



**GISBORNE  
DISTRICT COUNCIL**

**FIRE PREVENTION BYLAW  
INVOLVING VEGETATION 2008**

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## 1. Scope

- 1.1 This Bylaw relates to prevention of the spreading of fires involving vegetation inside an urban Fire District.
- 1.2 The power of this Bylaw is in addition to and not in derogation of section 183 of the Local Government Act 2002.
- 1.3 The scope of this Bylaw is complementary to the provisions of the Forest and Rural Forest Act 1977 and the Forest and Rural Fires Regulations 2005.
- 1.4 This Bylaw is subject to Section 20 of the Forest and Rural Fires Act 1977.

## 2. Interpretation

- 2.1 In this bylaw, unless the context otherwise requires:

Approved	Means approved by the Territorial Authority.
Barbeque	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) Any barbecue: or (b) 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, 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 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 3.1(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;
  - (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 Barbeques 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 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 Prohibitions 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 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 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 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.

## **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 \$2,000.

THE COMMON SEAL OF GISBORNE DISTRICT COUNCIL WAS HERETO  
AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE  
GISBORNE DISTRICT COUNCIL HELD ON THURSDAY 28TH OF FEBRUARY  
2008.

----- **MAYOR**

----- **CHIEF EXECUTIVE**





**Gisborne District Council**  
**Rural Fire Authority**  
**FIRE PERMIT No:**  
**APPROVED**

**NAME:**

**ADDRESS:**

**Phone:**

**Location of Fire:**

**Type of Material/Fuel:**

**Comments:**

This permit is issued under Section 23 of the Forest and Rural Fires Act 1977 and Gisborne District Council Bylaws. You may light a fire in the open air at the location described above, subject to compliance with the following conditions:

**CONDITIONS:**

1. This permit is valid from \_\_\_\_\_ to \_\_\_\_\_
2. **No fire** shall be allowed to burn **between sunset and sunrise** without specific approval.
3. **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 property for which the permit is issued. Only burn in low or no winds, consider wind direction and speed before burning.
4. Water and/or tools must be available at the fire site to contain the fire at all times.
5. No fire shall be left unattended while burning.
6. No fire shall be lit within a five-metre radius of any part of a building, tree, hedge, fence or other combustible material.
7. Do not create a smoke nuisance or visibility hazard if close to roadway or within 1km of an airport.
8. This permit is suspended if there is a prohibition or order under Section 20 or 21 of the Forest and Rural Fires Act 1977 against the lighting of fires in the open air.
9. Immediately before lighting a fire you must make reasonable efforts to confirm that no prohibition or order is currently in force.
10. Ensure no plastic or plastic type materials are being burnt (\$300 instant fine if found burning plastic material)
11. **Advise neighbours before burning.**

**SPECIAL CONDITIONS:**


**Rural Fire Officer** \_\_\_\_\_ **Date** \_\_\_\_\_

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

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

**EXTREME FIRE HAZARD NOTICES SUSPEND THIS PERMIT**  
**This permit is revocable upon notice at any time without prior warning**

## Information for Permit Holder

Under the Forest and Rural Fires Act 1977, the Forest and Rural Fires Regulations 2005 and Gisborne District Council Bylaws, there are compulsory conditions to the under mentioned effect. For their full legal form, please refer to the interpretations contained within the appropriate legislation.

### Open Air

Lighting a fire in the open air means lighting a fire out of doors other than in an approved fireplace, incinerator, barbecue or other authorised receptacle.

### Resource Consents

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 Gisborne District Council.

### Additional Permits

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.

### Escape

If the fire escapes, and if it is safe to do so, try to extinguish it. **Otherwise telephone 111 urgently.**

### Extreme Fire Danger

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 (e.g., 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.

### Insurance

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.

### Offences

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.

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.

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.

### Camping etc

If camping or cooking or needing comfort or warmth, keep the fire at least three metres clear of any tree, log, stump or dry vegetation. Remove all combustible materials within three metres of the fire site.

### Burn Plan

Large fires may require a written plan detailing topography, hazard contingencies, fire breaks, safety equipment ignition points, escape routes and operational procedures, etc.

### Notice

See that (except in extreme urgency) at least one day's notice has been given where necessary to:

- Immediate neighbours;
- Neighbouring Statutory Fire Authorities (e.g. Department of Conservation, Eastland Rural Fire District, New Zealand Fire Service Communications Centre etc);
- MAF Policy, Health, or other authority concerned, if diseased stock or vegetation.