

# Part 3

## Open Air Fires in the Urban Fire District

### CONTENTS

301	Scope .....	2
302	Definitions.....	2
303	Prevention of Vegetation Fires .....	2

### 301 Scope

The purpose of this Part of this bylaw is to:

- (a) Allow the Council to provide for the protection of people and property from the risk and spread of fires by reducing vegetation fire hazards and
- (b) meet the requirements under the Local Government Act 2002 and other legislation for territorial authorities to have a bylaw to prevent the spread of fires involving vegetation. This by-law gives effect to and complements provisions of:
  - (i) The Local Government Act 2002.

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

### 302 Definitions

#### **Fire Officer**

Any person authorised by the Council to act as a fire officer or who is a member of the New Zealand Fire Service or of a fire brigade, in accordance with the Fire Service Act 1975. This includes, where appropriate, a rural fire officer, as defined in the Forest and Rural Fires Act 1977.

#### **Vegetation**

Includes, but is not limited to, all plants and the produce thereof, live or dead, standing, fallen, windblown, cut, broken, pulverised, sawn, or harvested, natural or distributed, in use or as waste, rubbish, refuse or debris, stump, stubble or otherwise; and fossil fuel exposed at or lying within 20 metres of the surface of any land; and peat in any form. This does not include wood forming part of a structure or otherwise in processed form

### 303 Prevention of Vegetation Fires

*No person shall cause or allow to persist any condition that increases the likelihood of accidental vegetation fire or its spread, and in particular:*

- (a) *No person shall allow the growth of vegetation on a property that creates or makes worse an unacceptable vegetation fire hazard.*

- (b) *No person shall allow the placing or storage of any materials on a property in such a manner as to create or make worse an unacceptable vegetation fire hazard, and in particular shall not:*
- (i) *Place live cinders, embers or ashes in any place other than in a suitably fire-resistant container and in a manner that will prevent the spreading of fire, ashes and heat by the action of the wind or otherwise; or*
  - (ii) *Store textile or fibrous waste or rags impregnated or used in connection with petroleum products or other flammable materials near vegetation unless such items are stored in a manner that, in the opinion of the Council, provides a safeguard against spontaneous combustion; or*
  - (iii) *Store goods, timber, hay, packing materials or any other things of any kind whatsoever in a manner that creates or may create or worsen a fire hazard to vegetation.*
- (c) *If, in the opinion of a fire officer, the vegetation or matter set out in paragraphs (a), (b)(ii) or (b)(iii) are likely to become a source of danger from fire, the Council may by notice in writing to the property owner or occupier require the eradication of the fire hazard. The rights, duties and obligations of sections 183 and 184 of the Local Government Act 2002 apply.*
- (d) *If an occupier or owner of a property is advised that there is an unacceptable fire hazard, due to a contravention of paragraph (a) or (b) above, s/he must remedy the situation within a reasonable time frame, given the circumstances of the risk. If the owner or occupier fails to do so, the material causing the unacceptable fire hazard may, subject to the provisions of sections 183 and 184 of the Act, be removed by the Council or its agent and the costs may be recovered from the owner or occupier.*
- (e) *If an unacceptable fire hazard presents an imminent danger to life, property or roads, a suitably qualified person may eradicate the unacceptable fire hazard. The costs may be recovered from the owner or occupier.*