

TIMARU DISTRICT CONSOLIDATED BY-LAW 2007

CHAPTER 19 - NUISANCE FROM BURNING

Scope

The purpose of this chapter of the by-law is to allow Council to exercise control over burning in residential areas of the District with emphasis on preventing smoke from fires in the open causing a nuisance.

Fires in the Open Air are prohibited in the Timaru, Temuka, Geraldine and Pleasant Point urban areas as shown on the attached plans. In other residential areas of the District Council may require fires to be put out where a nuisance is being created.

Council has a further avenue of control over smoke nuisance in the Nuisances provisions of the Health Act and Persons responsible for persistently causing a smoke nuisance may be prosecuted under the provisions of either the Health Act or this chapter of the By-law.

1901 Against burning so as to create nuisance

- 1901.1 No Person shall burn, or allow to be burnt, any matter or thing in such a manner as to create a nuisance.
- 1901.2 Where any fire is deemed to create a nuisance under the provisions of clause 1901.1 Council may require the Person responsible for the fire to extinguish it.

1902 Fires prohibited in certain areas

- 1902.1 Council may from time to time, by ordinary resolution, prohibit fires in the Open Air in specific areas. Areas where fires in the open are prohibited are detailed in the First Schedule to this chapter of the by-law together with any relevant conditions.
- 1902.2 The provisions of this chapter of the by-law shall not apply to the operation of the Pleasant Point Railway or to any traction engine or similar machine at a rally or other such occasion where every effort is made to keep any smoke generated to a minimum.
- 1902.3 Exemptions to any prohibition under this chapter of the by-law may be granted by Council in the event of exceptional circumstances existing and where no nuisance is likely to arise from the exemption.

1903 Offences

- 1903.1 Any Person who fails to comply with a notice giving a direction to abate a nuisance arising from a fire in the Open Air shall commit an offence against this chapter of the by-law.

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CHAPTER 19 - NUISANCE FROM BURNING

FIRST SCHEDULE BY-LAW POLICY:

Areas where fires in the open air are prohibited

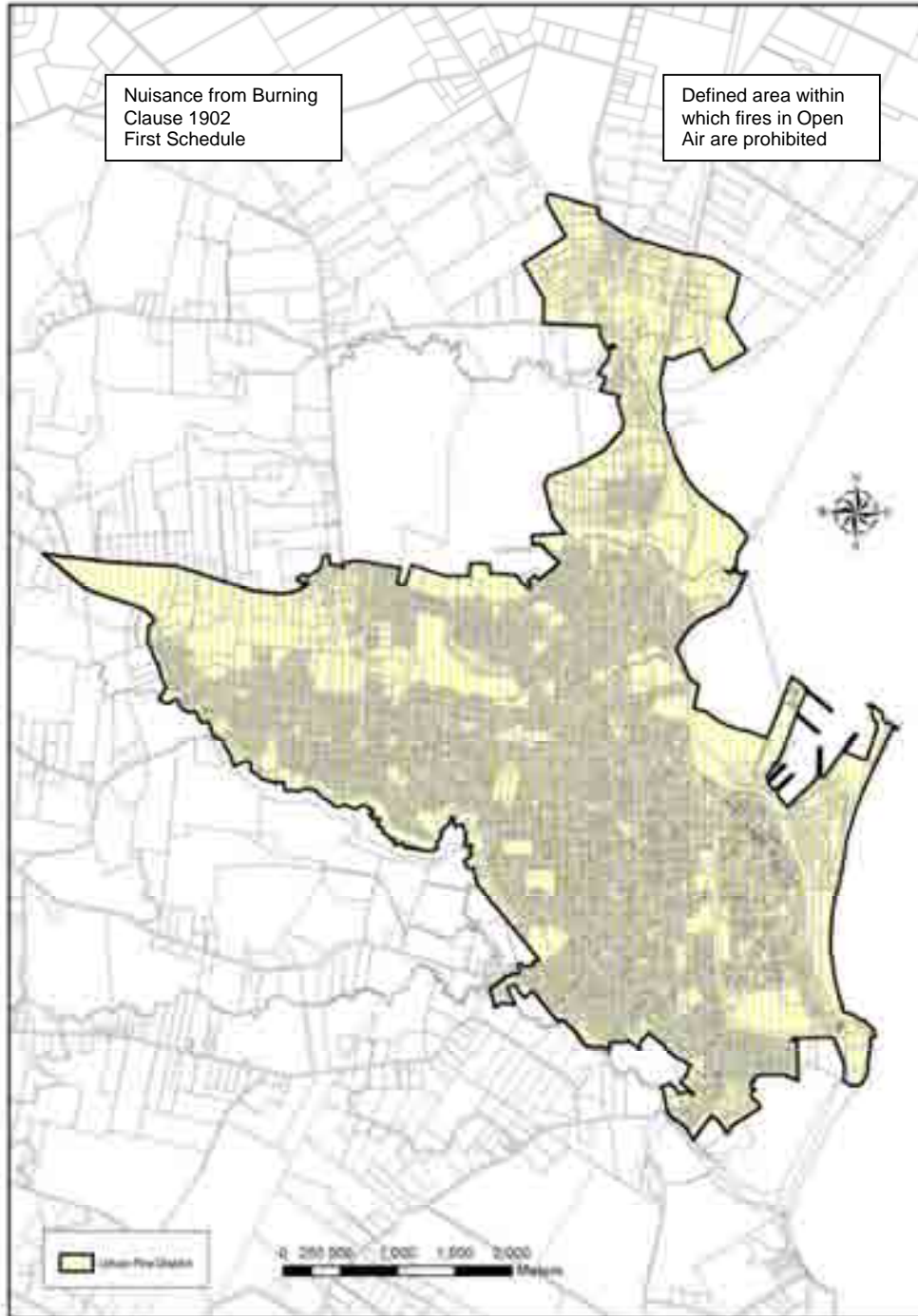
SUBJECT:

By-law clause 1902.1 - Fires Prohibited in Certain Areas

- 1 Fires in the Open Air are prohibited in the Timaru, Temuka, Geraldine and Pleasant Point areas as depicted on the following maps.

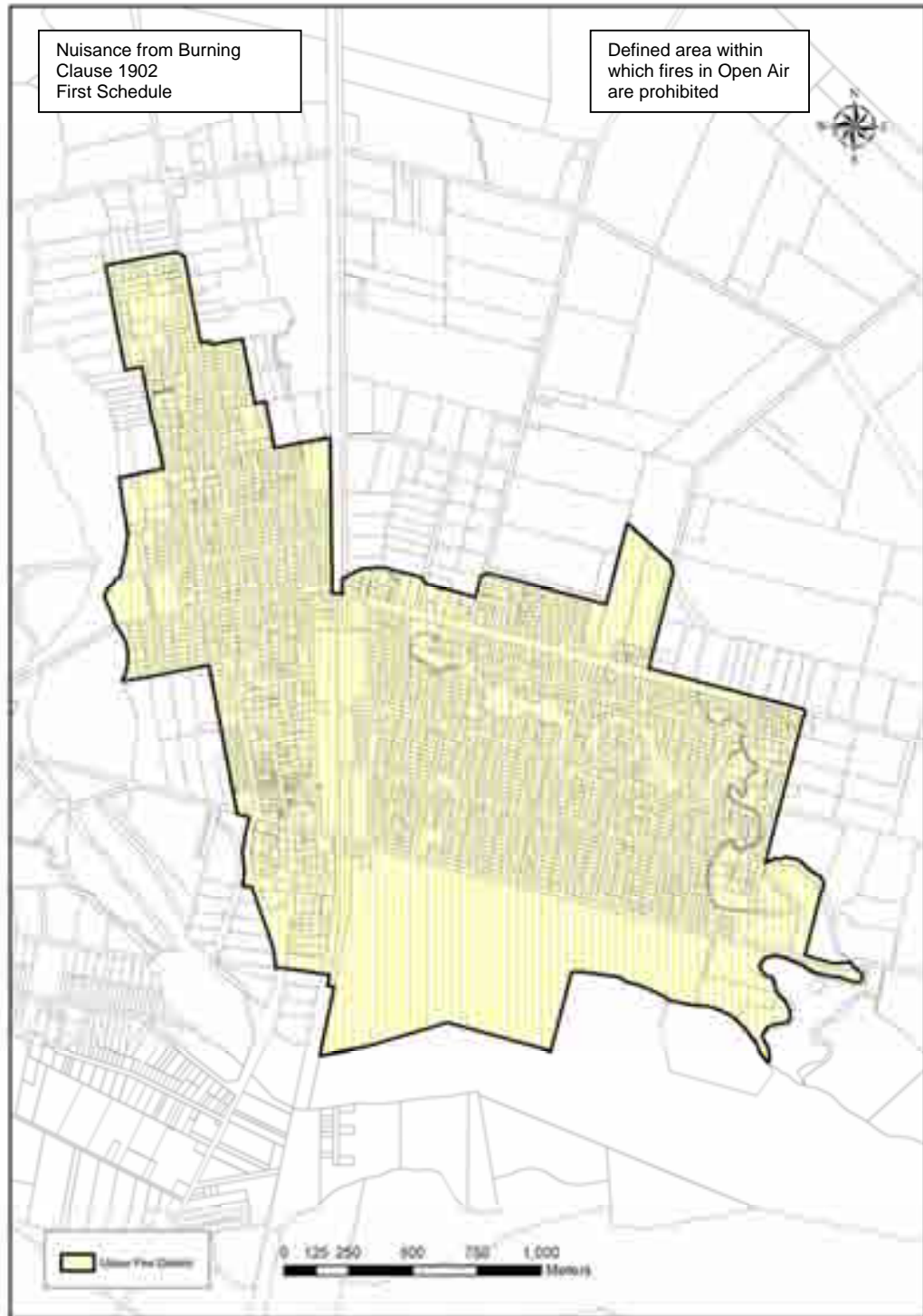
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TIMARU URBAN AREA



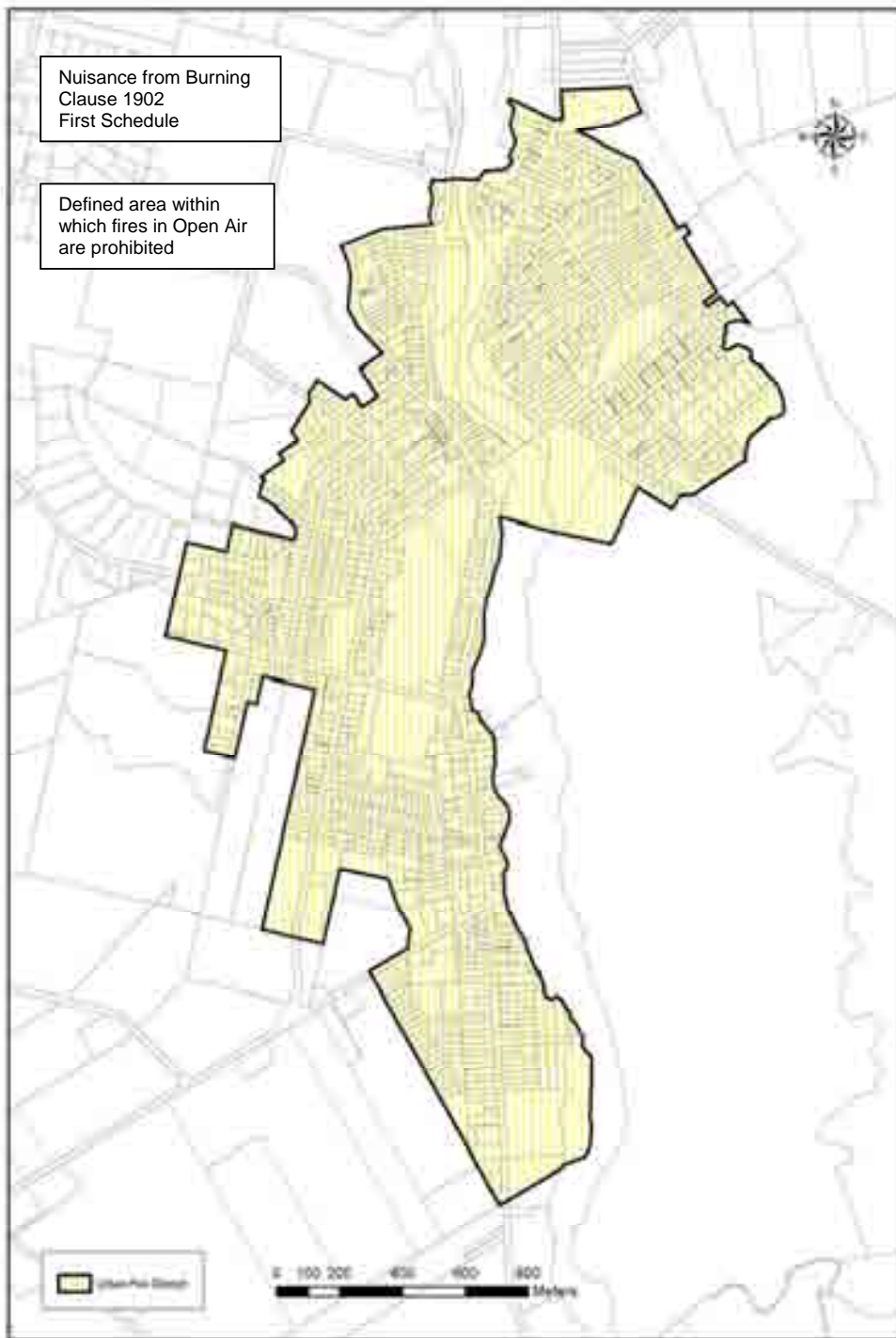
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TEMUKA URBAN AREA



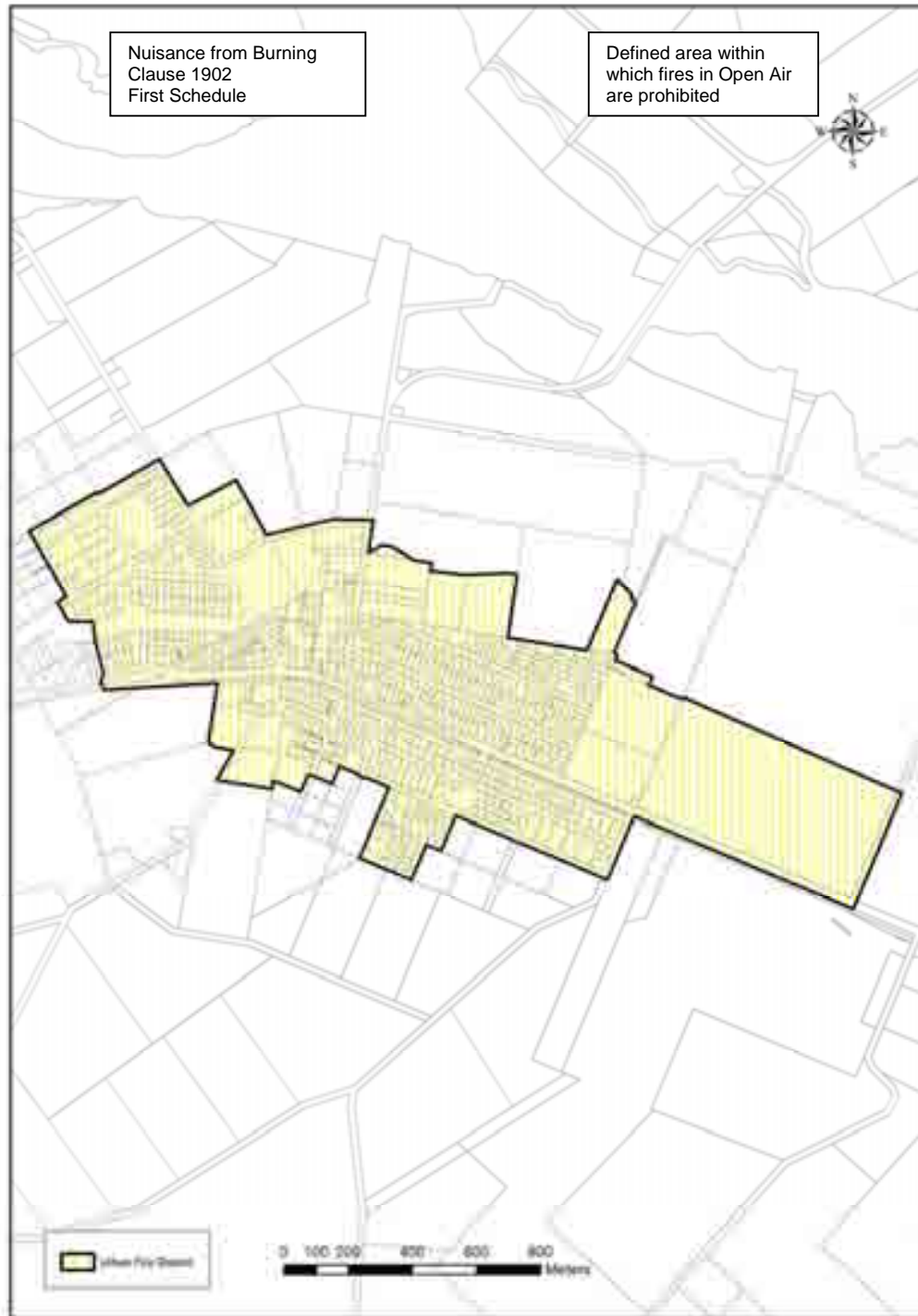
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GERALDINE URBAN AREA



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PLEASANT POINT URBAN AREA



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