

ARTICLE 1

FIRE PREVENTION

Section	Subject Matter
3-1.00	DEFINITIONS
3-1.01	BONFIRE DEFINED
3-1.02	FIRE ZONE ONE DEFINED
3-1.03	FIRE ZONE TWO DEFINED
3-1.04	GARBAGE DEFINED
3-1.05	TYPE 1 INCINERATOR DEFINED
3-1.06	TYPE 2 INCINERATOR DEFINED
3-1.07	TYPE 3 INCINERATOR DEFINED
3-1.08	OPEN FIRE DEFINED
3-1.09	RUBBISH DEFINED
3-1.20	OUTSIDE FIRES. PERMIT REQUIRED
3-1.21	APPLICATION FOR PERMIT
3-1.22	TYPES OF PERMITS
3-1.23	PERMITS SUBJECT TO REVOCATION OR MODIFICATION
3-1.24	BURNING OF CERTAIN MATERIALS PROHIBITED
3-1.25	BONFIRE PERMITS
3-1.26	INCINERATOR FIRE PERMITS
3-1.27	SPECIAL PERMITS
3-1.28	TIMES OF BURNING
3-1.29	LOCATION OF FIRES
3-1.30	FIRE ZONE ONE. TYPE OF FIRE

3-1.31

FIRE ZONE TWO. TYPE OF FIRE

3-1.40

INFLAMMABLE LIQUIDS

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SEC. 3-1.00 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined, and certain provisions shall be construed as herein set out, unless it shall be apparent from the context that a different meaning is intended.

SEC. 3-1.01 BONFIRE DEFINED. Bonfire shall mean any open fire not contained in a Type 1, 2 or 3 incinerator.

SEC. 3-1.02 FIRE ZONE ONE DEFINED. Fire Zone One shall mean that fire zone of the City described as Zone One pursuant to the Building Code of the City of Hayward.

SEC. 3-1.03 FIRE ZONE TWO DEFINED. Fire Zone Two shall mean that fire zone of the City described as Zone Two pursuant to the Building Code of the City of Hayward.

SEC. 3-1.04 GARBAGE DEFINED. Garbage shall mean animal or vegetable waste, provided that dried weeds, grass and garden and lawn trimmings shall be considered as rubbish.

SEC. 3-1.05 TYPE 1 INCINERATOR DEFINED. Type 1 Incinerator shall mean an enclosed incinerator as described in the Building Code of the City of Hayward.

SEC. 3-1.06 TYPE 2 INCINERATOR DEFINED. Type 2 Incinerator shall mean a metal or masonry incinerator which is entirely closed, has a chimney extending at least thirty (30) inches above the fire door, and is equipped with a clean-out door, fire door and spark arrester.

SEC. 3-1.07 TYPE 3 INCINERATOR DEFINED. Type 3 Incinerator shall mean a metal or masonry incinerator, barbecue pit or other structure designed, intended or useful for burning rubbish, entirely enclosed, and equipped with a removable cover. No hole or opening in the top or sides shall exceed one-half (1/2) inch in diameter or square dimension.

SEC. 3-1.08 OPEN FIRE DEFINED. Open Fire shall mean any fire located outside a building for the purpose of burning the contents thereof.

SEC. 3-1.09 RUBBISH DEFINED. Rubbish shall mean any combustible material or substance, other than garbage.

SEC. 3-1.20 OUTSIDE FIRES. PERMIT REQUIRED. It shall be unlawful for any person to ignite or maintain a fire, for other than cooking purposes, outside a building for the purpose of burning rubbish without first having obtained a permit therefor as herein provided.

SEC. 3-1.21 APPLICATION FOR PERMIT. Application shall be submitted to the Fire Chief on forms furnished by him, and shall set forth the name and address of applicant, the location of the proposed burning, and such other information as may be required by the Fire Chief.

The Fire Chief shall approve, approve conditionally, or disapprove said application, giving due considerations to provisions of this Article, and to the safety and welfare of the public in general.

SEC. 3-1.22 TYPES OF PERMITS. Open fire permits authorized to be issued by the Fire Chief are the following:

- (1) Bonfire Permit.
- (2) Incinerator Fire Permit.
- (3) Special Permit.

The Fire Chief shall impose such special conditions in open fire permits as in his opinion are required to preserve safety of life and/or property.

SEC. 3-1.23 PERMITS SUBJECT TO REVOCATION OR MODIFICATION. Open fire permits shall be subject to revocation or modification by the Fire Chief upon notice to the permittee upon the determination by the Fire Chief that burning pursuant to the permit would endanger the safety of life and/or property.

SEC. 3-1.24 BURNING OF CERTAIN MATERIALS PROHIBITED. It shall be unlawful for any person to burn garbage, rubber, oil or oil-soaked rubbish or any other material or substance which gives off in the burning process, offensive odors or smoke, which smoke is of soiling soot content.

SEC. 3-1.25 BONFIRE PERMITS. A bonfire permit shall entitle the permittee to ignite and maintain a bonfire on the date of issuance of the permit in compliance with the provisions and regulations of this Article, and any special conditions, provisions or requirements inscribed on the permit by the Fire Chief.

A bonfire permit shall be issued with validity for one (1) year, beginning with the date of issue. Every bonfire ignited or maintained under the authority of such annual permit shall be ignited only following permission requested, and obtained from the Fire Chief, for each and every separate fire and separate day. Such request and permission may be transacted by telephone, by reference to the serial number or said annual permit, and the Fire Chief shall record for each such permit, each and every separate permission issued thereupon.

SEC. 3-1.26 INCINERATOR FIRE PERMITS. Construction and location of Type 1 incinerators shall be subject to approval of the Building Inspector of the City, and the Fire Chief, and no permit for construction of such incinerators, other than the building permit, shall be required.

An incinerator fire permit shall be issued with validity for one (1) year beginning with the date of issue.

Whenever an outdoor barbecue pit or outdoor fire place is used for other than cooking purposes, such use shall be subject to regulations provided herein for Type 3 incinerators.

SEC. 3-1.27 SPECIAL PERMITS. The Fire Chief may grant special permits for the burning of bonfires for purposes of celebration and for the burning of cut and uncut vegetation, and any fire ignited or maintained pursuant to such special permit shall be subject to the provisions as to days, hours and locations of burning provided in this Article unless the days, hours or locations of burning are modified and set forth on the permit upon determination by the Fire Chief that burning pursuant to the permit as modified would not endanger the safety of life and/or property.

SEC. 3-1.28 TIMES OF BURNING. No fire shall be burned between the hours of 12:00 noon of any day and 7.00 o'clock A.M. of the following day.

Provided, however, Type 1 Incinerators equipped with completely effective and functioning smoke and fly-ash arrester devices shall not be subject to the time limitations hereof. The decision of the Fire Chief regarding such effectiveness shall be final.

SEC. 3-1.29 LOCATION OF FIRES. No bonfire shall be burned within twenty (20) feet of any building, or within five (5) feet of any property line.

No Type 2 incinerators shall be constructed or operated within five (5) feet of any building, or within five (5) feet of any property line.

No Type 3 incinerators shall be constructed or operated within ten (10) feet of any building or within five (5) feet of any property line.

SEC. 3-1.30 FIRE ZONE ONE. TYPE OF FIRE. No open fire permit shall be issued for any location within Fire Zone One, except for fires in enclosed Type 1 incinerators and in Type 2 incinerators where yard space is maintained.

SEC. 3-1.31 FIRE ZONE TWO. TYPE OF FIRE. No open fire permit shall be issued for any location in Fire Zone Two, except for fires in enclosed Type 1 incinerators, and in enclosed Type 2 incinerators where yard space is maintained, and in Type 3 incinerators, where such incinerators are used exclusively in connection with a single residential dwelling unit and where yard space is maintained.

SEC. 3-1.40 INFLAMMABLE LIQUIDS. Within the limits of the City of Hayward, inflammable liquids shall be delivered from dispensing devices only by the operators of such devices, their employees or authorized representatives., and when unattended, all pumps and other facilities for the delivery of inflammable liquids, shall be locked or other effective provisions made to prevent public access to supplies of such inflammable liquids.

For the purposes herein, "inflammable liquids" include all liquids with flash point below 110 degrees Fahrenheit, as determined in a "Saybolt Electric Open Cup Tester", and all liquids which emit a flammable vapor with flash point at or above 110 degrees Fahrenheit, as determined in a "Saybolt Electric Open Cup Tester".