

CHRISTCHURCH CITY COUNCIL URBAN FIRE SAFETY BYLAW 2014

Preamble

This preamble is not part of the bylaw, but is intended to indicate its general effect and refers to other restrictions that may apply to the lighting of fires in the open air.

1. This bylaw applies to the nine fire districts of Christchurch City territorial area: Christchurch, New Brighton, Sumner, Brooklands, Lyttelton, Diamond Harbour, Governor's Bay, Little River and Akaroa. (See the maps attached and at <http://www.ccc.govt.nz/thecouncil/policiesreportsstrategies/bylaws/index.aspx#maps>)

The above predominantly urban areas are administered by the New Zealand Fire Service under the Fire Service Act 1975. The bylaw does not apply to the rest of the Council's territorial area as fire control for rural parts of Christchurch City is covered by the Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations 2005. More detailed information about the exact coverage of the bylaw (particularly borderline locations) can be obtained by contacting the Council through its information phone line,

2. This bylaw relates to fire safety only. Environment Canterbury (the regional council) also has restrictions on the lighting of fires in urban areas for 'clean air' purposes. Anyone lighting an open air fire has to comply with the rules of the Regional Plan in addition to this bylaw. More information about the Regional Plan rules on lighting fires outdoors can be found at <http://ecan.govt.nz/advice/your-land/outdoor-burning-fires/Pages/Default.aspx> or by phoning Environment Canterbury on 03 353 9007 or toll free on 0800 324 636.

3. If a fire is to be lit in the open air within 1 kilometre of Crown land then permission may also be required to light that fire from the Department of Conservation.

4. Christchurch City Council, in addition to controlling the lighting of fires under this bylaw, can also require people to reduce fire risk on their properties under provisions in the Local Government Act 2002 relating to fire safety:

- Section 183 enables the Council to give notice to require an owner or occupier to remove any growth or matter that could become the source of danger in a fire. "Growth" and "matter" are defined in this section.*
- Section 186 enables the Council to carry out the work and to recover costs, where the owner or occupier don't comply with a Section 183 notice.*

Pursuant to the powers vested in it by the Local Government Act 2002 the Christchurch City Council makes this bylaw.

1. SHORT TITLE

This bylaw may be cited as the Christchurch City Council Urban Fire Safety Bylaw 2014.

2. COMMENCEMENT

This bylaw comes into force on 1 December 2014.

3. OBJECT OF BYLAW

The object of this bylaw is to protect public safety by preventing danger from fire.

4. APPLICATION OF BYLAW

This bylaw only applies to those parts of the district which are a fire district declared or constituted under section 26 of the Fire Service Act 1975.

5. INTERPRETATION

In this bylaw, unless the context otherwise requires:

“barbecue” means a fixed or portable gas fired or solid fuel burning appliance or device designed or intended for the cooking of food in the open air

"Council" means the Christchurch City Council

“district” means the district for which the Council is the territorial authority

“fire in the open air” does not include a fire within:

- (a) A fireplace or incinerator constructed and maintained in a dwelling or other structure or any other place to the approval of the Council; or

- (b) A barbecue; or

- (c) A hangi; or

- (d) A pizza oven; or

- (e) Any other self contained device that does not use solid fuels; and

To avoid doubt, a fire in the open air includes a brazier or similar device, and setting on fire any paper lantern, such as a Chinese lantern, which is being released into the open air.

“firework” has the same meaning as in the Hazardous Substances and New Organisms Act 1996 and the Hazardous Substances (Fireworks) Amendment Regulations 2004:

An object containing small quantities of hazardous substances with explosive properties enclosed in a case of paper or similar material of such a strength, construction, and character that the ignition or explosion of one such firework will not cause the explosion en masse of similar fireworks kept or carried with it, and whose sole or principal effect is not percussive or vertical or horizontal flight. A firework includes any pyrotechnic novelty or noise maker.

“hangi” includes an umu

"occupier" in relation to any premises, includes any tenant, agent, manager, foreperson or other person acting or apparently acting in the general management or control of the premises

“pizza oven” includes any similar enclosed device designed or intended for cooking food in the open air.

“premises” means both land and buildings and any part thereof.

6. CONDITIONS ON FIRES IN THE OPEN AIR

(1) Unless a prohibition under clause 13 is in force a person may light a fire in the open air only if all of the following conditions are met:

(a) the fire must not, by reason of its location, risk of spread, or prevailing circumstances of wind or otherwise, constitute or be likely to constitute a danger to any person or property;

(b) the fire must not be within three metres of any part of a building, tree, hedge, fence or any other combustible material;

(c) the fire may not be lit before sunrise and must be completely extinguished by sunset;

(d) there is immediately available a water supply connected to a hose;

(e) the fire is adequately supervised at all times until it is completely extinguished.

(2) Unless the conditions in clause 6(1) are met, a person who is the owner or occupier of any premises must not permit or allow any fire to be lit or continue to burn at the premises.

7. CONDITIONS FOR LIGHTING BARBECUES, PIZZA OVENS AND HĀNGI AT ANY TIME

(1) At any time, even if a prohibition is in force under clause 13, a person may use a barbecue, pizza oven or make a hangi if all of the following conditions are met:

(a) the barbecue, pizza oven or hangi must not, by reason of its location, inadequate containment, or prevailing circumstances of wind or otherwise, be or likely to be a danger to any person or property;

(b) there is immediately available a water supply;

(c) adequate supervision is maintained at all times while combustion is occurring.

(2) Unless the conditions in clause 7(1) are met, a person who is the owner or occupier of premises must not permit or allow the use of any barbecue, pizza oven or the making of any hangi on those premises.

8. CONDITIONS ON LIGHTING FIREWORKS

(1) At any time, even if a prohibition is in force under clause 13, a person may set on fire any fireworks if all of the following conditions are met:

(a) the fireworks must not, by reason of their location, risk of spread, or prevailing circumstances of wind or otherwise, constitute or be likely to constitute a danger to any person or property;

(b) the fireworks must not be within three metres of any part of a building, tree, hedge, fence or any other combustible material;

(c) there is immediately available a water supply connected to a hose;

(d) the fireworks are adequately supervised at all times until they have completely burned out.

(2) Unless the conditions in clause 8(1) are met, a person who is the owner or occupier of any premises must not permit or allow any fireworks to be set on fire or to continue to burn at the premises.

9. NO FIRE TO BE LIT IN BREACH OF ANY OTHER LEGISLATION

Nothing in clauses 6, 7 or 8 of this Bylaw authorises the lighting of any fire in the open air, firework, barbeque, pizza oven or hangi if doing so would constitute a breach of any Act or regulation (including any rule in a district or regional plan under the Resource Management Act 1991).

10. EXEMPTIONS FROM CERTAIN RESTRICTIONS AND CONDITIONS

(1) On application, the Council may issue to any person an exemption from the requirements of clauses 6, 7 and 8 of this Bylaw.

(2) An application for exemption under clause 10(1) must be in writing in such form as the Council determines.

(3) The Council may charge an application fee for an exemption under clause 10(1).

(4) The Council may issue an exemption under clause 10(1) subject to such conditions as it considers appropriate.

(5) Every exemption issued under clause 10(1) must be in writing and will specify the conditions, if any, upon which the exemption is issued.

11. HOT ASHES

No person may place on any premises, and no person being the owner or occupier of any premises may permit or allow to remain on those premises, any hot ashes, live cinders, or embers unless they are contained in such a manner as will prevent the spread of fire or heat to any flammable or combustible material.

12. DISPOSAL OF WASTE

No person may place, or permit or allow to be placed, any hot ashes, live cinders, embers, explosive, or highly flammable material

(a) in any refuse receptacle in any public place; or

(b) in any other container that is left in a public place.

13. PROHIBITION OF FIRES

(1) The Council may at any time prohibit the lighting of fires in the open air, within all or any parts of the Council's district referred to in clause 4 of this Bylaw, to prevent the outbreak or spread of fire.

(2) The Council will give public notice of any prohibition made under clause 13(1) by:

(a) broadcast from a radio station broadcasting in the area subject to the prohibition; or

(b) notice in a newspaper circulating in the area subject to the prohibition; and

(c) notice on the Council's website and any other social media website as determined by the Council.

(3) The Council may at any time in the manner provided in clause 13(2) vary or cancel any prohibition made under clause 13(1).

(4) Except where a fire is permitted under this Bylaw, or when the Council has issued an exemption under clause 15, no person may cause, permit or allow any fire to be lit at premises owned or occupied by that person, or allow any fire to continue to burn at those premises in contravention of any prohibition made under this clause.

14. FIRES PERMITTED FOR RESEARCH AND TRAINING PURPOSES AT ANY TIME

(1) At any time, even if a prohibition is in force under clause 13, fires for fire fighting research and fire fighter training are permitted provided the following conditions are met:

(a) the fire must be under the control of a recognised body authorised to undertake fire fighting research or fire fighting training activities such as the Rural Fire Authority, New Zealand Fire Service, Department of Conservation, or Christchurch International Airport Authority; and

(b) the lighting of any fire under this clause does not breach any rule in a regional plan under the Resource Management Act 1991.

15. EXEMPTION FROM PROHIBITION

(1) On application, the Council may issue to any person an exemption from a prohibition imposed under clause 14 where it is satisfied that:

(a) the fire is urgently required to prevent, reduce or overcome any hazard to life, health, property or the environment; and

(b) the use of fire is the most efficient and effective means to reduce any risk of hazard to life, health, property or the environment.

(2) An application for exemption under clause 15(1) must be in writing in such form as the Council determines unless, because of the urgency of the situation, the Council allows an alternative form of application.

(3) The Council may charge an application fee for an exemption under clause 15(1).

(4) The Council may issue an exemption under clause 15(1) subject to such conditions as it considers appropriate.

(5) Every exemption issued under clause 15(1) must be in writing and will specify the conditions, if any, upon which the exemption is issued.

16. OFFENCE AND PENALTY

Every person who breaches this bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$20,000, as set out in the Local Government Act 2002.

17. CHRISTCHURCH CITY GENERAL BYLAW

The provisions of the Christchurch City General Bylaw 2008 and any bylaw passed in amendment or substitution are implied into and shall form part of this bylaw.

18. SAVINGS

Nothing in this bylaw derogates from or otherwise affects any prohibition or restriction issued in respect of the lighting of fires in the open air, or setting on fire any material, under the provisions of the Forest and Rural Fires Act 1977 and any amendments thereto and the Forest and Rural Fires Regulations 2005 and any amendments thereto.

19. REVOCATION

The Christchurch City Urban Fire Safety Bylaw 2007 is hereby revoked.

The initial resolution to make this bylaw was passed by the Christchurch City Council at a meeting of the Council held on 26 June 2014 and was confirmed, following consideration of submissions received during the special consultative procedure, by a resolution of the Council at a subsequent meeting of the Council on 13 November 2014.











