

INVERCARGILL CITY COUNCIL

BYLAW 2010/1 – FIRE PREVENTION (VEGETATION)

The following Bylaw was duly made by the Invercargill City Council by:

- Resolution of Section 155, Local Government Act 2002 matters on 23 February 2010.
- Resolution to consult on the Draft Bylaw using the special consultative procedure on 30 March 2010.
- Resolution to adopt the Bylaw on 22 July 2010 and that it come into force on 1 July 2010.
- Public Notice in The Southland Times on 30 June 2010.

THE COMMON SEAL of the INVERCARGILL)
CITY COUNCIL was hereto affixed to the following)
Bylaw (Bylaw 2010/1 – Fire Prevention (Vegetation)))
at the offices of and pursuant to the resolution of the)
Invercargill City Council in the presence of:)

Mayor:

Chief Executive Officer:

Invercargill City Council

Bylaw 2010/1 – Fire Prevention (Vegetation)

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1. **Short Title**

The Short Title of this Bylaw shall be the Invercargill City Council Bylaw 2010/1 - Fire Prevention (Vegetation).

2. **Commencement**

This Bylaw shall come into force on 1 July 2010.

3. **Repeals**

This Bylaw repeals the Invercargill City Council Fire Prevention (Vegetation) Bylaw 2005.

4. **Application of Bylaw**

- (a) This Bylaw has been made for the purpose of preventing the spread of fires within those **urban areas** of the district of Invercargill City Council.
- (b) This Bylaw is subject to Sections 20, 21 and 22 of the Forest and Rural Fires Act 1977 that make provision for the prohibition of fires during extreme fire hazard (s 20), prohibition of certain operations during periods of extreme fire hazard (s 21) and Restricted or Prohibited fire seasons (s 22).
- (c) 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 and the Forest and Rural Fires Regulations 2005.

5. **Interpretation**

5.1 In this Bylaw, unless the context otherwise requires:

<i>Approved</i>	Means approved by the Southern Rural Fire Authority.
<i>Barbeque</i>	Means any fixed or portable gas or solid fuel burning equipment designed or intended for the cooking of food in the open air.
<i>Council</i>	Means the Invercargill City Council.
<i>District</i>	Means the district comprising the Invercargill City Council.
<i>Fire Hazard</i>	Means a term to describe the potential fire behaviour for a given fuel type.
<i>Fire Officer</i>	Means any person appointed by the Southern Rural Fire Authority as a Rural Fire Officer or Principal Rural Fire Officer.
<i>Fire Risk</i>	Means the probability or chance of a fire starting determined by the presence of activities or causative agents, ie the potential number of ignition sources.

<i>Incinerator</i>	Means a container used for burning of waste material. An incinerator is to be made of non-combustible materials and have a lid or spark arrestor to prevent the escape of embers and ash.
<i>Occupier</i>	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.
<i>Open Air</i>	Means in relation to fires otherwise than within: <ul style="list-style-type: none"> (a) An incinerator; (b) Any barbecue; or (c) Traditional cooking fire.
<i>Open Fire Season</i>	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 the Forest and Rural Fires Act 1977.
<i>Permit</i>	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.
<i>Premises</i>	Means both land and buildings and any part thereof.
<i>Prohibited Fire Season</i>	Means a period of time, whether of fixed or indefinite duration, specified pursuant to the Forest and Rural Fires Act 1977 during which period the lighting of fires in the open air is prohibited.
<i>Restricted Fire Season</i>	Means a period of time, whether of fixed or indefinite duration, specified pursuant to the Forest and Rural Fires Act 1977, during which period permits are required for the lighting of fires in the open air.
<i>Southern Rural Fire Authority</i>	Means the Southern Rural Fire Committee responsible for the administration of the Southern Rural Fire District for the purposes of the Forest and Rural Fires Act 1977 pursuant to New Zealand Gazette Notice No. 78 at Page 2074 dated 10 July 2003.
<i>Southern Rural Fire District</i>	Means the Southern Rural Fire District gazetted pursuant to the Forest and Rural Fires Act 1977, and which includes all land within the District that is not within Urban Fire Districts.
<i>Traditional Cooking Fires</i>	Means any hangi, Umu or similar fire in the open air used for the preparation of food using traditional cooking methods.
<i>Urban Area</i>	Means an area used mainly for commercial, industrial or residential purposes within the District.

Urban Fire District

Means any area gazetted as a Fire Service District and for which the NZ Fire Service is the fire authority under the Fire Service Act 1975.

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 any wood forming part of a structure or otherwise in processed form.

6. Relationship to Other Statutes

6.1 This Bylaw represents a fire control measure which is in addition to and complements provisions of:

- (a) The Local Government Act 2002; and
- (b) The Forest and Rural Fires Act 1977; and
- (c) The Forest and Rural Fires Regulations 2005; and
- (d) The Fire Service Act 1975.

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

7. Fire Districts

7.1 Fire Districts are established under the Fire Service Act 1975 and the Forest and Rural Fires Act 1977. Maps showing the current boundaries of the fire districts may be viewed at the main office of the Council.

- (a) Urban Fire Districts - Any area gazetted as a Fire Service District and for which the NZ Fire Service is the fire authority under the Fire Service Act 1975. These areas may be served by either paid or volunteer fire brigades.
- (b) Rural Fire Districts - All areas that are not Urban Fire Districts and come under the jurisdiction of the Southern Rural Fire Authority.

8. Prevention of Vegetation Fires

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

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

- (b) No person shall allow the placing or storage of any materials on any property in such a manner that creates or makes worse an unacceptable vegetation fire hazard and in particular shall not:
- (i) Place live cinders or ashes in any place other than in a steel or other suitably fire resistant container or in a pit or upon any fire resistant substance in such a way that prevents the spreading of fire or ashes or heat by the action of 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 other than in a manner which 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.

8.2 Any such fire hazard that an occupier or owner fails to remedy after being advised to do so within a reasonable timeframe given the circumstances of the risk may, subject to the provisions of Sections 183 and 184 of the Local Government Act 2002, be removed by the Council and the costs may be recovered from the owner or occupier.

9. Fires in Open Air in Urban Fire Districts

9.1 The Southern Rural Fire Authority may declare a Restricted Fire Season or Prohibited Fire Season (Fire Ban) in a rural area under the provisions of the Forest and Rural Fires Act 1977.

9.2 Where a Restricted Fire Season or Prohibited Fire Season is in force in an area that includes an Urban Fire District that Restriction or Prohibition is deemed to exist concurrently in the Urban Fire District under this Bylaw.

9.3 Lighting fires in the Open Air in an Urban Fire District is a permitted activity of this Bylaw subject to the following conditions:

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

- (a) During an Open Fire Season; or
- (b) Pursuant to and in accordance with the conditions of a written permit issued during a Restricted Fire Season by the Southern Rural Fire Authority.

9.4 The following burning activities are exempt from requiring a written fire permit during a Restricted Fire Season as long as the following conditions are met:

- (a) *Fires in incinerators* provided that:
 - The incinerator is designed to prevent the escape of fire and ashes (including a mesh or solid lid); and
 - The incinerator is no closer than five metres to any building, tree, hedge, fence or other combustible material; and
 - A water supply sufficient to control any spread of fire is available; and
 - All embers and ashes are totally extinguished after burning; and

- The incinerator is only to be lit during daylight hours and must be extinguished before dark.

(b) *Barbeque and cooking fires* provided that:

- The barbeque or cooking fire is no closer than five metres to any building, tree, fence, hedge or other combustible material; and
- A water supply sufficient to control any spread of fire must be available - mains pressure hose is best, or a number of buckets filled and ready; and
- All embers and ashes are totally extinguished after burning; and
- The barbeque or fire is not left unattended.

(c) *Traditional cooking fires* provided that:

- The fire is no closer than 10 metres to any building, tree, fence, hedge or other combustible material; and
- A water supply sufficient to control any spread of fire must be available - mains pressure hose is best, or a number of buckets filled and ready; and
- All embers and ashes are totally extinguished after burning; and
- The fire is not left unattended.

10. **General Restrictions on Fires in the Open Air (Outdoor Fires) in Urban Fire Districts**

10.1 No person being the occupier of any premises shall permit or suffer the use of any 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 available an adequate source of water sufficient for the extinguishment of any fire; and
- (c) Without maintaining adequate supervision.

10.2 In addition no fire:

- (a) Whether the subject of a permit or not, is allowed to be lit or to remain alight during the period of a total fire ban (Prohibited Fire Season) covering the locality of the fire; and
- (b) Whether the subject of a permit or not, is allowed to be lit on any public or private land without the permission of the person or body owning or controlling the land; and
- (c) Is allowed to be lit on any beach or beach reserve except in a properly constructed fireplace provided by the administering body controlling the reserve.

11. Permits for Lighting Fires in the Open Air in Urban Fire Districts

- 11.1 A permit may be granted for non-complying fires in urban fire districts where:
- (a) No total fire ban (Prohibited Fire Season) is in place that covers the locality of the fire.
 - (b) In the opinion of a Fire Officer the fire will not pose an unacceptable fire risk.
 - (c) The fire is for a celebratory bonfire during the hours of darkness.
 - (d) The fire is for a significant community event.

12. Special Permits for Lighting Fires in the Open Air in Urban Fire Districts During a Total Fire Ban (Prohibited Fire Season)

- 12.1 Applications may be made for a special permit to be granted where the fire is urgently required to prevent, reduce or overcome any hazard to life or health or any other serious emergency.
- 12.2 Upon receipt of any such application the Fire Officer may issue a Special Fire Permit in writing with such conditions as they consider fit to impose.
- 12.3 Notwithstanding the provisions of Clause 9.3(b) 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.

Issue of Fire Permits

- 12.4 Every permit to light a fire in the open air shall be in the form or to the effect of Form 1 (Fire Permit) as set out in the Schedule in this Bylaw. Where a Special Fire Permit is required to be issued as in Clause 12, the fire permit form will detail that the permit is a Special Fire Permit. Requirements of the Forest and Rural Fire Regulations, Regulation 51, will be endorsed on the Fire Permit in this case.

13. Prohibition of Fires During Periods of Extreme Fire Hazard

- 13.1 The Southern Rural Fire Authority in accordance with the Forest and Rural Fires Act 1977 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.

13.2 The Southern Rural Fire Authority shall give public notice of any restricted or prohibited fire season by:

(a) Broadcast or other effective means within the district; and by

(b) Notice in a daily newspaper circulating throughout the district.

13.3 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.

14. **Outdoor Fire may be Declared Unsafe**

14.1 If in the opinion of a member of the NZ Fire Service or a Fire Officer of the Southern Rural Fire Authority a fire that is about to be lit, is alight or has been alight and fails to meet any condition above or otherwise poses a danger, that fire ceases to be a permitted activity and shall be extinguished immediately.

15. **Costs of Fire Suppression Recovered**

15.1 The costs of suppressing any fire may be recovered from the occupier of premises on which the fire was located or the person or persons responsible for a fire that gets out of control or is deemed unsafe whether the fire is a permitted activity or not.

16. **Breach of Bylaw**

16.1 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 on summary conviction to a fine not exceeding \$20,000 (Twenty Thousand Dollars).

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FIRE PERMIT

Form No. 1

PERMIT NO

ZONE

PERMIT HOLDER:

PHONE

POSTAL ADDRESS

FAX:

Email:

PARTICULARS

LOCATION OF FIRE

PERMIT VALID FROM

MAP SHEET

TIME OF DAY

FUEL TYPES

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 this permit.
- (c) Immediately before lighting a fire you must make reasonable efforts to confirm that no prohibition or order is currently in force.

SPECIAL CONDITIONS

**PHONE
0800 773 363**

FIRE OFFICER

DATE ISSUED

I understand the conditions of this permit and have read the "**Information for Permit Holders**".

Permit Holder

Date



FIRE PERMIT

GENERAL INFORMATION

INFORMATION FOR PERMIT HOLDERS

<i>Meaning of open air</i>	Lighting a fire in the open air means lighting a fire out of doors other than in an approved fireplace, incinerator, barbeque or other authorised receptacle.
<i>Resource consents</i>	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.
<i>Additional permits</i>	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.
<i>Escape</i>	If the fire escapes and if it is safe to do so, try to extinguish it. Otherwise telephone 111.
<i>Extreme fire danger</i>	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).
<i>Insurance</i>	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.
<i>Offences</i>	<p>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.</p> <p>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.</p> <p>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.</p>

FIRE PERMIT

STANDARD FIRE PERMIT CONDITIONS

(To be issued with every Fire Permit)

1. Your attention is drawn to the 'Special Conditions' on the bottom of your Fire Permit and attached "Information For Permit Holders". These conditions are specific to the type of fire you are lighting and you are advised to read and comply with them.
2. The holder of this Fire Permit shall take adequate measures to control the authorised fire and confine it to the burn area.
3. A long range weather forecast must be obtained prior to lighting.
4. No fire shall be lit when conditions are such or are predicted, (eg strong winds) that the fire is likely to spread beyond the limits of the area subject to this Fire Permit. Generally fires should not be lit with a wind in excess of 15 kph. Where there are significant areas of scrub and tussock adjacent to the area to be burned the maximum wind must not exceed 11 kph. Use the Beaufort Wind Scale table as a guide, (table attached).
5. Permit holders are advised that to reduce the risk of fires getting out of control, burning should normally be carried out in the afternoon (after 1.00 pm by which time the wind pattern for the day is usually established).
6. At the first indication of any adverse change in weather or other conditions which could move the fire out of the controlled area the fire is to be extinguished immediately.
7. In the event of any fire moving outside an area authorised by this Fire Permit, the permittee shall as soon as practical advise a Rural Fire Officer of Southern Rural Fire District, and shall cooperate fully in suppression of the fire. In the event that no contact is made, the permittee is to dial 111 and ask for a Fire Service response.
8. Ensure that smoke does not create a nuisance to neighbouring properties and public roads.
9. Fire Permit holders are advised to contact the appropriate authority before lighting fires adjacent to power and telegraph installations.
10. Where a Prescribed Burn Plan has been required and subsequently approved by a Rural Fire Officer of Southern Rural Fire District, all requirements of the Burn Plan must be met prior to the fire being lit. The procedure described to light the burn must be followed.
11. When any warning or order is issued by the National Rural Fire Authority or an officer of the Southern Rural Fire District suspending all or any Fire Permits to burn in respect of any area subject to this Fire Permit, this Fire Permit shall be suspended for such period as may be specified in the warning or order.
12. This Fire Permit shall cease to have any legal effect upon the issuance of any warning, order or notice concerning the prohibition of fires during periods of extreme fire hazard or concerning any Prohibited Fire Season (Fire Ban).
13. This Fire Permit shall not discharge any person from liability for damage or fire suppression costs caused by any fire lit pursuant to this Fire Permit.
14. It is recommended that a Fire Permit should not be exercised unless public liability and fire suppression insurance is taken out.

FIRE PERMIT

WIND SPECIFICATIONS - BEAUFORT WIND SCALE

(For estimating 10 metre open wind speed over land)

Beaufort Wind Force	Descriptive Term	Km/h	Observable Wind Effects
0	Calm	< 1	No perceptible wind movement. Smoke rises vertically.
1	Very Light Air	1 to 5	Direction of wind shown by smoke drift but not by wind vanes.
2	Light Breeze	6 to 11	Wind felt on face; leaves rustle; ordinary vanes moved by wind.
3	Gentle Breeze	12 to 19	Leaves and small twigs in constant motion; wind extends light flags.
4	Moderate Breeze	20 to 29	Wind raises dust and loose paper; small branches are moved.
5	Fresh Breeze	30 to 39	Large branches and small trees in leaf begin to sway; crested wavelets form on inland waters.
6	Strong Breeze	40 to 49	Large branches in continuous motion; whistling heard in telegraph wires; umbrellas used with difficulty.
7	Near Gale	50 to 61	Whole trees in motion; inconvenience felt when walking against wind.
8	Gale	62 to 74	Breaks twigs and small branches off trees; generally impedes progress when walking against wind.
9	Strong Gale	75 to 87	Slight structural damage occurs (eg chimney bricks loosened, TV antennas and tiles blown off, broken branches litter ground).
10	Storm	89 to 101	Trees uprooted; considerable structural damage occurs.

RECOMMENDED SAFETY ADVICE

1. Recommended clothing to be worn for personnel involved with the fire is long sleeved cotton or woollen shirts and pants, laced-up leather boots and head protection. NO synthetic clothing should be worn.
2. ALWAYS have a planned safe escape route away from the fire.