

MANUKAU CITY CONSOLIDATED BYLAW 2008

CHAPTER 15

RURAL FIRES

EXPLANATORY NOTE

<i>Bylaw made using powers of</i>		<i>Local Government Act 2002 Forest and Rural Fires Act 1977</i>	
Description	Date Made	Council Minute	Commencement
<i>Bylaw first adopted by Council</i>	<i>26 Jul 2007</i>	<i>CL/JUL/1193/07</i>	<i>19 Aug 2007</i>
<i>Updated chapter and bylaw references</i>	<i>26 Jun 2008</i>	<i>CL/JUN/745/08</i>	<i>01 Oct 2008</i>

The purpose of this Bylaw is to protect people and property from the risk and spread of fires by regulating the lighting of open fires in rural fire areas and rural areas during the open fire season and by requiring a permit during the restricted or prohibited fire season.

The Bylaw -

- (a) allows people to light an open fire in a rural fire area or rural area during the open fire season provided that they comply with any rules made by the Council*
- (b) allows people to light an open fire in a rural fire area or rural area during a restricted fire season provided that they have and are operating in accordance with a rural fire permit*
- (c) prohibits persons from lighting open fires in a rural fire area or rural area during a prohibited fire season, except in accordance with a special fire permit*
- (d) authorises the Council to make rules over the lighting of open fires in the open fire season, and the matters that will be considered by the Council when deciding whether to grant a rural fire permit or special fire permit in a restricted or prohibited fire season.*

This Bylaw should be read in conjunction with the entire Manukau City Consolidated Bylaw 2008 and other regulations affecting fire control that are not necessarily repeated within this Bylaw, including (but not limited to) the Local Government Act 2002, the Forest and Rural Fires Act 1977, the Forest and Rural Fires Regulations 2005, the Fire Service Act 1975, the Resource Management Act 1991 and the relevant regional plan (Proposed Air Land Water Plan at the date the bylaw was made).

This Explanatory Note is for information purposes only and does not form part of this Bylaw. Council resolutions made for this Bylaw are attached also for information purposes only and do not form part of this Bylaw.

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1. Interpretation

1.1 In this Chapter, unless inconsistent with the context:

OPEN AIR FIRE has the same meaning as a fire in the OPEN AIR as defined in the Forest and Rural Fires Act 1977.

OPEN FIRE SEASON means a period of time, whether fixed or indefinite during which the lighting of fires in the open air is not restricted under this bylaw.

PRINCIPAL RURAL FIRE OFFICER means a Principal Rural Fire Officer appointed pursuant to the Forest and Rural Fires Act 1977.

PROHIBITED FIRE SEASON means a period of time, whether fixed or indefinite during which period the lighting of fires in the open air is prohibited.

RESTRICTED FIRE SEASON means a period of time, whether fixed or indefinite during which period the lighting of fires in the open air requires the person lighting the fire to hold a rural fire permit.

RURAL AREA means any area for the time being zoned for rural purposes in the District Plan and for the avoidance of doubt includes any area zoned for rural residential purposes, and that is within an Urban Fire District as defined under the Fire Services Act 1975.

RURAL FIRE AREA means a rural fire district as defined under the Forest and Rural Fires Act 1977.

SPECIAL FIRE PERMIT means a special permit in terms of section 24 of the Forest and Rural Fires Act 1977 or a special permit in terms of the rules made under this bylaw.

2. Open Fire Season

2.1 Any person lighting an open fire in a rural fire area or rural area must comply with any rules made by Council for the control of open fires in the open fire season, unless that person holds and complies with the conditions of a rural fire permit issued by the Council or the Principal Rural Fire Officer

3. Restricted Fire Season (Rural Fire Permit Required)

3.1 Every person lighting an open air fire in a rural fire area or rural area during a restricted fire season must ensure they hold and comply with the conditions of a rural fire permit issued by the Council or the Principal Rural Fire Officer.

4. Prohibited Fire Season

4.1 No person shall light any open air fire in a rural fire area or rural area during the prohibited fire season, unless that person holds a special fire permit issued by the Council or the Principal Rural Fire Officer.

5. Powers of the Council

5.1 The Council may from time to time by resolution make rules for the following:

- (a) controls for open air fires in the open fire season; and
- (b) matters to be considered when deciding whether to grant a rural fire permit or a special fire permit.

5.2 The Council or the Principal Rural Fire Officer may from time to time:

- (a) determine the open fire season, restricted fire season or prohibited fire season in the rural fire area in accordance with the Forest and Rural Fires Act 1977 and the Forest and Rural Fires Regulations 2005.
- (b) determine an open fire season, restricted fire season or prohibited fire season in a rural area by notice published in a newspaper circulating in the locality to which the notice relates.

**ATTACHMENTS TO CHAPTER 15 RURAL FIRES
OF THE MANUKAU CITY CONSOLIDATED BYLAW 2008
FOR INFORMATION PURPOSES ONLY**

HISTORY OF THE ATTACHMENT

Description	Date Made	Council Minute	Commencement
Attachment first adopted under 2008 consolidated bylaw	25 Sep 2008	CL/SEP/1083/08	01 Oct 2008

INTRODUCTION

Chapter 15 Rural Fires of the Manukau City Consolidated Bylaw 2008 allows the Council by resolution to –

- (a) Make rules for the control of open fires in the open fire season; and
- (b) Determine the matters it will consider when granting a rural fire permit or special fire permit.

Chapter 1 of the Manukau City Consolidated Bylaw 2008 contains provisions in relation to permits. This document consolidates for information purposes only the rules associated with Chapter 15 Rural Fires of the Manukau City Consolidated Bylaw 2008 to assist Council officers, persons wishing to light open fires in the open fire season or to apply for a permit, and the general public.

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ATTACHMENT 1
RULES FOR THE CONTROL OF OPEN AIR FIRES
IN THE OPEN FIRE SEASON

1. *In accordance with Clause 5.1(a) of Chapter 15 Rural Fires of the Manukau City Consolidated Bylaw 2008, the following rules apply to lighting an open air fire during the open fire season:*

Any person lighting an open air fire during the open fire season shall ensure that:

1. *The fire is supervised at all times.*
2. *Appropriate equipment is on hand to extinguish the fire if it gets out of control.*
3. *The fire is not lit during strong winds or in weather conditions that are likely to spread the fire beyond the limits of the property.*
4. *The fire is appropriately located to prevent the spread of the fire.*
5. *The ashes are properly extinguished.*
6. *No fire remains alight at night, unless otherwise approved by the Council.*
7. *No fire shall be lit on peat soils, except where ground conditions and relative water table position will prevent the establishment or spread of fire.*
8. *No fire shall be lit within 20m of a Transpower transmission line unless Transpower has been advised at least 5 working days prior to the lighting of the fire.*

ATTACHMENT 2
MATTERS TO BE CONSIDERED FOR A
RURAL FIRE PERMIT APPLICATION

1. *In accordance with Clause 5.1(b) of Chapter 15 Rural Fires of the Manukau City Consolidated Bylaw 2008, the following matters will be considered when making a decision on whether to issue a rural fire permit:*

1. *The proposed location in which the fire will be lit, and*
2. *The proposed type of materials that will be burnt, and*
3. *The proposed volume/size/area of materials that will be burnt, and*
4. *The proposed time at which the material will be burnt and the duration of the proposed burn period.*
5. *The proximity to any National Grid transmission line and any advice from Transpower.*

2. *In accordance with Clause 5.1(b) of Chapter 15 Rural Fires of the Manukau City Consolidated Bylaw 2008, the Council will consider an application for a special fire permit in a rural fire area or rural area in accordance with section 24 of the Forest and Rural Fires Act 1977.*