

HURUNUI DISTRICT COUNCIL FIRE PREVENTION BYLAW 2008

1. SHORT TITLE AND COMMENCEMENT

- 1.1 This bylaw is made pursuant to section 146 (c) of the Local Government Act 2002 and is subject to sections 20 to 22 of the Forest and Rural Fires Act 1977.
- 1.2 This bylaw is the Hurunui District Council Fire Prevention Bylaw 2008.
- 1.3 This bylaw comes into force on 26 June 2008.
- 1.4 This bylaw revokes the Hurunui District Council Fire Prevention Bylaw Involving Vegetation 1992, and the Ashley County Council Fire By-Law 1973 No.4.

2. OBJECTIVES

- 2.1 The objectives of this bylaw include:
 - Protecting life and property from wild fires
 - Preventing the spread of wild fires
 - Reducing the likelihood of wild fires

3. DEFINITIONS AND INTERPRETATION

- 3.1 In this bylaw, except where inconsistent with the context:

Approved means approved by the Hurunui District Council.

Barbeque means any solid fuel fire, or portable gas fire, purpose built for the cooking of food.

Brazier means any fixed or portable solid fuel or gas fired equipment or appliance designed for heating and used outdoors.

Council means the Hurunui District Council.

District means a Fire District declared or constituted under section 26 of the Fire Service Act 1975.

Fire Officer means any authorised officer of the Council 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 Rural Fire Force.

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 except within:

- (a) An incinerator approved by the Hurunui Rural Fire Authority; or
- (b) Any purpose-built barbeque approved by the Hurunui Rural Fire Authority; or
- (c) Any purpose-built Brazier approved by the Hurunui Rural Fire Authority.

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 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 of the land and building.

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.

Traditional Cooking Fires means any Hangi or similar fire in the open air used for the preparation of food using traditional cooking methods.

Vegetation includes:

- (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 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.

3.2 This bylaw is in addition to existing fire control and prevention measures available under the Local Government Act 2002, the Forest and Rural Fires Act 1977, the Forest and Rural Fires Regulations 2005, the Fire Service Act 1975 and control over smoke nuisance in the Health Act 1956.

3.3 Nothing in this bylaw derogates from any duty, power or responsibility arising from these or any other enactment, bylaw or rule.

4. FEES

- 4.1 Actual and reasonable fees will be charged and included in Council's Fees and Charges manual or will be as prescribed by the Canterbury Regional Rural Fire Committee.

5. PENALTIES AND OFFENCES

- 5.1 Every person commits a breach of this bylaw who:
- (a) Commits, or causes to be committed, any act contrary to this bylaw, or
 - (b) Omits, or knowingly permits to remain undone, any act required by this bylaw, or
 - (c) Refuses or neglects to comply with any notice, or any condition in any such notice, whether public or private, given pursuant to this bylaw, or
 - (d) Obstructs or hinders any officer of the Council in the performance of any power, or duty conferred upon him or her by this bylaw.
- 5.2 The maximum penalty on summary conviction is \$20,000.

6. FIRES IN OPEN AIR

- 6.1 No person may 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 Council; or
 - (b) During an Open Fire Season; or
 - (c) Pursuant to and in accordance with the conditions of a written permit issued by the Council or any person appointed by the Council to administer this bylaw.
- 6.2 Despite the provisions of clause 6.1(c), no person may light any fire in the open air and no person being the occupier of any such premises may cause, allow or suffer any such fire to be lit there or continue to burn:
- (a) When 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; and
 - (d) Without maintaining adequate supervision during any burning; and
 - (e) Without there being immediately available a water supply.
- 6.3 Every permit to light a fire in the open air must be in a form prescribed by the Council.

7. CONDITIONS FOR LIGHTING BARBEQUES, TRADITIONAL COOKING FIRES AND BRAZIER

7.1 For the purposes of this clause, barbeque or brazier refers only to solid fuel barbeques or braziers.

7.2 Any person may use any barbeque or brazier or make any traditional cooking fire and any person being the occupier of any premises may permit or suffer the use of any barbeque or brazier or the making of any traditional cooking fire, provided that:

- (a) By location, risk of spread, inadequate containment or prevailing circumstances of wind or otherwise, the barbeque, brazier or traditional cooking fire is not likely to constitute a danger to any person or property; and
- (b) There is immediately available an appropriate means of extinguishment; and
- (c) Adequate supervision is maintained at all times.

8. RESTRICTION OR PROHIBITION OF FIRES DURING PERIODS OF EXTREME FIRE HAZARD

8.1 The Council may at any time where in its opinion special reasons exist or may exist to prevent the outbreak or spread of fire, specify any 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.

8.2 The Council must give public notice of any Restricted or Prohibited Fire Season made under Clause 8.1 by:

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

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

9. EXEMPTIONS FROM RESTRICTIONS OR PROHIBITIONS ON LIGHTING FIRES IN THE OPEN AIR

9.1 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 to the Council for an exemption to any Restricted Fire Season or any Prohibited Fire Season imposed by Clause 8.1 where that process or operation will be prejudicially affected by such restriction or prohibition.
- (b) Upon receipt of any such application the Council may grant, in writing, such exemptions subject to such conditions as it considers fit to impose in the form of a Permit to Light Fire

during a Restricted Fire Season or in the form of a Special Permit to Light Fire during a Prohibited Fire Season.

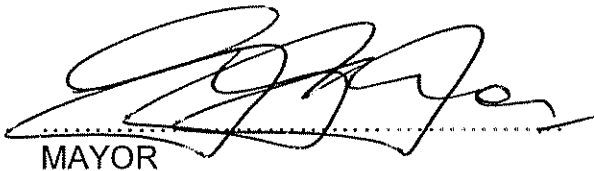
10. LIVE ASHES

10.1 No occupier may place or allow to be placed any live cinders or ashes in or on any premises other than:

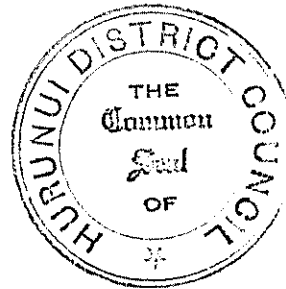
- (a) In a container made and constructed of steel or other similarly fire resistant material so as to prevent the transmission of heat to any flammable or combustible material; or
- (b) In a pit upon any fire resistant substance in a manner which will prevent the spreading of fire or heat by the action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

THE COMMON SEAL of the
HURUNUI DISTRICT COUNCIL

Was hereto affixed in the presence of:


MAYOR


CHIEF EXECUTIVE



APPENDIX A

Permit to light fire

Section 23, Forest and Rural Fires Act 1977

[Name of Fire Authority or, if joint permit, name of Fire Authorities]

- 1 Permit number.
- 2 Permit holder: *[full name of person to whom permit is issued]*
- 3 Mailing address of permit holder.
- 4 Email address of permit holder.
- 5 Telephone number of permit holder.
- 6 Fax number of permit holder.
- 7 Location of fire.
[attach a property location map showing the rural address, roads, grid references, etc]
- 8 Fuel types to be burned:
[indicate on the property location map the fuel types to be used and the size/area to be burned]
- 9 Permit valid from. *[date]* to *[date]* (inclusive).
- 10 Time of day: *[time]* to *[time]* (inclusive)
- 11 General information about the nature and purpose of the fire: *[eg. land clearing operation, incinerator fire]*

This permit is issued under section 23 of the Forest and Rural Fires Act 1977
You may light a fire in the open air at the location described above, subject to compliance with the following conditions

Conditions

The following conditions apply:

- (a) you must not light a fire if a strong wind is blowing or if the conditions are such that the fire is likely to spread beyond the limits of the land or other property for which this permit is issued;
- (b) this permit is suspended if there is a prohibition or order under section 20 or section 21 of the Forest and Rural Fires Act 1977 against the lighting of fires in the open air at the location described in paragraph 6;
- (c) immediately before lighting a fire you must make reasonable efforts to confirm that no prohibition or order is currently in force.

Special conditions: [*Fire Authority to specify if any*]

.....
Rural Fire Officer

.....
Date

I understand the conditions of this permit and have read the “**Information for permit holders**”

.....
Permit holder

.....
Date

Information for permit holders

Meaning of open air

Lighting a fire in the open air means lighting a fire out of doors other than in an approved fireplace, incinerator, barbecue, or other authorised receptacle

Resource consents

This permit is not a resource consent to discharge smoke or other contaminants into air. It does not exempt you from any obligations you may have under section 15 of the Resource Management Act 1991. You should check these matters with the relevant regional council

Additional permits

Depending on where the fire authorised by this permit is to be lit, further fire permits may be required from the Department of Conservation, another Fire Authority, or the relevant city or district council

Escape

If the fire escapes, and if it is safe to do so, try to extinguish it. Otherwise telephone 111

Extreme fire danger

Fire permits are suspended if a fire ban or an order prohibiting open air fires is in place. During a period of extreme fire danger, check with the Fire Authority on whether you may light a fire. If lighting a fire is essential for emergency purposes (eg, for destroying diseased or dead stock, or combating the likely spread of introduced organisms) you will need a special fire permit from the Fire Authority

Insurance

This permit is not a legal defence against claims for damage or fire-fighting costs caused by the fire. We advise you to have adequate fire insurance to cover any misadventures.

Offences

It is an offence not to produce this permit within a reasonable time when asked to do so by a member of the police or a Rural Fire Officer

It is an offence, when there is a restricted or prohibited fire season in place, to light a fire in the open air without a permit, or to breach permit conditions

Full details of these and other offences relating to lighting fires in the open air are set out in the Forest and Rural Fires Act 1977.

APPENDIX B

Special permit to light fire

Section 24, Forest and Rural Fires Act 1977

[Name of Fire Authority or, if joint permit, name of Fire Authorities]

- 1 Permit number:
- 2 Permit holder: *[full name of person to whom permit is issued]*
- 3 Mailing address of permit holder:
- 4 E.mail address of permit holder:
- 5 Telephone number of permit holder:
- 6 Fax number of permit holder:
- 7 Location of fire.
[attach a property location map showing the rural address, roads, grid references, etc]
- 8 Fuel types to be burned.
[indicate on the property location map the fuel types to be used and the site/area to be burned]
- 9 Permit valid from. *[date]* to *[date]* (inclusive)
- 10 Time of day: *[time]* to *[time]* (inclusive)
- 11 General information about the nature and purpose of the fire (including details about why a special permit should be given):

This permit is a special permit issued under section 24 of the Forest and Rural Fires Act 1977. A special permit may be issued to prevent, reduce, or overcome any hazard to life or health or in other serious emergency, or during a prohibited fire season where weather or other conditions have so temporarily reduced the fire hazard as to make it apparently safe to light the fire.

While this permit is current you may light a fire in the open air at the location described above despite any prohibition under section 20, 31, or 23 of the Forest and Rural Fires Act 1977. However, the permission granted by this permit is subject to compliance with the particulars in this permit and the following conditions and special conditions.

Conditions

The following conditions apply.

- (a) you must not light a fire if a strong wind is blowing or if the conditions are such that the fire is likely to spread beyond the limits of the land or other property for which the permit is issued.
- (b) the *[name of Fire Authority]* has the right to supervise the lighting of the fire

Special conditions: [*Fire Authority to specify if any*]

.....
Rural Fire Officer

.....
Date

I understand the conditions of this permit and have read the “**Information for permit holders**”

.....
Permit holder

.....
Date

Information for permit holders

Meaning of open air

Lighting a fire in the open air means lighting a fire out of doors other than in an approved fireplace, incinerator, barbecue, or other authorised receptacle

Resource consents

This permit is not a resource consent to discharge smoke or other contaminants into the air. It does not exempt you from any obligations you may have under section 15 of the Resource Management Act 1991. You should check these matters with the relevant regional council.

Additional permits

Depending on where the fire authorised by this permit is to be lit, further fire permits may be required from the Department of Conservation, another Fire Authority, or the relevant city or district council.

Escape

If the fire escapes, and if it is safe to do so, try to extinguish it. Otherwise telephone 111.

Insurance

This permit is not a legal defence against claims for damage or fire-fighting costs caused by the fire. We advise you to have adequate fire insurance to cover any misadventures.

Offences

It is an offence not to produce this permit within a reasonable time when asked to do so by a member of the police or a Rural Fire Officer.

It is an offence to breach the conditions in this permit.

Full details of these and other offences relating to lighting fires in the open air are set out in the Forest and Rural Fires Act 1977.