



Wairarapa Consolidated Bylaw 2019

Part Four

Prevention of Nuisance from Fire and Smoke

Commencement

The Wairarapa Consolidated Bylaw 2019 came into force throughout the Masterton, Carterton and South Wairarapa districts on 8 July 2019.

Adoption

Council	Bylaw/Amendments	Adoption Date
Masterton District Council	Consolidated Bylaw 2012: Parts One to Eighteen	14 August 2013
South Wairarapa District Council	Consolidated Bylaw 2012: Parts One to Six, Parts 8 and 9, Parts Eleven to Sixteen	31 July 2013
Masterton District Council Carterton District Council South Wairarapa District Council	Wairarapa Consolidated Bylaw 2019: Part Four - Prevention of Nuisance from Fire and Smoke	26 June 2019

Wairarapa Consolidated Bylaw 2019

Part 4 – Prevention of Nuisance from Fire and Smoke

Contents

Foreword	2
1. Scope	2
2. Definitions.....	2
3. Nuisance or Health and Safety Risk from Fires or Smoke	2
4. Offences and Cost Recovery	3

Referenced Documents

Reference is made in this Part to the following New Zealand legislation:

- Local Government Act 2002
- Health Act 1956
- Fire and Emergency New Zealand Act 2017

Foreword

This Part of the bylaw is made under section 145 of the Local Government Act 2002 and section 64(1)(a) of the Health Act 1956.

Nothing in this bylaw derogates from the Fire and Emergency Act 2017 or regulations made under the Act. To the extent that it is covered by that Act, nothing in this bylaw:

- relates to the removal of fire hazards;
- declares prohibited or restricted fire seasons;
- prohibits or otherwise regulates or controls the lighting of fires in open air; or
- relates to the prevention of the spread of fires involving vegetation.

Reference should be made to the Wairarapa Consolidated Bylaw 2019: Part 1 Introductory for any definitions not included in this Part.

1. Scope

- 1.1. The purpose of this Part of the bylaw is to protect the public from nuisance arising from fire and smoke, in regard to aspects other than fire safety.

2. Definitions

Nuisance or risk: Includes potential nuisance or risk.

Reasonable steps: Includes, but is not limited to, issuing a direction to extinguish the fire and/or extinguishing the fire.

3. Nuisance or Health Risk from Fires or Smoke

- 3.1. No person may light, or allow to remain lit, a fire that creates a nuisance, or health risk to any person or property.
- 3.2. No person may permit smoke, noxious fumes, or any other matter to be emitted in such a way as to create a nuisance, or health risk, to any person or property.
- 3.3. If an authorised officer is of the opinion that clauses 3.1 or 3.2 of this Part of the bylaw are being breached, or have the potential to be breached, they may take reasonable steps to abate, or cause to be abated, the nuisance or risk.
- 3.4. For the avoidance of doubt, nothing in section 3 of this Part of the bylaw applies to fire safety risk governed by the Fire and Emergency Act 2017 or regulations made under that Act.

4. Offences and Cost Recovery

- 4.1. Any person who breaches this Part of the bylaw commits an offence and may be liable to a penalty under section 242 of the LGA. Refer to Wairarapa Consolidated Bylaw 2019 Part 1: Introductory (refer Section 15) for details of what constitutes a breach of this Part.
- 4.2. Council may recover any costs it incurs as a result of acting under this Part of the bylaw (refer section 187 of the LGA).