

# **PREVENTION OF SPREAD OF FIRES INVOLVING VEGETATION BYLAW**

**Effective Date:** 5 July 2007

**Review:** 2017

**HOROWHENUA DISTRICT COUNCIL  
PREVENTION OF SPREAD OF FIRES INVOLVING  
VEGETATION BYLAW 2007**

The Horowhenua District Council, acting in pursuance and exercise of the powers and authorities conferred on it by the Local Government Act 2002, the Forest and Rural Fires Act 1977, the Bylaws Act 1910, their respective amendments, and all other powers and authorities in any way enabling it HEREBY RESOLVES BY SPECIAL ORDER to make the following bylaw:

**HOROWHENUA DISTRICT COUNCIL PREVENTION OF SPREAD OF FIRES INVOLVING  
VEGETATION BYLAW 2007**

**1. SHORT TITLE**

The short title of this bylaw shall be the Horowhenua District Council Prevention of Spread of Fires Involving Vegetation Bylaw 2007.

**2. COMMENCEMENT**

This bylaw shall come into force on the 5<sup>th</sup> day of July 2007.

**3. SCOPE**

- 3.1 This Bylaw relates to prevention of the spreading of fires involving vegetation inside the Horowhenua District Council's Urban Fire Districts.
- 3.2 The power of this Bylaw is in addition to and not in derogation of section 183 of the Local Government Act 2002.
- 3.3 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 2005.
- 3.4 This Bylaw is subject to Section 20 of the Forest and Rural Fires Act 1977 (Prohibition of fires during extreme fire hazard).

**4 INTERPRETATION**

4.1 In this bylaw, unless the context otherwise requires:

APPROVED	Means approved by the Horowhenua District Council
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 Horowhenua District 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 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) A fireplace (including any enclosed fireproof place or incinerator for combustion by fire) constructed and maintained in a dwelling or other structure or in any other place to the approval of the public or local authority having jurisdiction to issue the relevant permit to build such dwelling or structure or to authorise the construction or installation of the fireplace; or
  - (b) Any incinerator operated by or with the written approval of a Fire Officer having jurisdiction to issue permits to light fires within the district; or
  - (c) Any barbecue, whether fixed or portable:
    - (i) Which is of a type or construction prescribed by regulations or authorised, specifically or generally by a Fire Officer within whose jurisdiction the barbecue is to be used; and
    - (ii) which is used in any area so prescribed or authorised;
  - (d) Such other receptacle or place as may from time to time be authorised by the Fire Authority for the relevant District or be prescribed.
- 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 the Horowhenua District Council within the meaning of the Local Government Act 2002.
- TRADITIONAL COOKING FIRES** Means any hangi, umu, 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.

## **5. FIRES IN OPEN AIR**

- 5.1 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 Horowhenua District Council; or
  - (b) During an Open Fire Season.
  - (c) In accordance with the conditions of a written permit issued during a Restricted Fire Season by a Warranted Rural Fire Officer of the Horowhenua District Council.

## **6. PERMITS FOR LIGHTING FIRES IN THE OPEN AIR**

- 6.1 Notwithstanding the provisions of Clause 5.1(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.
- 6.2 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 Schedule 1 to this Bylaw.

## **7. CONDITIONS FOR LIGHTING BARBECUES AND TRADITIONAL COOKING FIRES**

- 7.1 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 maintaining adequate supervision.

## **8. RESTRICTION/PROHIBITION OF FIRES DURING PERIODS OF EXTREME FIRE HAZARD**

- 8.1 A Warranted Rural Fire Officer acting under delegated authority of Council may at any time where in their 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 Horowhenua District Council 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 newspaper circulating throughout the district.

8.3 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 restriction/prohibition made under this clause.

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

9.1 Subject to the requirements detailed in Section 24 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 Horowhenua District Council for an exemption from the restricted/prohibited fire season imposed by Clause 8.1 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 Horowhenua District Council for an exemption from the restricted/prohibited fire season imposed by Clause 8.1 of this Bylaw.
- (c) Upon receipt of any such application the Horowhenua District Council may grant, in writing, such exemptions subject to such conditions as it considers fit to impose.

## **10. LIVE ASHES**

10.1 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.

## **11. SAVINGS**

All permits, restrictions or prohibitions presently in force or made shall until revocation, variation or amendment, remain in full force and effect as through made under the provisions of this Bylaw.

## **12. OFFENCES AND PENALTIES**

Every person commits an offence and is liable on summary conviction to a penalty set out in s242(4) or (5), as the case may be, of the Local Government Act 2002, who breaches a bylaw made under Part 8 of the Local Government Act 2002.

## **13. ATTESTATION**

The foregoing Bylaw entitled by Horowhenua District Council Prevention of Spread of Fires Involving Vegetation Bylaw 2007 was duly made at an ordinary meeting of the Horowhenua

District Council held in the Council Chambers, 15 Bath Street, Levin, on the 7th day of March 2007 and following use of the Special Consultative Procedure as required by the Local Government Act 2002, and meantime having been publicly notified, was confirmed at an ordinary meeting of Council held on the 4<sup>th</sup> day of July of 2007.

IN WITNESS hereof )  
the Common Seal of the )  
HOROWHENUA DISTRICT COUNCIL )  
was hereunto affixed in )  
the presence of: )

..... MAYOR

..... CHIEF EXECUTIVE OFFICER

**FIRE PERMIT FORM**

**Permit Holder Details**

FULL NAME \_\_\_\_\_

Physical Address \_\_\_\_\_

Postal Address \_\_\_\_\_

Telephone \_\_\_\_\_ Mobile \_\_\_\_\_ Fax \_\_\_\_\_ Email \_\_\_\_\_

Is authorised to light a fire in the open air pursuant to Section 23 of the Forest and Rural Fires Act 1977, to the provisions of the Horowhenua District Council Prevention of Spread of Fires Involving Vegetation Bylaw 2007, and all other relevant enactments, and subject to compliance with the conditions and particulars of this permit.

Location: \_\_\_\_\_  
(Give road, street address, map or grid reference, etc)

Property Name: \_\_\_\_\_

Material: \_\_\_\_\_  
(Describe material to be burnt, location on property and area)

Period valid commencing: \_\_\_\_\_ to \_\_\_\_\_ (inclusive)

Time valid commencing: \_\_\_\_\_ to \_\_\_\_\_ (inclusive)

General Details: \_\_\_\_\_

**PERMIT CONDITIONS: ✓ as appropriate**

- Create a minimum \_\_\_\_ metre fire break completely around the material to be burnt to ensure adequate containment of the fire and to safeguard against the risk of the fire spreading.
- Open air fires must be a minimum of five metres from buildings, the boundary and combustable material.
- Incinerator fires must be a minimum of three metres from buildings, the boundary and expected combustible material.
- Do not light fires in windy conditions. Obtain a weather forecast and check conditions for the duration of the fire prior to lighting.
- Ensure you are equipped to extinguish the fire should it get out of control (e.g. water, hose, dirt, sprayer, digger etc.)
- Maintain adequate supervision of the fire and inspect the area to ensure the fire is completely extinguished before leaving.
- Do not create a smoke nuisance for people or a visibility hazard for road, rail or air traffic.
- Contact immediate neighbours prior to lighting the fire.
- Notify the New Zealand Fire Service Communications Centre (04-801 0812) just prior to lighting the fire
- Notify the relevant authority just prior to lighting the fire if the fire will be near gas reticulation, fuel storage facilities, telephone cables or power transmission lines.
- Burn between sunrise and sunset.
- Notify Horizons Regional Council (0508 446 749) if the material being burnt is other than vegetation, or the fire is near river stop banks or waterway protection systems.
- Other Conditions:

\_\_\_\_\_  
Fire Officer

\_\_\_\_\_  
Permit Holder

\_\_\_\_\_  
Date

I understand the conditions of this permit and have read the "Notes for Information of the Permit Holder"

**EXTREME FIRE HAZARD NOTICES SUSPEND THIS PERMIT  
CHECK WITH THE HOROWHENUA DISTRICT COUNCIL IF IN DOUBT**

### **Notes for Information of the Permit Holder**

- "Agents"** *Delegation to another person to act on behalf of the permit holder at a fire does not absolve any legal liability should any damage occur during the period of their absence.*
- "Clean Air"** *This Permit does not constitute a resource consent to discharge smoke into the atmosphere or absolve any further obligations under Section 15 of the Resource Management Act 1991, as may be required by Horizons Regional Council.*
- "Escape"** *If the fire escapes, and if it is safe to do so try to extinguish it. **Telephone 111 urgently.***
- "Extreme Fire Danger"** *FIRE PERMITS ARE SUSPENDED by fire bans, or orders prohibiting all open-air fires. During periods of extreme fire danger check with the Horowhenua District Council. If fire is essential for emergency purposes (e.g. destroying diseased or dead stock, or combating the likely spread of introduced organisms) seek a "special fire permit" from the Horowhenua District Council.*
- "Insurance"** *This permit is not a legal defence against claims for damage or fire fighting costs caused by the fire. Permit holders are advised to have adequate fire insurance to cover any misadventures.*
- "Joint Permits"** *Further firer permits may be required from the Department of Conservation, other Fire Authorities, or neighbouring Territorial Authorities if the fire is close to territory under their jurisdiction.*
- "Landholder"** *Separate consent by the landholder may be needed.*
- "Offences"** *It is an offence to light an open air fire (other than during an open fire season), without the appropriate permit, or to break permit conditions, or to let a fire spread to and damage a State Area, forest area, or specially protected reserve area, or any other rural area, or to leave the fire unprotected against such spread.*
- "Open Air"** *In relation to fires, means not in a fireplace, incinerator, gas-fuelled barbecue, or other place approved in each case.*
- "Prescribed Burning Plan"** *Land clearing fires may require a written plan detailing topography, hazard contingencies, firebreaks, safety equipment, ignition points, escape routes and operational procedures, etc.*
- "Showing Permit"** *Please produce this permit if required by a member of the NZ Police, NZ Fire Service or Fire Authority.*
- "Camping etc"** *If camping or cooking, or needing comfort or warmth, keep the fire at least 3 metres clear of any tree, log, stump, or dry vegetation. Remove all combustible materials within 3 metres of the fire site.*

**THIS PERMIT IS REVOCABLE UPON NOTICE AT ANY TIME  
WITHOUT PRIOR WARNING**