



Waipa District Council

URBAN AREA FIRE CONTROL ***BYLAW 2000***

In pursuance and exercise of the Powers and Authorities vested in it by Part XLIII of the Local Government Act 1974, Section 64 of the Health Act 1956 and of each and every other Power and Authority it thereto enabling the Waipa District Council makes and ordains this Bylaw.

Part I

GENERAL

1.0 Title

This Bylaw shall be cited and referred to as the "Waipa District Urban Area Fire Control Bylaw.

2.0 Interpretation (In this Bylaw, unless inconsistent with the context):

"**Barbeque**" means any fixed or portable solid fuel or gas appliance used for the cooking of food.

"**Council**" means the Waipa District Council.

"**District**" means the District of Waipa as administered by the Waipa District Council.

"**Officer**" means any person appointed by Council as an Enforcement Officer pursuant to Section 38 of the Resource Management Act 1991 or an Environmental Health Officer pursuant to Section 28 of the Health Act 1956.

"**Open Air Fire**" means any fire in the open other than:

- a) contained within an incinerator constructed and maintained to New Zealand Standard (NZS) 5202; or
- b) a barbecue; or
- c) traditional cooking fire.

"**Traditional Cooking Fire**" means any hangi or similar fire in the open air for the sole purpose of food preparation using traditional cooking methods.

"**Urban Area**" means an area of Waipa District designated in the First Schedule hereto.

3.0 Prevention of Nuisance Caused by Fire

- a) No person shall burn, or permit, or suffer to be burnt, any matter or thing in such a manner as to cause a nuisance from smoke, odour or debris.
- b) Where any Officer considers any fire to be creating a nuisance, that Officer may require the occupier or owner of the property or the person otherwise responsible for the fire to immediately take all practicable steps to abate the nuisance. Where any such person fails to abate the nuisance caused by a fire, an Officer may take all practicable steps to abate the nuisance caused by that fire.

4.0 Control of Fires in Urban Areas

- a) No person shall light, or permit to be lit, an open air fire in any urban area designated in the First Schedule hereto unless that person is the holder of a written permit issued by the Council.
- b) Any person desiring to light an open air fire in an urban area shall make application to the Council for a permit and shall furnish the Council with such information as it may reasonably require in relation to the application.
- c) A permit may be issued upon payment of the prescribed fee (if any) and subject to such terms, conditions and restrictions as the Council may specify.
- d) The Council may from time to time by resolution declare any part of the District to be an Urban Area for the purposes of this Bylaw.

6.0 Offences

Any person who contravenes or fails to comply with any part of this Bylaw commits an offence against this Bylaw and is liable (on conviction) to a fine not exceeding \$500 and, in the case of a continuing offence, to a further fine not exceeding \$50 for every day on which the offence has continued.

FIRST SCHEDULE

Urban Areas

Cambridge Township, including Leamington (as shown on the attached maps)

Kihikihi Township (as shown on the attached maps)

Te Awamutu Township (as shown on the attached maps)

Templeview Township (as shown on the attached maps)

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special

Order passed at a meeting of Council held on theday of 2000 and confirmed at a meeting of Council held on theday of 2000 and became operative on the day of 2000.

IN WITNESS WHEREOF the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on the day of 2000 in the presence of:

General Manager