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Fire Prevention

Approved by Council: 22 September 2003
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PART 7: FIRE PREVENTION

7.1 Purpose - (1) To provide for the protection of people and property from the risk and spread of vegetation fires.

(2) The mechanisms used are the reduction of vegetation fire hazards and the regulation of the use of outdoor burning.

7.2 Relationship to other statutes and rules - (1) This bylaw gives effect to and complements provisions of:

- (a) The Local Government Act 2002; and
- (b) The Forest and Rural Fires Act 1977; and
- (c) The Forest and Rural Fires Regulations 1979; and
- (d) The Fire Service Act 1975; and
- (e) The Otago Regional Council's Regional Plan: Air for Otago.

(2) Nothing in this bylaw derogates from any duty, power or responsibility arising from these or any other enactment, bylaw or rule.

7.3 Fire Districts - Fire districts within the City are established under the Fire Service Act 1975 and the Forest and Rural Fires Act 1977. Maps showing the current boundaries of the fire districts may be viewed at the main office of the Dunedin City Council and include:

(1) ***Urban Fire Districts*** – Any area of the City for which the New Zealand Fire Service is the fire authority under the Fire Service Act 1975. These areas may be served by either paid or volunteer fire brigades.

(2) ***Conservation Areas*** – Any area of the City outside an urban fire district for which the Department of Conservation is the fire authority under the Forest and Rural Fires Act 1977.

(3) ***Rural Fire Areas*** – All areas of the City that are not in an urban fire district or a conservation area are rural fire districts for which the Dunedin City Council is the fire authority under the Forest and Rural Fires Act 1977.

7.4 Areas defined by Otago Regional Plan: Air - The Otago Regional Council Regional Plan: Air imposes rules throughout the City in regard to outdoor burning for the purpose of maintaining air quality. Additional rules apply in areas defined in Schedule 1.2 of that Plan.

Maps showing the boundaries of these areas can be viewed at the main offices of the Dunedin City Council and the Otago Regional Council.

7.5 Prevention of Vegetation Fires - No person shall cause or allow to persist any condition that increases the likelihood of accidental vegetation fire or its spread and in particular:

(1) No person shall allow the growth of vegetation on a property that creates or makes worse an unacceptable fire hazard.

(2) No person shall allow the placing or storage of any materials on a property in such a manner that creates or makes worse an unacceptable vegetation fire hazard and in particular shall not:

(a) Place live cinders or ashes in any place other than in a suitably fire resistant container in such a way that prevents the spreading of fire or ashes or heat; or

(b) Store textile or fibrous waste or rags impregnated or used in connection with petroleum products or other flammable materials near vegetation other than in a manner which provides a safeguard against spontaneous combustion; or

(c) Store goods, timber, hay, packing materials or any other things of any kind whatsoever in a manner that creates or may create or worsen a fire hazard to vegetation.

(3) Any such fire hazard that an occupier or owner fails to remedy after being advised to do so within a reasonable time frame given the circumstances of the risk may, subject to the provisions of sections 183 and 184 of the Local Government Act 2002, be removed by the Council and the costs may be recovered from the owner or occupier.

(4) In conservation areas and rural fire areas the fire prevention measures of the Forest and Rural Fires Act 1977 apply in addition to the measures of this bylaw.

7.6 Total fire bans - (1) A rural fire authority may declare a total fire ban (prohibited fire season) in a rural fire area under the provisions of the Forest and Rural Fires Act 1977.

(2) Where a total fire ban is in force in an area that includes an urban fire district a total fire ban is deemed to exist concurrently in that urban fire district under this bylaw.

7.7 General restrictions on outdoor fires - (1) No fire, whether the subject of a permit or not, is allowed to be lit or to remain alight during the period of a total fire ban (prohibited season) covering the locality of the fire.

(2) No fire, whether the subject of a permit or not, is allowed to be lit on any public or private land without the permission of the person or body owning or controlling the land.

(3) No fire is allowed to be lit on any beach or beach reserve except in a properly constructed fireplace provided by the body controlling the reserve.

7.8 Outdoor burning in urban fire districts - Outdoor burning in an urban fire district is a permitted activity subject to the following conditions:

(1) No total fire ban (prohibited season) is in place that covers the locality of the fire; and

(2) The fire complies with all rules of the Otago Regional Council Regional Plan: Air or is permitted by an appropriate consent from the Otago Regional Council; and

(3) No fire, other than a cooking fire in a container that prevents the escape of fire or ashes, is lit or allowed to remain alight between sunset and sunrise; and

(4) No fire is lit or allowed to remain alight when prevailing or forecast conditions of wind may cause it to spread; and

(5) The fire does not by reason of its size, location, risk of spread or inadequate containment constitute a danger to any person or property; and

(6) A minimum clearance of 5 metres is maintained from any building, fence, tree, hedge or other combustible material; and

(7) A responsible person is in attendance to supervise the fire at all times; and

(8) A water supply sufficient to control any spread of the fire is available; and

(9) All embers and ashes are totally extinguished after burning.

7.9 Special permits in an urban fire district - A special permit may be granted for a non-complying fire in an urban fire district where:

(1) In the opinion of a rural fire officer of the Council the fire will not pose an unacceptable fire risk; and

(2) The fire is urgently required to prevent, reduce or overcome any hazard to life or health; or

(3) No total fire ban (prohibited season) is in place that covers the urban fire district and the fire:

(a) is for a celebratory bonfire during the hours of darkness:

- (i) On New Year's Eve; or
- (ii) On or near Guy Fawkes night; or
- (b) Is for a significant community event; and
- (4) Except in the case of 7.9(2) an application for the permit has been lodged with the Council no less than 14 days prior to the date of the event.

7.10 Outdoor fire in an urban fire district may be declared unsafe - Whether the subject of a special permit or not, if in the opinion of a member of the NZ Fire Service or an authorised officer of the Council any fire that is about to be lit, is alight or has been alight fails to meet any condition of 7.8 above or otherwise poses a danger that fire ceases to be a permitted activity and shall be extinguished immediately.

7.11 Outdoor burning in rural fire areas - Outdoor burning may be carried out in rural fire areas only when:

- (1) No total fire ban (prohibited season) being in place under the provisions of the Forest and Rural Fires Act 1977 that covers the location of the fire; and
- (2) Either
 - (a) A current fire permit has been issued by the Council under the provisions of the Forest and Rural Fires Act 1977 and all conditions of that permit are complied with at all times; or
 - (b) The fire is in a fireplace or incinerator designed to prevent the escape of fire and ashes and meets all of the conditions in 7.8(3) to 7.8(7); and
- (3) All rules of the Otago Regional Council Regional Plan: Air are complied with or the fire is permitted by an appropriate consent from the Otago Regional Council.

7.12 Outdoor fire in a rural fire district may be declared unsafe - If in the opinion of a member of the NZ Fire Service or a rural fire officer of the Council a fire that is about to be lit, is alight or has been alight fails to meet any condition of 7.11 above or otherwise poses a danger that fire ceases to be a permitted activity and shall be extinguished immediately.

7.13 Costs of rural fire suppression recovered - The costs of suppressing a rural fire may be recovered from the person or persons responsible for a fire that gets out of control or is declared unsafe in accordance with 7.12 whether the fire is permitted by a permit or not.

7.14 Outdoor burning in conservation areas - Outdoor burning in conservation areas is subject to the requirements of and regulation by the Department of Conservation and to the rules of the Otago Regional Council Regional Plan: Air.