

**HUTT CITY COUNCIL  
FIRE PREVENTION  
(URBAN FIRE DISTRICT)  
BYLAW 2008**

**ADOPTED BY COUNCIL 3 JUNE 2008**

## CONTENTS

1. Interpretation .....	3
2 Application of bylaw.....	4
3 Limits on fires during a prohibited fire season.....	4
4 Limits on fires during a restricted fire season.....	4
5 Prohibited activities .....	4
6 Declaring a prohibited fire season.....	5
7 Public notice of prohibited fire season .....	5
8 Permits and special exemptions .....	5
9 Use of incinerators not permitted after 1 July 2009.....	5
Commentary .....	6
SCHEDULE ONE .....	8

# 1. INTERPRETATION

## 1.1 In this bylaw:

**“Barbecue”** means any gas or solid fuel burning equipment or device that is designed to be used primarily for cooking food in the open air, although it may have a lid.

**“Brazier”** means an untreated timber or wood or coal fired heating appliance designed to be used outdoors.

**“Bylaw”** means this Fire Prevention (Urban Fire District) bylaw.

**“Combustible material”** includes plastic, coated or covered metal, rubber, waste oil, sludge, pitch, paint, motor vehicle parts, medical waste, or treated timbers.

**“Council”** means the Hutt City Council.

**“District”** means the district within the jurisdiction and under the control of the Council.

**“Incinerator”** includes

- (a) An oil drum, the top of which is covered with a heavy gauge steel wire mesh, where holes in the mesh are up to 3 centimetres square; or
- (b) An oil drum fitted with a flue, cowl, and lid; or
- (c) A pumice copper fitted with a flue, cowl, and lid; or
- (d) A masonry or concrete enclosed vessel that is commercially produced, placed on a concrete slab base, and fitted with a fire box and heavy gauge steel wire mesh cover, where the cover is at least 1.5 square metres; or
- (e) A masonry or concrete enclosed vessel that is commercially produced, placed on a concrete slab base, and fitted with a fire box, flue, cowl, and lid.

**“Open air”**, in relation to a fire, means in any place other than in a building.

**“Outdoor cooking oven”** means a permanent and immovable enclosed oven that is designed to be used primarily for baking food outside, and includes a pizza oven.

**“Premises”** means any land or building, or part thereof, and includes a dwellinghouse.

**“Prohibited fire season”** means a period commencing on the start date for a prohibited fire season declared under clause 6.1 and ending on the finish date declared under clause 6.2 for that prohibited fire season, during which period the lighting of fires in the open air is prohibited under clause 3.1.

**“Reserve”** means any open space, plantation, park, garden or grounds set apart for public recreation or enjoyment that is under the management or control of the Council and includes all land administered by the Council under the Reserves Act 1977, but does not include any land administered by the Greater Wellington Regional Council.

**“Restricted fire season”** means any period that is not a prohibited fire season, during which period the lighting of fires in the open air is restricted under clause 4.1.

**“Traditional cooking process”** includes a hangi or umu.

**“Urban fire district”** means those areas as may be published by Council from time to time and as outlined in the map in Schedule 1 but does not include any reserve.

**“Vegetation”** has the same meaning as in section 2 of the Forest and Rural Fires Act 1977.

## 2 APPLICATION OF BYLAW

2.1 This bylaw applies to the urban fire district only.

## 3 LIMITS ON FIRES DURING A PROHIBITED FIRE SEASON

3.1 During a prohibited fire season, no person may light or otherwise create a fire, or further fuel a fire, that is in the open air, except if the fire is adequately supervised at all times and is:

- (a) in a properly constructed barbecue; or
- (b) in an outdoor cooking oven or is part of a traditional cooking process undertaken pursuant to and in accordance with the conditions of a special exemption granted under clause 8.2.

## 4 LIMITS ON FIRES DURING A RESTRICTED FIRE SEASON

4.1 During a restricted fire season, no person may light or otherwise create a fire, or further fuel a fire, that is in the open air, except if the fire is adequately supervised at all times and is:

- (a) in a properly constructed barbecue; or
- (b) as part of a traditional cooking process; or
- (c) in an outdoor cooking oven; or
- (d) in a brazier; or
- (e) pursuant to and in accordance with the conditions of a permit granted under clause 8.2; or
- (f) pursuant to and in accordance with the conditions of a special exemption granted under clause 8.2.

## 5 PROHIBITED ACTIVITIES

5.1 No person may:

- (a) burn vegetation; or
- (b) burn any combustible material that results in the discharge of contaminants into the open air; or
- (c) burn any material so as to cause a nuisance to adjoining or nearby premises; or
- (d) use an incinerator.

5.2 Clause 5.1(a) does not apply if the person concerned is acting pursuant to and in accordance with the conditions of a permit or special exemption granted under clause 8.2.

5.3 Clause 5.1(d) does not apply if the person concerned is acting pursuant to, and in accordance with the conditions on, a resource consent authorising any discharge of contaminants into air issued under section 15 of the Resource Management Act 1991 by the Wellington Regional Council.

5.4 No person may place any live cinders, embers, or ashes in or upon any premises, except:

- (a) in a container made of steel or other similarly fire resistant material to prevent the transmission of heat to any combustible material; or
- (b) in a pit or upon any fire-resistant substance in such a manner so as to prevent the spreading of fire by the action of wind or otherwise; or
- (c) as part of a traditional cooking process.

## **6 DECLARING A PROHIBITED FIRE SEASON**

- 6.1** The Council may declare the start date of a prohibited fire season at any time.
- 6.2** The Council may declare the finish date of a prohibited fire season at any time.

## **7 PUBLIC NOTICE OF PROHIBITED FIRE SEASON**

- 7.1** The Council must give public notice of the start of any prohibited fire season that it declares under clause 6.1 at least 2 days before the start date.
- 7.2** Public notice under clause 7.1 is given by:
  - (a) placing a notice in a newspaper that circulates in the urban fire district; or
  - (b) placing advertisements on radio or television that broadcasts in the urban fire district; or
  - (c) making information available on the Council's website, [www.huttcity.govt.nz](http://www.huttcity.govt.nz).

## **8 PERMITS AND SPECIAL EXEMPTIONS**

- 8.1** Any person may apply to the Council for a permit or special exemption, using a Council approved form.

The Council may grant a permit or special exemption on such conditions as the Council considers appropriate.

## **9 USE OF INCINERATORS NOT PERMITTED AFTER 1 JULY 2009**

- 9.1** Notwithstanding clause 5.1(d), a person may use an incinerator at any time up to, but not including, 1 July 2009.

## COMMENTARY

**The following comments do not form part of the Fire Prevention Bylaw. They are provided to alert readers to relevant law and information that relate to the bylaw.**

This bylaw has been introduced to eradicate the practice of burning vegetation and combustible materials including those which cause a nuisance and/or discharge contaminants into the environment. Within Lower Hutt there are adequate services available to enable the disposal of such material without the need to burn it.

### Statutory authority

This bylaw is made pursuant to the Council's bylaw-making powers in the Local Government Act 2002.

### Offences

It is an offence under section 239 of the Local Government Act 2002 to breach a bylaw. If you breach this bylaw, you may be liable on conviction to a fine of up to \$20,000 under section 242(4) of the Local Government Act 2002.

### Permits, special exemptions, and fees

Permits issued under this bylaw enable a person to light a fire in the open air that would otherwise be in breach of a restricted fire season. A permit does not authorise any fire during a prohibited fire season.

In comparison, a special exemption issued under this bylaw enables a person to light a fire that would otherwise be in breach of a prohibited or restricted fire season. Special exemptions are usually granted for one-off special events. For instance, special exemptions have been granted for the Guy Fawkes night bonfires, scouts and girl guide campfires, and burning a derelict building for a training exercise.

To encourage compliance with this bylaw, the Council does not charge fees for applications for permits or special exemptions.

In imposing any conditions on a permit or special exemption, the Council will generally have regard to:

- any relevant cultural requirements or practices;
- the location of the proposed fire, and the terrain of that location, including any natural vegetation, buildings or other constructions; and
- the health and safety, and convenience, of persons who occupy or use the land on which the proposed fire will take place, or any adjoining land.

### Incinerators

The use of incinerators is to be phased out by 30 June 2009. From 1 July 2009, it will be an offence to use an incinerator.

## **Definition**

The interpretation section of this bylaw refers to the definition for “vegetation” in section 2 of the Forest and Rural Fires Act 1977. This definition is:

*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.*

## **Rural fire district**

Information on the rural fire district can be found on [www.huttcity.govt.nz/emo](http://www.huttcity.govt.nz/emo). The rural fire district is subject to the provisions of the Forest and Rural Fires Act 1977

## **Fires on Beaches**

Under the provisions of the Hutt City Council Parks and Reserves Bylaw no person can light a fire (including fire works) in a reserve, other than a gas barbeque, without prior written permission from the Council.

## **Fires beside Rivers**

The Greater Wellington Regional Council is responsible for the control of fires beside rivers within the district

SCHEDULE ONE

URBAN FIRE DISTRICT

