMITS.

Add new subsection 5701.4.1 to read:

5701.4.1 PLANS. Plans shall be submitted with each application for a permit to store more than 60 gallons of flammable and combustible liquids in drums or tanks. The plans shall indicate the methods of storage, quantities to be stored, distances from buildings and property lines, access ways, fire-protection facilities, and provisions for drainage and runoff. Storage shall be in accordance with approved plans.

SECTION 5703 - GENERAL REQUIREMENTS.

Add new subsection 5703.1.4 to read:

SECTION 5703.1.4 - PROHIBITED LOCATION. Flammable and combustible liquids are not allowed below grade plane in buildings.

SECTION 5704 - STORAGE.

Add new subsection 5704.1.1 to read:

5704.1.1 APPLICABILITY. Storage and use of flammable and combustible liquids in aboveground tanks over 60 gallons is prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such approval would minimize the danger to the health, safety, and welfare of the population of Hayward or to neighboring properties. When allowed, storage and use of flammable and combustible liquids in containers, cylinders, and tanks shall be in accordance with sections 5701 and 5704. For permits see Section 105.1 and 5701.4.

EXCEPTION: Allowance shall be granted in the industrial area of Hayward for stationary, monitored, and double-walled aboveground flammable and combustible liquid storage tanks as follows:

- a. Emergency power diesel generator tanks that do not exceed an aggregate site capacity of 5500 gallons. Tanks shall meet Underwriter Laboratory UL142 standard when manufactured as part of an emergency power generator package (generator belly tank) or Underwriter Laboratory UL2085 standard when tanks are separate from the generator package. Interstitial space shall be electronically monitored.
- b. Gasoline and diesel fueling tanks that meet the Underwriter Laboratory UL2085 standard and do not exceed a site capacity of 550 gallons. Interstitial space shall be electronically monitored.
- c. Combustible IIIB liquid storage tanks that do not exceed a site capacity of 5500 gallons. Tanks shall meet the Underwriter Laboratory UL142 standard.

- d. Hydraulic oil tanks for elevators that meet California Division of Industrial Safety standards.

For motor-vehicle-fuel-dispensing stations, see Chapter 23.

5706.2.8 DISPENSING FROM TANK VEHICLES.

Add item 9 and 10 to read:

9. Vapor-recovery systems are provided in accordance with Section 2306.7.9.
10. Tank vehicles shall not be permitted to serve as portable or temporary storage tanks.

APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS

SECTION B105 - FIRE-FLOW REQUIREMENTS FOR BUILDINGS. Amend subsections B105.1 and B105.2 to read:

B105.1 ONE- AND TWO-FAMILY DWELLINGS. The minimum fire-flow requirements for one- and two-family dwellings shall be 1,000 gallons per minute, at 20 PSI. (5,677.5 L/min.)

Table B105.2. Deleted

B105.2 BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 and R-4 BUILDINGS.

A reduction in required fire-flow of up to 50 percent, as approved by the Fire Chief, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire-flow shall not be less than 1,500 gallons per minute at 20 PSI. (5,677.5 L/min.).

APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION

TABLE C102.1 amended to read:

TABLE C102.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

FIRE FLOW REQUIREMENT (GPM)¹	MINIMUM NUMBER OF HYDRANTS	DISTRICT	AVERAGE SPACING BETWEEN HYDRANTS (FEET)^{2, 3, 4}	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT⁵	HYDRANT TYPE
1,750 or less	1	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
2,000	2	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
2,500	3	Low Density Residential	400	225	Modified Steamer
		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
3,500	4	Low Density Residential	400	225	Modified Steamer

		Median Density	400	200	Double Steamer
		Others	300	180	Double Steamer
4,500	5	All	300	180	Double Steamer
5,500	6	All	300	150	Double Steamer
6,500	7	All	250	150	Double Steamer
7,500 or more	8	All	250	120	Double Steamer

1. Measured at 20 PSI residual pressure.
2. Reduce by 100 feet for dead-end streets or roadways.
3. Where streets are provided with median dividers or arterial streets are provided with four or more traffic lanes, hydrants spacing shall average 500 feet on each side.
4. Where new water mains are extended along streets, where hydrants are not needed for protection of structures or similar fire problems, fire hydrants should be provided at not less than 1,000-foot spacing to provide for transportation hazards.
5. Reduce by 50 feet for dead-end streets or roadways.

APPENDIX D

FIRE APPARATUS ACCESS ROADS

SECTION D103 MINIMUM SPECIFICATIONS

D103.2 Grade. Amend Exception for D103.2

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent.

Exception 1: Grades 10% to 15% shall be constructed with a minimum 6-inch-thick Portland Cement Concrete, upon approval from the Fire Marshal's Office.

Exception 2: Grades 15.1% to 20% shall be constructed with a minimum 6-inch-thick Portland Cement Concrete with grooves, upon Fire Chief's approval.

D103.3 TURNING RADIUS. Amend Section D 103.3 to read:

D103.3 TURNING RADIUS. The minimum inside turning radius shall be 17 feet.
The minimum outside turning radius shall be 45 feet.

SEC. 5. 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. 6. 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. 7. 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. 8. 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. 9. 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.10. DATE OF EFFECT. This ordinance shall become effective on January 1,
20__.

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