

CHRISTCHURCH CITY COUNCIL

CHRISTCHURCH CITY URBAN FIRE SAFETY BYLAW 2007

Pursuant to the powers vested in it by the Local Government Act 2002 and all other powers there under enabling the Christchurch City Council makes this bylaw.

1. SHORT TITLE

This bylaw may be cited as the Christchurch City Urban Fire Safety Bylaw 2007.

2. COMMENCEMENT

This bylaw shall come into force on the 15th day of October 2007.

3. OBJECT OF BYLAW

The object of this bylaw is to conserve 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

"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

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

6. CONDITIONS ON FIRES IN THE OPEN AIR

- (1) Unless a prohibition under clause 11 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 five 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) A person who is the owner or occupier of any premises must not permit or suffer any fire to be lit there, or continue to burn there, if any of the conditions referred to in clause 6(1) are not met.
- (3) This clause does not authorise the lighting of a fire in the open air 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).

7. CONDITIONS FOR LIGHTING BARBECUES AND HĀNGI AT ANY TIME

- (1) At any time (even if a prohibition is in force under clause 11), a person may use a barbecue or make a hangi only if all of the following conditions are met:
 - (a) the barbecue 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) A person who is the owner or occupier of premises must not permit or allow the use of any barbecue or the making of any hangi on those premises unless all of the conditions specified in clause 7(1) are met.

- (3) This clause does not authorise the use of any barbecue or the making of a 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).

8. EXEMPTIONS FROM CERTAIN RESTRICTIONS AND CONDITIONS

- (1) The Council may issue to any person an exemption from the requirements of clauses 6(1)(c), 6(1)(d) and 7(1)(b).
- (2) The Council may require that applications for exemptions under clause 8(1) be in writing in such form as it may determine.
- (3) The Council may charge an application fee for an exemption under clause 8(1).
- (4) The Council may issue an exemption under clause 8(1) subject to such conditions as it considers appropriate for fire control in the public interest.

9. HOT ASHES

No person shall place on any premises, and no person being the owner or occupier of any premises shall permit or suffer 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.

10. DISPOSAL OF WASTE

- (1) No person shall place, or permit or suffer to be placed, in any refuse receptacle in any public place any hot ashes, live cinders, embers, explosive, or highly flammable material.
- (2) No person shall place, or permit or suffer to be placed in any public place any refuse receptacle which contains any hot ashes, live cinders, embers, explosive or highly flammable material.

11. PROHIBITION OF FIRES

- (1) The Council may at any time where in its opinion special reason exists or may exist to prevent the outbreak or spread of fire, prohibit the lighting of fires in the open air for any specified period of time within all or any parts of the district referred to in clause 4.
- (2) The Council shall give public notice of any prohibition made under clause 11(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.

- (3) The Council may at any time and from time to time in the manner provided in clause 11(2) vary or cancel any prohibition made under clause 11(1).
- (4) Subject to clause 12, no person shall light any fire in the open air and no person being the owner or occupier of any premises shall cause, permit or suffer any such fire to be lit there or to continue to burn there in contravention of any prohibition made under this clause.

12. EXEMPTION FROM PROHIBITION

- (1) The Council may issue to any person an exemption from a prohibition imposed under clause 11 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) Every application for an exemption under clause 12(1) shall be in writing in such form as the Council may from time to time prescribe.
- (3) The Council may charge an application fee for an exemption under clause 12(1).
- (4) The Council may issue an exemption under clause 12(1) subject to such conditions as it considers appropriate for fire control in the public interest.
- (5) Every exemption issued under clause 12(1) shall be in writing and shall specify the conditions, if any, upon which the exemption is issued.

13. CHRISTCHURCH CITY GENERAL BYLAW 1990

The provisions of the Christchurch City General Bylaw 1990 and any bylaw passed in amendment or substitution are implied into and shall form part of this bylaw.

14. SAVINGS

Nothing in this bylaw shall derogate from or otherwise affect any prohibition or restriction issued in respect of the lighting of fires in the open air 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.

15. REVOCATIONS

The Christchurch City Fires Bylaw 2006 is hereby revoked.

The initial resolution to make this bylaw was passed by the Christchurch City Council at an Ordinary Meeting of the Council held on the 12th day of July 2007 and was confirmed, following consideration of submissions received during the special consultative procedure,

by a resolution of the Council at a subsequent Ordinary Meeting of the Council on the 4th day of October 2007.

EXPLANATORY NOTE

This note is not part of the bylaw, but is intended to indicate its general effect. It is also to provide some additional information relating to the lighting of fires in the open air.

1. This bylaw only applies to the nine fire districts within the Council's district which are administered by the New Zealand Fire Service under the Fire Service Act 1975. These are urban areas. The bylaw does not apply to the rest of the Council's district. Fire control for the rest of the Council's district is covered by the Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations 2005. The following urban fire districts are covered by this bylaw: Christchurch, New Brighton, Sumner, Brooklands, Lyttelton, Diamond Harbour, Governor's Bay, Little River and Akaroa. 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, or by looking the information up on the Council's website

2. The purpose of this bylaw is to promote fire safety. At this time the lighting of fires in the open in the Christchurch Clean Air Zones 1 and 2 is prohibited under the Canterbury Regional Council Natural Resources Regional Plan and the Canterbury Regional Council Transitional Regional Plan during the months of May, June, July and August.

3. If a fire is to be lit in the open air the Canterbury Regional Council Natural Resources Regional Plan and the Canterbury Regional Council Transitional Regional Plan should be checked to ensure that the fire is compliant with the provisions of those plans.

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

5. In addition to provisions relating to fire safety and fire prevention contained in the Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations 2005, there are also provisions in the Local Government Act 2002 relating to fire safety. They are;

- Section 183 which 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 184 which provides a right of District Court appeal of a section 183 notice.
- Section 186 which enables the Council to execute the work in default of the owner or occupier and to recover the costs