

WAITAKERE CITY COUNCIL

BYLAW NO. 6 1990

FIRE PREVENTION BYLAW

(Incorporating Amendments)

The Waitakere City Council HEREBY MAKES BY SPECIAL ORDER the following bylaw pursuant to the powers contained in the Local Government Act 1974 and any other Act or Authority in any way enabling the Council in that behalf:-

1 SHORT TITLE

The Short Title of this bylaw shall be the Waitakere City Council Bylaw No. 6, 1990 - Fire Prevention.

2 COMMENCEMENT

This Bylaw shall come into effect from the 13th day of March 1990.

3 INTERPRETATION

In this bylaw unless inconsistent with the context -

APPROVED means approved by the Engineer.

CHIEF FIRE OFFICER has the meaning assigned to it by the Fire Service Act 1975 and, in the context of this bylaw, includes his duly authorised representative.

COUNCIL means the Waitakere City Council.

DISTRICT means the territory over which the Council has jurisdiction.

ENGINEER means the Council engineer, or any officer of the Council qualified as a registered engineer engaged in the administration of this bylaw.

GOODS means any articles, materials, or merchandise, and includes any rubbish, debris, empty or partly empty crates and other packages, shavings, hay straw, oily rags or waste and other flammable or combustible materials and substances.

INCINERATOR means a combustion apparatus designed, constructed, installed and operated in accordance with approved specifications.

INSPECTOR shall mean any officer of the Council so appointed, and shall include a member of the Fire Service established under the Fire Service Act 1975 authorised to undertake fire safety inspections, and the Engineer.

m shall be an abbreviation for metre.

PREMISES means both land and buildings or any part thereof.

PUBLIC PLACES includes every road, street, footpath, footway, court, alley, lane, accessway and thoroughfare of a public nature or open to or used by the public as of right; and every place of public resort or place to which the public have access, so open or used; and every place of public resort for the time being.

4 FIRES IN OPEN AIR

4.1 No person shall, except with the consent in writing of the Chief Executive Officer or such other person as may be authorised in writing for that purpose light of suffer or permit to remain alight or burning any fire in the open air provided such consent shall not be necessary if the following conditions are complied with:

- (a) The fire does not burn between the hours of sunset and sunrise; and
- (b) Adequate precautions are taken to safeguard neighbouring properties; and
- (c) The fire is not lit or allowed to remain alight or burning while a heavy wind is blowing or if conditions are such that the fire is likely to spread beyond the limits of the land on which the fire is situated; and
- (d) Consent and adequate supervision is maintained while the fire is burning and all ashes are fully and properly extinguished on completion of burning; and
- (e) The fire is situated at a distance of more than 10m from any building, road or public place or more than 3m from any side or back boundary of any property; and
- (f) The fire is not allowed suffered or permitted to remain alight or burning without proper and adequate precautions being taken to prevent the fire spreading from its immediate site.

4.2 For the purpose of this clause of this bylaw, the words "fire in the open air" shall be deemed to include fire in an incinerator in the open air, or fire in a fireplace in the open air and the provisions of this clause shall apply thereto accordingly.

4.3 The provisions of this clause shall apply throughout the District including that portion of the District contained within the boundaries of the Waitakere Rural Fire District, save and except that when a restricted or a prohibited fire season under the pursuant to the provisions of the Forest and Rural Fire Act 1977 has been declared within the said Waitakere Rural Fire District or any part thereof, the provisions of this clause shall not apply to the said Waitakere Rural Fire District or that part of the said Waitakere Rural Fire District as the case may be, during the period that the said restrict or prohibited fire season shall be in force.

4.4 Notwithstanding anything in this clause of this bylaw, Council may from time to time by resolution declare that within the District (excepting that portion of the District contained within the boundaries of the Waitakere Rural Fire District) or any part of the District and within any specified period of the year, no person shall light any fire in the open air unless that person has received a permit in writing so to do signed by an officer of Council or by a person duly authorised by Council in that behalf, such permit to be subject to such conditions as may be endorsed thereon.

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4.5 Notwithstanding anything in this clause of this bylaw, in the event of the occurrence of weather or other conditions which may present an extreme fire hazard, the Chief Executive Officer shall cause public notice to be given and no person shall light any fire in the open air or cause or permit any such fire to be light notwithstanding any permit, direction of authority which may have been given under this bylaw or any Act.

5 Deleted (refer minute no. 3452/98)

6 Deleted (refer minute no. 3452/98)

7 **USE OF EXPLOSIVES**

7.1 In areas other than those specifically designed by the Council no person shall set off or cause the explosion of any explosive material for the purpose of blasting, demolition, or for similar purposes except in accordance with the written permission of the Engineer, who shall advise the Chief Fire officer and the Police Department of the conditions thereof.

8 **LIVE ASHES**

8.1 No occupier shall place or allow to be placed any live cinders or ashes in or upon any premises other than -

- (a) In a container made and constructed of iron or other similarly fire-resistant material so as to prevent the transmission of heat to any flammable or combustible substance, or
- (b) In a pit or upon any fire-resistant substance in a manner which will prevent the spreading of fire or heat by the action of wind or otherwise.

9 **FLAMMABLE MATERIAL IN RUBBISH**

9.1 No person shall place in any rubbish receptacle or include in any rubbish sent or intended to be sent to any plant operated or controlled by the Council for the destruction of refuse any explosives, cinematography films, celluloid, pressurised containers or any other similar highly combustible or flammable material.

9.2 Textile or fibrous waste or rags impregnated or used in connection with oils, grease, or similar materials shall be deposited in a metal container fitted with a self-closing lid or shall be disposed of in such other manner as will provide a safeguard against spontaneous ignition.

9.3 Every occupier of premises shall ensure that combustible waste and rubbish are deposited in fire-resistant containers and regularly removed from the premises.

10 Deleted (refer minute no. 3452/98)

11 STORAGE OF TIMBER

- 11.1 Except as provided in clauses 11.2 and 11.3 no occupier of any premises shall permit the storage in the open of timber, firewood, wooden cases, or similar combustible material unless the distance of the stack from any boundary other than a street boundary is at least equal to the height of the stack, but in any cases not less than 1.5m.
- 11.2 A stack may be placed closer to the boundary than the distance specified in clause 11.1 if a brick, stone, or concrete wall complying with the specifications laid down in any bylaw or bylaws for the time being in force, and extending not less than 0.5m above and not less than 1.5m beyond the length of the stack, is situated between the stack and the boundary.
- 11.3 A stack may, with the written approval of the adjoining owner and of the Engineer, be placed closer to the boundary than the distance specified in clause 11.1 while any of the following conditions continued to exist -
- (a) Where there is a brick, stone, or concrete wall as defined in Clause 11.2 without openings situated on the adjoining property and within 1.5m of the common boundary; or
 - (b) Where there are no buildings on the adjoining land.

12 STORAGE OF GOODS

- 12.1 Every occupier of premises shall take all reasonable precautions in the storage of goods to prevent or reduce to a minimum the risk of the goods causing or spreading fire, or causing danger from fire, or constituting an obstacle to the exit of persons from the premises in the event of fire, or hampering the operations of the fire brigade in the event of fire on the premises.
- 12.2 Where a storage of goods on any premises is likely to constitute or create a fire hazard the Council may on the recommendation of the Inspector request the occupier of the premises by notice in writing to take such steps as the Council shall think fit to eliminate or reduce the risk of fire. The notice shall specify the requirements of the Council and the time within which the occupier shall comply with the terms of the requisitions.

13 STORAGE OF HAY

- 13.1 No person shall -
- (a) Permit the storage or stacking in the open of any hay, corn, straw, or the like unless the distance of the stack from any building, boundary, fence, street, private street, public place, or adjacent land is not less than 6m and the intervening space is at all time kept free from rubbish, refuse, or obstruction of any kind.
 - (b) Permit the storage of any hay, straw or the like in any building attached to or at a distance of less than 6m from any other building unless the first mentioned buildings has a roof of approved fire-resistant material and walls constructed wholly of brick, stone or concrete or any combination thereof and complying with clause 12.2 hereof.

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13.2 The provision of clause 13.1 shall not apply in any case where agricultural produce required for the keeping of horses in kept or stored in any building used only for the purpose of or in connection with a stable.

13.3 Notwithstanding the foregoing, no person shall permit the storage or stacking of hay in the open or in a building not conforming with that specified in subclause 13.1(b) where the stack or the building is less than 15m from living quarters, dwellinghouse, or buildings on adjacent properties.

14 BREACH OF BYLAW

14.1 Any person who shall do, or cause or allow to be done, anything in contravention of this bylaw, or who shall omit or neglect to do, or knowingly permit to remain undone, any matter or thing requirement under this bylaw, shall be deemed to have committed a breach thereof and shall be liable accordingly.

15 PENALTIES FOR BREACH OF BYLAWS

15.1 Every person who commits a breach of this bylaw is liable to a fine not exceeding \$500.00 and, where the breach is a continuing one, then to a further fine not exceeding \$100.00 for every day or part of a day during which the breach has continued.

15.2 The Council may, after a conviction for the continuing breach of the bylaw, apply to any Court of competent jurisdiction for an injunction to restrain the further continuance of the breach by the person so convicted.

16 DISPENSING POWER

16.1 Where in the opinion of the Council a full compliance with any of the provisions of this bylaw would needlessly or injuriously affect any person, or the course of operation of the business of, or be attended with loss or inconvenience to any person, without any corresponding benefit to the community, the Council may, on the special application of that person, dispense with the full compliance with the provisions of this bylaw:

Provided that any terms of conditions (if any) that the Council may deem fit to impose concurrently with any such dispensation shall be complied with by such person as aforesaid as if such terms and conditions were requirements of this bylaw and Clause 15 and 16 hereof shall in all respects apply accordingly.

17 APPEALS

17.1 Any owner, occupier or other person affected by any requisition by the Council or any decision of the Inspector made in pursuance of any provision of this bylaw may within 14 days of receiving notice of the requisition or the making of the decision as the case may be, object in writing to the Council setting out the reasons for the objection and offering any alternative proposal.

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The Common Seal of the)
WAITAKERE CITY COUNCIL)
was hereunto affixed pursuant to a)
resolution of Council passed on)
28 February 1990 in the presence of:)

CHIEF EXECUTIVE OFFICER

MANAGER: FINANCE & ADMINISTRATION