
PART 6 - FIRE PREVENTION

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PART 6 : FIRE PREVENTION

601 Interpretation

601.1 In this part of the bylaw, unless inconsistent with the context or where otherwise expressly provided:

BARBECUE means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.

INCINERATOR means any incinerator constructed to New Zealand Standard 5202, or

- (a) An oil drum covered over the top with a heavy gauge steel wire mesh of 3 centimetres square.
- (b) An oil drum fitted with a flue and cowl and a lid.
- (c) A pumice copper fitted with a flue and cowl and a lid.
- (d) A masonry or concrete incinerator commercially produced placed on a concrete slab base and fitted with a fire box and heavy gauge steel wire mesh cover of 1.5 square metres.
- (e) A masonry or concrete incinerator commercially produced placed on a concrete slab base and fitted with a fire box flue and cowl and a lid.
- (f) Any other type of incinerator approved by the Principal Administrative Officer, which is publicly notified.

LARGE SCALE means any fire in the open air which exceeds or is intended to exceed a cubic metre in size.

OPEN AIR means in the open whether on or above ground level away from any building or other construction.

OPEN FIRE SEASON means a period of time, whether fixed or indefinite during which the lighting of fires in the open air is not restricted.

PRINCIPAL RURAL FIRE OFFICER means a Principal Rural Fire Officer appointed pursuant to the Forest and Rural Fires Act 1977.

PROHIBITED FIRE SEASON means the period of time, whether fixed or indefinite during which the lighting of fires in the open air is prohibited.

RESTRICTED FIRE SEASON means the period of time, whether fixed or indefinite during which the lighting of fires in the open air requires a permit.

RURAL FIRE DISTRICT means a rural fire district constituted under the Forest and Rural Fires Act 1977.

602 Fires in the Open Air

602.1 No person shall light a fire in the open air or allow a fire to remain alight other than:

- (a) In a properly constructed barbecue or as part of a traditional cooking process including hangi or umu.
- (b) During an Open Fire Season when a permit is not required.
- (c) Pursuant to and in accordance with the conditions of a Permit to light a fire in the open air;
 - (i) at any time during a Restricted Fire Season; or
 - (ii) at any time in an Open Fire Season if the fire involves the large scale burn off of vegetation or other material.
 - (iii) in a Rural Fire District.
- (d) Pursuant to and in accordance with the conditions of a special exemption issued by the Principal Administrative Officer or the Principal Rural Fire Officer during a Prohibited Fire Season.

602.2 No fire shall be lit or allowed to remain alight in the open air at any time:

- (a) Where the location, wind or other conditions is likely to cause the fire to:
 - (i) become a danger to any person or property;
 - (ii) become out of control or spread beyond the limits of the land or other property on which it is lit;
 - (iii) become a smoke nuisance to any person;
- (b) Within three metres of any part of a tree, hedge, fence or other combustible material, without specific approval from the Authorised Officer.
- (c) Within ten metres of any part of a dwellinghouse.
- (d) During the night without specific approval from the Authorised Officer.
- (e) Without adequate supervision being maintained at all times.
- (f) Without a hose connected to a reticulated water supply being available where the fire is located on or adjacent to residential premises.

602.3 Nothing in this part of the bylaw shall authorise or be deemed to authorise any person to light any fire in the open air that creates a nuisance or danger from fire to any person or property.

603 Permit to Light a Fire in the Open Air

- 603.1** Any person wishing to obtain a Permit to Light a Fire in the Open Air in accordance with clause 602.1(c) shall make application in writing to the Principal Administrative Officer.
- 603.2** The Principal Administrative Officer may prescribe a form of application for the purposes of clause 603.1.
- 603.3** Upon receiving an application under clause 603.1 the Principal Administrative Officer may issue a Permit to light a fire in the open air and may impose any conditions and restrictions considered reasonably necessary having regard to any cultural requirements or practices, the location, terrain, natural vegetation, buildings or other constructions and protection of the safety, health and convenience of persons on the premises or adjoining land.

604 Restricted/Prohibited Fire Seasons

- 604.1** The Principal Administrative Officer may at any time in consultation with the Area Fire Commander, specify any Restricted or Prohibited Fire Season or seasons within the District or in any specified part or parts of the District, and may at any time cancel or vary the season or seasons.
- 604.2** Unless specifically exempted by the Principal Administrative Officer no person shall light a fire in the open air and no person being the occupier of any premises shall cause or permit a fire to be lit there or to remain alight in contravention of any prohibition under clause 604.1.
- 604.3** Any person wishing to obtain an exemption to any prohibition imposed under clause 604.1 shall make an application in writing to the Principal Administrative Officer.
- 604.4** Upon receiving an application under clause 604.3 the Principal Administrative Officer in consultation with the appropriate Fire Officer, may issue an exemption in writing and may impose any conditions and restrictions considered reasonably necessary having regard to any cultural requirements or practices, the location, terrain, natural vegetation, buildings or other constructions and protection of the safety, health and convenience of persons on the premises or adjoining land.
- 604.5** Public notice of any restricted or prohibited Fire Season made under clause 604.1 shall be given either by:
- (a) Broadcast or other effective means within the district; or
 - (b) Notice in a daily or community newspaper circulating in the district.

605 Revocation or Suspension of Permit/Exemption

- 605.1** Subject to clause 605.2, every permit issued pursuant to clause 604.4 and every exemption shall remain in force from the date of issue until the expiry of the period, date or time specified in the permit or exemption.
- 605.2** Any permit or exemption issued under this part of the bylaw may be revoked or suspended by the Principal Administrative Officer at any time or suspended for a period or periods of time on any terms and conditions considered reasonable in the circumstances.

606 Permit Fees

606.1 The Council may by resolution specify the fee payable for the issue of a permit to light a fire in the open air. The prescribed fee shall be paid when uplifting the permit.

607 Live Ashes

607.1 No occupier shall place any live cinders, embers or ashes in or upon any premises other than:

- (a) In a container made and constructed of steel or other similarly fire resistant material to prevent the transmission of heat to any 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.
- (c) As part of a traditional cooking process including hangi and umu.

608 Removal of Gorse and Other Growth

608.1 No occupier or any other person having the control of any land shall allow any broom, gorse, Manuka, bushes, scrub, dry grass, or similar growth to exist within 5 metres of any building or adjoining premises in such a condition or state that it is likely to become a source of danger from fire.

608.2 On the recommendation of the Inspector the Council may, by written notice, require an occupier or person having control of any land to remove any dangerous growth.

608.3 The Council may cut down or otherwise eradicate and remove any broom, gorse, Manuka, bushes, scrub, dry grass or similar growth to which clause 608.1 applies, after giving oral notice to the occupier or where there is no occupier, to the owner, of the land, if life, property or any road is in imminent danger. The cost of the work shall be a charge against the land.

609 Storage of Timber

609.1 Except as provided in clauses 609.2 and 609.3, no occupier of any premises shall permit the storage or stacking in the open of any combustible material, unless the distance of the stack from any boundary other than a street boundary is at least equal to the height of the stack, but in any case not less than 1.4 metres.

609.2 A stack may be placed closer to the boundary than the distance specified in clause 609.1 if a brick, stone, or concrete wall extending not less than 450 millimetres above and not less than 1.4 metres beyond the length of the stack, is situated between the stack and the boundary.

609.3 A stack may, with the written approval of the adjoining owner and of the Principal Administrative Officer, be placed closer to the boundary than the distance specified in clause 609.1 where any of the following conditions continue to exist:

- (a) Where there is a brick, stone or concrete wall as defined in clause 609.2 without openings situated on the adjoining property and within 1.4 metres of the common boundary; or

- (b) Where there are no buildings on the adjoining land; or
- (c) Where there is no danger of a stack adjacent to a boundary increasing the risk of the spread of fire.

610 Storage of Hay

- 610.1** No occupier of any premises shall permit the storage or stacking in the open of more than 3 cubic metres of hay, or similar material unless the distance of the stack from any building, boundary, fence, private road, public place, or adjacent land is not less than 6 metres and the intervening space is at all times kept free from any rubbish or obstruction of any kind.
- 610.2** No occupier of any premises shall permit the storage of more than 1 cubic metre of hay or similar material in any building attached to, or at a distance of less than 6 metres from, any other building unless the first mentioned building has a roof of approved fire-resistant material and walls constructed wholly of brick, stone, or concrete or any combination of brick, stone and concrete and complying with the specifications mentioned in clause 609.2.
- 610.3** The provisions of clause 610.2 shall not apply in any case where agricultural produce required for the keeping of horses is kept or stored in any building used only for the purpose of or in connection with a stable.