

CHAPTER 15

URBAN FIRE PREVENTION

1501 SCOPE

1501.1 This Bylaw is subject to Section 20 of the Forest and Rural Fires Act 1977.

1502 INTERPRETATION

1502.1 In this chapter unless inconsistent with the context -

BARBECUE means any fixed solid fuel equipment, or fixed or portable gas equipment, for the cooking of food in the open air.

DISTRICT means the district of Stratford District Council

FIRE BRIGADE means a fire brigade as defined in Section 2 of the Fire Service Act 1975.

FIRE OFFICER means any authorised officer of the territorial authority or the Chief Fire Officer of a District, or the Deputy Chief Fire Officer, or in the absence of both of them, the person for the time being in charge of the fire brigade.

OPEN AIR means in relation to fires.

- (a) Any barbecue; or
- (b) Traditional cooking fire.

OPEN FIRE SEASON means a period of time whether of fixed or indefinite duration during which period the lighting of fires in the open air is neither prohibited nor restricted under this Bylaw.

PERMIT - in relation to the lighting of fires in the open air, means a fire control measure in accordance with which a person may light such fires without committing an offence against this Bylaw.

PREMISES means both land and building and any part thereof.

PROHIBITED FIRE SEASON means a period of time, whether of fixed or indefinite duration, specified pursuant to this Bylaw during which period the lighting of fires in the open air is prohibited.

RESTRICTED FIRE SEASON means a period of time, whether of fixed or indefinite duration, specified pursuant to this Bylaw, during which period permits are required by this Bylaw for the lighting of fires in the open air.

TERRITORIAL AUTHORITY means any territorial authority within the meaning of the Local Government Act 2002.

TRADITIONAL COOKING FIRES means any Hangi or similar fire in the open air used for the preparation of food using traditional cooking methods.

VEGETATION includes:

- (a) All plants and the product thereof, live or dead, standing, fallen, windblown, cut, broken, pulverised, sawn, or harvested, natural or disturbed in use or as waste, rubbish, refuse or debris, stump, stubble or otherwise; and
- (b) Fossil fuel exposed at or lying within 20 metres of the surface of any land; and
- (c) Peat in any form - but does not include wood forming part of a structure or otherwise in processed form.

1503 **FIRES IN THE OPEN AIR**

1503.1 No person shall make or light or allow to remain alight any fire in the open air other than:

- (a) During an Open Fire Season; or
- (b) Pursuant to and in accordance with the conditions of a written permit issued during a Restricted Fire Season by the Territorial Authority or any person appointed by the Territorial Authority to administer this Bylaw.

1504 **CONDITIONS FOR LIGHTING FIRES IN THE OPEN AIR**

1504.1 Notwithstanding the provisions of Clause 1503.1 (b) of this Bylaw, no person shall light any fire in the open air and no person being the occupier of any premises shall cause, allow or suffer any such fire to be lit there or continue to burn:

- (a) While a strong wind is blowing or when conditions are such that the fire is likely to spread beyond the limits of the land or other property; and
- (b) Which is within five metres of any part of a building, tree, hedge, fence or other combustible material; and
- (c) Between the hours of sunset and sunrise, without specific approval/permission; and
- (d) Without maintaining adequate supervision during any burning; and
- (e) Without there being immediately available pressurised water supply connected to a hose.

1504.2 Every permit to light a fire in the open air during a Restricted Fire Season shall be in the form applicable at the time.

1505 **CONDITIONS FOR LIGHTING BARBECUES AND TRADITIONAL COOKING FIRES**

1505.1 No person shall use any barbecue or make any traditional cooking fire and no person being the occupier of any premises shall permit or suffer the use of any barbecue or the making of any traditional cooking fire:

- (a) While a strong wind is blowing or when conditions are such that the fire is likely to spread beyond the limits of the land or other property; and
- (b) Without maintaining adequate supervision during any burning; and
- (c) Without there being immediately available pressurised water supply connected to a hose.

1505.2 Barbecues and traditional cooking fires shall be sited at such reasonable distance from buildings, trees, hedges, fences and other combustible material that there is no risk of the spread of fire.

1506 **PROHIBITION OF FIRES DURING PERIODS OF EXTREME FIRE HAZARD**

1506.1 The Territorial Authority may at any time where, in its opinion, special reasons exist or may exist to prevent the outbreak or spread of fire, specify any restricted or prohibited fire season or seasons in the district or in any specified part or parts of the district and may at any time and from time to time cancel or vary any such season or seasons.

1506.2 The Territorial Authority shall give public notice of any restricted or prohibited Fire Season made under subclause (1) of this clause by:

- (a) Broadcast or other effective means within the district;
- (b) Notice in a daily newspaper circulating throughout the district.

1506.3 No person shall light any fire in the open air and no person being the occupier of any premises shall cause, permit or suffer any such fires to be lit there or to continue to burn in contravention of any prohibition made under this clause.

1507 **EXEMPTIONS FROM PROHIBITIONS ON LIGHTING FIRES IN THE OPEN AIR**

1507.1 Subject to Section 20 of the Forest and Rural Fires Act 1977:

- (a) The occupier of any premises in which an operation is being carried out which necessitates the use of fire in the open air they may apply in writing to the Territorial Authority for an exemption from the prohibited fire season imposed by Clause 1506.1 of this Bylaw where that process or operation will be prejudicially affected by such prohibition.
- (b) The organiser of any special occasion or event may apply in writing to the Territorial Authority for an exemption from the prohibited fire season imposed by Clause 1506.1 of this Bylaw.
- (c) Upon receipt of any such application, the Territorial Authority may grant, in writing, such exemptions subject to such conditions as it considers fit to impose.