

KAPITI COAST DISTRICT COUNCIL FIRE PREVENTION BYLAW 2010

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1 Title, Commencement and Application

- 1.1 This Bylaw may be cited as the Kapiti Coast District Council Fire Prevention Bylaw 2010 and comes into force on 01 October 2010.
- 1.2 This Bylaw is made pursuant to sections 145 and 146(c) of the Local Government Act 2002 and any other Act or Authority enabling the Council in that behalf.
- 1.3 This Bylaw applies to the Kapiti Coast District.
- 1.4 This Bylaw replaces Part 7 of the Kapiti Coast District Council General Bylaw 1991.

2 Kapiti Coast District Council Fire Prevention Bylaw 2010 Validation

- 2.1 The Kapiti Coast District Council Fire Prevention Bylaw 2010 was approved at a meeting of the Kapiti Coast District Council held on 30 September 2010 after completion of the Special Consultative Procedure.
- 2.2 The Common seal of the Kapiti Coast District Council was affixed, pursuant to a resolution of Council on 30 September 2010 in the presence of:

.....
Jenny Rowan
Mayor

.....
Pat Dougherty
Chief Executive Officer

3 Objective

- 3.1 This Bylaw manages the lighting of fires in the open air throughout the Kapiti Coast District to ensure this activity does not create a nuisance or become a threat to public health and safety.
- 3.2 Nothing in this Bylaw derogates from any provision of, or the necessity for compliance with:
- i. the Fire Safety and Evacuation of Buildings Regulations 2006 or any regulations passed in amendment or substitution thereof;
 - ii. sections 20 and 22 of the Forest and Rural Fires Act 1977 and any Act passed in amendment or substitution thereof;
 - iii. any other applicable Acts of Parliament, regulations or rules;
 - iv. any other Council bylaws, District Plan requirements; and
 - v. any other requirements imposed by either Greater Wellington Regional Council or Department of Conservation.

4 Interpretation

4.1 In this Bylaw, the interpretations of the General Bylaw 2010 and its amendments are also implied into and form part of this Bylaw unless the context requires otherwise.

4.2 In this Bylaw, the following definitions are used:

Authorised Barbeque Areas	means an area of public reserve set aside for barbequing indicated by signage or other means.
Barbeque (BBQ)	means any fixed or portable gas or solid fuel burning equipment designed and intended for the cooking of food in the open air, although it may have a lid.
Beach Area	means the area covered and uncovered by the ebb and flow of the tide and any adjacent area which can be considered part of the beach environment, including any area of sand, pebbles, shingle, dunes or coastal vegetation that is vested in the Council or is under its management or regulatory control.
Brazier	means an outdoor heating appliance of non-combustible material that is designed to safely burn and contain the embers of any coal or untreated timber and is less than 1 meter in diameter or height.
Chimineia	means an enclosed outdoor fireplace made of sturdy non-combustible material with a grill and flue to prevent sparks and smoke nuisance. A chimineia does not include an open fire pit.
Enforcement Officer	means any person appointed by the Council to enforce the provisions of any Council Bylaw and who holds a warrant under section 177 of the Local Government Act 2002 or an appropriate section of any other Act.
Fire Permit	means a written permit from the Council to light a fire in the open air

	subject to the conditions on the permit being adhered to at all times.
Incinerator	means a container used for burning waste material, which is made from non-combustible materials, is less than one meter in diameter, and has a grate and a lid or spark arrester.
Open Air fire	means any fire other than within a building but excludes: <ul style="list-style-type: none"> a) a barbeque; b) a traditional cooking fire; c) a brazier, chiminea or outdoor oven; and d) an incinerator
Outdoor Oven	means a permanent and immovable enclosed oven of non-combustible material that is designed to be used primarily for baking food outside, and includes a pizza oven.
Permission	means the process of obtaining a Council open air fire permit.
Prohibited Fire Season	a period of time advised by public notice during which the lighting of fires in the open air is prohibited.
Traditional Cooking Fire	means any hangi, umu, or similar fire in the open air used for preparing food using traditional cooking methods.
Urban Area	means an area used mainly for commercial, industrial, or residential purposes, and in the event of a fire, the New Zealand Fire Service is legislated as the lead agency.

5 Lighting of Open Air Fires in Urban and Beach Areas

- 5.1 No person shall light an open air fire in any urban or beach areas of the District without first obtaining a fire permit¹ from the Council.
- 5.2 An Enforcement Officer may grant a fire permit or an exemption to such conditions as he or she thinks fit.
- 5.3 Every person must comply with the conditions of his or her applicable fire permit or exemption, as the case may be.

6 Declaration of a Prohibited Fire Season

- 6.1 Following the declaration of a Prohibited Fire Season all fire permits are suspended and no person shall light an open air fire in **any** part of the District until the prohibited fire season is declared over.

¹ Beach Fire Permits contain details on conditions for lighting beach fires in specific beach locations. For general rules on lighting fires on the beach see Schedule 1 for details.

- 6.2 In special circumstances the Council may consider individual exemptions to clause 6.1. Any person wishing to obtain a fire permit during a prohibited season must apply in writing to the Council.
- 6.3 Upon receiving an application under clause 6.2 the Council may issue a prohibited season permit and may impose such conditions and restrictions in respect of the permit as the Council considers reasonably necessary having regard to:
- i. any cultural requirements or practices;
 - ii. the location, terrain, natural vegetation, buildings and weather conditions;
 - iii. the safety, health and comfort of adjoining land owners; and
 - iv. an assessment of the fire safety measures put in place by the applicant to prevent the spread of the planned fire or fires.

7 Conditions for Lighting Barbeques, Incinerators, Traditional Cooking Fires, Braziers, Chiminea, and Outdoor Ovens

7.1 A fire permit is not required for -

- a) a barbeque where the barbeque is:
 - (i) properly constructed to prevent sparks/embers leaving the barbeque; and
 - (ii) is under continuous supervision.
- b) an incinerator, traditional cooking fire, brazier, chiminea or outdoor oven where they are:
 - (i) less than 1 metre in diameter;
 - (ii) situated at least 3 metres from any fence, hedge or other vegetation, combustible material, building or adjoining boundary;
 - (iii) properly constructed or maintained to prevent sparks/embers leaving the fire; and
 - (iv) under continuous supervision.
- c) a smoker or burner used for beekeeping where they are:
 - (i) an approved MAF device;

- (ii) situated at least 3 metres from any fence, hedge or other vegetation, combustible material, building or adjoining boundary;
- (iii) under continuous supervision.

7.2 All fires lit in accordance with clause 7.1 must also comply with the following additional conditions:

- a) All fires are lit on private property.
- b) No person shall light any fire if it has been declared a prohibited activity during a Prohibited Fire Season.
- c) No person shall light a fire if it is likely to cause danger, smoke or ash nuisance to any person or property.
- d) Every person responsible for a fire will immediately extinguish the fire if in the opinion of any Enforcement Officer or member of the New Zealand Fire Service, they are deemed to present a nuisance or risk to public health and safety.
- e) Every person requested by an Enforcement Officer or member of the New Zealand Fire Service to extinguish a fire, will not re-light the said fire until the issues that caused the fire to be extinguished are fixed or resolved to the satisfaction of the Enforcement Officer or member of the New Zealand Fire Service.
- f) Rubber, plastics, petrol, oil, diesel and treated timber are not used.
- g) There must be available at all times an emergency water supply (such as a hose connection to a water supply) or other fire fighting equipment.

7.3 Barbeques can be lit in authorised barbeque areas without a fire permit but subject to clauses 7.2(b), (c), (d), (e), (f) and (g) being complied with. In all other public places a fire permit is required.

7.4 Braziers, chimineas, and outdoor ovens can be situated less than 3 metres from a property boundary if written permission from the affected neighbour has been given.

8 Precautions against Fire Danger

8.1 It shall be the responsibility of every land or building owner and occupier to minimise the risk of fire danger by taking all reasonable precautions in the manufacture, storage or use of any goods or equipment.

8.2 If the Council considers that all reasonable precautions have not been taken, it may give written notice to the owner and occupier outlining the steps to be taken to minimise the risk of fire danger.

9 Offences and Penalties

9.1 Every person who breaches this Bylaw commits an offence and is liable upon summary conviction to penalties as set out under the Rural Fires Act 1977, Fire Safety and Evacuation of Buildings Regulations 2006, Building Act 1991, Local Government Act 2002 or any other applicable Acts and amendments; which ever may apply.

10 Savings

10.1 If a fire permit is in force immediately before this Bylaw comes into force, that declaration continues to apply as if it had been made under this Bylaw.

11 Kapiti Coast District Council General Bylaw

11.1 The provisions of the Kapiti Coast General Bylaw 2010 and any bylaw passed in amendment or substitution are implied into and form part of this bylaw.

Note: *In addition to statutory provisions relating to fire safety and prevention in the Forest and Rural Fires Act 1977, the Building Act 1991 and the Fire Service Act 1975, the following provisions of the Local Government Act 2002 should be read together with this bylaw:*

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



SCHEDULE ONE: Beach Fire Rules

- Barbeques do not require a permit as long as they are lit in authorised barbeque areas (look for signposted barbeque zones) or beach fire permit areas (see table 1 below)
- Subject to a fire permit being obtained from the Kapiti Coast District Council Compliance, Monitoring & Enforcement Team (ph: 04 296 4700), the areas defined in Table 1 have been set aside for small 1 metre diameter open air beach fires.

Key Rules

- All open air fires must be under the supervision of the permit holder at all times. The permit holder is also responsible for the orderly conduct of guests.
- The fire is lit below the high tide mark and 20 metres from the base of any dune
- The fire is lit 5m from any wooden sea wall, rock revetment or build up of driftwood
- To be fully extinguished with water before permit holder leaves the site.
- No fires after 10pm or before daylight.
- All un-burnt residual material including glass and rubbish must be removed.
- The burning of plastics, household wastes, rubber, wood containing nails or attached metal, oil and copper chrome arsenic treated timber is **prohibited**.
- No fires in windy conditions or when a fire ban is in place.
- **The fire shall be immediately extinguished at the request of Council Enforcement Officer, Rural Fire Officer, member of Police or Fire Service.**

TABLE 1: PERMITTED FIRE ZONES


PERMITTED FIRE ZONES	
<p>PAEKAKARIKI</p> <ol style="list-style-type: none"> 1. In front of car park at the north end of the Parade; and 2. On the beach sand below the rock revetment; and 3. A minimum of 5 metres out from the rock revetment; and 4. Below the high tide mark <p>Beach Fire Permitted Area</p> 	

PERMITTED FIRE ZONES

RAUMATI SOUTH BEACH

1. The area from the beach access at Kainui Road at the south end to the point where The Esplanade turns in from the coast at the north end; and
2. On the beach sand below the rock revetment; and
3. Minimum of 5 metres out from the rock revetment; and
4. Below the high tide mark.

Beach Fire Permitted Area


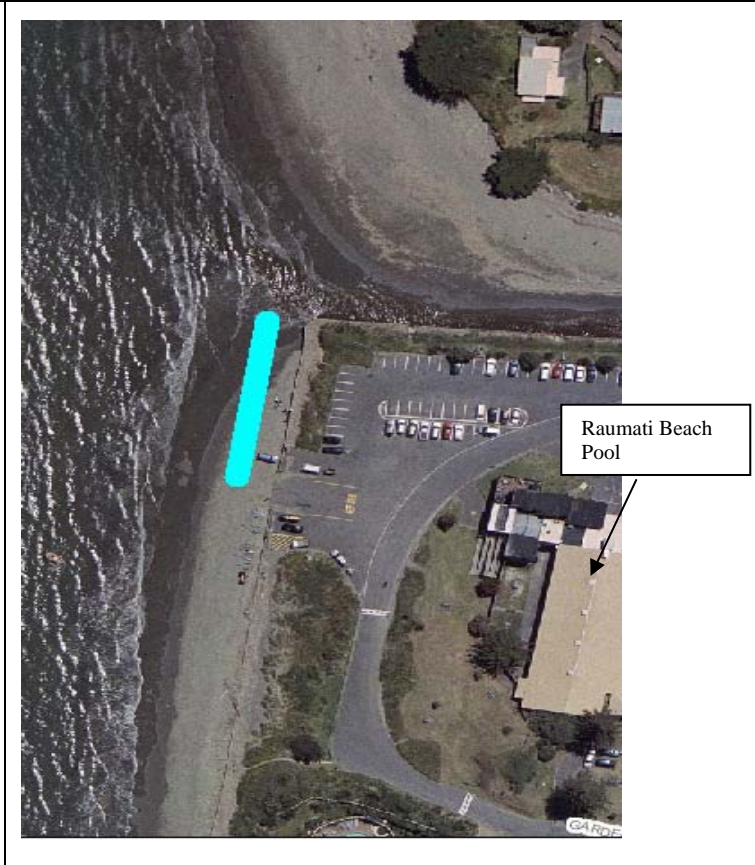



PERMITTED FIRE ZONES

RAUMATI BEACH

1. The area from the car park launching ramp north to the Wharemauku Stream mouth; and
2. A minimum of 5 metres out from the timber sea wall; and
3. Below the high tide mark

Beach Fire Permitted Area

PERMITTED FIRE ZONES

PARAPARAUMU BEACH

1. From the Tikotu Stream mouth south for 20 metres; and
2. A minimum of 20 metres out from the toe of the dunes; and
3. Below the high tide mark.

Beach Fire Permitted Area



Kapiti Boating Club



WAIKANAĒ BOATING CLUB

1. From the car park at the beach end of Waimea Rod, north to the end of Te Moana Road; and
2. A minimum of 20 metres out from the toe of the dunes; and
3. Below the high tide mark

Waikanae Beach North

No fire area. This area of the beach has limited access for the fire service and heightened property risk with residential properties built on the dunes bordering the beach.

Beach Fire Permitted Area



Waikanae Boating Club

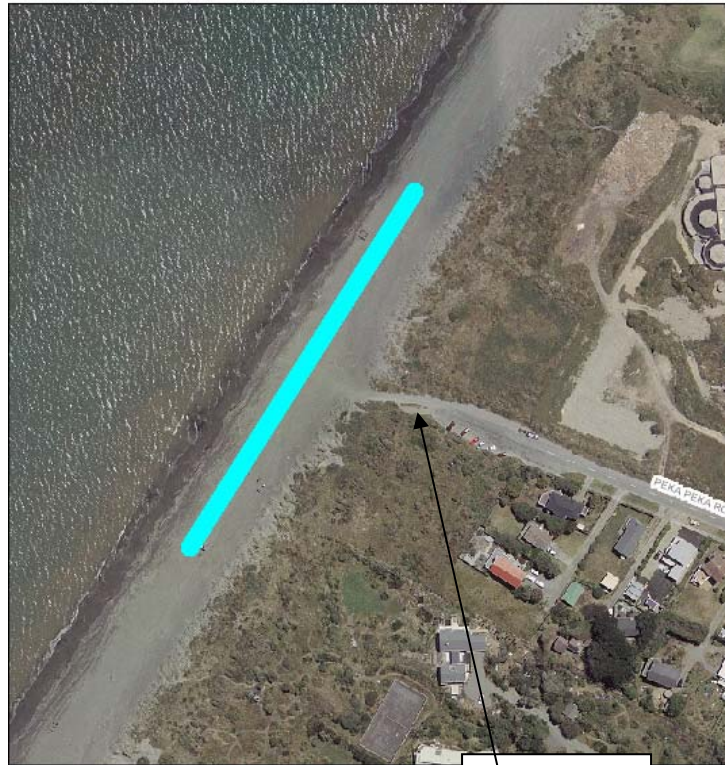


PERMITTED FIRE ZONES

PEKA PEKA BEACH

1. An area 100 metres either side of the beach access way at the end of Peka Peka Road only; and
2. A minimum of 20 metres out from the toe of the dunes; and
3. Below the high tide mark

Beach Fire Permitted Area



Peka Peka Beach
Road Beach
Access way

TE HORO BEACH

1. The area between the Sea Road public toilets in the south to the Mangaone Stream mouth in the north only; and
2. Below the high tide mark; but
3. **Absolutely no fires on the shingle beds**

Beach Fire Permitted Area



Mangaone
Stream mouth

Sea Road public
toilets

PERMITTED FIRE ZONES

OTAKI BEACH

1. Between the Rangiuuru Road/Marine Parade junction in the south and the Tasman Road car park access ramp in the north; and
2. A minimum of 20 metres out from the toes of the dunes; and
3. A minimum of 5 metres clear of any driftwood; and
4. Below the high tide mark

Beach Fire Permitted Area



Tasman Road carpark

Rangiuuru Road, Otaki Beach