

**BERGRIVIER MUNICIPALITY**  
**FIRE SAFETY BY-LAW**

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Bergrivier Municipality, enacts as follows:—

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**CHAPTER I:****DEFINITIONS AND INTERPRETATION OF THIS BY-LAW****1. Definitions and interpretation**

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, and unless the context otherwise indicates—

**“above ground storage tank”** means a tank situated above ground for the storage of flammable substances as contemplated in SANS 0131 and SANS 089 Part 1 and SANS 087 Part 3;

**“agricultural holding”** means a portion of land used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

**“approved”** means as approved by the municipality;

**“automatic releasing hold-open device”** means a device used to hold open a fire door and operates on the detection of a fire to close the fire door; **“boundary”** means any lateral or street boundary of a site;

**“building”** means—

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:—
  - (i) the accommodation or convenience of human beings or animals;
  - (ii) the manufacture, processing, storage or sale of any goods;
  - (iii) the rendering of any service;
  - (iv) the destruction or treatment of combustible refuse or combustible waste;
  - (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building;

**“bund wall”** means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

**“Category B municipality”** means a municipality within the area of jurisdiction of the West Coast District municipality as contemplated in section 155(1) of the Constitution;

**“certificate of fitness”** means a certificate contemplated in section 40;

**“certificate of registration”** means a certificate contemplated in section 64;

**“chief fire officer”** means the chief fire officer appointed by the municipality in terms of section 5 of the Fire Brigade Services Act and includes any person appointed as acting chief fire officer;

**“Chief Inspector of Explosives”** means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosives Act, 1956; **“class”** means a class of petroleum product based on the following classification—

- (a) Class O: liquefied petroleum gasses;
- (b) Class I: liquids subdivided as follows:
  - (i) Class IA: liquids which have a closed-cap flash point below 23° C and a boiling point below 35° C;
  - (ii) Class IB: liquids which have a closed-cap flash point below 23° C and a boiling point of 38° C or above; and
  - (iii) Class IC: liquids which have a closed-cap flash point of 23° C or above but below 38° C;
- (c) Class II: liquids which have a closed-cap flash point of 38° C or above but below 60,5° C;
- (d) Class IIIA: liquids which have a closed-cap flash point of 60,5° C or above but below 93° C; and
- (e) Class IIIB: liquids which have a closed-cap flash point of 93° C or above;

“**combustible liquid**” means a liquid which has a close-cap flash point of 38° C or above;

“**combustible material**” means combustible refuse, combustible waste or any other material capable of igniting;

“**combustible refuse**” means combustible rubbish, litter or material that is discarded, refused, rejected, or considered worthless;

“**combustible waste**” means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items;

“**competent person**” means a person who is qualified by virtue of his or her experience and training; “**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996; “**Criminal Procedure Act**” means the Criminal Procedure Act, 1077 (No, 51 of 1977);

“**dangerous goods**” means any flammable gas, flammable liquid or flammable solid as contemplated in SANS 0228;

“**designated area**” means a place designated as such in terms of section 59;

“**district**” means the area of jurisdiction of the West Coast District municipality and includes the area of jurisdiction of the Category B municipalities within such area;

“**dwelling house**” means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

“**dump**” means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

“**emergency**” means any incident or eventuality which seriously endangers or may endanger any person or property;

“**emergency evacuation plan**” means an emergency evacuation plan contemplated in section 37;

“**emergency route**” means that part of any escape route which—

- (a) protects the occupiers of any building from fire; and
- (b) leads to an escape door;

“**enclosed place**” in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised; “**escape door**” means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;

“**escape route**” means the entire path of travel, measured from an escape door to the furthest point in any room in a building;

“**explosives**” means explosives as defined in section 1 of the Explosives Act, 1956;

“**Explosives Act**” means the Explosives Act, 1956 (Act No. 26 of 1956), and any regulations made under that Act;

“**extinguishing stream**” means the amount of water that the service needs in order to extinguish a fire;

“**feeder route**” means that part of an escape route which allows travel in two different directions to the access doors of at least two emergency routes;

“**firebreak**” means a natural or constructed strip of land where vegetation has been removed or modified to contain or reduce the spread and intensity of any fire that may occur in or enter a premise, and may consist of the following:

- (a) grass or vegetation that does not exceed 50 mm in height;
- (b) lawn or cultivated garden, or
- (c) a road or driveway;

“**firebreak burning season**” means a specific time bound period as determined by the Chief Fire Officer in conjunction with any other party which may include a registered Fire Protection Association, department of Water Affairs and Forestry, Cape Nature or the West Coast District Municipality;

“**Fire Brigade Services Act**” means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), and any regulations made under that Act; “**fire control zone**” may include any premises or area that is close proximity to areas or premises of high fire risk or sensitive land use; “**fire damper**” means an automatic damper, including its assembly, which complies with the requirements of SANS 193;

“**fire door**” means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

**“fire extinguisher”** means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

**“fire-fighting equipment”** means any portable or mobile fire extinguisher, hose reel or fire hydrant;

**“fire hazard”** means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

**“fire installation”** means any water installation which conveys water solely for the purposes of fire-fighting;

**“fire protection installation”** means any device or system designed and installed to—

- (a) detect, control or extinguish a fire, or
- (b) alert occupants or the fire service, or both, to a fire;

but excludes portable and mobile fire extinguishers;

**“fireworks”** means any explosive device or substance which burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act;

**“fireworks display”** means the use of fireworks for purposes of public display;

**“flammable gas”** means a gas which at 20° C and a standard pressure of 101,3 kilopascals—

- (a) is ignitable when in a mixture of 13% or less by volume with air; or
- (b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;

**“flammable liquid”** means a liquid or combustible liquid which has a closed-cap flash point of 93° C or below;

**“flammable solid”** as contemplated in SANS 0228, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently;

**“flammable store”** means a store that is used for the storage of flammable liquids and complies with the criteria set out in Chapter 9 of this by-law;

**“flammable substance”** means any flammable liquid, combustible liquid or flammable gas;

**“Group I, II, III, V, VI, VIII and IX hazardous substances”** means Group I, II, III, V, VI, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;

**“hazardous substance”** means any hazardous substance contemplated in the Hazardous Substances Act;

**“Hazardous Substances Act”** means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;

**“Land Survey Act”** means the Land Survey Act, 1997 (Act No. 8 of 1997);

**“liquefied petroleum gas”** means a mixture of light hydrocarbons (predominantly propane, butane) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

**“municipal manager”** means a person appointed in terms of section 82 of the Municipal Structures Act or his nominee;

**“municipality”** means the Municipality of Bergrivier, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**“member”** means a member of the service and includes the chief fire officer;

**“National Archives and Record Service of South Africa Act”** means the National Archives and Record Service of South Africa Act, 1996 (Act 43 of 1996);

**“National Building Regulations”** means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made under that Act;

**“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;

**“Occupational Health and Safety Act”** means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);



“**occupier**” means any person who occupies or has control over any premises;

“**owner**” in relation to premises, means the registered owner of the premises and includes—

- (a) any person who receives rental or profit from the premises, whether on own account or as agent;
- (b) a body corporate in respect of any sectional title scheme contemplated under the Sectional Titles Act, 1986 (Act No. 95 of 1986); and
- (c) an executor or curator of any deceased or insolvent estate;

“**person in charge**” means:—

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a); and
- (d) in the event of the chief fire officer being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the chief fire officer deemed to be in charge of such premises, building or installation;

“**Promotion of Access to Information Act**” means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

“**prescribed**” means as determined by the municipality;

“**premises**” means any land, building, terrain, road, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle;

“**prescribed fee**” means a fee determined by the municipality;

“**public gathering**” includes any gathering by members of the public—

- (a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or
- (b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;
- (c) to attend any meeting or participate in activity whether political or not whether inside or outside a building where it is deemed necessary to have an emergency evacuation plan.

“**public place**” means any square, park, recreation ground, beach, sports ground, sanitary lane, building or open space which has—

- (a) been provided, reserved or set apart for use by the public or at any time been dedicated to the public;
- (b) been used by the public without interruption for a period of at least thirty years; or
- (c) at any time been declared or rendered such by the municipality or other competent authority; “**registered premises**” means any premises in respect of which a certificate of registration has been issued;

“**SANS**” means the South African National Standards contemplated in section 2 of the Standards Act, 1993 (Act No. 29 of 1993), and SANS followed by any number means a reference to a SANS code of practice, specification or standard of the corresponding number;

“**service**” means the Fire Brigade Service established and maintained by the municipality as contemplated in section 4;

“**service installation**” means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system, emergency lighting or evacuation communication system, mechanical ventilation system, pressure regulation system, smoke ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;

“**spray**” means to spray, coat, plate or epoxy-coat with any hazardous substance and “**spraying**” has a corresponding meaning;

“**spraying permit**” means a permit contemplated in section 111;

“**spraying room**” means a room contemplated in section 110;

“**State**” means:—

- (a) any department of state or administration in the national, provincial or local sphere of government, or
- (b) any other functionary or institution—

- (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
- (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer; **“store room”** means a room for storage of flammable substances contemplated in section 79;

**“street”** means any street, road, cycle path, thoroughfare or any other place, including—

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare, which has at any time been—
  - (i) dedicated to the public;
  - (ii) used without interruption by the public for a period of at least thirty years;
  - (iii) declared or rendered such by the municipality or other competent authority, or
  - (iv) constructed by a local authority, and
  - (v) any land, with or without buildings or structures thereon, which is shown as a street on—
    - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
    - (bb) any general plan as defined in the Land Survey Act, 1997 registered or filed in a deeds registry or Surveyor General's office, unless such land is on such plan or diagram described as a private street;

**“this by-law”** includes the Schedules published in terms of this by-law;

**“summary abate”** means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

**“underground tank”** means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;

**“use”** in relation to fireworks means discharging, lighting or igniting;

**“vegetation”** includes grass, weeds, leaves, shrubs and trees; and **“vehicle”** includes a trailer or semi-trailer which—

- (a) has at least 4 wheels with independent axles and suspension systems; and
- (b) can be hitched to a truck-tractor or any other motor vehicle contemplated in the National Road Traffic Act.

**“West Coast District Municipality”** means the West Coast District municipality established in terms of section 12 of the Municipal Structures Act, 117 of 1998;

## CHAPTER 2

### PURPOSE AND APPLICATION OF BY-LAW

#### 2. Purpose of by-law

The purpose of this by-law is to establish and maintain a service for the area of jurisdiction of the municipality, to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the municipality.

#### 3. Application of by-law

- (1) This by-law is applicable to all persons within the area of jurisdiction of the municipality and includes both formal and informal sectors of the community and economy.
- (2) Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, and in addition to any other applicable national or provincial law, this by-law regulates flammable substances in the area of jurisdiction of the municipality so as to prevent and reduce fire hazards or other threatening dangers.
- (3) The service may, in terms of an agreement as contemplated in section 12 of the Act, and the payment of tariffs in accordance with the municipality's tariff policy or as contemplated in this by-law, be employed outside the area of jurisdiction of the municipality.
- (4) If any provision in this by-law vests or imposes any power, function or duty of the municipality in or on an employee of the municipality and such power, function or duty has in terms of section 81(2) of the Municipal Systems Act or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

## CHAPTER 3

### ESTABLISHMENT OF A FIRE BRIGADE SERVICE

#### 4. Establishment and maintenance of service

- (1) A service for the area of jurisdiction of the municipality is established as contemplated in section 3(1) of the Act, read with section 156(1)(a) and Part B of Schedule 4 of the Constitution.
- (2) The municipality must maintain the service, which includes—
  - (a) appointing a chief fire officer and the necessary members of the service;
  - (b) ensuring that such officer and members are properly trained; and
  - (c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the service is effective and able to fulfil its objects.

#### 5. Objects of the service

- (1) The objects of the service are—
  - (a) to prevent the outbreak or spread of a fire;
  - (b) to fight and extinguish any fire that endangers any person or property;
  - (c) to protect any person or property against any fire or other danger as contemplated in this by-law;
  - (d) to rescue any person or property from any fire or other danger as contemplated in this by-law; or
  - (e) to perform any other function connected with any of the matters referred to in subsection (a) to (d).
- (2) The service may provide any service related to its objects to any other person.
- (3) Any service contemplated in subsection (2) may, at the discretion of the chief fire officer, be terminated without notice if the services, equipment or members involved in providing that service are required to deal with an emergency situation, fire hazard or other threatening danger.

#### 6. Reporting a fire hazard and other threatening danger

- (1) An owner or the person in charge of premises, upon discovering any evidence of a fire hazard or other threatening danger as contemplated in this by-law, must immediately notify the service.
- (2) An owner or the person in charge of premises must provide all details pertaining to the incident as contemplated in subsection (1), to the service as requested.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

#### 7. Administration and enforcement

- (1) The chief fire officer is responsible for the administration and enforcement of this by-law.
- (2) Where no chief fire officer has been appointed, or where no acting chief fire officer has been appointed by the municipal manager as contemplated in section 9(3), the municipal manager is responsible for the administration and enforcement of this by-law.
- (3) Where there is no service established in the area of jurisdiction of the municipality, the municipal manager is responsible for the administration and enforcement of this by-law.

#### 8. Delegation

- (1) The chief fire officer may delegate any power granted to him in terms of this by-law as contemplated in section 19 of the Act or in accordance with the system of delegation of the municipality developed in terms of section 59 of the Municipal Systems Act.
- (2) A municipal manager may delegate any power granted to him in terms of this by-law in accordance with the system of delegation of the municipality developed in terms of section 59 of the Municipal Systems Act.

#### 9. Chief fire officer

- (1) The chief fire officer has the powers as contemplated in sections 8(1) and 8(2) of the Act, and must also—
  - (a) make or implement such general orders, procedures, rules and such other measures as he may consider necessary for the proper administration and enforcement of this by-law; provided that the making or implementation of such general orders, procedures, rules and such other measures are not inconsistent with the provisions of this by-law or any other by-law or policy of the municipality.

- (b) ensure that contact numbers in respect of the service are made available to the public and other institutions or organisations;
  - (c) inform the municipal manager of operational requirements for the structuring of the service as contemplated in section 5.
- (2) Notwithstanding anything to the contrary contained in any other law, the chief fire officer has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.
- (3) Whenever the chief fire officer is for any reason unable to perform his duties of office, the municipal manager must appoint a suitably qualified member of the service as acting chief fire officer to perform the duties and functions of the chief fire officer.

#### **10. Instructions by members of service**

- (1) In addition to any powers as contemplated in section 8 of the Act, a member may give any instruction to any person in order to secure compliance with this by-law or to ensure the safety of any person or property.
- (2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.
- (3) An instruction contemplated in subsection (1) may include, but is not limited to an instruction—
- (a) for the immediate evacuation of any premises;
  - (b) to close or barricade any premises, or part thereof, until such time as any contravention of this by-law has been rectified;
  - (c) to cease any activity;
  - (d) to remove any immediate threat to the safety of any person or property;
  - (e) to take specified steps to comply with this by-law, either immediately or within a specified period; and
  - (f) if it is not reasonable for steps referred to in paragraph (e) to be taken immediately for the owner or person in charge of the premises concerned, to provide the chief fire officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with this by-law.
- (4) Any person who contravenes subsection (3) commits an offence.

#### **11. Powers of members of service**

- (1) A member of service of the municipality may, whenever he regards it necessary or expedient in order to perform his functions, perform any act, and may also –
- (a) close any street;
  - (b) enter or break and enter any premises;
  - (c) damage, destroy or pull down any property
  - (e) forcibly remove or cause to be removed from the scene any person who is in danger or who obstructs that member in the performance of his duties; and
  - (f) take material or any object from any person: Provided that the owner of the material or object so taken be compensated therefor by the controlling authority concerned to an amount agreed upon by the controlling authority and the owner, or in the absence of such agreement, an amount determined by arbitration in accordance with the provisions of the Arbitration Act, 1965 (Act 42 of 1965).
- (3) A member of a service of a controlling authority, including a chief fire officer, may, whenever he regards it necessary in order to perform his functions, order any inhabitant of the republic who is not younger than 16 years and not older than 60 years to assist him in the performance of his functions on any particular occasion.

#### **12. Fire brigade reserve force**

- (1) The municipality may establish a fire brigade reserve force for its area of jurisdiction.
- (2) The chief fire officer may, on the prescribed conditions, appoint a person who applies therefor, as a member of the fire brigade reserve force.
- (3) A member of a fire brigade reserve force shall be a temporary member of the service and shall perform the functions entrusted to him by the chief fire officer, or a member of the service acting on behalf of the chief fire officer: Provided that a member of a fire brigade reserve force may, as far as possible, only be employed for the performance of those functions for which he, in the opinion of the chief fire officer, has received adequate training.
- (4) A chief fire officer may at any time discharge a member of the fire brigade reserve force.
- (5) A member of the fire brigade reserve force shall have the same powers as a member of the service and shall, in the performance of his functions, be regarded as a member of service.

**13. Pretending to be member of service prohibited**

- (1) No person may pretend to be a member.
- (2) No person who is not a member may wear any official clothing, uniform, badge or insignia of the service.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

**14. Certificates to identify members of service**

- (1) The chief fire officer must provide each member with an identification document identifying that person as a member.
- (2) A member, while performing any function or exercising any power as contemplated in this by-law must—
  - (a) keep the identification document provided in terms of subsection (1), on his person; and
  - (b) produce it for inspection on request by any person.

**15. Wearing of uniform and insignia**

- (1) The chief fire officer and every member of the service must wear the uniform, rank markings and insignia of the service as prescribed.
- (2) Uniform, rank markings and insignia as contemplated in subsection (1) must be issued to the chief fire officer and members of the service in accordance with the conditions of employment of the municipality or as agreed collectively.

**16. Driving service vehicles**

- (1) A member may, with the written authority of the Chief Fire Officer and as directed in the exercise of his or her duties, drive a service vehicle if he or she is in possession of a valid driving licence for the code of vehicle in question.
- (2) A member, who is duly authorised to do so, as contemplated in subsection (1), must drive a service vehicle in accordance with the provisions of the National Road Traffic Act, 1996, and any regulations made under the Act.
- (3) Any member who fails to comply with the provisions of this section is guilty of an offence.

**17. Duties and orders during emergency situations**

- (1) The Chief Fire Officer or a member in charge of an emergency situation, including one attended in terms of an agreement, must, in respect of every such emergency situation, ensure that—
  - (a) adequate manpower and the appropriate apparatus and equipment are made available, deployed and are used without delay;
  - (b) the emergency situation is immediately assessed upon arrival and additional resources or assistance that he/she may deem necessary, are called for without delay.
  - (c) all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act.
- (2) Any person or body, including any State department as contemplated in section 17 of the Act, the South African Police Service and the Department of Justice, who wishes to inspect any information referred to in subsection (1)(c) must send a motivated request in writing to the Chief Fire Officer along with the prescribed fees.
- (3) Any press or media release concerning the Service, emergency situations or any matter in relation thereto must be in accordance with the policy guidelines determined by the municipality.

**18. Right of access to buildings and premises and issue of instructions**

- (1) The Chief Fire Officer or a member may, in executing the powers delegated in terms of this by-law or any other legislation, enter any premises at any reasonable time to conduct inspections in order to determine the existence of a fire hazard or compliance with any applicable legislation relating to fire safety on such premises.
- (2) Should any fire hazard or condition of non-compliance contemplated in subsection (1) exist, such member may serve a written instruction on the owner or occupier of such premises and such notice shall incorporate such directives and/ or requirements that are necessary to abate the condition, which instruction must determine a deadline for compliance.
- (3) Whenever any condition that may increase the risk of fire or which may pose a threat to life or property exists on any premises and such condition cannot be immediately rectified, or if costs need to be incurred to rectify such condition, the owner of the premises must, after receiving any written instruction referred to in subsection (2), inform the Chief Fire Officer forthwith, in writing, of the measures which he or she intends taking to remedy the condition and provide a programme and deadline to the Chief Fire Officer for approval.

- (4) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give further instructions for compliance with the proposed or required measures.
- (5) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence.

#### **19. Interference with the service**

- (1) No person may interfere with, prevent, obstruct or hinder the chief fire officer, municipal manager or any member in the execution of his duties as contemplated in this by-law or the Act.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **20. Furnishing of false information**

- (1) No person may wilfully give any member of the service any notice, or furnish any information regarding an outbreak of fire, or any other emergency situation requiring the attendance of the service, which is false or inaccurate.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **21. Denial, suspension or revocation of an approval or a certificate**

- (1) The chief fire officer may refuse, suspend or revoke an approval or a certificate required by this by-law for—
  - (a) failure to meet the provisions of this by-law for the issuance of the approval or certificate; or
  - (b) non-compliance with the provisions of the approval or certificate.

#### **22. Records required, access to records and release of media statements**

- (1) The safekeeping of all relevant records and documents pertaining to the service in accordance with the provisions of the National Archives and Record Service of South Africa Act is the responsibility of the municipal manager.
- (2) A request for access to a record held for the purpose or with regard to the exercise of a power or the performance of a function in respect of the service must be made in accordance with the provisions of the Promotion of Access to Information Act.
- (3) Media statements regarding the service must be released as prescribed in terms of the communication strategy of the Municipality.

#### **23. Failure to comply with provisions**

- (1) When the chief fire officer finds that there is non-compliance with the provisions of this by-law, excluding the situation in section 16(2), a written notice must be issued and include the following—
  - (a) confirmation of the findings;
  - (b) provisions of this by-law that are being contravened;
  - (c) the remedial action required; and
  - (d) a time for compliance.
- (2) An order or notice issued under this by-law must be served either by personal delivery or registered mail upon a person who is in the opinion of the chief fire officer, deemed to be the appropriate person.
- (3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.
- (4) An owner or the person in charge of premises, whose rights are affected by any decision of the chief fire officer as contemplated in subsection (1), may appeal against such decision in terms of section 62 of the Municipal Systems Act.

#### **24. Payment for services**

- (1) The municipality may charge the prescribed tariff payable by a person on whose behalf the municipality rendered any service as contemplated in this by-law.
- (2) The municipality may charge a tariff for the provision of an inspection, re-inspection or any other service, including the approval or issuing of permits or certificates as contemplated in this by-law.
- (3) Any cost incurred by the municipality for any action necessary to prevent a fire hazard, accident or other threatening danger shall be considered a tariff payable by a person for services rendered as contemplated in subsection (1).
- (4) Any costs incurred by the municipality in connection with the examination or analysis of any sample taken from any premises for the purposes of this by-law, and a report on such analysis by an institution accredited by the chief fire officer for that purpose may be recovered from the owner or person in charge of the premises if such owner or person in charge is not in compliance with this by-law regarding the substance concerned.

**25. Joint Fire Services Committee**

- (1) A Joint Fire Services Committee representing the fire services in the area of jurisdiction of the West Coast District municipality and all Category B Municipalities in the area of jurisdiction of such municipality may be established.
- (2) The Joint Fire Services Committee as contemplated in subsection (1) must collaborate and liaise for the purposes of making recommendations with regard to—
  - (a) the planning and co-ordination of the services within the district;
  - (b) the co-ordination and standardisation of infrastructure, vehicles, equipment and procedures pertaining to the service;
  - (c) the training of members; and
  - (d) any other operational matters relating to the service.
- (3) The chief fire officer of each municipality within the district may be a member of the Joint Fire Services Committee.
- (4) The Joint Fire Services Committee may determine its rules of meeting procedures, provided that such procedures are not inconsistent with generally accepted municipal administrative practices, this by-law or any other legislation.

**CHAPTER 4****FIRE PROTECTION***Part A: Fire protection for buildings and premises***26. General provisions**

The chief fire officer must in terms of sections 16(3) and 21(1) of this by-law abate a contravention of the National Building Regulations relating to fire and safety of buildings and premises.

**27. Design and construction of buildings**

- (1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that—
  - (a) provides for—
    - (i) the effective drainage of any water that may result from fire extinguishing activities; and
    - (ii) the discharge of such water directly into a storm water drain;
  - (b) prevents any water that may result from fire-extinguishing activities from draining—
    - (i) down any stairway or lift shaft;
    - (ii) down any electrical shaft or telecommunications service shaft;
    - (iii) down any shaft that is connected to a basement level; or
    - (iv) along any approach to a building or any vehicle access ramp leading to or from a building;
  - (c) if any water resulting from fire-extinguishing activities should spill into a basement, such water is discharged directly into a storm water drain; and
  - (d) complies with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that—
  - (a) the transformer room is situated on the ground level;
  - (b) access to the transformer room is from outside the building; and
  - (c) there is adequate and ready access to the transformer room for fire-fighting and maintenance activities.
- (3) Subsections (1) and (2) do not apply in respect of any building which exists at the commencement of this by-law.
- (4) Any person who contravenes subsections (1) and (2) or Parts A, K, M, O, T, V or W of SANS 10400 in so far as it relates to fire protection, commits an offence.

**28. Access for emergency vehicles**

- (1) When, in the opinion of the controlling authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations (T1), may be required to comply with the following:—

- (a) An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
  - (b) A motorized or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
  - (c) Fire lanes must be provided for all premises which are set back more than 45 meters from a public road or exceed nine meters in height and are set back over 15 meters from a public road.
  - (d) Fire lanes must be at least four meters in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of four meters above the fire lane must remain unobstructed.
  - (e) A cul-de-sac that is more than 90 meters in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.
  - (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.
  - (4) It is unlawful for a person to park a vehicle in such a manner that it causes an obstruction to a fire hydrant.

### **29. Design and construction of dumping sites**

Every person who designs or constructs any dumping site, must ensure that it is designed and constructed in accordance with the instructions of—

- (a) the Department of Environmental Affairs; and
- (b) the municipality.

### **30. Design and construction of other structures and sites**

- (1) Every person who designs, constructs or erects any of the following structures, must ensure that they comply with a rational design as contemplated by the National Building Regulations—
  - (a) any grain silo;
  - (b) any atrium;
  - (c) any air traffic control tower;
  - (d) any tower for telecommunications or other uses;
  - (e) any thatched structure which is larger than 20 square metres and situated within 4.5 metres of any boundary line of the property concerned;
  - (f) any tent or other temporary structure for holding a public gathering; and
  - (g) any open-plan commercial or industrial premises with a covering distance that exceeds 45 metres measured from any point in the premises to any escape or exit door.
- (2) Every person who designs or constructs any aircraft hanger or helicopter pad, must ensure that it—
  - (a) complies with a rational design as contemplated by the National Building Regulations;
  - (b) provides for the effective drainage of any liquid from the floor of the hanger or helicopter pad or any approach to the aircraft hanger or helicopter pad;
  - (c) provides for the effective channelling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator well;
  - (d) prevents the spread of any liquid from the floor of the hanger or helicopter pad; and
  - (e) is equipped with effective earthing devices for the discharge of static electricity.
- (2) Any person who contravenes subsections (1) and (2) commits an offence.

### **31. Requirements for sprinkler systems**

- (1) If a sprinkler system is required in any building in accordance with SANS 0400, SANS 087 (Part III) or SANS 089 (Part I) or if the chief fire officer so requires, the owner or person in charge of the premises must ensure that the building is equipped with a sprinkler system.



- (2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed—
  - (a) in accordance with SANS 0287; and
  - (b) in compliance with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

### **32. Requirements for extractor fan systems**

- (1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner or person in charge of the building in which such a system is installed must ensure that—
  - (a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and
  - (b) the conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.
- (2) Every owner or person in charge of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed, must ensure that every filter, damper, screen or conduit forming an integral part of the system is regularly inspected, cleaned and maintained to ensure that fatty residues or any other combustible residues do not accumulate.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

### **33. Requirements for emergency exits**

- (1) Every owner of a building must ensure that any escape door in that building—
  - (a) is fitted with hinges that open in the direction of escape; and
  - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- (2) Every owner of a building must ensure that any door in a feeder route—
  - (a) is a double swing-type door;
  - (b) is not equipped with any locking mechanism.
- (3) Notwithstanding the provisions of subsection (2), if it is necessary that a door in a feeder route be locked for security reasons, the owner or person in charge of the building must provide an alternative means of escape approved by the chief fire officer.
- (4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.
- (5) Where required by the chief fire officer, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.
- (6) Any person who contravenes subsections (1), (2), (3), (4) and (5) commits an offence.

### **34. Requirement regarding fire doors and assemblies**

- (1) Subject to the provisions of SANS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the chief fire officer.
- (3) A fire door and assembly may not be rendered less effective through the following actions—
  - (a) altering the integrity, insulation or stability of a particular class of door;
  - (b) disconnecting the self-closing mechanism;
  - (c) wedging, blocking or obstructing the door so that it cannot close;
  - (d) painting the fusible link actuating mechanism of a door;
  - (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
  - (f) any other action that renders a fire door or assembly less effective.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

**35. Design, identification and access for fire-fighting and rescue purposes**

- (1) Subject to the requirements of any applicable zoning scheme regulations or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, are planned, designed and constructed so that—
  - (a) at least one elevation of the building fronts onto a street;
  - (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the chief fire officer;
  - (c) a motorised or electronically operated gate is equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device or any other assistance;
  - (d) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency—
    - (i) of dimensions at least 10 metres wide;
    - (ii) that runs the full length of the side elevation of the building that borders the surface; and
    - (iii) with a carrying capacity of at least 70 metric tons; and
    - (iv) any entrance arch to the premises provides an opening with dimensions at least 4 metres wide × 4.2 metres high, unless there is an alternative and easy access route to the premises of at least the same dimensions.
- (2) For purposes of easy identification by any member in an emergency, every owner or person in charge of the premises must ensure that the correct street number of the premises—
  - (a) is displayed clearly on the street boundary of the premises in numbers at least 75 millimetres high;
  - (b) is visible from the street; and
  - (c) is maintained in a legible condition at all times.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

**36. Accessibility of fire-fighting equipment and fire installations**

- (1) Any fire-fighting equipment or fire protection installations installed on any premises must be accessible to the service at all times.
- (2) Any person, who causes or permits any fire-fighting equipment or fire protection installations to be obstructed or impedes such accessibility or operation, commits an offence.

**37. Barricading of vacant buildings**

- (1) Every owner or person in charge of a building or portion of a building that is vacant must, to the satisfaction of the chief fire officer—
  - (a) remove all combustible waste and refuse from the building; and
  - (b) block, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by entering of the building by any unauthorised person.
- (2) Any person who contravenes subsection (1) commits an offence.

**38. Division and occupancy separating elements**

An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

**39. Tents**

- (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), an applicant must—
  - (a) submit an application in terms of the National Building Regulations (A2) to the municipality for the erection and usage of the tent, and
  - (b) submit an application in terms of the section 56 of this By-law to the controlling authority for a temporary population certificate.

- (2) The application submitted in terms of subsection (1)(a) must comply with the following: (a) The tent must be erected at least 4,5 meters from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it.
- (b) Where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5 meters must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
- (c) The requirements set out in the National Building Regulations (T1) must be complied with in the following instances:—
- (i) where the population of a tent exceeds 25 people;
  - (ii) where a tent is occupied during the hours of darkness;
  - (iii) for seating arrangements and aisle dimensions, and
  - (iv) for the provisions of fire extinguishers.
- (d) The population density of a tent must comply with the National Building Regulations (A21).
- (e) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
- (f) No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
- (g) No open fire or flame is permitted within five meters of a tent, stake or guideline of a tent.
- (h) Smoking is prohibited in a tent and a "No Smoking" sign must be prominently displayed at each entrance and must comply with SANS 1186-1.
- (i) Lighting and wiring installed in a tent must comply with the requirements set out in SANS 10142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in subsections (1) and (2), the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

#### 40. Informal settlements

- (1) In the event of establishment of any informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:
- (a) a safety distance of 3 metres between structures shall be maintained;
  - (b) the settlement must be divided into blocks of not more than 20 structures per block, with a minimum distance of 6 metres between blocks.
  - (c) Access roads for emergency vehicles must be at least six meters in width. The position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of five meters above the road must remain unobstructed.
  - (d) A cul-de-sac that is more than 90 meters in length, must be provided with a minimum turning circle at the closed end of the road, capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
  - (e) *Water supply for fire-fighting purposes* must be supplied in accordance with Part F (Water Supply for Fire-fighting Purposes) of this bylaw.

#### Part B:

#### Fire-fighting equipment

#### 41. Installation and maintenance of fire-fighting equipment

- (1) Every owner of a building must ensure that—
- (a) all fire-fighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;

- (b) all portable and mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in accordance with SANS 0105 and SANS 1475; and
  - (c) all fire-fighting equipment and service installations on the premises are—
    - (i) maintained in a good working condition by a competent person;
    - (ii) inspected and serviced in accordance with manufacturer specifications; and
    - (iii) are inspected by an appropriately registered and competent person at least once every 12 months; and
  - (d) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the chief fire officer every 12 months or as otherwise directed.
- (2) Every person who inspects, services or repairs any fire-fighting equipment or service installation must—
- (a) on completing the inspection, service or repairs, as the case may be—
    - (i) certify in writing that the equipment or installation concerned is fully functional; and
    - (ii) furnish that certificate to the owner of the premises; or
  - (b) if the equipment or installation cannot readily be repaired to a functional state, notify the chief fire officer of this fact in writing without delay.
- (3) Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.
- (4) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.
- (5) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

#### **42. Fire alarms and fire hydrants**

- (1) Without compensation to the owner of the premises concerned, the chief fire officer may cause:—
- (a) a fire alarm;
  - (b) a transmission instrument for calls of fire or other emergency, or
  - (c) a transmission instrument for warning residents of a fire or other emergency, to be affixed to any building, wall, fence, pole or tree.
- (2) Without compensation to the owner of the premises concerned, the chief fire officer may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, metal plate or painted marker or by any other means, as prescribed.
- (3) The chief fire officer may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- (4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection (1), board, metal plate or painted marker.
- (5) No person may render less effective, inoperative, inaccessible, obstruct or tamper and interfere with a fire hydrant.
- (6) Any person who contravenes subsections (1), (2), (3), (4) and (5) commits an offence.

### **Part C**

#### **Emergency evacuation plans**

##### **43. Chief Fire Officer may designate premises for emergency evacuation plans**

- (1) The chief fire officer may by written notice designate any premises as premises requiring an emergency evacuation plan.
- (2) The notice contemplated in subsection (1), must be served on the premises concerned and addressed to the owner or person in charge of the premises.

##### **44. Duties of owner or occupier of designated premises**

- (1) The owner, or with the approval of the chief fire officer, the occupier, of any premises designated in terms of section 37 must—
  - (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in Schedule 1 and submit it to the chief fire officer in triplicate within 30 days of service of the designation notice;

- (b) establish a fire protection committee comprised of occupiers of the premises to assist the owner or person in charge of the premises to organise a fire protection programme and regular and scheduled fire evacuation drills;
  - (c) ensure that the emergency evacuation plan is reviewed—
    - (i) at least every 12 months;
    - (ii) whenever the floor layout of the premises is changed; and
    - (iii) whenever the Chief Fire Officer requires revision of the plan;
  - (d) ensure that an up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept, maintained and all times available in a control room on the premises for inspection by any member;
  - (e) display the emergency evacuation plan at conspicuous positions inside the premises; and
  - (f) identify a place of safety off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors.
- (2) The chief fire officer may in respect of premises designated in terms of section 37—
- (a) require the review of any emergency evacuation plan by the owner or person in charge of the premises and may provide directions in this regard;
  - (b) instruct the owner or person in charge of the premises to implement a fire protection program that the chief fire officer believes is necessary to ensure the safety of persons and property on the premises; and
  - (c) require the owner or person in charge of the premises to provide the chief fire officer with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place.

**Part D:****Public gatherings****45. Prevention and control of overcrowding**

- (1) Prior to the usage of the premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in Schedule 2 of this By-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (4) A temporary population certificate is valid for a period not exceeding 30 calendar days.
- (5) The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- (6) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4(2), section 6 and section 7 of this By-law.
- (7) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (1).
- (8) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.

- (9) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (10) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

#### **46. Attendance of a service**

- (1) When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 25 of this By-law.

#### **47. Prohibition of public gatherings in certain circumstances**

- (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of fitness has been issued by the chief fire officer in respect of that building or temporary structure, unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.
- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of this by-laws, unless after that date—
  - (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
  - (b) ownership or control of the building or structure changes.
- (3) Any person who contravenes subsection (1) commits an offence.

#### **48. Application for certificate of fitness**

- (1) Every owner of a building or temporary structure intended for the holding of a public gathering must complete and submit to the chief fire officer an application form for a certificate of fitness in the form and manner as contemplated in section 42.
- (2) An application contemplated in subsection (1) must be submitted at least 30 days before any intended public gathering.
- (3) Any person who contravenes subsection (1) commits an offence.

#### **49. Requirements for certificate of fitness**

- (1) The chief fire officer may not issue a certificate of fitness in respect of a building or temporary structure—
  - (a) unless the municipality is in possession of an up-to-date set of building plans for the premises;
  - (b) unless the building or temporary structure complies with the requirements of this by-law; and
  - (c) for a period of validity exceeding 12 months.

#### **50. Form and content of certificate of fitness**

- (1) A certificate of fitness must be in the form as prescribed and must at least record the following information, where applicable—
  - (a) the trade name and street address of each occupier of the building or temporary structure;
  - (b) a description of the type of activity carried on by each occupier of the building or structure;
  - (c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;
  - (d) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;

- (e) the number of emergency exits and their dimensions; and
  - (f) the dates of issue and expiry of the certificate and its serial number.
- (2) Notwithstanding subsection (1), the chief fire officer may request additional information from the applicant.

#### **51. Duties of holder of certificate of fitness**

- (1) The holder of a certificate of fitness must—
- (a) comply with the provisions of the certificate of fitness;
  - (b) at all times—
    - (i) display the certificate prominently on the premises; and
    - (ii) maintain the certificate in a legible condition;
  - (c) immediately notify the chief fire officer in writing of any change to the trade name, activity or governing or similar body of any occupier of the building or structure;
  - (d) submit any application for renewal of the certificate of fitness at least 30 days before its expiry in the form and manner prescribed.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **52. Cancellation of certificate of fitness**

- (1) The chief fire officer may cancel any certificate of fitness in respect of premises or temporary structure if he has reason to believe that—
- (a) the owner or person in charge of the premises concerned contravenes or fails to comply with any provision of this by-law; or
  - (b) the building or structure does not comply with the requirements of this by-law.
- (2) Subject to subsection (3), before the chief fire officer cancels a certificate of fitness as contemplated in subsection (1), he must—
- (a) give the owner or person in charge of the premises written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
  - (b) give the owner or person in charge of the premises a period of at least 21 days to make written representations regarding the matter to the municipality.
- (3) If the chief fire officer has reason to believe that the failure to cancel a certificate of fitness may endanger any person or property, he may cancel a certificate of fitness without prior notice to the owner or person in charge of the premises as contemplated in subsection (2).
- (4) If the chief fire officer cancels a certificate of fitness in terms of subsection (3), he must—
- (a) furnish the owner or person in charge of the premises or temporary structure concerned with written notice of the cancellation;
  - (b) give the owner or person in charge of the premises a period of at least 21 days to make written representations regarding the matter to the municipality.

### ***Part E: Safety at Events***

#### **53. Submission of applications for approval to hold or stage events**

- (1) An application to hold or stage an event must be made by the event organiser and submitted –
- (a) by a person who is at least 18 years old;
  - (b) in a form as prescribed by the Chief Fire Officer; (c) within the prescribed time frames; and
  - (d) by a person or on behalf of a person who possesses the necessary capacity and resources, as set out in the Schedule 3, to the controlling authority.
- (2) The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the controlling authority.
- (3) In the event of failure to submit the information referred to in subsection (2) an application will not be considered in terms of this By-Law.

**54. Requirements and conditions**

- (1) No person may hold or stage any event without obtaining a permit referred to in section 60(1).
- (2) An application for an event must comply with the provisions of this By-law and contain such information as indicated in the prescribed application form.
- (3) The event organizer may not advertise the planned event before an application is submitted to the municipality and the controlling authority has informed the event organizer that the application has been approved in terms of section 60(1).
- (4) The chief fire officer must, depending on the nature of the event, ensure that consultation with relevant stakeholders identified by the municipality is undertaken by the event organizer.
- (5) The Council must, as part of its budgeting process in terms of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determine tariffs and deposit payable for events.
- (6) The municipality shall not, in respect of any planning for an event, application, approval or permit issued for an event in terms of this By-law, be held liable for any –
  - (a) damage to or loss of any property of the event organiser; or
  - (b) costs incurred by an event organiser or any third party.
- (7) The event organiser, or the venue owner in the case of a small event referred to in section 59(2)(b), shall be liable for the cost of any service provided by the municipality for or in respect of an event.

**55. Decisions on events**

- (1) The Chief Fire Officer must approve or decline an application for an event in terms of this By-Law.
- (2) Where an application for an event has been approved, the chief fire officer must issue a permit with conditions.
- (3) Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing.
- (4) The event organizer must make sure that the permit is available at the venue for inspection at all stages and at all times of the event.

**56. Holding of an event**

- (1) Event organisers whose applications have been approved in terms of this By-law are responsible for the event and must ensure that —
  - (a) the event is held in compliance with the provisions of this By-law and does not contravene any other law;
  - (b) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities during such event;
  - (c) any compliance notice issued by the chief fire officer in terms of section 66 is complied with.

**57. Suspension and revocation of permit**

- (1) The Chief Fire Officer, may, where the event organizer fails to comply with a compliance notice issued in terms of section 65, by notice in writing to the event organizer —
  - (a) suspend the permit immediately until the event organizer has complied with the compliance notice;
  - (b) revoke the permit and take such steps as may be necessary in terms of this By-law, and the event organizer shall be liable for any costs incurred thereby; or
  - (c) on receipt of information relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.



**58. Indemnity**

- (1) The event organizer must provide —
  - (a) evidence, to the satisfaction of the Municipal Manager, of appropriate indemnity cover; and
  - (b) where an activity which may put the public at risk will be involved, evidence to the satisfaction of the Chief Fire Officer of appropriate specialized risk insurance, blanket liability or work cover must be provided.
- (2) The municipality shall not be liable for any costs, including any damage or loss, incurred or suffered as a result of an event held without an approval in terms of this By-law.

**59. Offences and Penalties**

- (1) Failure to comply with any provision of this By-Law constitutes an offence.
- (2) A person who commits an offence in terms of this By-Law shall, on conviction, be liable for a fine or a term of imprisonment, or both such fine and such imprisonment.

**Part F:*****Water supply for fire-fighting purposes*****60. Township development water supply requirements**

- (1) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply, minimum fire flow and hydrant requirements as contemplated in section 11 of SANS 10090 and must furnish written proof of such compliance to the chief fire officer.
- (2) Every person who develops or redevelops a township must ensure that—
  - (a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in this by-law;
  - (b) the water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and
  - (c) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.
- (3) Subsection (2)(c) is deemed to be satisfied, if—
  - (a) the water is supplied to the township from more than one reservoir;
  - (b) each reservoir receives water from a separate supply main and pump; and
  - (c) the reservoirs are connected to each other.
- (4) Every person who develops or redevelops a township must ensure that—
  - (a) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 metres in any high risk area or for more than 300 metres in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
  - (b) if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in section 48, the water reticulation system is adapted without delay so as to comply with the requirements of sections 46 and 47.
- (5) The chief fire officer must inspect fire hydrants and conduct flow and pressure tests as contemplated in SANS 10090.
- (6) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

**61. Township development fire-extinguishing stream requirements**

Every person who develops or redevelops a township must ensure that the water supply provides a fire-extinguishing stream that is immediately available to the service in an emergency, of the following volume and duration:

Fire risk category	Minimum volume of extinguishing stream (litres per minute)	Minimum duration of extinguishing stream (hours)
High risk	11 500	6
Moderate risk	5 750	4
Low risk	2 300	2

**62. Township development fire hydrant requirements**

(1) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

Fire risk category	Minimum fire hydrant delivery volume measured at peak Consumption (litres per minute)	Minimum distance between fire hydrants (metres)
High risk	1980	120
Moderate risk	1 150	180
Low risk	900	240

(2) Every person who develops or redevelops a township must ensure that the position of fire hydrants is plotted accurately on a plan that is furnished to the chief fire officer for operational fire-fighting purposes.

**63. Fire risk categories**

(1) For purposes of sections 46 and 47, the following areas of a township must be regarded—

(a) as high risk—

- (i) any factory area, high density shopping area, warehouse or commercial building;
- (ii) any plantation, timber yard or wooden building;
- (iii) any building higher than 3 storeys;
- (iv) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
- (v) any other area that has a high fire risk or high fire spread risk;

(b) as moderate risk—

- (i) any area in which—
  - (aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
  - (bb) the chief fire officer has not declared the materials processed or stored in these buildings as highly dangerous;
- (ii) any area where the fire risk and spread risk of fire is moderate; and
- (iii) any other area that is not a high or low risk area; and

- (c) as low risk—
  - (i) any area that is mainly residential or semi-rural;
  - (ii) any area that has predominantly detached, duet, cluster or town house developments; and
  - (iii) any area where the fire risk or risk of spread of fire is slight or insignificant.

#### **64. Connections to water reticulation system**

- (1) No person may obtain a water connection to the water reticulation system of the municipality unless the fire protection plans for the premises to be connected have been approved by the chief fire officer.
- (2) Every person or owner of premises who requires a water connection to the water reticulation system of the municipality must—
  - (a) if the premises to be connected are protected by a sprinkler installation, ensure that—
    - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations, and
    - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
  - (b) if the chief fire officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;
  - (c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 0400 (Part W); and
  - (d) ensure that the water installation upon completion complies with the provisions of SANS-1:1994.
- (3) Any person who contravenes subsection (1) commits an offence.

#### **Part G:**

#### **Prevention of fire hazards**

#### **65. Certain fires prohibited**

- (1) No person may make or allow any other person to make a fire that may endanger any person, animal or property.
- (2) No person may burn or allow any other person to burn any refuse or combustible material—
  - (a) without the prior written permission of the chief fire officer; or
  - (b) unless the refuse or combustible material is burnt in an approved incinerating device.
- (3) Any person, who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal or property.
- (4) The prohibition in subsection (2) does not apply to any fire made—
  - (a) in an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
  - (b) for the purpose of preparing food on private premises set aside for that purpose; or
  - (c) in any device for preparing food which—
    - (i) is heated by electricity or liquefied petroleum gas; and
    - (ii) is so positioned that the fire does not endanger any person, animal or property.
- (5) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

#### **66. Storage and accumulation of combustible material prohibited**

- (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.

- (6) If a fire hazard contemplated in subsection (5) arises, the owner or person in charge of the premises must without delay eliminate the hazard or cause the hazard to be eliminated by—
- (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
  - (b) pruning, chopping down or sawing any shrub or tree; and
  - (c) removing any resulting combustible residue from the property.
- (7) Any person who contravenes subsections (1), (2), (3), (4), (5) and (6) commits an offence.

#### **67. Electrical fittings, equipment and appliances**

- (1) No person may cause or allow—
- (a) any electrical supply outlet to be overloaded; or
  - (b) any electrical appliance or extension lead to be used in any manner that may pose a fire hazard to any person or property.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **68. Flame-emitting devices**

- (1) No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **69. Discard of flammable liquid or substance in sewers or drains**

- (1) No person may discard into, or cause, permit or allow a flammable liquid or flammable substance to enter any waste or foul water or storm water sewer or drain whether underground or on the surface.
- (2) A person who becomes aware of any escape, whether accidental or otherwise, of any quantity of flammable liquid or flammable substance which is likely to constitute a fire hazard, from any premises or vehicle into any sewer or drain or any inlet or drain linking with such sewer or drain, must immediately report such escape to the chief fire officer.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

#### **70. Flammable gas**

- (1) No person may fill any balloon or other device with flammable gas without the written authority of the chief fire officer, and subject to such conditions as he may require after having regard to the circumstances of the specific case.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **71. Smoking restrictions and discarding of combustibles**

- (1) If conditions exist where smoking may create a fire hazard on any premises, smoking must be prohibited and "No Smoking" signs complying with SANS 1186: Part 1, must be prominently displayed in positions as directed by the controlling authority.
- (2) A person may not remove or damage a "No Smoking" sign.
- (3) No person may light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- (4) The owner or person in charge of any premises may not allow or permit any person to light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to any other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- (5) Where smoking is permitted, adequate provision must be made for the safe disposal of any smoking materials and matches.
- (6) No person may discard or otherwise dispose of a burning cigarette or any other burning materials or objects including materials capable of self-ignition or capable of spontaneous combustion, on any road, in any road reserve or in any other public place.
- (7) Where any cigarette, smoking materials or other burning materials, including materials capable of self-ignition or spontaneous combustion are discarded from a vehicle onto a road, or in any road reserve or any other place, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the driver of such vehicle.
- (8) Any person who contravenes the provisions of this section commits an offence.

**72. Safety fire-breaks required**

- (1) Subject to the provisions of the National Veld and Forest Fire Act, 1998, (Act No. 101 of 1998), every owner or occupier of an agricultural holding or farm must clear and maintain a safety fire-break along every boundary of the agricultural holding or farm.
- (2) If an obstruction occurs within the boundaries of a safety fire-break, the owner or occupier concerned must clear and maintain a 5metre-wide safety fire-break around that obstruction.
- (3) No person may clear or maintain a safety fire-break by burning without the prior written permission of the chief fire officer.
- (4) Any person who intends to clear or maintain a safety fire-break by burning must—
  - (a) apply in writing to the chief fire officer for permission, stipulating the property concerned and the proposed date and time of the burning; and
  - (b) unless the burning is to be performed by a person or body accredited for this purpose by the municipality, request the service to provide assistance at the burning.
- (5) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

**CHAPTER 5****REGULATION OF FIREWORKS****73. Designation of places and conditions**

- (1) The municipality may designate any public place or street or any part thereof within the municipal area as the only place at which fireworks may be discharged.
- (2) The municipality may, on application of the owner or lawful occupier of any private open space as defined in the applicable zoning scheme regulations in its area of jurisdiction, designate such private open space as a place where fireworks may be discharged.
- (3) The list of places designated in terms of subsections (1) and (2) or any amendment thereof must be published by the municipality in terms of its communication strategy.
- (4) The municipality may impose conditions as to the dates on which, periods or time and hours when the discharge of fireworks may take place on any designated area and may further impose conditions as to the manner of discharge.
- (5) A person who fails to comply with any condition imposed in terms of subsection (4) commits an offence.

**74. Discharge of fireworks**

- (a) No person may discharge any fireworks outside an area designated by the municipality in terms of section 59.
- (b) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation by completing and submitting an application in the form and manner determined by the Municipality together with the prescribed tariff and a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the discharge and fallout of the fireworks.
- (c) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

**75. Dealing in fireworks**

- (4) No person may deal in fireworks unless—
  - (a) that person holds the required fireworks licence in terms of the Explosives Act; and
  - (b) has written authority from the Chief Fire Officer.
- (5) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1) must—
  - (a) complete an application in the form and manner determined by the municipality; and
  - (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
- (6) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes any provision of this by-law.

**76. Seizure of fireworks**

A member of the service may take into his possession any fireworks found by him in contravention of section 60(1) and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act relating to seizure and disposal.

**CHAPTER 6****CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES****77. Use, handling and storage of flammable substances prohibited in certain circumstances**

- (1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the chief fire officer in respect of the flammable substance and the premises concerned.
- (2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Schedule 2.
- (3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance—
  - (a) is used, handled or stored in a manner that ensures that—
    - (i) no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
    - (ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or
  - (b) is used, handled or stored—
    - (i) in a naturally ventilated room that prevents the accumulation of fumes or gas;
    - (ii) in a suitable place outdoors that ensures the safe disposal of fumes or gas; or
  - (c) the flammable substance is stored in strong, gas-tight and labelled
- (4) Any person who contravenes subsections (1) and (3) commits an offence.

**78. Application for certificate of registration for flammable substances**

An application for a certificate of registration contemplated in section 63(1) must be completed and submitted in the form and manner prescribed.

**79. Issue of certificate of registration**

- (1) If the chief fire officer issues a certificate of registration to any person, he must endorse on the certificate—
  - (a) the class and quantity of the flammable substance for which the premises have been registered;
  - (b) the number of storage tanks or storage facilities on the premises and their capacities;
  - (c) the number of flammable substance storerooms on the premises and their capacities;
  - (d) the number of liquefied petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;
  - (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
  - (f) the period of validity and expiry date of the certificate; and
  - (g) the physical address of the premises and the name and postal address of the occupant.
- (2) A certificate of registration—
  - (a) is not transferable between premises;
  - (b) may not be issued by the chief fire officer for a period exceeding 12 months;
  - (c) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the chief fire officer in writing.

- (3) A certificate of registration is valid only for—
- (a) the installation for which it was issued;
  - (b) the state of the premises at the time of issue; and
  - (c) for the quantities of flammable substance stated on the certificate.

#### **80. Availability of certificate of registration at premises**

- (1) The holder of a certificate of registration must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

#### **81. Fire-fighting equipment**

- (1) Any person who holds a certificate of registration or other authorisation contemplated in this by-law must ensure that the premises to which the authorisation applies, are equipped with—
- (a) subject to the provisions of subsection (6), portable fire extinguishers—
    - (i) as specified in SANS 1567 (carbon dioxide-type), SANS 810 (dry chemical-type), SANS 1573 (foam-type) and SANS 1571 (transportable-type);
    - (ii) in such numbers as is appropriate in each section of the premises in accordance with the SANS codes applicable to the flammable substance and risk concerned;
  - (b) if applicable, hose reels as specified in SANS 453 (hose reels), that are connected to a water supply—
    - (i) as contemplated in SANS 0400 (Part W); and
    - (ii) that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
  - (c) if applicable, fire hydrants—
    - (i) with couplings as specified in SANS 1128 (Part II) (fire-fighting equipment- couplings); and
    - (ii) in a ratio of at 1 to every 1000 square metres or part thereof. And
  - (d) if applicable, in relation to any above-ground facility, a sprinkler system or dilute system that—
    - (i) is approved by the chief fire officer; and
    - (ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- (2) Notwithstanding the provisions of subsection (1), if the chief fire officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he may—
- (a) specify the type of fire extinguisher to be installed;
  - (b) require that a greater number of fire extinguishers be installed; and
  - (c) require that a fire detection or warning system be installed.
- (3) The holder of any certificate of registration or other authorisation contemplated in this by-law must ensure that all fire-fighting equipment contemplated in subsection (1)—
- (a) is inspected, maintained and serviced to the satisfaction of the chief fire officer—
    - (i) by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SANS 1015 and SANS 1475;
    - (ii) at least every 12 months;
  - (b) if installed outside the premises, is adequately protected from the weather; and
  - (c) is positioned prominently or where this is not possible, the position of the fire-fighting equipment is clearly indicated by a symbolic safety sign—
    - (i) in accordance with the specifications of SANS 1186; and
    - (ii) to the satisfaction of the chief fire officer.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

**82. Amendment to certificate of registration**

The chief fire officer may amend any certificate of registration on application by the holder.

**83. Cancellation of certificate of registration**

The provisions of section 44, read with the necessary changes, apply to any cancellation by the chief fire officer of a certificate of registration.

**84. Renewal of certificate of registration**

Any application for the renewal of a certificate of registration must be submitted to the chief fire officer at least 30 days prior to the expiry date of the certificate.

**85. No authorisation required for certain motor vehicle fuel tanks**

No certificate of registration contemplated in section 63(1) or any other authorisation contemplated in this by-law is required in respect of flammable liquids in a fuel tank—

- (a) of any motor vehicle; and
- (b) of any stationery engine if the volume of the fuel tank does not exceed 1 000 litres.

**86. Record of certificates of registration**

The chief fire officer must keep updated records of all premises in respect of which a certificate of registration has been issued, amended or renewed.

**CHAPTER 7****GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES****87. General prohibitions regarding the use, handling and storage of flammable substances**

- (1) No person who uses, handles or stores a flammable substance or allows them to be used, handled or stored on any premises may—
  - (a) do anything or allow anything to be done that may result in or cause a fire or explosion;
  - (b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency.
- (2) No person may—
  - (a) dump or spill or allow the dumping or spilling of any flammable substance into any borehole, sewer, drain system or surface water;
  - (b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorised to do in terms of this by-law;
  - (c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 metres of any place where a flammable substance is stored;
  - (d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;
  - (e) while any person, except the driver or any other person responsible for a bus contemplated in the National Road Traffic Act, is in or on the bus—
    - (i) fill or allow the filling of its fuel tank; or
    - (ii) transport or allow the transport of any flammable substance on the bus, except in its fuel tank; and
  - (f) deliver or supply or allow to be delivered or supplied, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.



**88. Use, handling and storage of liquefied petroleum gas**

- (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless—
  - (a) the person is in possession of a certificate of registration contemplated in section 63; and
  - (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SANS 087, Parts 1, 3, 7 and 10.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SANS 087, Parts 1, 3, 7 and 10.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 087, Part 7.
- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the chief fire officer.
- (5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.
- (6) The chief fire officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.
- (7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).
- (8) Any person who contravenes subsections (1), (2), (3), (4), (5), (6) and (7) commits an offence.

**89. Display of symbolic warning signs required**

- (1) The owner or person in charge of any premises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display symbolic signs—
  - (a) prohibiting smoking and open flames;
  - (b) of a size and number determined by the chief fire officer; and
  - (c) prominently in places where the signs can be clearly observed.
- (2) No person may disregard or allow to be disregarded any prohibition on a symbolic sign displayed in terms of subsection (1).
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

**90. Duty to report fires, accidents and dumping**

- (1) If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report it to the chief fire officer.
- (2) Any person who contravenes subsection (1) commits an offence.

**CHAPTER 8****DECLARATION OF FIRE CONTROL ZONES AND FIRE BREAK BURNING SEASONS****91. Fire Control Zones**

- (1) Where the Chief Fire Officer is of opinion that a fire control zone should be declared in an area or that a fire control zone should be disestablished, he or she must cause such intention to be published in terms of the municipality's public participation policy.
- (2) If the municipality is of opinion that any objection or comment should be investigated, it may decide to hold a public enquiry.
- (3) If the municipality decides to hold a public inquiry, it must:
  - (a) appoint a suitably qualified person or panel of persons to hold such enquiry; and
  - (b) determine the procedure for the public inquiry, which may include a public hearing.
- (4) The person or panel of persons appointed to hold such enquiry must conduct the inquiry in accordance with the procedure prescribed and compile a written report to the relevant portfolio committee on the inquiry and give reasons for any administrative action recommended.

- (5) Where practical, the municipality shall as soon as possible after the submission of the report to the relevant portfolio committee, publish a concise summary of such report and the particulars of the places and times at which the report may be inspected and copied; and
- (6) After the municipality has taken into account any comment or objection in respect of such proposed declaration or disestablishment it may declare a fire control zone or disestablish any such fire control zone concerned.
- (7) The municipality must publish such zone or amended zone.

## **92. Firebreak Burning Seasons**

- (1) The Chief Fire Officer may recommend the declaration of firebreak burning seasons in which case the provisions of section 77(1),(6) and (7) shall apply with the necessary changes.

## **CHAPTER 9**

### **STORAGE OF FLAMMABLE SUBSTANCES**

#### **93. Storage of flammable substances prohibited in certain circumstances**

- (1) No person may store or allow the storage of any flammable substance in any storeroom unless—
  - (a) that person has a certificate of registration contemplated in section 63(1); and
  - (b) the storeroom complies with the requirements of this by-law and any other applicable law.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **94. Taking of samples in respect of flammable substances**

- (1) Whenever a member inspects any premises and suspects that a flammable substance is used, handled or stored on such premises without a certificate of registration or other authority as contemplated in this by-law, such member must take a sample of such substance for the purposes of analysis or examination.
- (2) Any sample as contemplated in subsection (1) must taken in the presence of the owner or person in charge of the premises and must—
  - (a) be divided into two equal parts;
  - (b) be sealed in similar containers; and
  - (c) such containers must be marked with the following information—
    - (i) the address of the premises;
    - (ii) the trade name of the premises or concern;
    - (iii) the name and signature of the person in whose presence the sample was taken;
    - (iv) the date and time the sample was taken; and
    - (v) a description of the location on the premises where the sample was taken.
- (3) The chief fire officer must within reasonable time submit any sample taken as contemplated in subsection (1) to an accredited institution for an analysis or examination and written report on the findings.

#### **95. Symbolic safety signs must be displayed**

- (1) The holder of a certificate of registration for a storeroom to be used for any flammable substance must ensure that—
  - (a) symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom—
    - (i) of a number determined by the chief fire officer;
    - (ii) of dimensions at least 290 millimetres by 200 millimetres; and
    - (iii) manufactured in accordance with SANS 1186;
  - (b) the groups of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75 millimetres high, against a white background.
- (2) Any person who contravenes subsection (1) commits an offence.

**96. Construction of flammable substance storerooms**

- (1) Every storeroom must be designed and constructed according to the following criteria—
  - (a) the storeroom floor must consist of concrete;
  - (b) the storeroom walls must consist of material that has a fire resistance of at least 120minutes;
  - (c) the storeroom roof must consist of—
    - (i) reinforced concrete with a fire resistance of at least 120minutes; or
    - (ii) any other non-combustible material, if the storeroom—
      - (aa) is not situated within 5 metres of the boundary of the premises; or
      - (bb) adjoins a higher wall with no opening within 10 metres above and 5 metres on either side of the storeroom.
- (2) Any person who contravenes subsection (1) commits an offence

**97. Requirements for storeroom doors**

- (1) Every storeroom must be equipped with a fire rated fire door that—
  - (a) is manufactured and installed in accordance with SANS 1253;
  - (b) opens to the outside;
  - (c) is equipped with a lock or locks approved by the chief fire officer; and
  - (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.
- (2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 metres or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- (3) Fire doors contemplated in subsections (1) and (2) must if installed on—
  - (a) external walls, be 'B' class fire doors; and
  - (b) internal walls in communication within a building, be 'D' class fire doors.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence

**98. Requirements for storeroom windows**

- (1) Every storeroom window frame must—
  - (a) consist of steel;
  - (b) have window panels of dimensions not exceeding 450 millimetres × 450 millimetres; and
  - (c) be fitted with wire glass of a thickness not less than 8 millimetres.
- (2) No storeroom window must be capable of being opened.
- (3) Every storeroom window must be fitted to the external wall of a building.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

**99. Requirements for storeroom catch pits**

- (1) Every storeroom must be designed and constructed so that its floor is recessed below the level of the door sill to form a catch pit—
  - (a) with a holding capacity at least equal to the total volume of hazardous substances capable of being stored in the storeroom, plus 10 percent; and
  - (b) if required by the chief fire officer—
    - (i) covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and
    - (ii) equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery.
- (2) The floor grill contemplated in subsection (i) must contain a suitably positioned access hatch for cleaning purposes.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

**100. Ventilation of storerooms**

- (1) Every storeroom must be designed and constructed to ensure—
  - (a) the effective ventilation of flammable substance fumes;
  - (b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.
- (2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks—
  - (a) that are not less than 140 millimetres by 250 millimetres in extent, with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;
  - (b) that are provided in at least 3 external walls of the storeroom; and
  - (c) that are positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.
- (3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system—
  - (a) designed and installed for this purpose;
  - (b) with a flow rate of 0,5 meters/second across the store;
  - (c) with vanes that consist of a static-free material;
  - (d) that discharges through a vertical metal duct into the open air—
    - (i) not situated within 5 metres of any opening of a building or erf boundary; and
    - (ii) terminating at least 1 metre above roof height or at least 3,6 meters above ground level, whichever is the greater;
  - (e) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
  - (f) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
  - (g) equipped with ducting material that—
    - (i) is as short as possible in the circumstances and does not have sharp bends; and
    - (ii) is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

**101. Electrical equipment in storerooms**

- (1) The owner or person in charge of any storeroom must ensure that—
  - (a) all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SANS 0108;
  - (b) no switch gear, distribution box, fuse or other electrical equipment, except electrical equipment as contemplated in SANS 0108, is situated—
    - (i) inside the storeroom; or
    - (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;
  - (c) any metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
  - (d) any mechanical ventilation system switch is situated outside the storeroom;
  - (e) any mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
  - (f) all electrical apparatus and fittings, except the mechanical ventilation system, are switched off when the storeroom is unattended.
- (2) Any electrical installation in a storeroom may be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.
- (3) The owner or person in charge of a storeroom must submit the certificate contemplated in subsection (2) to the chief fire officer for record purposes immediately after installation contemplated in such subsection.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

**102. Foam inlets required for certain storerooms**

- (1) The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure—
  - (a) that the storeroom is provided with a foam inlet consisting of a 65mm male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
  - (b) that the foam inlet is identified by a sign in block letters at least 100 millimetres high, displaying the words “foam inlet”.
- (2) Any person who contravenes subsection (1) commits an offence.

**103. Shelving in storerooms**

- (1) The owner or person in charge of a flammable storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.
- (2) Any person who contravenes subsection (1) commits an offence.

**104. Unauthorised use and entry of storerooms prohibited**

- (1) No person may—
  - (a) without the authority of the owner or person in charge, enter or allow any other person to enter any flammable storeroom;
  - (b) use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances;
  - (c) allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
  - (d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.
- (2) Any person who contravenes subsection (1) commits an offence.

**105. Mixing and decanting rooms**

- (1) The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Schedule 3 are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this by-law applicable to storerooms.
- (2) Any person who contravenes subsection (1) commits an offence.

**106. Temporary above ground storage of flammable substances**

- (1) Any person, who wishes to store any flammable substance on premises on a temporary basis, must apply to the chief fire officer for a temporary certificate of registration.
- (2) A temporary certificate of registration may be issued by the chief fire officer—
  - (a) for a period not exceeding 12 months;
  - (b) if the flammable substance concerned is required—
    - (i) in respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 9 000 litres;
    - (ii) in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and
    - (iii) the application complies with the requirements of SANS 0131 and this Chapter.
- (3) Every holder of a temporary certificate of registration contemplated in subsection (1) must ensure that—
  - (a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;
  - (b) adequate provision is made for rainwater run-off from retaining walls or embankments;

- (c) no source of ignition or potential source of ignition exists within 5 metres of a storage tank;
  - (d) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and
  - (e) at least two 9-kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 metres of a temporary storage tank.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

#### **107. Hand tools must be intrinsically safe**

- (1) The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **108. Permanent above ground storage tanks for flammable liquids**

- (1) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure—
  - (a) that the tank is erected or installed—
    - (i) in accordance with SANS 0131 and SANS 089, Part I;
    - (ii) at least 3.5 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
  - (b) that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SANS 0232, Part 1.
- (2) Any electrical installation associated with the storage tank must comply with SANS 0108 and SANS 089, Part 2.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

#### **109. Underground storage tanks for flammable liquids**

- (1) The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 0400, SANS 089, Part 3 and SANS 0131.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **110. Installing, erecting, removing and demolishing prohibited without prior notice**

- (1) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless that person has given the chief fire officer at least 3 working days prior written notice of the intention to do so, in the form and manner as prescribed.
- (2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.
- (3) The provisions of subsection (1) do not apply to—
  - (a) the temporary removal of equipment for purposes of carrying out necessary repairs;
  - (b) the necessary replacement of equipment or their parts; and
  - (c) the replacement of any storage tank with a tank of the same capacity.
- (4) Any person who contravenes subsection (1) and (2) commits an offence.

#### **111. Repair and maintenance of access to storage tanks**

- 7. No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance—
  - (1) until such tank has been de-aerated and made free of gas and fumes as contemplated in SANS 089 (Part I); or
  - (2) unless that person—

- (a) is wearing an effective self-supporting breathing apparatus; and
- (b) is attached to a rescue rope under the control of a competent and responsible person.

8. Any person who contravenes subsection (1) commits an offence.

### 112. Termination of storage and use of flammable substances

- (1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must—
  - (a) notify the chief fire officer in writing within seven days of such storage or use ceasing;
  - (b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;
  - (c) unless the chief fire officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
  - (d) to the satisfaction of the chief fire officer, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
- (2) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the chief fire officer, fill the underground tank with liquid cement slurry.
- (3) Any person who contravenes subsection (1) commits an offence.

### 113. Container handling and storage

- (1) Every flammable substance container must—
  - (a) be kept closed when not in use;
  - (b) be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
  - (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
- (2) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.
- (3) No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap.
- (4) Any empty flammable liquid container must be stored in a storeroom.
- (5) Notwithstanding the provisions of subsection (4) the chief fire officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he is satisfied that—
  - (a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;
  - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
  - (c) the fence supports are of steel or reinforced concrete;
  - (d) the storage area has an outward opening gate that is kept locked when not in use;
  - (e) when the floor area exceeds 10m<sup>2</sup> an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
  - (f) the storage area is free of vegetation and has a non-combustible, firm and level base.
- (6) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/ or more than 210 litres of class II and class III A combined, such flammable and combustible liquids must be stored in a store room.
- (7) Any person who contravenes subsections (1), (2), (3), (4) and (6) commits an offence.

**CHAPTER 10****TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS****114. Transport of dangerous goods prohibited without transport service permits**

- (1) The owner of any vehicle used for transporting dangerous goods, must—
  - (a) be in possession of a valid transport permit issued in accordance with the relevant sections of this bylaw; and ensure that the transport service permit is available in the vehicle for inspection at all times.
- (2) Any person who contravenes subsection (1) commits an offence.

**115. Application for transport service permits**

- (1) An application for a transport permit must be completed and submitted to the chief fire officer in the form and manner prescribed.
- (2) The application form must be accompanied by proof of payment as prescribed in the municipal tariff policy.

**116. Requirements of transport service permits**

- (1) A transport permit—
  - (a) may not be issued by the chief fire officer for a period longer than 12 months; and
  - (b) must—
    - (i) indicate the date of issue and expiry;
    - (ii) identify the issuing officer and bear that officer's signature;
    - (iii) contain a serial number;
    - (iv) indicate the group and quantity of dangerous goods that may be transported under the permit; and
    - (v) contain a description of the vehicle concerned, including its registration number.

**117. Cancellation of transport service permit**

The provisions of section 44, read with the necessary changes, apply to any cancellation of a transport permit by the chief fire officer.

**118. Exemption from transport service permits**

A transport service permit contemplated in section 100 is not required for the transportation of dangerous goods of the type and not exceeding the quantities stipulated in Schedule 3.

**119. Design, construction, maintenance and repair of road tankers**

- (1) Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must—
  - (a) comply with the provisions of SANS 0189, SANS 1398, SANS 0233, SANS 087, Part 6 SANS 089, Part 1, SANS 0230 and SANS 1518, as the case may be; and
  - (b) ensure that the road tanker is labelled in a manner that complies with the provisions of SANS 0232 and any applicable law.
- (2) Any person who contravenes subsection (1) commits an offence.

**120. Design, construction, maintenance and repair of other vehicles**

- (1) Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle—
  - (a) is designed and constructed—
    - (i) to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
    - (ii) with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;



- (b) is equipped with—
  - (i) a safety edge or safety railing—
    - (aa) at least 1 metre high when measured from the surface of the body of the vehicle; and
    - (bb) capable of securing dangerous goods containers;
  - (ii) strong and durable straps—
    - (aa) capable of fastening dangerous goods containers securely to the body of the vehicle;
    - (bb) that are anchored firmly to the bodywork of the vehicle; and
    - (cc) that are fitted with a reversible cog winch mechanism that can be locked;
  - (iii) electrical wiring that complies with SANS 314;
  - (iv) at least 2 static-free wheel blocks;
  - (v) a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle battery and in a position readily accessible in any emergency; and
  - (vi) a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.
- (2) Any person who contravenes subsection (1) commits an offence.

### 121. General prohibitions regarding transport of dangerous goods

- (1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless—
  - (a) the vehicle has a valid roadworthy certificate;
  - (b) if not exempt in terms of section 104, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers—
    - (i) designed and manufactured in accordance with SANS 810 and maintained in accordance with SANS 0105 and SANS 1475; and
    - (ii) positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.
- (2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.
- (3) No person may cause any vehicle transporting dangerous goods to travel or overnight in any area where such travel or overnighting is specifically prohibited.
- (4) Any person who contravenes subsections (1) and (2) and (3) commits an offence.

### 122. Supply of dangerous goods prohibited in certain circumstances

- (1) No person may deliver or supply or allow to be delivered or supplied any dangerous goods of a type and in a quantity exceeding that specified in Schedule 2 to any premises that are not registered as contemplated in section 63(1).
- (2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.
- (3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
- (4) Every person who delivers dangerous goods must ensure that—
  - (a) a 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;
  - (b) during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
  - (c) while delivering—
    - (i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;
    - (ii) the delivery vehicle is not parked on or across a pavement or a road;
    - (iii) no delivery hose lies on or across a pavement, road or other premises;
  - (d) no dangerous goods are transferred to a storage facility that does not comply with the requirements of Chapter 9 of this by-law and the provisions of SANS 0263;

- (e) any device connected with, or used for, the delivery of the dangerous goods—
  - (i) is designed for its purpose; and
  - (ii) is maintained in safe and good working condition; and
- (f) no dangerous goods are spilled during delivery.
- (5) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.
- (6) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.
- (7) Any person who contravenes subsections (1), (2), (3), (4), (5) and (6) commits an offence.

### **123. Records of transport permits**

The chief fire officer must keep updated records of all vehicles in respect of which a transport permit has been issued, amended or renewed.

## **CHAPTER 11**

### **SPRAY PAINTING AND SPRAYING ROOMS**

#### **124. Spray rooms and booths**

Aspray room, booth or area designated for the application of a flammable liquid must be constructed and equipped according to the requirements in Schedule 4 of this by-law and must be operated in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

#### **125. Spraying prohibited without spraying permit**

- (1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless—
  - (a) that person is in possession of a spraying permit contemplated in section 112;
  - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the chief fire officer on premises registered for that purpose.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **126. Application for spraying permit**

Any person who wishes to obtain a spraying permit must complete and submit to the chief fire officer an application form for such permit in the form and manner as prescribed.

#### **127. Cancellation of spraying permit**

The provisions of section 44, read with the necessary changes, apply to the cancellation by the chief fire officer of any spraying permit.

## **CHAPTER 12**

### **MISCELLANEOUS**

#### **128. Handling of animals during emergencies**

- (1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.
- (2) Notwithstanding the provisions of subsection (1), the chief fire officer may, in respect of any premises, authorise a suitably qualified person to handle or put down any animal during an emergency.
- (3) The municipality may recover any costs incurred in relation to the professional handling or putting down of any animal during an emergency from the owner or person in charge of the premises concerned.

**129. Exemption from provisions of this by-law**

- (1) Any person may make application to the municipality in writing, for an exemption from any provision of this by-law, specifying the reasons for exemption in such application.
- (2) The municipality may grant an exemption—
  - (a) in general or in particular;
  - (b) for any period; and
  - (c) subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of this by-law.
- (3) If an exemption is granted in terms of subsection (2), the municipality must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
- (4) The municipality may amend or withdraw a certificate of exemption at any time.
- (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

**130. Approval, authorisation or permission under this by-law**

Any person who requires any approval, authorisation or permission contemplated in this by-law in respect of which no application procedure is provided, must apply for that approval, authorisation or permission—

- (a) by completing and submitting an application in the form and manner determined by the municipality; and
- (b) by paying the prescribed tariff.

**131. Cancellation of approval, authorisation or permission**

The provisions of section 44, read with the necessary changes, apply to any approval, authorisation or permission contemplated in section 116.

**132. By-law binds State**

This by-law binds the State and any person in the service of the State.

**133. Conflict with other legislation**

In the event of any conflict between any provision of this by-law and National and Provincial legislation, standards, policies or guidelines, the National and Provincial legislation, standards, policies or guidelines shall prevail.

**134. Offences and penalties**

A person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to—

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and,
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**135. Repeal of by-laws**

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

**136. Short title and commencement**

This by-law shall be known as the Fire Safety By-law and comes into operation on the date of publication in the Provincial Gazette.

**SCHEDULE 1****GUIDELINE FOR EMERGENCY EVACUATION PLANS****137. Content of emergency evacuation plans**

Every emergency evacuation plan contemplated in section 37 must contain at least the information under the headings below.

**(1) Emergency telephone numbers**

A list of all relevant emergency telephone numbers.

**(2) General information**

- (a) the physical address of the premises;
- (b) a description of the activities on the premises;
- (c) the number of persons present on the premises at any time;
- (d) an indication of any control room on the premises;
- (e) an indication of any alarm system on the premises; and
- (f) the particulars and contact details of every responsible person in the event of an emergency.

**(3) Area study**

An area study addressing the following:

- (a) a history of emergency incidents on the premises;
- (b) any important and relevant features or landmarks regarding the premises; and
- (c) any information regarding adjacent premises that may be relevant to evacuation in an emergency.

**(4) Socio-economic or other threats**

Any socio-economic or other threats and their potential impact on the premises.

**(5) Details of available equipment**

Particulars and details regarding the position of the following equipment:

- (a) Equipment in the control room;
- (b) fire fighting and first aid equipment on the premises; and
- (c) any other equipment which may be relevant in an emergency.

**(6) The emergency team**

Particulars and details regarding the identity of members of the emergency team, including—

- (a) its management;
- (b) the continuity officers;
- (c) the fire teams; and
- (d) the first aid teams.

**(7) Duties of emergency team members**

The duties and responsibilities of members of the emergency team.

**(8) Action plans and emergency procedures**

Details of the specific action plans and emergency procedures applicable to the premises.

**(9) Building plans and maps**

The building plans of the premises and any relevant topographical map must be included in the evacuation plan. (10) Emergency plan register

The plan must include—

- (a) an updated register of the emergency evacuation plan;
- (b) an updated drill register for the emergency evacuation plan; and
- (c) a bomb threat questionnaire.

**138. Review of emergency evacuation plans**

- (1) An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.
- (2) Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

**139. Emergency evacuation drills**

- (1) An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.
- (2) The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

**140. Emergency evacuation awareness**

Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.

**141. Training of persons**

Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in—

- (a) first aid or fire fighting;
- (b) emergency aid;
- (c) emergency evacuation procedures; and
- (d) emergency management techniques.

**SCHEDULE 2****EXEMPTION FROM CERTIFICATE OF REGISTRATION**

142. A certificate of registration is in terms of section 67(2) not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

GASES:		
Class O	Liquefied petroleum gas	Flat: Total cylinder capacity may not exceed 9 kg per flat. Houses or commercial premises: Total maximum of 19 kg inside and total maximum of 100 kg on premises. Industrial premises: Maximum of 19 kg per 600m <sup>3</sup> of building space with a total maximum of 100 kg.
FLAMMABLE LIQUIDS AND COMBUSTIBLE LIQUIDS:		
Class I	Liquids that have a closed-cap flash point of below 38° C	Total maximum of 40 litres
Class II	Liquids that have a closed-cap flash point of 38° C or above, but below 60,5° C	Total quantity of Class II and Class IIIA together may not exceed the maximum quantity of 210 litres
Class IIIA	Liquids that have a close-cap flash point of 60,5° C or above but below 93° C	

**SCHEDULE 3****EXEMPTION FROM TRANSPORT PERMIT**

143. A transport permit is in terms of section 100 not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

GROUP	DESCRIPTION	QUANTITY
II	GASES	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non-flammable gases	Total cylinder capacity may not exceed 333 kilograms
III	FLAMMABLE LIQUIDS	
	With flash points > 18° C	Total quantity may not exceed 100 litres
	With flash points > 18° C but ≤ 23° C	Total quantity may not exceed 420 litres
	With flash points > 23° C but ≤ 61° C	Total quantity may not exceed 1100 litres
	With flash points > 61° C but ≤ 100° C	Total quantity may not exceed 1 100 litres
IV	FLAMMABLE SOLIDS	
	Flammable solids	Total quantity may not exceed 250 kg
V	OXIDISING AGENTS AND ORGANIC PEROXIDES	
	Oxidising agents	Total quantity may not exceed 200 kilograms
	Group II organic peroxides in packets	Total quantity may not exceed 200 kilograms
VI	TOXIC/INFECTIVE SUBSTANCES	
	Group I toxic substances in packets	Total quantity may not exceed 5 kilograms
	Group II toxic substances in packets	Total quantity may not exceed 50 kilograms
	Group III toxic substances in packets	Total quantity may not exceed 500 kilograms
VIII	CORROSIVE/CAUSTIC SUBSTANCES	
	Group I acids in packets	Total quantity may not exceed 50 kilograms
	Group II acids in packets	Total quantity may not exceed 200 kilograms
	Group III acids in packets	Total quantity may not exceed 1000 kilograms
	Group I alkaline substances in packets	Total quantity may not exceed 50 kilograms
	Group II alkaline substances in packets	Total quantity may not exceed 200 kilograms
	Group III alkaline substances in packets	Total quantity may not exceed 1000 kilograms
IX	MISCELLANEOUS SUBSTANCES	
	Liquids	Total quantity may not exceed 210 litres
	Solids	Total quantity may not exceed 210 kilograms

**SCHEDULE 4**  
**SPRAY BOOTH CONSTRUCTION**

WALLS	225 mm Brickwork.
ROOF	Reinforced concrete.
FLOOR	Concrete or other impervious material.
DOORS (A)	Constructed of 50mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be hung on Tee hinges bolted to the door.
(B)	Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap or not less than 50mm.
<b>NOTE:</b>	Where the floor area exceeds 18 sq. metres 2 doors must be provided.
WINDOWS	Metal frames with no opening sections glazed with wire-woven glass not exceeding 460mm × 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the Director: Fire and Emergency Services.
<b>NOTE:</b>	The Factory Inspector requires natural light to the extent of 20% of the floor area.
VENTILATION	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the centre line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating one (1) metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at four (4) metre centres or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
<b>NOTE:</b>	If the ducting is external to the Spray Booth and in communication with the Workshop etc., it must be protected by either 110mm brick or 50mm asbestos cement lagging.
VENTILATION INLETS	The wall opposite the exhaust fans to be honeycombed with airbricks installed from 100mm above floor level to a height of not less than two (2) metres.
MINIMUM NO. OF AIRBRICKS	SIZE OF ROOM
40	Up to but not exceeding 140 cubic metres.
65	Up to but not exceeding 280 cubic metres.
90	Up to but not exceeding 470 cubic metres.
150	Up to but not exceeding 650 cubic metres.
<b>NOTE:</b>	Metal filters with metal swarf elements may only be used in an all metal installation, in lieu of Airbricks.
ELECTRICAL WORK	All electrical work must be of flame-proof construction.
DANGER NOTICE	“DANGER — NO SMOKING” notices in 150mm high white letters on a red background to be provided above the doors outside the Spray Booth.