



FIRE CONTROL BYLAW

2015

(amended 2020)

First adopted: 2007
Revision dates/versions: *Fire Control Bylaw 2007 revoked 1 November 2011*
Fire Control Bylaw operative from 1 November 2011; revoked 7 April 2015
Fire Control Bylaw 2015 operative from 7 April 2015; amendments and
revocations by resolution 1/20/32 of the Waipa District Council adopted
30 June 2020
Next review date: 2030
Engagement required: *(generally) Sec 82 LGA2002*
Document number: 13056804
Policy Owner: *Manager - Compliance*

Table of Contents

Part One - Introduction.....	4
Definitions.....	4
Part Two – Fires in Rural Fire Areas [revoked]	6
Part Three – Fires in Urban Districts [revoked]	6
Part Four – Fires in Permanently Restricted Rural Fire Areas [revoked].....	6
Part Five – Use of Barbeques, Braziers and Traditional Cooking Fires [revoked].....	6
Part Six – Fires in Buildings [revoked].....	6
Part Seven - Prevention of Nuisance Caused by Fire	6
Part Eight – Authorised Officer May Extinguish Fires	6
Part Nine – Storage and Disposal of Flammable Material [revoked].....	7
Part Ten – Permits and Conditions [revoked].....	8
Part Eleven – Fees [revoked].....	8
Part Twelve - Offences and Penalties	8
Part Thirteen – Amendments [revoked]	9
Part Fourteen - Revocation	9
First Schedule: Guidelines for Storage of Vehicle Tyres in Urban Fire Districts [revoked]	11
Second Schedule: Guidelines for Storage of Vehicle Tyres in Rural Fire Areas and Permanently Restricted Rural Fire Areas [revoked].....	11

In pursuance and exercise of the Powers and Authorities vested in it by the Local Government Act 2002 and of each and every other Power and Authority thereto enabling it, the Waipa District Council makes and ordains this Bylaw.

Part One - Introduction

- 1 This Bylaw shall be cited and referred to as the "Waipa District Council Fire Control Bylaw 2015."
- 2 This Bylaw shall apply within the boundaries of the Waipa District. All provisions shall apply to the entire Waipa District unless otherwise stated at the beginning of the section or within the clause.
- 3 This Bylaw is in addition to the following:
 - (a) Forest and Rural Fires Act 1977;
 - (b) Forest and Rural Fires Regulations 2005;
 - (c) Fire Service Act 1975;
 - (d) Operative Waipa District Plan; and
 - (e) Proposed District Plan.

Definitions

- 4 For the purposes of this Bylaw the following definitions shall apply:

Term	Definition
Authorised Officer	any person, authorised under the Local Government Act 2002, or under the Health Act 1956, or authorised by Council to administer and enforce its Bylaws, and includes a Rural Fire Officer
Barbeque	any outdoor fixed or portable solid fuel or gas fired equipment designed and used exclusively for the cooking of food.
Brazier	any fixed or portable solid fuel or gas fired equipment or appliance designed for heating and used outdoors.
Bylaw	refers to the Waipa District Council Fire Control Bylaw 2015.
Council	refers to the Waipa District Council.
FENZ	refers to Fire and Emergency New Zealand
<i>Fire Authority</i>	<i>[revoked]¹</i>
<i>Fire Hazard</i>	<i>[revoked]¹</i>

¹ Revoked by resolution 1/20/32 of the Waipa District Council adopted 30 June 2020

Term	Definition
<i>Fire Service Officer</i>	<i>[revoked]</i> ¹
Nuisance	any smoke, odour, debris or fumes produced by a fire (including a barbeque, brazier or traditional cooking fire) in such quantity or of such nature or in such manner as to be offensive or likely to be injurious to the health of anyone.
Occupier	includes an owner, tenant, licensee or any agent, manager, foreperson or other person apparently acting in the general management of any premises.
<i>Permanently Restricted Rural Fire Area</i>	<i>[revoked]</i> ¹
<i>Permit</i>	<i>[revoked]</i> ¹
Person	has the same meaning as in the Interpretation Act 1999.
Premises	means and includes both land and buildings.
<i>Prohibited Fire Season</i>	<i>[revoked]</i> ¹
<i>Restricted Fire Season</i>	<i>[revoked]</i> ¹
<i>Rural Fire Area</i>	<i>[revoked]</i> ¹
<i>Rural Fire Authority</i>	<i>[revoked]</i> ¹
<i>Rural Fire District</i>	<i>[revoked]</i> ¹
<i>Rural Fire Officer</i>	<i>[revoked]</i> ¹
Traditional Cooking Fire	any hangi or similar fire in the open air for the sole purpose of food preparation using traditional cooking methods.
<i>Urban Fire District</i>	<i>[revoked]</i> ¹

Part Two – Fires in Rural Fire Areas *[revoked]*

5 *[revoked]*¹

Part Three – Fires in Urban Districts *[revoked]*

6 *[revoked]*¹

Part Four – Fires in Permanently Restricted Rural Fire Areas *[revoked]*

7 *[revoked]*¹

Part Five – Use of Barbeques, Braziers and Traditional Cooking Fires

*[revoked]*¹

8 *[revoked]*¹

Part Six – Fires in Buildings *[revoked]*

9 *[revoked]*¹

Part Seven - Prevention of Nuisance Caused by Fire

- 10 No person shall burn, or permit, or suffer to be burnt (including on a barbeque, in a brazier or in connection with a traditional cooking fire) any matter or thing in such a manner as to cause a nuisance.
- 11 No person shall allow any fire to cause smoke of such a nature or extent as to interfere with the operation of any road way, airport, railway or other similar public facility.
- 12 Where any Authorised Officer considers that a nuisance is being caused by smoke, odour, debris or fumes, or that a breach of clause 11 exists, that Authorised Officer may require the occupier of the premises or the person otherwise responsible for the fire to immediately take all practicable steps to abate the nuisance.

Part Eight – Authorised Officer May Extinguish Fires

- 13 Where a fire (including a barbeque, brazier or traditional cooking fire) has been lit or allowed to burn in contravention of any part of this Bylaw, any Authorised Officer may enter the premises (excluding a dwelling) and do any or all of the following things:

- a) extinguish the fire, and/or
- b) direct the occupier of the premises on which the fire is located or the person who lit the fire, to extinguish the fire; and/or
- c) take all practicable steps to abate any nuisance which, in the reasonable opinion of the Authorised Officer is being caused by that fire.

14 Where any person disregards a direction to extinguish a fire, and an Authorised Officer considers that immediate action is necessary to extinguish the fire, an Authorised Officer who is also an Environmental Health Officer may, under section 34 of the Health Act 1956, extinguish that fire, or authorize an agent of the Council (including FENZ) to extinguish the fire and to take such other steps as may be reasonably necessary to abate any nuisance which, in the reasonable opinion of the Authorised Officer, is being caused by the fire.

Part Nine – Storage and Disposal of Flammable Material *[revoked]¹*

Live Ashes

15 *[revoked]¹*

Flammable Material in Rubbish

16 *[revoked]¹*

17 *[revoked]¹*

Storage of Goods and Safeguarding of Premises

18 *[revoked]¹*

19 *[revoked]¹*

20 *[revoked]¹*

21 *[revoked]¹*

22 *[revoked]¹*

Storage of Timber and other Combustible Materials

23 *[revoked]¹*

Storage of Tyres

24 [revoked]¹

General

25 [revoked]¹

Part Ten – Permits and Conditions [revoked]

26 [revoked]¹

27 [revoked]¹

28 [revoked]¹

29 [revoked]¹

30 [revoked]¹

31 [revoked]¹

32 [revoked]¹

Part Eleven – Fees [revoked]¹

Payment

33 [revoked]¹

Fees and charges

34 [revoked]¹

Part Twelve - Offences and Penalties

35 Every person or permit holder who:

- (a) Fails to comply with or acts in contravention of any provision of this Bylaw; or
- (b) [revoked]¹
- (c) Fails to comply with a notice served under this Bylaw.

COMMITTS AN OFFENCE under the Local Government Act 2002, and is liable to a fine not exceeding \$20,000 (twenty thousand dollars).

- 36** In addition to any fine imposed pursuant to clause 35 of this Bylaw, the Council may recover from the occupier of the premises, the person who lit the fire or the person who is responsible for the fire, any costs incurred by it as a result of its officer or agents taking any action authorised under any Part of this Bylaw, including but not limited to the costs of extinguishing the fire.

Part Thirteen – Amendments *[revoked]*¹

- 37** *[revoked]*¹

Part Fourteen - Revocation

- 38** The Waipa District Council Fire Control Bylaw 2011 is hereby revoked.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on 31 March 2015. This Bylaw became operative on 7 April 2015.

The Common Seal of the **WAIPA DISTRICT COUNCIL** was affixed to the Fire Control Bylaw 2015 pursuant to the resolution of Council passed on 31 March 2015.

The foregoing Bylaw was amended by resolution 1/20/32 of the **WAIPA DISTRICT COUNCIL** at a meeting of Council held on 30 June 2020, the amendments becoming operative on 1 August 2020.

¹**IN WITNESS WHEREOF** the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed to the Waipa District Council Fire Control Bylaw 2015 (amended 2020) pursuant to a resolution of Council passed on 30 June 2020 in the presence of:

.....Mayor.....Chief Executive

¹ The original copy of this Bylaw was sealed and signed by the Mayor and the Chief Executive on 13/07/2020.

First Schedule: Guidelines for Storage of Vehicle Tyres in Urban Fire Districts *[revoked]*¹

Second Schedule: Guidelines for Storage of Vehicle Tyres in Rural Fire Areas and Permanently Restricted Rural Fire Areas *[revoked]*¹
