

KAIKOURA DISTRICT



**KAIKOURA
DISTRICT COUNCIL**

**(FIRE PREVENTION,
INVOLVING VEGETATION)**

**BYLAW
1999**

KAIKOURA DISTRICT COUNCIL

KAIKOURA DISTRICT (FIRE PREVENTION INVOLVING VEGETATION) BYLAW 1999

1. Introduction

A Bylaw of the Kaikoura District Council:

- This Bylaw relates to the prevention of the spreading of fires involving vegetation inside the urban Fire District.
- To allow suitable fire restrictions to be applied to the Kaikoura Urban Fire District in respect of vegetation fires.
- To enable the Kaikoura District Council to issue fire permits when restrictions are in force and conditions are suitable for the lighting of vegetation fires.
- The power of the Bylaw is in addition to and not in derogation of Section 650 of the Local Government Act 1974.
- The scope of the Bylaw is complementary to the provisions of the Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations 1979.
- This Bylaw is subject to section 20 of the Forest and Rural Fires Act 1977.

The Kaikoura District Council hereby resolve by way of special order to adopt the following Bylaw, pursuant to the Local Government Act 1974, powers and authorities enabling the Council in that behalf.

1.1 Short Title

- 1.1.1 The short title of this Bylaw shall be ‘The Kaikoura District (Fire Prevention Involving Vegetation) Bylaw 1999’.

1.2 Commencement

- 1.2.1 This Bylaw shall come into force on 1 March 1999.

1.3 Bylaws Revoked

- 1.3.1 All Bylaws in force in the District at the time this Bylaw comes into force, which cover matters now covered by the Bylaw, are hereby revoked.

1.4 Application of Bylaw

1.4.1 This Bylaw applies to the prevention of fires involving vegetation within the Kaikoura Urban Fire District.

1.4.2 This Bylaw applies to existing urban fire districts and any future fire districts which may be gazetted.

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:- a. An incinerator constructed to the New Zealand Standard 5202, or b. Any barbeque, 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's, 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's, specified pursuant to this Bylaw, during which period permits are required by the 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 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 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 a 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 3.1c. 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 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.
- 6.2 The Territorial Authority shall give public notice of any restricted or prohibited Fire Season made under sub clause (1) of this clause by:
- a. Broadcast or other effective means within the district.
 - b. Notice in a daily/weekly 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 Prohibition 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 the processor operation will be prejudicially affect 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 resistance 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.

IN WITNESS WHEREOF these presents have been executed the day and year first before written.

SIGNED BY)

Mayor

in the presence of)

THE COMMON SEAL of)

THE KAIKOURA DISTRICT COUNCIL)

was hereto affixed in the presence of)

General Manager

The above resolution was confirmed as a special order at a meeting of the Council held on 17 February 1999.



FIRE PERMIT

TO:

Name: _____

Address: _____

Phone: _____

Pursuant to section 23 of the Forest and Rural Fires Act 1977 and all other relevant enactment's, the KDC Fire Prevention Bylaws and subject to 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:

Extreme Fire Hazard notices suspend this permit - see condition 6 overleaf.
Conditions on reverse apply.

Fire Officer

Date

Notes for Information of Permittee

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

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| 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 (Ph.03 3195026/025 375630). 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 air fires in National or Maritime Parks, in specially protected sites, and in (including their fire safety margins of usually 1.5km) other State areas or forest areas. |
| Escape | 10. If the fire gets out of hand, try to extinguish it. Urgently notify 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**