



Rangitikei
UNspoilt...

Memorandum

To: Te Roopu Ahi Kaa
Turakina Community Committee
Marton Community Committee
Bulls Community Committee
Hunterville Community Committee
Taihape Community Board
Ratana Community Board

TABLED DOCUMENT
Turakina Community
Tabled at Committee
on 1 June 2017

From: Ellen Webb-Moore

Date: 30 May 2017

Subject: **Proposed Revocation of Fire Prevention Bylaw and section 6.3 of the Public Places Bylaw 2013**

File: 1-DB-1-12

1 Introduction

- 1.1 As at 1 July 2017 Fire and Emergency New Zealand (FENZ) will be established, replacing Fire Service NZ and the National Rural Fire Authority. This means that Rangitikei District Council will cease to be a rural fire authority under the Forest and Rural Fires Act 1977.
- 1.2 Accordingly, Council will no longer have authority over fire related matters. The Fire Prevention Bylaw 2014 and section 6.3 of the Public Places Bylaw will need to be revoked, as the new legislation will render them redundant.
- 1.3 Council will (from 1 July 2017) no longer issue fire permits, declare fire seasons or control the lighting of fires in the open air. However, Council will retain control over removing fire hazards (long grass) until 1 July 2018.
- 1.4 Copies of the bylaws with the proposed changes (tracked) are attached as Appendix 1 and Appendix 2.

2 Comment

- 2.1 There is provision in the FENZ Act to allow the revocation of these provisions with a publicly notified resolution of Council (without the need for consultation). However, this requires consultation with FENZ and FENZ is not established until 1 July 2017.
- 2.2 Therefore, Council has decided to deal with this matter in a timely way and to publicise the upcoming change in Council responsibilities. Council approved the proposed revocation for public consultation at its 25 May 2017 meeting.

- 2.3 The consultation period is open until **12 noon 16 June 2017**.
- 2.4 Submissions (including oral submissions) will be considered at Council's meeting on 29 June 2017.

3 Recommendation

- 3.1 That the memorandum 'Proposed Revocation of Fire Prevention Bylaw and section 6.3 of the Public Places Bylaw 2013' be received.

Ellen Webb-Moore
Policy Analyst

Appendix 1

~~RANGITIKEI DISTRICT COUNCIL~~

~~FIRE PREVENTION BYLAW 2014~~

~~1 — TITLE~~

~~The title of this bylaw is the Rangitikei District Council Fire Prevention Bylaw 2014.~~

~~2 — SCOPE~~

~~This bylaw is made under the authority of section 145 of the Local Government Act 2002. The purpose of Part 1 of this bylaw is to prevent the spread of fire within Rangitikei's urban Fire Districts in support of the Forest and Rural Fires Act 1977. The purpose of Part 2 of this bylaw is to prevent nuisance and harm from fire within all parts of the Rangitikei not zoned Rural in the operative District Plan.~~

~~3 — COMMENCEMENT~~

~~This bylaw comes into force on 12 February 2014.~~

~~4 — INTERPRETATION~~

~~In this bylaw unless the context otherwise requires:~~

~~OFFICER means any Council Officer, Police Officer or Fire Officer acting under delegated authority of the Chief Fire Officer of a District.~~

~~THE COUNCIL means the Rangitikei District Council.~~

~~THIS BYLAW means the Rangitikei District Council Fire Prevention Bylaw 2014.~~

~~APPROVED means approved by the Rangitikei District Council.~~

~~BARBECUE means any fixed solid fuel equipment, or fixed or portable gas equipment, for the cooking of food.~~

~~FIRE 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 Rangitikei 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, any fire other than within:~~

- ~~a) A 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;~~
- ~~d) d) Such other receptacle or place as may from time to time be authorised by the Fire Authority for the relevant District.~~

~~OPEN FIRE SEASON means a period of time whether of fixed or indefinite duration during which period the lighting of fires is neither prohibited nor restricted under section 22 of the Forest and Rural Fires Act 1977.~~

~~PERMIT in relation to the lighting of fires, 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 section 22 of the Forest and Rural Fires Act 1977 during which period the lighting of fires is prohibited.~~

~~RESTRICTED FIRE SEASON means a period of time, whether of fixed or indefinite duration, specified pursuant to section 22 of the Forest and Rural Fires Act 1977, during which period permits are required for the lighting of fires in the open air.~~

~~TERRITORIAL AUTHORITY means the Rangitikei District Council within the meaning of the Local Government Act 2002.~~

~~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,~~
- ~~d) but does not include wood forming part of a structure or otherwise in processed form.~~

Part 1

~~5 — FIRES WITHIN URBAN FIRE DISTRICTS~~

- ~~5.1 — Fires are permitted provided the provisions of Part 2 are met during an Open Fire Season.~~
- ~~5.2 — During a Restricted Fire Season, specified pursuant to section 22 of the Forest and Rural Fires Act 1977, no person shall make or light or allow to remain alight any fire in the open air unless a fire permit has been obtained from the Council.~~
- ~~5.3 — During a Prohibited Fire Season, specified pursuant to section 22 of the Forest and Rural Fires Act 1977, no person shall make or light or allow to remain alight any fire (excluding barbecues) unless a special fire permit has been obtained from the Council.~~
- ~~5.4 — Where restricted or prohibited fire seasons (under 5.2 or 5.3 above) applies to part of the District, it will also apply to the urban areas within or adjoining the affected rural areas.~~

Part 2

~~6 — PREVENTION OF NUISANCE AND HARM FROM FIRE WITHIN AREAS ZONED OTHER THAN RURAL IN THE OPERATIVE DISTRICT PLAN~~

- ~~6.1 — No fire shall be lit unless it is kept at least 3m from any building or boundary or combustible material.~~
- ~~6.2 — No fire shall be lit or allowed to burn unless it is done so in a manner that people and property are reasonably protected from fire or the effects of fire.~~
- ~~6.3 — Guidance note: The burning of wet vegetation is to be avoided to prevent smoke nuisance. Rule 14-7 Horizons One Plan prohibits the burning of: painted or treated timber, plastics, rubber, plastics car parts etc. Please ensure compliance.~~
- ~~6.4 — No fire shall be lit or allowed to burn unless it is done so between the hours of sunrise and sunset~~
- ~~6.5 — No fire shall be lit unless there is adequate means to extinguish the fire immediately to hand e.g. fire extinguisher, hose line, etc.~~
- ~~6.6 — No person shall light any fire on or near any refuse transfer station, closed landfill or **recycling station**.~~

~~7 FIRE PERMITS~~

~~7.1 Applications for a fire permit shall be made to the Council on the prescribed form.~~

~~7.2 Council may approve, not approve, or approve with conditions, any fire permit.~~

~~7.3 In considering an application the Council shall have regard to:~~

- ~~a) The fire season.~~
- ~~b) Weather conditions.~~
- ~~c) The time during which a fire may be lit and its duration.~~
- ~~d) The nature of the material intended to be burnt.~~
- ~~e) Potential effects to neighbouring property.~~
- ~~f) Compliance with Council's rural fire plan.~~

~~8 STORAGE OF GOODS LIKELY TO CONSTITUTE A FIRE HAZARD~~

~~8.1 Where the outdoor storage of goods, rubbish, waste material, or other combustible material is likely to constitute or create a fire hazard the Council may require the occupier to take such steps as the Council thinks fit to eliminate or reduce the risk of fire.~~

~~9 GENERAL EXEMPTIONS~~

~~9.1 Exemptions in this bylaw shall be the same as those permitted by Council's Rural Fire Plan.~~

~~9.2 Lighting fires specifically for cooking purposes within an urban area is exempt provided the fire is attended at all times and Clauses 6.1 and 6.2 are met. No such fires shall be lit without Council's approval during any prohibited fire season (excluding barbecues).~~

~~10 ENFORCEMENT~~

~~10.1 The Council may approve, amend, or revoke a fire permit with any such conditions as it sees fit to meet the purpose of this bylaw.~~

~~10.2 Any Council Officer or Chief Fire Officer of the New Zealand Fire Service may at any time when this bylaw has not been complied with, or at any time when the purpose of this bylaw is not being met, take action to extinguish a fire. This action may be taken whether or not a permit was required or has been issued.~~

~~10.3 The Council may recover costs following any enforcement action to extinguish any fire contravening this bylaw.~~

~~11 — PENALTY FOR BREACH OF BYLAW~~

~~11.1 — If, in the opinion of the Council, the breach of the bylaw poses or is likely to pose a significant risk to public health or safety, or has caused, is causing, or is likely to cause significant damage to public property, then the Council may seek to prosecute the person responsible for breaching the bylaw.~~

~~11.2 — The maximum penalty for breaching a bylaw is \$20,000, pursuant to section 242 (4) of the Local Government Act 2002.~~

~~12 — DATE BYLAW MADE~~

~~12.1 — This Bylaw was adopted by the Rangitikei District Council on the 30 January 2014~~

FIRE PERMIT



Permit Holder Details

FULL NAME _____

Physical Address _____

Postal Address _____

Telephone _____ Mobile _____ Email _____

I am authorised to light a fire in the open air pursuant to Section 23 of the Forest and Rural Fires Act 1977, to the 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: (delete 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 three metres from buildings, the boundary and combustible material.
- Incinerator fires must be a minimum of three metres from buildings, the boundary and 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.

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

Permit Holder _____ Authorising Fire Officer _____

Date _____

Information Notes for Permit Holders

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

“Agents”	<i>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.</i>
“Clean Air”	<i>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.</i>
“Escape”	<i>If the fire escapes, and if it is safe to do so, try to extinguish it. Telephone 111 urgently.</i>
“Extreme Fire Danger”	<i>FIRE PERMITS ARE SUSPENDED by fire bans, or orders prohibiting all open air fires. During periods of extreme fire danger check with the Rangitikei 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 Rangitikei District Council.</i>
“Insurance”	<i>This permit is not a legal defense 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.</i>
“Joint Permits”	<i>Further fire 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.</i>
“Landholder”	<i>Separate consent by the landholder may be needed.</i>
“Offences”	<i>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.</i>
“Open Air”	<i>In relation to fires, means not in a fireplace, incinerator, gas fuelled barbecue, or other place approved in each case.</i>
“Prescribed Burning Plan”	<i>Land clearing fires may require a written plan detailing topography hazard contingencies, firebreaks, safety equipment, ignition points, escape routes and operational procedures, etc.</i>
“Showing Permit”	<i>Please produce this permit if required by a member of the NZ Police, NZ Fire Service or Fire Authority or any enforcement officer of either the Rangitikei District Council or Horizons Regional Council.</i>
“Camping etc.”	<i>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.</i>

Appendix 2

- (a) Place, leave or permit any object or thing, including without limitation any vehicle, packing case, crate, basket, cask, barrel, package or other encumbrance which creates or is likely to create a nuisance;
- (b) Permit or cause the drippings of eaves or other projections of any building to fall in a manner likely to cause a nuisance;
- (c) Throw or in any way deposit any offensive matter including without limitation dead animals or parts thereof and animal waste, allow to remain on any public place the carcass of any animal owned him or her, or in his or her charge or keeping;
- (d) Set off any fireworks or explosive material or allow the setting off of fireworks or explosive matter in a manner which creates or is likely to create a nuisance to users of any public place;
- (e) Place or leave litter or any materials or thing or substance which are likely to be hazardous or injurious to any person, or likely to create a nuisance;
- (f) Deposit in or around a public litter receptacle any household or trade refuse;
- (g) Interfere with any refuse which is awaiting collection by an authorised collector;
- (h) Drive any vehicle except on a formed road, or drive in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in a public place;
- (i) Leave any work, hole or excavation in a public place in a manner that could be a danger to anyone entering or using that public place;
- (j) Solicit any subscription, collection or donation, preach or undertake any busking;
- (k) Distribute any printed or written material advertising any product, service or entertainment;
- (l) Fly from or land any aeroplane including model aeroplanes, a hot air balloon or hang glider, parachutes or similar, except in an emergency;
- (m) Consume, inject or inhale any mind-altering substances or offer or sell such substances to any person;
- (n) Conduct any activity, including the playing of any game recklessly or in a manner which may intimidate, be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
- (o) Erect or place any structure on, over or under the public place except in compliance with any other Part of this bylaw.
- (p) Fail to keep in good repair any rail, gate, fence, or cover over or about any area or entrance or lighting place to any cellar, or other place opening into or upon or near any public place, or keep open for more than a reasonable time, for taking in or out any articles, any entrance to any such area, cellar, or other place, or omit to protect such entrance when open for use.

6.2 Where any fence, wall, retaining wall or land adjacent to a public place is in a condition or state of disrepair which in the opinion of an authorised officer could cause damage or injury to persons passing, the authorised officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land safe.

~~6.3 Notwithstanding the requirements of any other clause of this Part of the bylaw a person shall not in any public place:~~

- ~~(a) Light any fire except at fireplaces specially provided, or in an appliance designed for outdoor cooking, subject to any restriction imposed by the Council on the lighting of fires;~~

7. OBSTRUCTING PUBLIC PLACES

7.1 A person shall not:

- (a) Obstruct the entrances to or exits from a public place;
- (b) Place or leave any material or thing, including signage, on a public place that could obstruct the public from right of passage, without the permission of an authorised officer and then only in accordance with such conditions as may be imposed;
- (c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;
- (d) Carry out any work on any motor vehicle in a public place, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed.

8. DAMAGE TO PUBLIC PLACES

8.1 Except with the permission of the Council or an authorised officer a person shall not in any public place:

- (a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
- (b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or interfere with any ornament, statue, building, structure, or facilities;
Nothing in this sub-clause shall prevent the Council from supplying or approving the installation of display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming functions or events;
- (c) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
- (d) Damage or interfere with any natural feature, animal, or plant;
- (e) Use any vehicle or be in control of any animal so that it damages any part of a public place;
- (f) Drive or park any vehicle in a public place except in an area set aside for the driving or parking of vehicles;
- (g) Remove any sand, soil or other naturally occurring material found in a public place;
- (h) Open any drain or sewer on, or disturb or remove the surface of, any public place.

8.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an authorised officer