



MOPANI DISTRICT MUNICIPALITY

AMENDED FIRE SERVICES BY - LAWS

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EMERGENCY SERVICE BY-LAWS

The MDM hereby promulgates the Emergency Services by-laws set out below for its area of jurisdiction in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), together with section 15 of the Local Government: Municipal Structures Act, 1998(Act 117 of 1998).

Amended 2019

**PART 1
DEFINITIONS**

1. In these by-laws, unless the context indicates otherwise-

“**access door**” means any door that provides access to an emergency route;

“**activity**” means any work that needs to be performed to test, to service, to renew and/or to replace an extinguisher, hose reel, fire installation and/or service installation;

“**animal**” means any animal that is kept for domestic or agricultural purposes within the area of the controlling authority;

“**area**” means any residential area or any area within the boundaries of the Municipality;

“**building**” includes-

(a) any structure, whether temporary or permanent, irrespective of the materials used in its erection, erected or used for or in connection with –

- i. the accommodation or convenience of human beings and animals;
- ii. the manufacture, processing, storage, display or sale of any goods;
- iii. the provision of any service;
- iv. the destruction or treatment of refuse or other waste materials; and
- v. the cultivation of any plant or crop;

(b) any wall, swimming-bath, swimming-pool, reservoir or bridge, or any other structure connected with it;

(c) any fuel pump or any tank used in connection with it;

(d) any part of a building, including a building as defined in paragraph (a), (b) or (c); and

(e) any facility or system, or part or portion of it, within or outside but incidental to a building, used for the provision of a water supply, drainage, sewerage, storm-water discharge, electricity supply or other similar service in respect of the building;

“**building regulations**” means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended;

“**Building Control Officer**” means the person appointed or deemed to be appointed as a building control officer by a local authority in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“**Certificate of compliance**” means a certificate contemplated in section [20] 22 of these by-laws, which certificate has been issued by the Service in terms of fire related

requirements to authorise[s] a person to occupy designated premises (which are a public building) accordingly;

“Certificate of registration” means a certificate issued by the Service in terms of section [24] **26** of these by-laws which authorises a person to occupy registered premises, or to use the premises for spray-painting activities or for the storage, handling or use of dangerous goods, by having complied to all fire related requirements.

“Chief Fire Officer” means the person appointed by the controlling authority in terms of section 5(1) of the Fire Brigade Services Act, 1987 (Act 99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to the member under section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of section 5(3) of the Act, and “Manager: Fire Services” has a corresponding meaning.

“code of practice” means the code of practice as defined in section 1 of the Standards Act, 1993 (Act 29 of 1993) **as amended**;

“controlling authority” means the local authority in control of the Service as defined in the Fire Brigade Services Act, 1987, **as amended**;

“control room” means a room on any premises which is specifically designed, build and equipped to coordinate and control an emergency situation in or on the premises in question;

Council” means-

the Mopani District Municipality established by Provincial Notice No. 307 of 2000, dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal council; its successor in title; a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government : Municipal Systems Act, 2000 (**Act 32 of 2000**), **as amended**; or a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act 2000, or any other law, as the case may be.

“designated premises” means any premises designated by the Service with [an]a view to an emergency evacuation plan as contemplated in section 19 of these by-laws;

“device” means any vehicle, mechanical or electrical implement, electrical motor, machine, instrument, apparatus or other implement of which the whole or any part is used or is capable of being used for, in or in connection with[,] the manufacture, treatment, provision, delivery, supply, packaging, labelling, storage, conveyance, loading and unloading, handing, preparation, serving or administering of any grouped dangerous good, and includes any delivery pump, filling device, spray-painting device and mechanical hoist;

“discharge” means the ignition or activation of any fireworks whatsoever;

“distance to be covered” means the distance that a person would in normal circumstances have to cover to exit a room, measured from the [furthers]**furthest** point in the room;

“dump”, in the relation to a grouped dangerous good, means to deposit, discharge, spill or release that substance (whether or not the substance in question is enclosed in a container), or to have in or permit it to be deposited, discharged, spilled or released, or to deposit, discharge, spill or release it in such a way or place, or under such circumstances or for such

a period, or to have it or permit it to be so deposited, discharged, spilled or substance, and “**dumping**”, “**spilling**”, and “**spill into**” have a corresponding meaning;

“**emergency**” means an incident or eventuality that poses or may pose a serious threat to any person, environment or property, and “emergency situation” has a corresponding meaning;

“**emergency evacuation plan**” means a written procedure and a set of detailed plans as contemplated in Annexure III to these by-laws;

“**emergency route**” means that part of an escape route which provides the occupiers of any building with protection from the fire and which leads to an escape door;

“**escape route**” means any door at the end of an emergency route, and ~~[included]~~**including** any door leading from the inside to the outside of a building;

“**explosive(s)**” means –

[(a)gunpowder, nitro-glycerine, dynamite, gun cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other metals, coloured fires and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to producing a practical effect by explosion or a pyrotechnic effect;

(b) any fuse, rocket, detonator, cartridge, and every adaptation or preparation of an explosive;

(c) any other substance, which the President may from time to time by proclamation in the Government Gazette, declares to be an explosive;

(d) a petrol bomb; and

(e) any container, apparatus, instrument or article which –

- (i) contains any inflammable substances and can be used or adapted so that it can be used to cause an explosion or a fire; or
- (ii) was made or can be adapted to cause, in combination with or by means of any inflammable substance, an explosion or a fire;] **‘explosive(s)’ as defined in the Explosives Act, 2003 (Act No 15 of 2005), as amended.**

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

“**facility**” means any storage tank, whether above ground or below ground, or any transportable or refillable container that can be used for the keeping of dangerous goods, and include the fuel tank of a motor vehicle, aircraft, vessel, ship or boat;

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

“**fire area**” means that area of jurisdiction of the controlling authority in which provision is made for fire protection as defined in SANS 090;

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

“fire grading” means, with regard to materials, components and elements used in the construction and finishing of buildings, those materials, components and elements which have been tested and classified in accordance with SANS 0177, Parts 2 to 5, as amended;

“fire incident” means a fire on any premises in the area;

“fire installation” means any water installation, which conveys water solely for fire fighting;

“fire risk category” means fire area being divided into sub-areas, which fall into one of the following fire-risk categories:

Category A: Central business districts and extensive commercial and industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).

Category B: Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralised areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread)

Category C: Residential areas of conventional construction.

Category D: Rural risks of limited buildings and remote from urban areas.

Category E: Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping/entertainment centres, informal settlements, harbours, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants.

NOTE: High-rise buildings, as defined in SANS 10400, are an integral part of central business districts and would therefore be included in Category A. Buildings with major fire safety deficiencies may, however, be classed as special risks.

“fireworks” means [explosives under Class 7, Division 2, shop goods only, as contemplated in Regulation 9.1 under the Explosives Act, 1956 (Act 26 of 1956)] **“fireworks” as defined in the Explosives Act, 2003, as amended;**

“grouped dangerous goods” means a group of dangerous goods as contemplated in section 1 of the Dangerous Goods Act, 1973 (Act 15 of 1973) **as amended;**

“dangerous good” means any substance, mixture of substances, product or material that has been declared to be a Group I, II, III, IV, V, VI, VII, VIII or IX dangerous good in terms of section 2(1) of the Hazardous Substances Act, 1973 **(Act 15 of 1973, as amended;**

“inspector” means a member appointed as an inspector in terms of section [2(25) of the Explosive Act, 1956] **4(2) Explosives Act, 2003 (Act 15 of 2003), as amended,** to control fireworks in so far as the storage, use and sale of fireworks are concerned.

“member” means a member of the Service as contemplated in section 6 and 6A (5) of the Fire Brigade Services Act, 1987 **as amended;**

“Municipality” means the duly constituted Mopani District Municipality;

National Building Regulations” means the regulations published by Government Notice R2378 of 12 October 1990 in *Government Gazette* 12780, as amended;

“normative reference list” means the list of SANS specifications or codes of practice, which are contained in Annexure 5 to these by-laws;

“occupancy” in relation to any public building, means the assembly of people in or on any premises or the participation of people in any activity in or on any premises contemplated in the definition of **“public building”**;

“occupier” means any person who actually occupies or has control over any premises, irrespective of the title under which he/she occupies or has control over the premises;

“owner” in relation to land or premises, means the registered owner of the land or premises, and includes any person who receives the rental or profit from the land or premises from any tenant or occupier, whether for his/her own account or as an agent for a person who is entitled to the rental or profit or who has an interest therein, and, in relation to a sectional title scheme in terms of the Sectional Titles Act, 1986, (Act 95 of 1986) **as amended**, for the purposes of section 18 of the Fire Brigade Services Act, 1987, the body corporate as contemplated in the [Section A Title]**Sectional Titles** Act 1986 **as amended** and in the case of a deceased or insolvent estate, the executor or the curator respectively;

“power insulating switch” means a bipolar switch that can be activated with an L-type key of which one end is fitted with a bayonet-type socket switch;

“premises” means land, a building or other construction or structure, or any part of it, and includes-

- (a) a train, boat, ship, aircraft or other vehicle, excluding, where applicable, the fuel tank of any such vehicle; and
- (b) any building or room in which explosives are stored, kept or handled for the purpose of sale: Provided that if a building is divided into more than one room, each room used for the storing, keeping or handling of explosives is considered to be separate premises;

“public building” means any building where people gather to view theatrical and operatic performances, orchestral and choral recitals, and cinematographic screenings, or to attend or participate in indoor sports activities, including any place where people dance or practise or perform any physical activity;

“public place” means a public place as defined in section 63 of the Local Government Ordinance, 1939 (Ordinance 17 of 1939) **as amended**;

“rational design” as defined in SANS 10400;

“registered premises” means premises in respect of which the Service has issued a certificate or permit for spray-painting activities and the storage, handling and use of dangerous goods, as well as a certificate or permit to occupy premises;

“retail dealer” means a person or concern that, for the purposes of dealing in explosives, supplies such explosives to any other person for use by that person and not for resale;

“room” means any room or other partitioning in a building;

“SABS” means the South African Bureau of Standards **as amended**;

“**SANS**” means the South African National Standards **as amended**;

“**service**” means the Fire Service established by the controlling authority as contemplated in section 1 of the Fire Brigade Services Act, 1987 **as amended**;

“**service installation**” means any automatic extinguishing installation, fire pump connector, fire pump, emergency power and/or standby generator, fire detection system, fire locating system, fire alarm system, emergency lighting system, emergency evacuation communication system, mechanical ventilation system, pressure regulating system, smoke ventilation system, hoist and symbolic safety signs, and includes smoke and fire door assemblies;

“**spill into**” (See the definition of “dump”);

“**spray permit**” means a permit issued by the Service in terms of section [48] **45**(1)(a) of these by-laws;

“**spraying room**” means any room, building or structure that is designed, build, equipped or erected solely for spraying or coating vehicles, parts of vehicles, or any other objects with Group III dangerous goods and/or combinations of Group III dangerous goods, or with any other substance, to form a decorative and/or corrosion resistant layer, or for any purpose incidental thereto, and “**spraying booth**” and “**submersion tank**”, as well as any related process involving electrolysis, have a corresponding meaning.

“**storeroom**” means a room, which is constructed, equipped and maintained as contemplated in [section 55] **Chapter 7** of these by-laws;

“**storey**” means that part of a building which is situated between the top of any floor and the top of the floor above it or, if there is no floor above it, that portion between such floor and the ceiling above it (any mezzanine floor, open work floor, catwalk or gallery is regarded as part of the storey in which it is situated): Provided that, in relation to a building-

- (a) the ground storey will be regarded as the storey in which there is an entrance to the building from the level of the adjoining ground or, if there is more than one such storey, **they**the lower or lowest of these storeys;
- (b) a basement will be regarded as any part of the building, which is below the level of the ground storey;
- (c) an upper storey will be regarded as any storey of the building which is above the level of the ground storey; and
- (d) the height, expressed in storeys, will be regarded as that number of storeys which includes all storeys other than a basement.

“**temporary structure**” means any structure that is apparently temporary in nature.

“**vehicle**” includes a semi-trailer or trailer which has at least four wheels with independent axles and suspension systems and can be hitched to a truck-tractor, a tank truck or any other motor vehicle as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996) **as amended**, as the case may be;

“**wheel blocks**” means wedge-shaped blocks, manufactured from material which, when scraped against the surface of any other object or material, does not produce sparks or generate static electricity; and

“**wholesale dealer**” means a person or concern that, for the purposes of trade, supplies explosives to any other dealer for resale.

**PART 2
ADMINISTRATIVE PROVISIONS**

2. Organisation of the service.

- (1) The controlling authority may, subject to section 3(3) of the Fire Brigade Services Act, 1987, as amended, establish and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for-
- (a) preventing the outbreak or spread of a fire;
 - (b) fighting or extinguishing fire;
 - (c) the protection of life or property against a fire or other threatening danger;
 - (d) the rescue of life or property from a fire or other threatening danger;
 - (e) subject to the provisions of the Health Act **2003**, 1977, (Act 63 of 1977)] **Act 16 of 2003, as amended**, the provision of an ambulance service as an integral part of the Service; or
 - (f) the performance of any other function connected with any of the matters referred to in subsection (1)(a) to (e).

(2)

(a) The Chief Fire Officer will head or be in charge of the Service. [-]

(b)[a] In the absence of the Chief Fire Officer is for any reason unable to perform his/her duties of office, the controlling authority will appoint a member as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.

(3)[b] The controlling authority may, in terms of an agreement as contemplated in section 12 of the Fire Brigade Services Act, 1987, employ its Service within or outside its area of jurisdiction, or within or outside the Province of Limpopo, against payment of the tariffs determined in Annexure 1 to these by-laws, or against payment in terms of or on the conditions contained in the agreement concerned.

3. Driving service vehicles.

- (1) Any member may, with the written authority of the Chief Fire Officer, **[driver]drive** a Service vehicle if he/she has the applicable licence for the vehicle in question as required by the National Road Traffic Act, 1996.
- (2) A member who is duly authorised to do so, as contemplated in subsection (1), must drive a Service vehicle in accordance with the National Road Traffic Act, 1996 **(Act 93 of 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.

4. Procedures and duties during an emergency.

- (1) The Chief Fire Officer or a member who is in charge of an emergency situation must, in respect of every emergency situation in which he/she is in charge, ensure that-

- (a) adequate manpower and the appropriate apparatus and equipments are made available and are used without delay;
 - (b) the emergency situation is assessed on arrival at the premises in question and that additional equipment and/or assistance that he/she may deem necessary is sent for without delay, where applicable, as agreed upon in and subject to the agreement as referred to in section 2(3) of these by-laws, and
 - (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) All persons and/or bodies, including any State department as contemplated in section 17 of the Fire Brigade Services Act, 1987, the South African Police Service and the Department of Justice, who wish to inspect any information referred to in subsection (1)(c) must send a written application to the Chief Fire Officer, accompanied by the fees prescribed in Annexure I to these by-laws, together with an appropriate substantiation as to why the information is required.
- (3) Any press release concerning emergency situations or any matter connected with an emergency situation must be in accordance with the policy guidelines determined by the controlling authority.

5. Instructions by members of Service

(1) In addition to any powers under section 8 of the Fire Brigade Services Act, a member may give any reasonable instruction to any person in order to secure compliance with these By-laws or to ensure the safety of any human being, animal 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 immediate evacuation of any premises;

(b) to close any premises until such time as any contravention of these By-laws has been rectified;

(c) to cease any activity;

(d) to remove any immediate threat to the safety of any human being, animal or property;

(e)take specified steps to comply with these By-laws, either immediately or within a specified period; and

(f) if it is not reasonable for steps referred to in (e), to be taken immediately, for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of steps to be taken and a time-table for the taking of these steps in order to ensure compliance with these By-laws.

[5]16. Pretending to be a member.

- (1) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service which creates or may create the impression that he/she is a member.

- (2) No person may falsely present himself/herself as a member or pretend to be a member.
- (3) Any person who so pretends to be or presents himself/herself as a member must, irrespective of whether he/she has been requested to do so, identify himself/herself by producing the relevant certificate of appointment and/or mark of appointment, or by furnishing proof of identity within a reasonable period.
- (4) Any person who contravenes or fails to comply with this section is guilty of an offence.

7. Certificates to identify members of the service.

(1) The Chief Fire Officer must provide each member with a certificate identifying that person as a member.

(2) A member, while performing any function or exercising any power under these By-laws must-

(a) keep the certificate provided in terms of subsection (1), on his or her person; and

(b) produce it for inspection on request by any person in connection with the carrying out of his or her duties as a member of the service.

[6]8. Powers of members and designated officers

- (1) Every member, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Services Act, 1987 **as amended**.
- (2) A designated officer as contemplated in 6(4) may-
 - (a) seize any certificate of compliance, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the member has reasonable grounds to suspect that unauthorised changes have been made to the document;
 - (b) institute the relevant prosecution in connection with subsection (2)(a) or have the prosecution instituted, as the case may be; and
 - (c) seize anything (hereinafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of compliance, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to section 20 of the Fire Brigade Services Act **as amended**, 1987, made in accordance with the following conditions:
 - (i) The Chief Fire Officer or the delegated member must grant prior approval in writing for the seizure.
 - (ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
 - (iii) After an order issued in terms of the Fire Brigade Service Act, 1987 **as amended**, or these by-laws has been complied with in full or after a prosecution in terms of section 21 of the Fire Brigade Services Act, 1987 **as amended**, has been instituted and finalised, as the case may be, any object seized must be returned to the person from whose possession it was taken;

- (3) Any member may seal off any building or premises by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire, explosion or other threat to life or limb, and the member may remove, using no more force than is reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.
- (4) (a) Designated officers must be-
- (i) suitably trained and certified as peace officers and be appointed as such in terms of Government Notice R159 of 2 February 1979, as amended;
- (b) All designated officers have the power –
- (i) in terms of the provisions of section 56, read with section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977) **as amended**, to issue summons involving a spot fine;
- (ii) in terms of provisions of section 341 of the Criminal Procedure Act, 1977 **as amended**, to issue spot fines for certain minor offences;
- (iii) in terms of the provisions of section 44 of the Criminal Procedure Act, 1977 **as amended**, to issue a warrant of arrest;
- (iv) in terms of the provisions of section 41 of the Criminal Procedure Act, 1977 **as amended**, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorised to do so; and
- (v) in terms of provisions of section 54 of the Criminal Procedure Act as **amended, 1977**, to serve summons in order to secure the attendance of the accused in a magistrate's court.

[7]19. Making service equipment and manpower available.

- (1) With [a] approval of the Chief Fire Officer, the Service may, at the request of any body or person and at the tariffs determined in Annexure I to these by-laws, use any equipment and/or manpower at its disposal to provide any special service in connection with the aims of the Service.
- (2) The said equipment and/or manpower may be withdrawn summarily if the equipment and/or manpower are required elsewhere for or in connection with an emergency situation.

**PART 3
FIRE PROTECTION AND FIRE-FIGHTING**

[8]10. Storage and accumulation of [C]combustible materials and refuse.

- (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.

- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard to any adjacent premises and/or any other person's property.
- (3) **No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any human being, animal or property.**
- (4) **No person may use or allow to be used any saw dust or similar combustible material to soak up in any flammable liquid.**
- (5) **No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in such a manner that it will pose a fire hazard to any human being or property**

[2](6) Any person who fails to comply with the provisions of this section is guilty of an offence.

[9]11. Making fires

- (1) No person may, subject to **[provision]provisions** of the **National** Veld and Forest **Fire Act (Act 101 of 1998), as amended** and **the National** Environmental Management Act **(Act 107 of 1998), as amended**, within the area, make an open, uncontrollable or unattended fire or permit a fire to be made in such a place and/or in such a manner as to pose a real or potentially real threat to any human being, animal, building, premises or other property: Provided that this prohibition is not applicable to-
 - (a) a fire in an approved, purpose-made stove, fireplace or hearth, which is an integral part of a structure;
 - (b) a fire for preparing food on private premises or premises set aside for that purpose; and
 - (c) a device for preparing food, which device is heated by means of electricity or liquid petroleum gas and is positioned in such a way that the device poses no threat to life or property on any premises.
- (2) No person may, without the written authority of the Service, burn any refuse, wood, straw or other combustible materials within the area, or have them burnt or permit them to be burnt within the area, unless the refuse, wood, straw or other combustible materials are burnt inside an approved purpose-made incinerator or incinerating device, subject to the provisions of subsection (1).
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

[10]12. Firebreaks

- (1) The owner or occupier of premises in the area may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs and trees to the extent that the grass, weeds, shrubs, and trees may pose a real or potentially real fire hazard to any adjoining premises or other premises or property.
- (2) The owner or occupier of-
[d](a) an erf, site or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by –

- (i) cutting to a maximum height of 150 mm above ground level any grass, reeds and/or weeds which may reasonably be connected with the fire hazard;
- (ii) cutting around any shrubs and/or trees, which may be standing in the area being cut;
- (iii) pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and
- (iv) removing all chopped and/or sawn off residue from the erf or premises or ensuring that the residue is removed to an approved refuse disposal site; and

[e](b)an agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 5m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition: Provided that where obstructions occur within the 5m belt, a 5m belt is also maintained around those obstructions.

(3) Notwithstanding the above, the provisions of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998), apply *mutatis mutandis* to the application of this section.

(4) Any person who fails to comply with the provisions of this section is guilty of an offence.

[11]13. Inspection of properties and instructions to occupiers.

(1) Any officer contemplated in section [6] 8(4) of these by-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire, dangerous goods or other hazard on the premises.

(2) An officer contemplated in subsection (1) may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a written instruction and fire protection directives and requirements that are necessary to rectify the condition on or in the premises in order to reduce the fire risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements.

(3) (a) Whenever a condition exists or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the fire risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if costs need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in subsection (2), inform the Chief Fire Officer forthwith in writing about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval

(b) The Chief Fire Officer may approve the proposed measure and deadline with or without amendments and may give instructions for compliance with the measures.

(4) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence **and the enforcement provisions in terms of section 18 of the Fire Brigade Act (Act 99 of 1987) as amended may be implemented.** [necessary; Enforcement of provision according Act 99 of 1987 section 18 of said act can be implemented.]

[12]14. Accessibility of fire-fighting equipment mitigating agents.

- (1) Fire-fighting equipment, mitigating agents and the appropriate service installations must be installed so as to readily accessible at all times.
- (2) Any person who, in whatever way, causes or permits fire-fighting equipment, mitigating agents and the appropriate service installations not to **be** readily accessible is guilty of an offence.

[13]15. Fire protection requirements for premises

- (1) In addition to any other provisions contained in these by-laws, the Building Regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called "The Application of the National Building Regulations", and any additional building regulations published for application in the area, for the purpose of the enforcement of these by-laws in relation to fire protection requirements, applicable *mutatis mutandis* to premises in the area.
- (2) If any superfluous water unavoidably spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water spilled or collected to a storm water drain.
- (3) No high- and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that –
 - (a) the access to the transformer room(s) is situated on the building; and
 - (b) provision is made for adequate access to the transformer room(s) for fire-fighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in accordance with the provisions of SANS 0400; SANS 10087, Part 3; and SANS 10089, Part 1, the sprinkler system must be planned, designed and installed in accordance with the guidelines of SANS 0287 for automatic sprinkler installations and in consultation with the Service.
- (5) Any person who fails to comply with the any of the provisions of subsection (2), (3) and (4) or any provisions contained in Part A, Part K, Part M, Part O, Part T, Part V and Part W of SANS 0400, as amended, where the provisions relate to fire protection matters, is guilty of an offence and **the enforcement provisions in terms of section 18 of the Fire Brigade Act (Act 99 of 1987) as amended may be implemented.** [the necessary; Enforcements of provision according Act 99 of 1987 section 18 of said act can be implemented.]

[14]16. Access for fire-fighting and rescue purposes.

- (1) All premises in the area must be planned, designed and constructed so as to ensure that-
 - (a) The requirements of the Guidelines for the provision of Engineering Services and Amenities (Red Book) shall apply and;
 - (b) If a building does not front onto a street, an access road shall be provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines: Provided that the

dimensions must be [equal to] **of a size that can allow** the largest fire engine that is likely to be used on the premises in question **to pass with ease**; and

- (c) Whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex or is constructed over an access to a shopping centre or office complex, the dimensions of the opening of the arch must be at least 3,5m wide and 4,2m high and there must be nothing causing an obstruction of the opening: Provided that if the dimensions of the entrance arch are less, another access or service gate to the premises must be provided, which access or gate is capable of being opened to 3,5m.
 - (d) The appropriate street number of every built-up premises within the area must be displayed clearly on the street boundary of the premises in question. This number must be 75mm high and must be visible from the street.
 - (e) The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

[15]17. Upkeep maintenance of fire-fighting equipment and mitigating agents

- (1) The owner of any premises must ensure that –
- (a) all fire-fighting equipment, mitigating agents or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SANS 101475 and registered in terms of SANS 101475;
 - (b) portable mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SANS 0105 and SANS 101475;
 - (c) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers of the installations; and
 - (d) installations are inspected by a registered person at least every twelve calendar months.
- (2) Any person who checks, services, renews, replaces or works on any fixed service installation must-
- (a) on completing the work, certify that the service installation is fully functional and
 - (b) notify the Service immediately in writing if he/she finds that the service installation cannot, for what ever reason, be readily repaired to its functional state.
- (3) The owner or occupant responsible of any premises must keep a comprehensive service record of all fire fighting equipment and any other appropriate service installation on his/her premises and submit the record to the Service upon request by the designated officer.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

[16]18. Extractor fan systems

- (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
- (2) Every filter, damper, screen or conduit that forms an integral part of a system referred to in subsection (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residues do not accumulate.
- (3) The conduit and outlet of any system referred to in subsection (1) must be installed so as not to pose a fire hazard or probable fire hazard to any premises or property.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

[17]19. Rational designs

- (1) The construction, design and/or erection of –
 - (a) hangars;
 - (b) helipads;
 - (c) grain silos;
 - (d) atriums;
 - (e) air traffic control towers;
 - (f) any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable design according **to Regulation T1** (2) (a) or (b), submitted to and approved by the Chief Fire Officer, which **[moots] meets** all the applicable requirements of Regulation T1(1) of the National Building Regulations.
- (2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helipads, for-
 - (a) the drainage of any liquid from the floor of the hangar or helipad and/or approach to the hangar;
 - (b) the channelling of any liquid to a drainage area, which is effectively connected to a separator well;
 - (c) the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
 - (d) earthing devices for discharging static electricity.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

[18]20. Disposal sites

- (1) The design, layout and construction of any disposal site of whatever nature must be done in conjunction with the instructions and requirements of the [National Department of

Water Affairs and Forestry] Department of Water Affairs and Sanitation and the [National] Department of Environmental Affairs and [Tourism, Local Health & Social Development Department] Department of Health, and those of the Service.

(2) Any person who fails to comply with the provisions of this section is guilty of an offence.

[19]21. Emergency evacuation plans

(1) The owner or occupier of designated premises must-

- (a) within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, this plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws;
- (b) constitute an internal emergency committee from among the internal staff and occupiers to assist with the planning and organisation of a fire protection programme [,]and this programme **must** include regular, scheduled fire evacuation drills on the premises;
- (c) ensure that –
 - (i) the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
 - (ii) updated records of revised emergency evacuation plans, fire protection programmes, evacuation drills and related documents are kept and maintained at all times; and
 - (iii) the emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Service; and
- (d) identify a predetermined place of safety outside, but in the vicinity of the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
- (e) An EEP (Emergency Evacuation Plan) box, as described in Annexure IV shall be installed in a prominent position at the main entrance of the premises.

(2) The Service may from time to time-

- (a) provide directives for updating and/or amending an emergency evacuation plan;
- (b) instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and
- (c) require the owner or occupier of designated premises to furnish the Service with a certified copy of any emergency evacuation plan and/or relevant documents on such day and at such time and place as the Service may determine.

(3) The Chief Fire Officer may by written notice designate any premises as premises requiring an emergency evacuation plan.

(4) Any person who fails to comply with the provisions of this section is guilty of an offence.

[20]22. Certificate of compliance for all public buildings

- (1) The owner of any public building, or of any temporary structure which is erected or intended for holding public gatherings, must apply in writing to the Service for the issuing of a certificate of compliance for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay the fees, as determined in Annexure I to these by-laws, when submitting the application form (the design guidelines appear in Annexure II to these by-laws).
- (2) No certificate of compliance will be issued for public buildings unless the relevant provisions of these by-laws have been complied with.
- (3) A certificate of compliance issued to the owner of a public building will be endorsed with the following information, where applicable:
 - (a) The trade name and street address of each occupier
 - (b) The type of activity of each occupier.
 - (c) The name of the persons on the executive
 - ~~[(c)]~~**(d)** The permissible number of people in proportion to the usable floor area
 - ~~[(d)]~~**(e)** The number of emergency exits and their widths and all related equipment regarding fire protection.
 - ~~[e]~~**(f)** A cancellation clause in the event of any applicable provision of these by-laws being ~~[disregarded]~~**contravened**.
 - ~~[c]~~**(g)** An obligation on the part of the holder of the certificate to-
 - (i) display the certificate prominently on the premises at all times; and
 - (ii) maintain the certificate in a legible condition at all times
 - ~~[d]~~**(h)** A date, year and serial number
 - ~~[e]~~**(i)** The date of expiry of the certificate.
- (4) Subject to the provisions of section **[22]23** of these by-laws, a certificate of compliance is not required for a public building, which has been legally erected on commencement of these by-laws.
- (5) If the trade name of a public building changes, the holder of the certificate of compliance must ensure that the change is brought to the attention of the Service immediately and in writing.
- (6) No certificate of compliance will be issued or renewed, as the case may be, unless and until the controlling authority-
 - (a) is in possession of a set plans referred to in section **[12] 15** of these by-laws and approved by the Service; and
 - (b) has received the prescribed application form defined in Annexure II to these by-laws, which form has been completed in full and correctly.

- (7) The holder of a certificate of compliance must ensure that he/she is at all times in possession of a valid certificate of compliance.
- (8) (a). Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of compliance has been issued will result *ipso facto* in the cancellation of the certificate of compliance, including any other authorisation granted in terms of these by-laws.
 (b). The provisions of this subsection are not applicable to any action, which results in temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (9)(a). The owner or the occupant must submit, on or before the first working day of the month in which the permit expires [of each year], together with the prescribed fees determined in Annexure I to these by-laws, an application for the renewal of the certificate of compliance to the Service on the prescribed form: Provided that if the Service for some reason requires plan of the premises in question for the purposes of the renewal application, the plans must accompany the application.
 (b)The Service may send a reminder in respect of the renewal.
- (c) Where a building is utilized and accordingly classified as A-type occupancy, in terms of the National Building Regulations, the Chief Fire Officer may issue such certificate for a period of not exceeding one calendar year. All other erf, stands or premises shall be issued with validity not exceeding five years.
- (10) Where so required by the Chief Fire Officer the attendance of the Service shall be provided for.
- (11) Any person who fails to comply with the provisions of this section or who alters or attempts to alter certificate of compliance, or knowingly allows the certificate to be altered, is guilty of an offence.

Part 4

WATER SUPPLY FOR FIRE-FIGHTING PURPOSES

23. 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 for purposes of firefighting by members of the service.

(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 fire-fighting purposes as contemplated in these By-laws;

(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 from the water supply source to the distribution reservoirs and double pumps are installed for delivery of the water supply.

(3) Subsection 2(c) is deemed satisfied, if-

(a) 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 24 the water reticulation system is adapted without delay so as to comply with the requirement of sections 24 and 25.

- (4) If an owner rebuilds, alters, extends or changes the floor layout of an existing building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of compliance, certificate of registration or spraying permit, as prescribed in Annexure II to these By-laws, will be renewed, unless and until all the appropriate provisions of these By-laws regarding an original application have been complied with.
- (5) No additions or alterations may be made to any existing registered premises unless and until –
- (a) the owner of the premises has submitted to the Building Control Officer and the Chief Fire Officer a plan of the existing premises and of the proposed work, as required in terms of Regulation A2 of the National Building Regulations; and
- (b) the Building Control Officer and the Chief Fire Officer have approved the plan.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

24. Township development fire-extinguishing 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 members of the service in an emergency, of the following volume and duration:

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

25. Township development fire hydrant requirements

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

<u>Fire risk category</u>	<u>Minimum fire hydrant delivery volume measured at peak consumption (2litres per minute)</u>	<u>Minimum distance between fire hydrants</u>
<u>High risk</u>	<u>1980</u>	<u>120</u>

Moderate risk	1150	180
Low risk	900	240

(2) Every person who develops a township must ensure that the positions of fire-hydrants are plotted accurately on a plan that is furnished to the Municipality for operational fire-fighting purposes.

26. Fire risk categories

(1) For purposes of sections 24 and 25, 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 the process is 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 Municipality 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 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 fire slight or insignificant.**

26A. Connection 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 Municipality.

[21. Water supply for fire-fighting

(1) In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in SANS 10090 (Community Protection against Fire) as well as SANS 11200 specifications. The Red Book-Guidelines for the provision of Engineering Services and Amenities shall also be applicable.]

(2) The Service must inspect fire hydrants at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the said code of practice.

(3) The Service must properly plot the position of all fire hydrants for operational use. In the case of township development in the fire hydrant spacing must be in accordance with SANS

10090 (Community Protection against Fire) as well as SANS 1200 specifications. The Red Book-Guidelines for the provisions of Engineering Services and Amenities shall also be applicable. All the fire hydrants must be mark_in accordance with the NFPA 291 standards. The hydrant serviceability including condition, access and operation must be maintained.

(4) If any risk area is developed or redeveloped in such a manner that risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay, by the developer.

(5) Any building developer who requires water supply on to the water reticulation system of the controlling authority must submit a complete set of approved fire protection plans for the premises to the Services, as contemplated in Regulation A9 of the National Building Regulations, to determine the water connection of the Service, for submission to the Water Supply Division of the controlling authority: Provided that-

- (a) if the premises are protected by a sprinkler installation, the water supply requirements must be calculated and designed for each sprinkler installation in accordance with appropriate design criteria, and the size, delivery pressure and flow of the water supply requirement must be calculated in advance by the engineer responsible;
- (b) if the Service requires a larger water supply for the premises to ensure that fire-fighting equipment functions in accordance with the appropriate design requirements as set out in Part W of SANS 10400, the owner of the premises must provide the required water supply; and
- (c) the size, work pressure and deliver flow of any water supply, excluding a water supply as contemplated in subsection (5)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SANS 10252, Part 1.

[22. Registration applications for existing premises

(7) If an owner rebuilds, alters, extends or changes the floor layout of an existing building that has been legally erected and used, or if ownership or control of the premises changes, no existing certificate of compliance, certificate of registration or spraying permit, as prescribed in Annexure II to these By-laws, will be renewed, unless and until all the appropriate provisions of these By-laws regarding an original application have been complied with.

(8) No additions or alterations may be made to any existing registered premises unless and until –

(a) the owner of the premises has submitted to the Building Control Officer and the Chief Fire Officer a plan of the existing premises and of the proposed work, as required in terms of Regulation A2 of the National Building Regulations; and

(b) the Building Control Officer and the Chief Fire Officer have approved the plan.

(9) Any person who fails to comply with the provisions of this section is guilty of an offence.]

Part [4]5
DANGEROUS GOODS

[23]27. Application for approval of plans

- (1) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977 and the provisions of the Major Hazard Installation Regulations, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, above-ground and underground installations and any other structures are to be erected for the use, storage ~~[of]~~or handling of dangerous goods or erected in connection with such use, storage or handling, must submit plans in triplicate to the controlling authority on the prescribed form obtainable from the office of the Building Control Officer.
- (2) The prescribed fees payable to the Service for the approval of plans are determined in Annexure I to these by-laws, but exclude the fees charged by the Building Control Officer for the approval of plans.
- (3) The Service will not accept any plan (except for a plan regarded by the Building Control Officer to be that of “minor building work”) unless the official certification of submission of the Building Control Officer appears on it.
- (4) No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as approved by the Fire Safety Section of the Service [, as the case may be]. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.
- (5) The provisions of section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of plans as regulated in this section.
- (6) An MSDS (Material Safety Data Sheet) box, as described in Annexure IV shall be installed in a prominent place at the main entrance of the premises.
- (7) Any owner of premises who fails to comply with the provisions of this section or any person who on behalf of the owner is involved in any activity contemplated in this section and fails to comply with the provisions of this section is guilty of an offence.

[24]28. Issuing of certificates of registration

- (1) No person may on any premises use, handle or store quantities of dangerous goods in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for in Annexure II to these by-laws and issued in respect of the specific quantities and appropriate devices on approved premises: Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is not exceeded, the provisions of this section are not applicable.

Group I: Explosives

Fireworks

No exemption

Group II:	Gases	
	2.1. Flammable gases	Total cylinder capacity may not exceed 14kg
	2.2. Non-flammable gases	Total cylinder capacity may not exceed 14kg
	2.3. Toxic gases	No exemption
Group III:	Flammable liquids	
	3.1. With flash points 18°C	Total quantity may not exceed 40ℓ
but 23°C	3.2. With flash points > 18°C but 23°C	Total quantity may not exceed 40ℓ
	3.3. With flash points > 23°C but 61°C	Total quantity may not exceed 200ℓ
	3.4. With flash points > 61° but 100°C	Total quantity may not exceed 200ℓ
Group IV:	Flammable solids	
	4.1. Flammable solids	Total quantity may not exceed 250kg
	4.2. Pyrophoric substances	No exemption
	4.3. Water-reactive substances	No exemption
Group V:	Oxidising agents and organic peroxides	
	5.1. Oxidising agents	Total quantity may not exceed 200kg
	5.2. Group I organic peroxides in packets	No exemption
	5.3. Group II organic peroxides peroxides in packets	Total quantity may not exceed 200kg
Group VI:	Toxic/infective substances	

	6.1. Group I toxic substances in packets	Total quantity may not exceed 5kg
	6.2. Group II toxic substances in packets	Total quantity may not exceed 50kg
	6.3. Group III toxic substances in packets	Total quantity may not exceed 500kg
	6.4. Infective substances	No exemption
Group VII:	Radioactive materials	No exemption
Group VIII:	Corrosive/caustic substances	
	8.1. Group I acids in packets	Total quantity may not exceed 50kg
	8.2. Group II acids in packets	Total quantity may not exceed 200kg
	8.3. Group III acids in packets	Total quantity may not exceed 1000kg
	8.4. Group I alkaline substances in packets	Total quantity may not exceed 50kg
	8.5. Group II alkaline substances in packets	Total quantity may not exceed 200kg
	8.6. Group III alkaline substances in packets	Total quantity may not exceed 1000kg
Group IX:	Miscellaneous substances	
	9.1. Liquids	Total quantity may not exceed 210kg
	9.2. Solids	Total quantity may not exceed 210kg

(2) No person may, on any unregistered premises, store, use or handle any of the dangerous goods referred to in subsection (1), or have them stored, used or handled, or permit them to be stored, used or handled in such place or in such manner as to ensure that-

(a) no dangerous goods or fumes of the substances come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the dangerous good or fumes to catch fire; and

- (b) the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.
- (3) No person may, on any unregistered premises, use or handle dangerous goods, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors ensure **to** that any fumes can escape freely, or in a properly and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
- (4) No certificate of registration will be issued in the respect of premises for the use, handling or storage of dangerous goods, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure II to these by-laws, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
- (5) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate-
- (a) must at all times be displayed in a weatherproof container in a conspicuous place on the premises designated by a member of the Service.
 - (b) Must be maintained in a legible condition at all times.
 - (c) Must reflect the groups and the quantities of dangerous goods for which the premises have been registered.
 - (d) Must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
 - (e) Must reflect the number of storerooms and the total capacity of each storeroom;
 - (f) Must reflect the number of gas installations, **[they]the** type of gas installation and the total volume and/or delivery capacity of each installation;
 - (g) Must specify the number of storage facilities for other dangerous goods and reflect the volumes intended for each facility;
 - (h) Must reflect a serial number;
 - (i) Must indicate whether the issue of such certificate is permanent or temporary;
 - (j) Must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Service at least one calendar month prior to the expiry date;
 - (k) Is not transferable from premises to premises;
 - (l) Must, subject to the provisions of section **[22]23** of these by-laws, be transferable from owner to owner and/or from control to control on the same premises: Provided that-
 - (i) application for such transfer is made to the service on the prescribed form; and
 - (ii) if the trade name of the premises changes, the holder of the spraying permit and/or certificate of registration must ensure that the change is immediately brought to the attention of the Service.
- (m) will not be issued unless the Service is in possession of a set **of** approved plans as required by section 27 of these by-laws; and
- (n) will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (6)(a). Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of dangerous goods, flammable liquids and number of underground tanks, storerooms, gas installations and

other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.

(b) The Service will approve an application only if the proposed amendments comply with the provisions of these by-laws.

(c) If the application is approved, the applicant must submit his/her certificate of registration to the Service for amendment.

(7) The Service may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.

(8) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.

(9) Any person who fails to comply with the provisions of this section or who alters a certificate of registration or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence.

[25]29. Supply of dangerous goods

(1) No person may -

[(c)](a) supply more dangerous goods than the quantities referred to in section [24] 28(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied.

[(d)](b) deliver or supply more dangerous goods than the quantity specified in the applicable certificate of registration or dangerous goods of a group other than that specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.

(2) No person may handle any container containing a dangerous good in a manner that will damage or may damage that container, or permit the container to be damaged.

(3) Any person who fails to comply with the provisions of this section is guilty of an offence.

[26]30. Exemptions

(1) Notwithstanding anything to the contrary in these By-laws-

(a) flammable liquids are not deemed to be stored, handled or transported whenever the liquids are, for normal use, in the fuel tank of a motor vehicle;

(b) flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 100ℓ and the fuel tank is surrounded by a liquid-proof retaining wall:

Provided further that the fuel tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.

[(3)](2) Any person who fails to comply with the provisions of this section is guilty of an offence.

[27]31. Renewal of spraying permits and/or certificates of registration

- (1) Any holder of a certificate of registration or spraying permit must, at least one month prior to the expiry date of the **certificate or** permit, submit an application for renewal of the certificate or permit to the Service on the prescribed form, which form must be accompanied by the fees prescribed in Annexure I to these by-laws: Provided that the Service may require further, additional and/or amended plans of the premises in question for the purposes of renewal.
- (2) The period of validity will be only twelve calendar months, calculated from the date of issue of the original certificate.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

[28]32. Temporary storage of dangerous goods

- (1) The Service may grant a temporary certificate of registration for a period of not more than three months to any person who, for *bona fide* reasons, requires more dangerous goods on the premises than the quantities in section [24]28(1) of these by-laws: Provided that –
 - (a) if the dangerous goods are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 9000ℓ;
 - (b) an application is submitted on the prescribed form, accompanied by the fees prescribed in Annexure I to these by-laws, together with the plans required by section **27** of these by-laws; and
 - (c) the duration of the temporary storage is at the discretion of the Chief Fire Officer.
- (2) Any person whose application for a temporary storage tank is approved must ensure that it **[comply]complies** with the applicable South African National Standard:

Provided that the storage tank must be capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank-

- (a) provision is made for the run-off of any possible rain water from the retaining walls or retaining embankments;
 - (b) the storage tank is not erected within 5m of any erf boundary, building, excavation, road, open flames and/or driveway;
 - (c) no source of ignition or potential ignition is brought within 5m of the storage tank;
 - (d) symbolic signs prohibiting smoking and open flames, at least 200mm x 300mm in size, are affixed to all sides of the temporary installation; and
 - (e) a minimum of two 9kg dry chemical powder type fire extinguishers are installed within 10m of the temporary installation.
 - (f) HAZMAT signs must be provided on the tanks.
- (3) Any person who fails to comply with the provision of this section is guilty of an offence.

[29]33. Delivery of dangerous goods

(1) Any person delivering dangerous goods to any supplier or user –

[(a)](a) may not, while delivering, let any delivery hose lie on or across a pavement or on or across a public road;]

[(b)](a) may not, while delivering, let any delivery hose lie on or across a pavement, public road or other premises, or go through or over a building or have it lying there;

[(c)](b) must ensure that, while delivering, a 9kg dry chemical fire extinguisher is ready at all times;

[(d)](c) must ensure that, during the transferral of dangerous goods, the delivery vehicle is physically earthed with the storage facility to which the dangerous goods are being transferred;

[(e)](d) must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation without exacerbating the situation; [and]

[(f)](e) must ensure that no dangerous good is transferred from a delivery vehicle to a facility that is leaking or broken[.and]

[(g)](f) Where delivery is done with a road tanker, as defined by the Road Traffic Act provision shall be made as to [ensue]ensure that the delivery vehicle does not require to reverse in any situation.

(2) The owner of any device connected with or used for a delivery of a dangerous good must ensure that the device is designed for the specific purpose and is in a safe and good working condition.

(3) The person in charge of any delivery process of a dangerous good must take reasonable precautionary measures to ensure that no dangerous good is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage facility.

(3) No person may transfer any dangerous goods to a motor vehicle, aircraft, vessel, ship or boat while the power source thereof is in operation or permit the substance to be transferred.

(4) No person may transfer a dangerous goods to an aircraft unless and until the aircraft has been earthed with the transferral device by means of an earth cable.

(5) Any person who fails to comply with the provisions of this section is guilty of an offence.

[30]34. Prohibition of certain actions

(1) Any person who stores, uses or handles dangerous goods on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not –

(a) perform any act or action, or have any act or action performed that may reasonably result in or cause a fire or an explosion; and

(b) perform any act or action, or have any act or action performed or permit any act or action to be performed that may reasonably obstruct the escape to safety of any human being or animal during an emergency situation.

- (2) No person may dump any dangerous good into any borehole, pit, and sewer, drain system or surface water, or permit any dangerous good to be dumped in or spilled into any borehole, pit, sewer, drain system or surface water.
- (3) No person may dump any dangerous good in any manner other than by having the substances removed or permitting the substances to be removed by an organization that is fully equipped to do so.
- (4) No person may light, bring or use, within 5m of any area where, to his/her knowledge, dangerous goods are stored, used or handled, any fire or anything else that produces or is capable of producing an open flame or permit the fire to be lit, brought or used within 5m of such area.
- (5) No person may use any device in connection with dangerous goods in any basement level in a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting in connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.
- (6) No person may, while there is another person in or on a bus (except for the driver of the bus, or any other person in charge of the bus), fill the fuel tank of that bus, or have it filled or permit it to be filled, or transport any dangerous good in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

[31]35. “No smoking and no naked flames”

- (1) The owner of a building must, in areas where flammable and/or explosive dangerous good are used, stored and handled, display symbolic signs prohibiting smoking and open flames, as the case may be. These signs must conform to SANS 1186 and of the appropriate size as specified by the Service and must be displayed prominently in appropriate places.
- (2) Any owner who fails to comply with the provisions of subsection (1) is guilty of an offence.
- (3) Any person who disregards the prohibition in subsection (1) or permits the prohibition to be disregarded is guilty of an offence.

[32]36. Fire-fighting equipment and mitigating agents

- (1) Notwithstanding anything to the contrary in these by-laws, [the]a person to whom the certificate of registration in terms of section [24]28 of these by-laws and/or spraying permit in terms of section [48] 54(1) of these by-laws has been issued must ensure that all premises to which such certificate of registration and/or spraying permit applies are equipped with-
 - (a) portable fire extinguishers, as specified in SANS 1567 (carbon dioxide type), SANS 810 (dry chemical type), SANS 1573 (foam type) and SANS 1571 (transportable type), of a minimum capacity of 9kg or 9ℓ, as the case may be, in a ration of one fire extinguisher to every 100m² or part of it: Provided that the Service is of the opinion that exceptional hazards or risks necessitate a

larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ratio than the ratio stated above, be installed;

- (b) hose reels, as specified in SANS 543 (hose reels), connected to a water supply as reflected in Part W of SANS 100400, enabling each hose reel to maintain a flow of 0,5ℓ per second at a work pressure of 300kPa;
 - (c) fire hydrants, with couplings as specified in SANS 1128, Part II (Fire fighting equipment Couplings), in a ration of at least one to every 1000m² or part of it; and
 - (d) approved sprinkler systems in accordance with SANS 10087, SANS 10089, and SANS10131.
- (8) Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of SANS 0105 and SANS 1475 at least once every twelve months to the satisfaction of the service.
- (9) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance with the specifications of SANS 1186 and to the satisfaction of the Service.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

[33]37. Reporting of fires, accidents and dumping

- (1) The occupier of any premises must immediately report any fire, accident or dumping involving dangerous good on the premises that has caused **or may cause** damage to property, the ecology of the environment or injury to human beings or animals to the Service.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

[34]38. Sampling

- (1) Whenever a member inspects any premises and suspects that a substance on the premises is hazardous, the member may have a sample taken, by a suitably authorized person or company, of any substances for analysis: Provided that –
- (a) **a** sample so taken must be taken in the presence of the owner or occupier or any other third party;
 - (b) any sample must be divided into two equal parts and be sealed in similar suitable containers with the following information on the containers:
 - (i) The address and the location of the premises
 - (ii) The trade name of the premises or concern
 - (iii) The name and signature of the persons who are present, as contemplated in subsection (1)(a)
 - (iv) The date on which and time at which the sample was taken
 - (v) A description of the exact location on the premises where the sample was taken; and

- (c) Any sample so taken must, at the expense of the owner of the premises, be taken immediately to an accredited institution as determined by the service for an analysis and a report: Provided further that the results of the analysis may, subject to the rules of the law of evidence, be used as evidence in any potential legal steps that the Service may consider and/or deem necessary, as the case may be. The taking of the sample shall be also be for the cost of the owner.

[35]39. Storage tanks and devices that have become obsolete

- (1) The owner or user of any storage tank and/or related device that has become obsolete must, in accordance with the provisions of section [37] **41** of these by-laws, [the tank, installation or device or] have the tank or device removed, in order to render the tank safe.
- (2) Any person who fails with the provisions of this section is guilty of an offence.

[36]40. Access to storage tanks for repairs and maintenance

- (1) No person may enter or permit any other person to enter any storage tank which contained Group III dangerous good, unless that person is wearing an effective self supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 089, Part I, as amended.
- (2) No person may enter any storage tank which contained Group III dangerous good unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

[37]41. Installation, erection, removal and demolition

- (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the Service of his/her [intensions]**intention** at least three working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure II to these by-law.
- (2) Any failure to act as contemplated in subsection (1) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorisation, including an exemption granted in terms of these by-laws: Provided that the provisions of this section are not applicable whenever-
- (a) anything is removed temporarily for carrying out repairs or in connection therewith;

- (b) any above-ground or underground equipment and/or parts of the equipment are replaced; and
 - (c) any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (3) (a) No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section [23] **27** of these by-laws, is made again.
- (b) After completion of the structure, building or installation, application must be made again for a certificate of compliance, spraying permit and/or certificate of registration in accordance with the provisions of **PART [IV]5, DANGEROUS GOODS**, of these by-laws.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

[38]42. Group I dangerous goods

- (1) All Group I dangerous goods (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 0228, 0229, 0232, of the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be,
- (2) The legislation rest with the SAPS (specifically the Chief Inspector of Explosives).
- a) The Local Municipality does not issue any licence, but must submit a recommendation to the Chief Inspector of Explosives, where it is [indorse]**endorse** by the Chief Fire Officer [indicated]**indicating that** there are no outstanding requirements.
 - b) The owner/occupant must comply with Section 20 of these by-laws and such certificate is valued for a period of not exceeding one calendar year.
- (3) Fireworks display must be approved by the Chief Fire Officer and;
- (a) subjected to the requirements as approved.
 - (b) a application must be done at the Fire Service.
 - (c) the application form must be accompanied by the [proved]**proof** of payment fees prescribed in Annexure I to these By-Laws and
 - (d) the application must be submitted for processing to the office of the Fire Service at least fourteen (14) days (excluding Saturday, Sunday and Public Holiday) prior to the display.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

[39]43. Group II dangerous goods

Portable Containers

- (1) All portable metal containers and related devices for Group II dangerous goods must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 019, SANS 0228, SANS 0229 and SANS 0238, as the case may be.

(2) All portable containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SANS 0228, SANS 0229, SANS 0238, SANS 019 and SANS 087, Parts I to VIII, as the case may be.

(3) All portable containers for Group II dangerous goods must at all times be transported, stored and/or installed in a vertical position.

Bulk Containers

(4) All bulk containers for Group II dangerous goods must be designed, manufactured, maintained and installed in terms of the provisions on the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made [under the Act] **thereunder**; SANS 019, SANS 087, Part III; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

Manifold Installations

(5)(a) No Group II dangerous good may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.

(b) The provisions of this section are not applicable to the storage, handling or installation of a portable liquid petroleum gas container of a maximum water capacity of 45ℓ inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation A20 of the National Building Regulations), on condition that the container is used solely for *bona fide* residential purposes: Provided that liquid petroleum gas will only be permitted indoors on condition that the prospective user [is] **has** sufficient natural ventilation in the room that may be caused by a leakage or potential leakage of the gas and/or by a negligent action in respect of the use of the gas will be so neutralised as not to be within the recognised explosive limits for the gas in accordance with SANS 10087 codes-

(i) Any person who furnishes proof, as contemplated in subsection (5)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulations A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.

(ii) Scientifically based detailed calculations and tests must be the basis of such proof.

(6)(a) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.

(b) In enforcing this subsection, the concept of “hydrogen gas” includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.

(c) The provisions of section [39] **43**(5) (b) of these by-laws are applicable *mutatis mutandis* to this subsection.

(7) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the devices must be used strictly in accordance with the requirement of SANS 0238: provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the devices.

(8) The installation within the area of underground pipelines for any Group II dangerous good, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis*

subject to the provisions of sections [22]23, [23]27, [24]28, [25]29, [27]31, [29]33 and [31]35 of these by-laws.

Underground pipelines

(9) Any underground pipeline for a Group II dangerous good must comply with the following requirements:

- (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1600ℓ per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a **good** working condition at all times.
- (b) The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a **good** working condition at all times.
- (c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
- (d) The installation and extension of the pipeline and/or branches to consumer's premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognised standard approved by the Chief Fire Officer.
- (e) No construction work above or below the ground may be done within 16m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the controlling authority and the owner of the pipeline.

(10) Any person who fails to comply with the provisions of this section is guilty of an offence.

[40]44. Group III dangerous goods

Tank Manufactures

(1) No person may install, use or utilise or attempt to install, use or utilise any storage tank for the underground storage of Group III dangerous goods, unless the tank has been manufactured in accordance with the provisions of SANS 1535.

(2) Any person who installs, uses or utilises or attempts to install, use **[of]or** utilise any underground storage tank which does not comply with the requirements of SANS 1535, is guilty of an offence.

[41]45. Installation of storage tanks

(1) Any storage tank for Group III dangerous goods must be installed in accordance with the provisions of SANS 0400; SANS 089, Parts I, II and III; SANS 0131, Parts I, II and III; SANS 0108 and SANS 086, as the case may be: Provided that –

(a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 0131, Parts I, II and III, as the case may be;

(b) all pumps and filling devices installed indoors must be in purpose-built, registered premises;

(c) temporary installations must be approved and for not more than six months,

- (d) no aboveground tanks classification as Class ii and iii in SANS 100131 Part I will be allowed in urban areas, excepted if it is a bulk depot in accordance SANS10089 Part I;
 - (e) no aboveground tank classification Class ii will be allowed in rural area [an les]unless it been approved by the existing zoning of the land use in terms of the Town planning scheme for resale purposes;
 - (f) a maximum of three BTF will be allowed, as contemplated in subsection (1) e;
 - (g) additional safety distances for aboveground tanks classification class iii according SANS 100131 for diesel in rural area (farms) will be 15 meter from any boundary fencing, building, open flames and any other inflammable liquid stores;
 - (h) all installations, as contemplated in subsection (1)(a) and (g), as the case may be, are subject *mutatis mutandis* to the provisions of section 23 and section 24 of these by-laws, as the case may be; and
- (2) The installation within the area of underground pipelines for any Group III dangerous good, and branches or manifolds of pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 22]23, [23]27, [24]28, [25]29, [27]31, [29]33 and [31]35.
 - (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

Note: No aboveground tank for diesel in rural area is subject for resale purposes because then it is a filling station and it must then be [design]designed according SANS 10089-part iii.

PART [5]6

CONSTRUCTION OF VEHICLES, AS WELL AS TRANSPORTATION AND TRANSPORT PERMITS

[42]46. Service transport for flammable substances

- (1) The owner of any vehicle used for transporting flammable substances in the area must, have a valid transport permit in terms of the SANS Standards 1398, 1518, 10228, 10299, 10230, 10231, 10232 and 10233 for transporting flammable substances: Provided that-
 - (a) each vehicle for which such a permit has been issued must comply with the provisions of section [42] 46 of these by-laws;
 - (b) the application form, provided for in Annexure II to these By-laws and obtainable from the Service, must be completed correctly and in full;
 - (c) the application form must be accompanied by the fees prescribed in Annexure I to these by laws; and
 - (d) the application must be submitted for processing to the registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
- (2) The transport permit must-

- [(c)](a) indicate the date of issue and the date of expiry;
 [(d)](b) be valid for a period of twelve months from the date of issue;
 [e](c) indicate the name, in block letters, of the issuing officer and bear the officer's signature;
 [f](d) indicate a year-linked serial number;
 [g](e) indicate the group and quantity of dangerous goods to be transported;
 [h](f) indicate the registration number of the vehicle in question;

- (3) The Service may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.
- (4) Any person who fails to comply with the provisions of this section, or who alters or attempts to alter a transport permit or who permits it to be altered, is guilty of an offence.

47. Design, construction, maintenance and repair of other vehicles

The design, construction, maintenance or repairs of any vehicle for the transportation of dangerous goods, except a road tanker must be such 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 safe 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 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 SABS 314;

(iv) at least two (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 that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

48. 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 exempted, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers-

- (i) designed and manufactured in accordance with SABS 810 and maintained in accordance with SABS 0105 and SABS 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.

49. 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 to any premises that are not registered.

(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 of those premises.

(3) No person may handle or allow to be handled and container containing dangerous goods in a manner that will 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 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 an 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 provisions of SABS 0263 and other applicable prescripts.

(e) any device connected with, or used for, the delivery of 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.

50. Records of transport permits

The Chief Fire Officer must keep records of all vehicles in respect of which a fire permit has been issued, amended or renewed.

51. Cancellation of transport permit

(1) The Municipality may cancel a transport permit if it has reason believe that-

(a) the owner or driver concerned contravenes or fails to comply with any provision of these By-laws; or

(b) the vehicle contravenes or does not comply with the requirements of these By-laws.

(2) Subject to the provisions of subsection (3), before the Municipality cancels a transport permit contemplated in subsection (1), it must-

(a) give the owner or driver concerned written notice of the intention to cancel the permit and the reasons for cancellation;

(b) give the owner or driver concerned a period of at least twenty (20) days to make written representations regarding the matter; and

(c) consider any representations received.

(3) If the Municipality has reason to believe that the failure to cancel the transport permit within the period contemplated in subsection (2)(b), may endanger any person or property, it may cancel the transport permit, it may cancel a transport permit without prior notice to the owner or driver concerned.

(4) If the Municipality cancels a transport permit in terms of subsection (3), he or she must-

(a) furnish the owner or driver of the vehicle concerned with a written notice of cancellation.

(b) provide the owner or driver a period of at least twenty (20) days to make a written representation regarding the cancellation; and

(c) consider any representations received.

(5) The Municipality may, after considering the representations contemplated in subsection (4), reverse the decision to cancel the certificate.

PART [6]Z

STOREROOM FOR DANGEROUS GOODS

[43]52. Requirements for storerooms

Capacity

- (1) The certificate of registration issued for any storeroom for dangerous goods as contemplated in section 24[28] of these by-laws must indicate the group and the largest quantity of dangerous goods which may be kept in the storeroom.

Danger notices in storeroom

- (2) No person may use any storeroom or permit any storeroom to be used for Group III dangerous goods, unless –
 - (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 290mm x 290mm in extent, and
 - (iii) manufactured in accordance with the provisions of SANS 1186.1, are affixed at the storeroom; and]

Display of certificate of registration

- (3) The certificate of registration for storeroom, with the contents of the certificate clearly visible, must be kept and maintained in a legible condition in a weatherproof container on the outside of a door normally used as the entrance to the storeroom.

Construction of flammable liquid storerooms

(excluding storerooms in recognised bulk depots and bulk installations)

- (4) The construction of any storeroom must be in accordance with requirements of the General Safety Regulations of the Occupational Health and Safety Act and the following requirements:
- (a) The storeroom floor must consist of concrete;
 - (b) The storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
 - (c) The storeroom roof must consist of-
 - (i) reinforced concrete with a fire resistance of at least 120 minutes; or
 - (ii) any other non-combustible material, if the storeroom-
 - (aa) is not situated within 5 metres of any adjacent building or 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.

Doors

- (5) Any storeroom must be equipped with Class B-Type fire doors [manufactures]manufactured and installed in accordance with SANS 1253: Provided that –
- (a) the said doors must open to the outside and have a lock or locks as [are] approved by the Chief Fire Officer;
 - (b) whenever the distance to be covered from any storeroom is 4m or more, the storeroom must have at least two Class B type fire doors, which doors must be installed as far from each other as is practicable;
 - (c) if it is built according (4) (c) (ii) (aa) and (bb) the door can be of non-combustible material; and
 - (d) any door providing access to a storeroom must at times be capable of being opened easily from the inside without the use of a key.

Windows

- (6) All window frames must be manufactured of steel and must-
- (a) be fitted with wire glass with a minimum thickness of 8mm; and
 - (b) have window panels with a maximum size of 450mm x 450mm: Provided that no window must be capable of being opened.

Catch pit

- (7) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit: Provided that –

- (a) the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of dangerous goods able to be stored in the storeroom, plus 10%, with a maximum height of 450mm;
- (b) if required by the Chief Fire Officer the catch pit must be covered at door sill level with strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed and an access hatch for cleaning purposes must be placed in a suitable position on the grill floor; and
- (c) the catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for product recovery.

Ventilation

- (8) Any storeroom must be so designed and constructed to ensure that the collection of fumes of flammable liquids is effectively ventilated, whether naturally or mechanically, in **[a]all** parts of the storeroom. The fumes must be released into the open air at a place or places where fumes are not likely to come into contact with any source of ignition, which may ignite such fumes.

Natural ventilation

- (9) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140mm x 215mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be **[as]at** least 0,5mm: Provided that the airbricks are-
 - (a) provided in at least three external walls; and
 - (b) positioned 100mm above the level of the sill and 100mm below the roof and more than 450mm apart.

Mechanical ventilation

- (10) Whenever natural ventilation as contemplated in subsection (9) cannot be effected and the depth of the sill level exceeds 300mm, the owner or the person in charge of a storeroom must equip the storeroom with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that –
 - (a) the capacity of the system must be able to change the cubic air content in the storeroom at least 30 times an hour;
 - (b) the vanes of the system must be manufactured from static-free material;
 - (c) the fumes must be released into the open air and the outlets must not be within 5m of any opening of a building or erf boundary.
 - (d) all ventilators must be attached firmly to the inside of the walls;
 - (e) the bottom ventilators must be affixed as close as possible to the level of the sill; and
 - (f) all ventilation openings and/or air duct openings must be installed in the opposite wall, 100mm above the level of the sill to ensure cross-ventilation in conjunction with the said mechanical ventilator.

Electrical equipment

- (11) The owner or person in charge of a storeroom must ensure that –

- (a) all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the equipment of the appropriate classification for the particular area in terms of the provisions of SANS 10108;
- (b) all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside that storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom;
- (c) all metal parts and electrical fitting and any device in or in connection with a storeroom are earthed effectively with each other and the storeroom;
- (d) switches actuating any mechanical ventilation system are situated outside the store room;
- (e) any mechanical ventilation system is on at all times during occupation, except whenever ~~[they]~~the system is switched off for repairs and/or replacement purposes: Provided that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and
- (f) whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical system, are switched off.

Electrical installations installed by qualified electricians

- (12) All electrical installations must be installed and certified by a suitably qualified electrician: Provided that the certificate must be submitted to the Service for record purposes immediately after installation.

Storerooms constructed from other, non-combustible materials

- (13) Notwithstanding the provisions of this section, a storeroom may be constructed from other, non-combustible materials: Provided that-
 - (a) the storeroom is not constructed within 3m of any other building and/or the boundary premises;
 - (b) the storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of dangerous goods able to be stored in the storeroom, plus 10%, and-
 - (j) the floor of / or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination; and
 - (ii) where the storage is effected outside a flammable liquid storeroom, this is allowed when the storage is not within 15m of any ignition source.

Unauthorised access

- (14) No person may enter or, have any other person enter or permit any other person to enter any storeroom without the express permission of the occupier or any other responsible person who is in charge of such storeroom.

Abuse of a storeroom

- (15) No person may-

~~[(e)]~~(a) use any storeroom, or have the storeroom used or permit the storeroom to be used for any purpose other than for the storage, use or handling of dangerous goods in the storeroom;

[(f)] (b) employ any other person in any storeroom or permit the person to work in the storeroom unless all the doors of the storeroom are wide open and/or the mechanical ventilation system is on; and

[(g)] (c) place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the passages or in from of any door(s) of any storeroom.

(16) Any person who uses a storeroom or permits a storeroom to be used and does not comply with the provisions of this section is guilty of an offence.

[44]53. Keeping and handling dangerous goods in storeroom

(1) Any storeroom referred to in section [46] 55 of these by-laws may be used for keeping any grouped dangerous good, with the exception of Group I dangerous goods (explosives), as defined in section 2(1) of the Dangerous Goods Act, 1973: Provided that all chemically reactive dangerous goods must be separated from each other by means of compartmental liquid-proof fire partition walls to the satisfaction of the Service, which fire partition walls must extend the bottom of the catch pit to 1m above the highest stack of each group inside the storeroom.

(2) Notwithstanding the provisions of section [46] 55 of these by-laws, any grouped dangerous good contemplated in this section, with the exception of Group I dangerous goods (explosives), may also be stored, and kept in terms of SANS 10263: Provided that any storeroom will be subject *mutatis mutandis* to the provisions of sections [22]23, [23]27 and [24]28 of these by-laws, as the case may be.

(3) Any person who fails to comply with the provisions of this section is guilty of an offence.

PART [7]8

SPRAY-PAINTING MATTERS AND SPRAYING PERMITS

[45]54. Registration of spray-painting rooms

(1)(a). No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or part thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III dangerous good or with liquid compounds of a Group III dangerous good, or with any dangerous good, unless such person is in possession of a spraying permit in accordance with the requirements of Annexure II to these by-laws.

Prohibition of certain actions

(2) No person may use or handle dangerous goods, or permit dangerous goods to be used or handled, on unregistered premises, unless a member is satisfied that the dangerous goods will be used or handled in a place and in a manner that will ensure that-

(a) no dangerous good or fumes come or are able to come into contact with any fire, flame or naked light, or any other source of ignition which is likely to set the dangerous good or fumes alight; and

- (b) the escape of human beings or animals is not hampered or hindered in the event of a fire or an emergency situation.

Display and conditions of spraying permit

- (3) A spraying permit is issued on the following conditions:
- (a) The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
 - (b) The spraying permit must be legible at all times
 - (c) The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
 - (d) A serial number must be indicated on the spraying permit
 - (e) The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, be from the date of issue for a period of twelve months.
 - (f) The spraying permit is not transferable from premises to premises.
 - (g) In the case of reconstructing, the spraying permit is, subject to the provisions of section ~~[22]~~ **23** of these by-laws, transferable from control to control or from owner to owner on the same premises: Provided that –
 - (i). application must be made for transfer to the Service on the prescribed form; and
 - (ii). if the trade name of the premises changes, the holder of the spraying permit must ensure that the change is immediately brought to the attention of the Service,
 - (h) The Chief Fire Officer must be in possession of a set of approved plans as referred to in section ~~[23]~~ **27** of these by-laws.
 - (i) The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
 - (j) ~~[(a)]~~ **(i)**. Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
 - ~~[(b)]~~ **(ii)**. The fees prescribed in Annexure I to these by-laws must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.
 - ~~[(c)]~~ **(iii)**. Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.

- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (6) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

[46]55. Construction and design of spray-painting rooms

(1) The construction of a spraying room and/or spraying booth must be in accordance with the following requirements:

- (a). the floor must be of concrete
- (b). the walls must be of brick and/or concrete
- (c). the roof must be of reinforced concrete.
- (d). the doors must be Class B type fire doors as contemplated in SANS 1253
- (e). the window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire glass with a minimum thickness of 8mm.

(2) The provisions of subsection (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:

- (a) The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2,5mm.
- (b) The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3mm.
- (c) If the sheet metal is joined, the [joins and/or] joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
- (d) The floor must be of concrete or metal
- (e) The window must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire glass with a minimum thickness of 8mm.
- (f) All materials used must have a fire integrity grading of at least 60 minutes.

(3) The unit formed through the combination of components referred to in subsection (1) and (2), including any services constituting an integral part of the unit or required in the unit, must be constructed, installed and finished so that all surfaces are smooth to prevent any furring which may hamper the ventilation, washing and cleaning processes.

- (4) A prefabricated unit is suitable only if such a unit is evaluated by the SANS or CSIR (**Council for Scientific and Industrial Research**) and is found to be suitable for the particular intended purpose.

Location of and access to a spraying room

(5)(a) [Notwithstanding the door(s) granting for motor vehicles or other objects to be sprayed in any spraying room, a] **A spraying room must have at least two hinged doors for the purposes of escaping, which doors must –**

- (i). open to the outside;
 - (ii). be at least 800mm x 2000mm in extent;
 - (iii). be positioned on opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4m; and
 - (iv). be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.
- (b). Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1200mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- (c). If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1200mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300mm higher than the roof of the spraying room.
- (d). Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against firewalls: Provided that not more than two sides of the spraying room may border the firewalls.

Water floors

(6)(a) A spraying room may have a sunken water-filled floor covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free grill that is capable of bearing the weight of the heaviest object in the spraying room.

(b) The water in the sunken floor must be circulated through an effective non-combustible and cleanable filtering system by means of a closed-circuit pump circulation system of non-corrosive metal pipes with a suitable diameter and wall thickness.

[(7)]. Electrical equipment

(7) All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate type for the particular area in terms of SANS 10108.

- (8) All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SANS 10108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (9) Switches actuating any mechanical ventilation system must be situated outside the spraying room.
- (10) All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.
- (11) An accredited person must install and certify all electrical installations: Provided that a copy of the certificate must be submitted to the Chief Fire Officer for record purposes immediately after installation.

[(12)] Mechanical ventilation

(12)(a) Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that -

- (i) the capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour or at a flow rate of 0,5m/s;
- (ii) the vanes of the system must be manufactured from static-free materials;
- (iii) the fumes must be released into the open air and the outlets must not be within 4.5m of any of a building or erf boundary;
- (iv) all ventilators must be attached firmly to the inside of the walls;
- (v) the bottom ventilators must be affixed as close a possible to the level of the floor; and
- (vi) all ventilation openings and/or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system.
- (vii) Every spray room shall have at least one of **[it's]its** doors fitted with an un-openable strengthened, shatterproof glass inspection window no larger than 450mm x 450mm.

Fire dampers, fire detectors and fire alarms

- (b) A fire damper must be affixed in front of any air purification filter, or any part of a filter forming an integral part of ventilation system, on the inside of the spraying room, which fire damper must be manufactured and installed in accordance with the provisions of SANS 193: Provided that the fire damper must-
 - (i). close automatically by means of a sensor that is suitably located and actuated by a rise of more than 10°C in the predetermined working temperature;
 - (ii). be so installed that the damper will remain in position even if the air duct distorts during a fire; and
 - (iii). be provided with any overriding fusible link.
- (c) The sensor contemplated in subsection (12)(b)(i) must also-

- (i). be capable of turning off the ventilation system and any heating device used in connection with the spraying room in the event of a fire or whenever there is a rise of more than 10°C in the predetermined working temperature inside the spraying room; and
- (ii). activate a visual and audible alarm inside and outside the spraying room.

Positioning of ventilation outlets

- (13) All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1m above a roof or 3.6m above the ground level and at least 4.5m from any opening of a building.
- (14) The ventilation system must function whenever any activities related to spray-painting take place in the spraying room.

Display of signs prohibiting open flames and smoking

- (15) No person may use any spraying room or permit any spraying room to be used, unless and until symbolic signs prohibiting open flames and smoking, at least 290mm x 290mm in extent, manufactured and installed in accordance with the provisions of SANS 1186, are affixed to the inside and outside of all doors of the spraying room.

Maintenance of spraying rooms

- (16) All spraying rooms must be maintained at all times in accordance with the provisions of this section and the [manufacturers]manufacturer's specifications. Proof of such maintenance must be provided upon request from a member.

Unauthorised access

- (17) No person may enter a spraying room or permit any other person to enter a spraying room without the express permission of the owner and/or occupier or any other responsible person in charge of the spraying room.

Abuse of spraying room

- (18) No person may –
 - (f) use any spraying room or permit any spraying room to be used for any purpose other than for practising or exercising activities related to spray-painting in the spraying room;
 - (g) employ any other person in a spraying room or permit any other person to work in the spraying room unless the mechanical ventilation system is on; and
 - (h) place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrances or obstruction to be placed in the escape openings or in front of any doors of the spraying room.

Provision of fire-fighting equipment

- (19)
 - (g) Any spraying room must have a 9kg dry chemical fire extinguisher on the outside and a 9kg dry chemical fire extinguisher on the outside of the spraying room,

which extinguisher must be installed in positions determined by the Chief Fire Officer.

- (h) All spraying rooms must be protected by a fire hose reel referred to in section [32]36(1)(b) of these by-laws.

Drying kiln/heating devices

- (20) Whenever any manifold installation of a Group II dangerous good forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 087, Part I, and the relevant provisions of these by-laws will apply *mutatis mutandis* in the application of this section.
- (21) Any person who fails to comply with the provisions of this section is guilty of an offence.

PART 8
CONTROL OF FIREWORKS

56. Use of fireworks prohibited in certain circumstances

(1) Unless so authorised in terms of section 50 no person may use fireworks-

- (a) within 500 metres of any explosives factory, explosives storage place, petrol depot or petrol station;**
- (b) inside any building;**
- (c) on any agricultural holding;**
- (d) at any public place; or**
- (e) at any school, old age home or hospital.**

(2) No person may light or ignite fireworks in any place where the animals are present.

(3) Unless so authorised in terms of section 50, no person may light or ignite fireworks on any day or at any time except:

- (a) New Year's Eve from 23h00 to 01h00;**
- (b) New Year's Eve from 19h00 to 22h00;**
- (c) Human Rights Day from 19h00 to 22h00;**
- (e) Freedom Day from 19h00 to 22h00;**
- (f) Christmas Eve from 19h00 to 01h00**

(3) No person may allow any minor under his or her control to use, light or ignite fireworks in contravention of subsections (1), (2) or (3).

57 Fireworks displays prohibited unless authorised.

No person may present a fireworks display unless-

- (a) Authorised to do so by the Municipality as contemplated in section 50(2).**
- (b) Authorised to do so by the Civil Aviation Authority and the Chief Inspector of Explosives;**
- (c) The display is at all times under that person's supervision and control;**
- (d) The service and a suitably qualified explosives expert from the South African Police Services are at all times in attendance at the display;**
- (e) That person has ensured that-**
 - (i) An area with a radius of at least 50 metres is clearly demarcated for the launching of fireworks at the display; and**
 - (ii) measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and**
- (f) A pyrotechnic is at all times present and responsible for the use of fireworks at the display.**

58. Application to present fireworks display

(1) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer by completing and submitting an application in the prescribed form and manner determined by the Municipality together with the prescribed fee and the following documentation:

- (a) proof of permission for the fireworks display from the Civil Aviation Authority.**
- (b) proof that an application for fireworks display has been submitted to the Chief Inspector of Explosives;**
- (c) a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and**
- (d) A sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.**

(2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least fourteen (14) days before the date of the fireworks display.

59. Authority to present the fireworks display

(1) If the Municipality decides to approve an application to present a fireworks display, it must provide the applicant with written confirmation of its decision and any conditions that it may impose to safeguard persons, animals and property.

(2) The Municipality may require that the fireworks display be presented only on suitable premises designated by the Municipality.

60. Dealing in fireworks

(1) No person may deal in fireworks unless-

(a) that person holds the required fireworks licence in terms of the Explosives Act; and

(b) has the written authority of the Chief Fire Officer.

(2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1)(b), 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 thirty (30) days before the authority is required by the applicant.

(3) The Chief Fire Officer may cancel any authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.

PART [8]9

ANIMALS

[47]61. Handling animals during emergencies

(1) Provision must be made for the professional handling of animals during an emergency on any premises, but particularly at zoological gardens, feedlots, stable, research institution, veterinary practices and/or places of veterinary science study: Provided that the Service may-

(a) authorise a suitable qualified person to handle and/or put down the animals during an emergency situation, as the case may be; and

(b) recover all costs involved in the matter from owner or the institution responsible for the care of the animals.

(2) Any person who fails to comply with the provisions of this section is guilty of an offence.

PART [9]10

PENALTIES

[48]62. Penalties for contraventions

Any person who contravenes or fails to comply with any provisions of these by-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by a member of the Service, is guilty of an offence and on conviction liable to a fine not exceeding R[5000,00]**200 000.00** or in default of payment, liable to imprisonment for a period not exceeding six months.

PART [10]11

GENERAL

[49]63. Operation of these by-laws in relation to other laws

The provisions of these by-laws are in addition to and not a substitution for any other law which is not in conflict or inconsistent with these by-laws.

64. Cost of analysis samples

Any costs incurred by the Council in connection with the analysis of any sample taken from any premises for the purposes of these By-laws, 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 occupier of that premises if the owner or occupier of the premises is not in compliance with these By-laws regarding the substance concerned.

65. Volunteers

The Municipality may engage volunteers to assist it in rendering emergency services in accordance with the provisions of the Disaster Management Act, 2002 (Act 57 of 2002), as amended.

[50]66. Repeal of by-laws

The following by-laws are hereby repealed:

- (1). The existing municipal fire service by-laws are contained in the following publications:
 - (a) Administrators Notice 1771 of 23 December 1981 as amended.
 - (b) Administrators Notice 354 of 8 May 1957 as amended.

[51]67. SHORT TITLE

(1) These by-laws are called the Emergency Service By-laws. Their provisions come into operation on a date fixed by proclamation in the *Government Gazette*.

(2) The 2019 amendments of these By-laws shall come into operation after publication in the *Provincial Gazette*.

PART 11

ANNEXURES

ANNEXURE I

TARIFFS

FEES PAYABLE TO THE SERVICE IN TERMS OF SECTION 10 AND 7 OF THE FIRE BRIGADE SERVICES ACT, 1987 (ACT 99 OF 1987), FOR PROVIDING EMERGENCY SERVICES

[A]1 controlling authority may, subject to any condition contemplated in section 11(2)(a) of Act 99 of 1987), determine the fees payable by a person on whose behalf the service of the controlling authority is applied –

- (a) for the attendance of the service;
 - (b) for the use of the service and equipment; or
 - (c) for any material consumed.
2. A person on whose behalf, in the opinion of the Chief Fire Officer concerned, a service of a controlling authority has been employed, may in writing be assessed by that Chief Fire Officer for the payment of the fees referred to in subsection (1) or any portion thereof.
 3. The prescribed fees payable to the Service as determined in to these by-laws.
 4. Any person who feels aggrieved by an assessment contemplated in subsection (2) may within 14 days after receipt of that assessment object in writing against that assessment as such or the amount thereof to the controlling authority concerned.
 5. As soon as an objection contemplated in subsection (3) is received that Chief Fire Officer of the controlling authority concerned shall without delay obtain written comment thereon from the Chief Fire Officer and submit it together with the objection to the controlling authority, which may confirm, alter or revoke the assessment.
 6. A certificate [purporting to be] signed by a Chief Fire Officer and in which it is certified that the assessment specified therein was made under subsection (2), shall on production thereof in a court of law be *prima facie* proof of the amount payable by the person mentioned therein.

TRAINING INSTITUTIONS

(1) The Minister may after consultation with the Training Board establish by section 2 of the local Government Training Act, 1985 (Act No. 41 of 1985), and the Board which has consulted with the service or other institution concerned –

- (a). on such conditions as he or she may determine by notice in the Gazette declare such a service or other institution as a training institution at which the proficiency training, or any part thereof, required for or connected with the prescribed qualifications of a Chief Fire Officer or a member of a service may be obtained; and

~~[(d)](b)~~take such steps or cause such steps to be taken as he may deem necessary or expedient for the proper control, management and development of, or for the extension of the training facilities at, such training institution.

(2) Whenever a member of a service with the approval of his employer attends a course at such training institution, that employer shall pay to the training institution the costs of such attendance according to a tariff determined by the training institution concerned.

(3) The prescribed fees payable to the Service for the training as determined in to these by-laws

1. FEES FOR EMERGENCY SERVICES

1. All fees shall be as determined in terms of Section 80B of the Local Government Ordinance 1939, read with Section 7 of the Rationalisation of Local Government Affairs Act, Act 10 of 1998 and section 74 and 75 of the Local Government Municipal System Act, 32 of 2000 and as published in the *Government Gazette*.

2. GENERAL DIRECTIVES FOR THE PAYMENT OF THE FEES

- (1) All certificates of registration, certificates of compliance and/or spraying permits will be valid for twelve calendar months. A written application for the renewal of the certificate or permit must reach the Service at least one calendar month prior to the expiry thereof.
- (2) When application is made for registration, the appropriate application form, correctly completed in full, must be accompanied by the prescribed fees.
- (3) All the appropriate forms are available from the Service and must be completed in full and, where applicable, be duly signed.
- (4) If, for whatever reason, the Service rejects an application for any certificate of registration, certificate of compliance or any permit, the applicant must, within 14 days (excluding weekends and public holidays) **after notification** [the date] of **the** rejection, take corrective steps to ensure that the document in question is issued at no additional cost, failing which the applicant must pay the prescribed fees again.
- (5) If there are different divisions and/or affiliates within a business and/or company situated on the same premises but each division and/or affiliate is managed separately, each division and/or affiliate is liable to registration separately.

3. EXEMPTION FROM PAYMENTS OF CHARGES

No charges shall be payable where-

- (3) a false alarm has been given in good faith;
- (4) the services were required as a result of civil commotion, riot or natural disaster;
- (5) the services were rendered in the interest of public safety;
- (6) the Chief Fire officer is of the opinion that the services were of purely humanitarian nature or were rendered solely for saving life

ANNEXURE II

OFFICIAL DOCUMENTS

A. GENERAL

The Service must design and draw up all official documents in connection with these by-laws in accordance with the prevailing policy, and the documents must comply with the specific needs and requirements of the Service and the controlling authority, but must not detract from the directives and provisions of these by-laws.

B. STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS

The following must be indicated in all documents:

1. The logo of the Service and/or controlling authority.
 2. The full name of the premises in question
 3. The name of the suburb in question
 4. The street address of the premises in question, in full
 5. The postal address of the premises in question, in full, including the postcode (on all application forms).
 6. Full particulars of the occupier of the premises or the firm on the premises
 7. The telephone and fax numbers of the business in question (on all application forms).
 8. The signature of the issuing officer.
 9. The date on which the document was issued.
 10. The expiry date of the document
 11. The type of document, such as :
 - (1) "Application for a bulk depot certificate of registration" or "Bulk depot certificate of registration"
 - (2) "Application for a certificate of compliance"
 - (3) "Application for a certificate of registration/spraying permit" or "Certificate of registration/spraying permit"
 - (4) "Application for a transport permit" or "Transport permit"
 - (5) "Application for approval of plans" or "Application for inspection for the issuing of a certificate of occupancy"
 - (12) Any other relevant information, such as:
 - (1) the groups and subgroups of dangerous goods for which registration is required.
 - (2) the required quantity of each group of dangerous good
- [(1)] **(3)** the manner in which the substances are to be stored, for example-
- (a) in an underground storage tank;
 - (b) in an above-ground storage
 - (c) in a dangerous good store; or

(d) in a manifold installation

[(2)] **(4)** An indication of all spray-painting rooms and submersion tanks, as the case may be.

[13] **(5)**. A serial number (on all permits and certificates).

[14] **(6)**. A receipt number (on all permits and certificates)

[15]**(7)**. The official stamp of the Service.

C. OFFICIAL DOCUMENTS IN CONNECTION WITH THESE BY-LAWS

1. APPLICATION FORMS

- (1) The purpose for which application forms are to be used must appear at the top of all application forms.
- (2) **a** All application forms must have all the administrative information as contained in paragraph

B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS).

- (b)**. On all application forms, space must be left in which the correct application fees, as contained in Annexure I to these by-laws, can be indicated prominently in red figures.
 - (c)**. A warning must appear below the space for the application fee to the effect that the applicant is granted only 14 working days (weekends and public holidays excluded) to make any corrections that may be indicated on the checklist, without any additional cost, but that if the said period of 14 days is exceeded, the prescribed fee must be paid again before any permit or certificate will be issued.
- (3) A suitable checklist must form part of each application form and must be drawn up chronologically in accordance with the appropriate requirements contained in these by-laws and/or relevant SANS codes of practice and/or specifications, as the case may be.
 - (4) At the top of each checklist-
 - (a) it must be stated that the checklist is for office use only;
 - (b) space must be set aside for the date, time and place of the appointment for an inspection; and
 - (c) space must be set aside for particulars of the contact person who will represent the applicant during the inspection.
 - (5) At the end of each checklist, space must be set aside for -
 - (a) the signature of the member of the Service who completed the checklist;
 - (b) the date on which the checklist was completed; and

- (c) an indication of whether or not the application is successful
- (6) Provision must also be made on each application form for -
- (j) full particulars of the registration officer who received the application fee;
 - (ii) the method of payment, for example cash, postal or cheque; and
 - (iii) an official receipt number.

2. PERMIT AND CERTIFICATES

- (1) The purpose for which permits and certificates are to be used, as contemplated in paragraph **A.1 (DESCRIPTION OF SERVICE)** in Annexure I to these by-laws must appear at the top of all permits and certificates.
- (2) All permits and certificates must have all the applicable administrative information as contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**

3. TRANSPORT PERMIT

In addition to the contents in terms of the administrative provisions contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**, a round disc with the following information must form part of the official documentation of the Service in the case of transport permits:

- (1) The registration number of the vehicle in question
- (2) The chassis number of the vehicle in question
- (3) The type of vehicle, for example a semi-trailer, trailer, flat-deck truck or tanker
- (4) The gross vehicle mass of the vehicle in question
- (5) The tare of the vehicle in question
- (6) The type of load to be transported, for example a single load or a multiple load, and **the** quantity to be transported in litres or kilograms, as the case may be.
- (7) The group of dangerous good(s) to be transported, for example Group I, II or III, or a combination of them, as the case may be
- (8) Where applicable, the make of the vehicle
- (9) The date of issue of the permit
- (10) The date of expiry of the permit
- (11) The signature of the issuing officer
- (12) A serial number
- (13) A watermark

ANNEXURE III

EMERGENCY EVACUATION PLANS

A. GENERAL

1. Any emergency evacuation plan must contain at least the following information under the headings listed below. All emergency evacuation plans must be updated at least once a year or, alternatively, whenever the key staff member referred to in the plan leaves the employ of the employer.
2. All emergency evacuation plans must be drilled at least annually, and all the staff members must participate. The employer must also ensure that all the disciplines involved are notified in writing of an emergency evacuation plan drill at least 21 calendar days prior to the proposed date of the drill.
3. All staff members of an employer must be aware of the emergency evacuation plan of the employer. Whenever an emergency evacuation plan is updated, the designated person responsible must collect and destroy all old plans that the emergency management members have in their possession to eliminate confusion as to the validity and accuracy of the emergency evacuation plan.

B. IMPLEMENTATION OF EMERGENCY EVACUATION PLANS

1. The emergency evacuation plan must be drawn up so that any sensitive information that may appear in the document can easily be removed to make it available to specific persons in the emergency management team.

DEALING WITH AND FURNISHING INFORMATION CONTAINED IN THE EMERGENCY EVACUATION PLAN

(1) THE EMERGENCY EVACUATION PLAN IN ITS ENTIRETY

- (a) The entire emergency evacuation plan must be made available to every member of the emergency management team.
- (b) A number of copies must be kept in a safe in the control room.

(2) EMERGENCY TELEPHONE NUMBERS AND BOMB THREAT QUESTIONNAIRE

Emergency telephone numbers must be on hand at all telephones on the premises and the bomb threat questionnaire must be on hand at all designated telephones on the premises.

(3) DUTIES AND RESPONSIBLE OF EMERGENCY PERSONNEL

All staff members involved must be informed in writing of their particular duties and responsibilities in this regard.

(4) ACTION PLANS AND EMERGENCY ACTIONS

Action plans must be available to all staff members to ensure that every staff member knows exactly what to do in an emergency.

(5) PLANS OF THE LAYOUT OF PREMISES AND ESCAPE ROUTES

Plans of the layout of the premises and escape routes must be put up permanently at all exits and strategic points on the premises.

TRAINING OF STAFF MEMBERS

Designated staff members must be trained in the following:

- (1) First aid and/or fire fighting
- (2) Emergency aid
- (3) Emergency evacuation procedures
- (4) Emergency management techniques

(Drills of the emergency evacuation plan are an excellent training programme and offer the opportunity for the improvement of the plan)

C. THE CONTENT OF AN EMERGENCY EVACUATION PLAN

Any emergency evacuation plan must contain the following:

- (1) Emergency telephone numbers
- (2) The following general information:
 - (a) The address of the premises in question
 - (b) The nature of the activities on the premises
 - (c) The number of staff members present on the premises at any time
 - (d) An indication of whether or not there is a control room on the premises
 - (e) An indication of whether or not there is an alarm system on the premises
 - (f) Particulars of contact persons
- (3) An area study with the following information:
 - (a) History of incidents on the premises in question
 - (b) Important features/landmarks with regard to the location of the premises
 - (c) Key information of adjacent premises
- (4) Particulars regarding socio-economic or other threats and the potential impact of these threats on premises
- (5) Particulars of the following equipment available on the premises:
 - (a) Equipment in the control room
 - (b) Fire-fighting and first-aid equipment throughout the premises
 - (c) Any other equipment
- (6) The following information on manpower:
 - (a) Emergency management
 - (b) Fire teams
 - (c) First-aid teams
- (7) The duties and responsibilities of members of the emergency team
- (8) Action plans and emergency procedures
- (9) Plans of the buildings and topographical maps of the premises.

- (10) An emergency plan register with the following information:
- (a) Updated register of emergency evacuation plan
 - (b) Drill register of emergency evacuation plan.
- (11) A bomb threat questionnaire

ANNEXURE [V] IV

NORMATIVE REFERENCE LIST

Where reference is made in these by-laws to an SANS number, the reference relates to a document bearing the number and title indicated in the following table:

1	2	3	4
SANS NO	TITLE	GOVERNMENT NOTICE NO	DATE
	National Fire Services Act (99 of 1987)		
	National Veld and Forest Fire Act (101 of 1998)		
	National Building Regulations & Standards Act (103 of 1977)		
	Occupation Health and Safety Act (85 of 1993)		
10-0193	Fire-dampers		
10-1543	Fire hose reels (with hose)		
1186	Symbolic safety signs		
1253	Fire door assemblies		
10087-1	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – Liquefied petroleum gas installation involving gas storage containers of individual water capacity not exceeding 500 L and a combined water capacity not exceeding 3000 L per installation		
10087-3	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 500 L		
10087-4	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – Transporting of LPG in bulk		

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	by road		
10087-6	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – The application of liquefied petroleum and compressed natural gasses as engine fuels for internal combustion engines.		
10087-7	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – Storage and filling sites for refillable liquefied petroleum gas LPG containers of capacity not exceeding 9 kg.		
10087-8	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – The fuelling of fork lift trucks and other LP gas operated vehicles		
10087-10	Handling, storage and distribution of liquefied petroleum gas in domestic, commercial, and industrial installations – Mobile filling stations for refillable liquefied petroleum gas LPG containers of capacity not exceed exceeding 9 kg.		
10089-1	The petroleum industry –Storage and distribution of petroleum products in above ground bulk installations		
10089-02	The petroleum industry: Electrical installations in the distribution and marketing sector		
10089-03	The petroleum industry: The installation of underground storage tanks, pumps/dispensers and pipe work at services station and consumer installations		
10228	The identification and classification of dangerous goods for transport.		
10229	Packaging of dangerous goods for road and rail transport in South Africa		
10230	Transport of dangerous goods- Inspection requirements for road vehicles		
10231	Transportation of dangerous goods- Operational requirements for road vehicles		
10232-1	Transport of dangerous goods- Emergency information system-Part 1: Emergency information system for road [transporting] transportation.		
10232-2	Transport of dangerous goods- Emergency information system-Part 2: Emergency information system for rail transportation.		
10232-3	Transport of dangerous goods- Emergency information system-Part 3: Emergency response guides		
10233	Transport of dangerous goods- Intermediate bulk containers.		
10263	The warehousing of [dangers] dangerous goods- Enclosed storage areas and covered and		

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	uncovered outdoor storage yards		
10265	The classification and labelling of dangerous substances and preparation for sale and handling		
10304-1	The classification of pesticides and stock remedies for sale and handling in South Africa-Part 1: The classification of pesticides		
10304-2	The classification of pesticides and stock remedies for sale and handling in South Africa-Part 2: The classification of stock remedies		
10406	Transport of dangerous goods –the reprocessing of previously certified packing		
10105	The classification, use and routine maintenance of portable fire extinguishers		
10131	Above-ground storage tanks for petroleum products		
10400	The application for the National Building Regulations		
1518-1	Transport of dangerous goods-Design requirements for road vehicles and portable tanks. Requirements applicable to all vehicles.		
1518-2	Transport of dangerous goods- Design requirements for road vehicles and portable tanks . Requirements for road tank vehicles.		
1518-3	Transport of dangerous goods- Design requirements for road vehicles and portable tanks . Design requirements for portable tanks		
1560	Corrugated fibreboard boxes for dangerous goods		
10072	The safe handling of pesticides		
10139	Fire detection and alarm system for buildings – System design, Installation and servicing.		
10287	Automatic sprinkler installations for fire-fighting purposes		