

WAIMAKARIRI DISTRICT COUNCIL



**FIRE PREVENTION BYLAW INVOLVING
VEGETATION 1992**

WAIMAKARIRI DISTRICT COUNCIL
FIRE PREVENTION BYLAW INVOLVING VEGETATION 1992

(Issued pursuant to Section 649 of the Local Government Act 1974)

1. SCOPE

- 1.1 This bylaw relates to prevention of the spreading of fires involving vegetation inside an urban Fire District.
- 1.2 The power of this bylaw is in addition to and not in derogation of Section 650 of the Local Government Act 1974.
- 1.3 The scope of this bylaw is complementary to the provisions of the Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations 1979.
- 1.4 This bylaw is subject to Section 20 of the Forest and Rural Fires Act 1977.

2. INTERPRETATION

- 2.1 In this bylaw, unless the context otherwise requires:

“APPROVED”	Means approved by the Territorial Authority.
“BARBECUE”	Means any fixed solid fuel equipment, or fixed or portable gas equipment, for the cooking of food.
“DISTRICT”	Means a Fire District declared or constituted under Section 26 of the Fire Service Act 1975.
“FIRE BRIGADE”	Means a fire brigade as defined in Section 2 of the Fire Service Act 1975.
“FIRE OFFICER”	Means any authorised officer of the territorial authority or the Chief Fire Officer of a District, or the Deputy Chief Fire Officer, or, in the absence of both of them, the person for the time being in charge of the fire brigade.
“OCCUPIER”	Means in relation to any premises, the owner and includes any tenant, agent, manager, foreperson or other person apparently acting in the general management or control of the premises.
“OPEN AIR”	Means in relation to fires otherwise than within: <ul style="list-style-type: none">(a) an incinerator constructed to the New Zealand Standard 5202; or(b) any barbecue; or(c) traditional cooking fire.

“OPEN FIRE SEASON”	Means a period of time whether of fixed or indefinite duration during which period the lighting of fires in the open air is neither prohibited nor restricted under this bylaw.
“PERMIT”	In relation to the lighting of fires in the open air, means a fire control measure in accordance with which a person may light such fires without committing an offence against this bylaw.
“PREMISES”	Means both land and building and any part thereof.
“PROHIBITED FIRE SEASON”	Means a period of time, whether of fixed or indefinite duration, specified pursuant to this bylaw during which period the lighting of fires in the open air is prohibited.
“RESTRICTED FIRE SEASON”	Means a period of time, whether of fixed or indefinite duration, specified pursuant to this bylaw, during which period permits are required by this bylaw for the lighting of fires in the open air.
“TERRITORIAL AUTHORITY”	Means any territorial authority within the meaning of the Local Government Act 1974.
“TRADITIONAL COOKING FIRES”	Means any hangi or similar fire in the open air used for the preparation of food using traditional methods.
“VEGETATION”	Includes: <ul style="list-style-type: none"> (a) All plants and the produce thereof, live or dead, standing, fallen, windblown, cut, broken, pulverised, sawn, or harvested, natural or disturbed in use or as waste, rubbish, refuse or debris, stump, stubble or otherwise; and (b) Fossil fuel exposed at or lying within 20 metres of the surface of any land; and (c) Peat in any form - but does not include wood forming part of a structure or otherwise in processed form.

3. **FIRES IN OPEN AIR**

3.1 No person shall make or light or allow to remain alight any fire in the open air other than:

- (a) Within a fireplace made to the approval of the territorial authority.
- (b) During an Open Fire Season.

- (c) Pursuant to and in accordance with the conditions of a written permit issued during Restricted Fire Season by the territorial authority or any person appointed by the territorial authority to administer this bylaw.

4. **PERMITS FOR LIGHTING FIRES IN THE OPEN AIR**

4.1 Notwithstanding the provisions of Clause 3.1(c) of this bylaw no person shall light any fire in the open air and no person being the occupier of any premises shall cause, allow or suffer any such fire to be lit there or continue to burn:

- (a) While a strong wind is blowing or when conditions are such that the fire is likely to spread beyond the limits of the land or other property; and
- (b) Which is within five metres of any part of a building, tree, hedge, fence or other combustible material; and
- (c) Between the hours of sunset and sunrise, without specific approval/permission; and
- (d) Without maintaining adequate supervision during any burning.

4.2 Every permit to light a fire in the open air shall be in the form or to the effect of Form No 1 ("Fire Permit") set out in the Schedule hereto.

5. **CONDITIONS FOR LIGHTING BARBECUES AND TRADITIONAL COOKING FIRES**

5.1 No person shall use any barbecue or make any traditional cooking fire and no person being the occupier of any premises shall permit or suffer the use of any barbecue or the making of any traditional cooking fire:

- (a) Which by location, risk of spread, inadequate containment or prevailing circumstances of wind or otherwise constitutes or is likely to constitute a danger to any person or property; and
- (b) Without there being immediately available pressurised water supply connected to a hose; and
- (c) Without maintaining adequate supervision.

6. **PROHIBITION OF FIRES DURING PERIODS OF EXTREME FIRE HAZARD**

6.1 The territorial authority may at any time where in its opinion special reasons exist or may exist to prevent the outbreak or spread of fire, specify and restricted or prohibited fire season or seasons in the district or in any specified part or parts of the district and may at any time and from time to time cancel or vary any such season or seasons.

6.2 The territorial authority shall give public notice of any restricted or prohibited Fire Season made under subclause (1) of this clause by:

- (a) Broadcast or other effective means within the district.
- (b) Notice in a daily newspaper circulating throughout the district.

6.3 No person shall light any fire in the open air and no person being the occupier of any premises shall cause, permit or suffer any such fires to be lit there or to continue to burn in contravention of any prohibition made under this clause.

7. **EXEMPTIONS FROM PROHIBITIONS ON LIGHTING FIRES IN THE OPEN AIR**

7.1 Subject to Section 20 of the Forest and Rural Fires Act 1977:

- (a) The occupier of any premises in which an operation is being carried out which necessitates the use of fire in the open air may apply in writing to the territorial authority for an exemption from the prohibited fire season imposed by Clause 6.1 of this bylaw where that process or operation will be prejudicially affected by such prohibition.
- (b) The organiser of any special occasion or event may apply in writing to the territorial authority for an exemption from the prohibited fire season imposed by Clause 6.1 of this bylaw.
- (c) Upon receipt of any such application the territorial authority may grant, in writing, such exemptions subject to such conditions as it considers fit to impose.

8. **LIVE ASHES**

8.1 No occupier shall place or allow to be placed any live cinders or ashes in or upon any premises other than:

- (a) In a container made and constructed of steel or other similarly fire resistant material so as to prevent the transmission of heat to any flammable or combustible material; or
- (b) In a pit or upon any fire resistant substance in a manner which will prevent the spreading of fire or heat by the action of wind or otherwise.

9. **BREACH OF BYLAW**

9.1 Any person who shall do, or cause to allow to be done, anything in contravention of this bylaw or who shall omit or neglect to do or knowingly permit to remain undone, any matter or thing required under this bylaw, shall be deemed to have committed a breach thereof and shall be liable to a fine not exceeding \$1,500.00.

10. **BYLAW TO BE REPEALED**

10.1 All bylaws concerning the water race system in force made by the Council or its predecessors are hereby repealed provided that this repeal shall not affect the past operation of any such repealed bylaws or the validity or invalidity of anything done or suffered, or any right required, or duty or liability incurred under those bylaws.

11. **COMMENCEMENT**

11.1 This bylaw shall come into force on the 15th February 1993, being the day so fixed at a meeting of the Waimakariri District Council at which the resolution by way of Special Order making this bylaw was confirmed.

11.2 The resolution to make this bylaw was passed by the Waimakariri District Council at an Ordinary Meeting of the Council held on 16 December 1992, which was confirmed at a subsequent Ordinary Meeting of the Council on the 2nd February 1993.

SCHEDULE

Form 1

Forest and Rural Fires Act 1977, Section 23
Forest and Rural Fires Regulations 1979, Reg. 26
FSC Fire Prevention Bylaw, Section 4.2

Fire Authority

FIRE PERMIT

TO:

Name:
Address:
Phone:

Pursuant to Section 23 of the Forest and Rural Forest Act 1977 and all other relevant enactments, the FSC Fire Prevention Bylaws, and compliance with the conditions here set out, you are hereby authorised to light in the open air a fire in accordance with the particulars in this Permit.

Particulars

LOCALITY:
(eg road, grid ref, etc)
PROPERTY:
(as required by Fire Authority)
MATERIAL:
(eg scrub, with location on property and area to be burned)
DATE(S) AND TIME OF DAY:
GENERAL:
(eg land clearing operation)

Conditions

Statutory conditions: See over.

Joint permit conditions: This is also a permit under the enactment(s) and on the conditions set out on the annexed countersigned sheet(s) on behalf of:
.....

Special Conditions:
.....

Fire Officer:

Date:

EXTREME FIRE HAZARD NOTICES SUSPEND THIS PERMIT: See Condition 6 below.

Notes For Information of Permitted

Under the Forest and Rural Fires Act 1977, the Forest and Rural Fires Regulation 1979 and the FSC Fire Prevention Bylaw, there are compulsory conditions to the undermentioned effect. For their full legal form, please see the Act and Regulations and FSC Fire Prevention Bylaw.

- | | | |
|----------------|-----|--|
| "Open Air" | 1. | "Open Air" means not in a fireplace, incinerator, barbecue, or other place, duly approved in each case. |
| Wind, etc | 2. | Do not light up in a strong wind, or in conditions likely to spread the fire or to present a fire hazard (including an adverse long-range weather forecast). Check the weather forecast. |
| Camping, etc | 3. | If camping or cooking or needing comfort or warmth, keep fire at least 3m clear of any tree, log, stump, or dry vegetation. Remove all combustible material within 3m of the fire site. |
| Patrol | 4. | Patrol the fire until completely out or cannot spread. |
| Notice | 5. | Before lighting a controlled burn, notify neighbours as directed. |
| Extreme hazard | 6. | PERMITS ARE SUSPENDED by fire hazard emergency warnings or orders prohibiting all open air fires. Check by radio, or ring the Fire Authority. If fire is essential for emergency (eg stock disease) at such times, seek a "special permit". |
| Showing permit | 7. | This written permit must be produced on demand by a member of Police or a Fire Officer. |
| Damage | 8. | A permit is not a legal defence against claims for damage caused by the fire. |
| Parks, etc | 9. | Except where officially signposted otherwise, permits are needed at all times for open fires in National or Maritime Parks, in specially protected sites, and in (including their fire safety margins of usually 1 kilometre) other State areas or forest areas. |
| Escape | 10. | If the fire gets out of hand, try to extinguish it. Urgently notify |

the New Zealand Fire Service or a Fire Officer.

- | | | |
|---------------|-----|--|
| Offences | 11. | It is an offence to light an open air fire without the appropriate permit, or to break permit conditions or to let a fire spread to and injure a State area, forest area, or specially protected property, or to leave it unprotected against such spread. |
| Joint permits | 12. | Obtain further permits from soil conservation, Crown, or other statutory fire authorities whose approval is required, if this is not a joint permit signed on their behalf. |
| Landholder | 13. | Separate consent by the landholder may be needed. |
| Revocation | | THIS PERMIT IS REVOCABLE UPON NOTICE AT ANY TIME WITHOUT PRIOR WARNING. |

The Common Seal of the
Waimakariri District Council
was affixed hereto in the
presence of:

Mayor

District Secretary