

# NELSON MANDELA BAY METROPOLITAN MUNICIPALITY

## FIRE SERVICES BY-LAW

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Nelson Mandela Bay Metropolitan Municipality, enacts as follows:-

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### **CHAPTER I: DEFINITIONS AND INTERPRETATION OF THIS BY-LAW**

#### **1. Definitions and interpretation**

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and *vice versa*, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates –

**"above ground storage tank"** means a tank situated above ground for the storage of flammable substances as contemplated in SANS 10131 and SANS 10089 Part 1 and SANS 10087 Part 3;

**"Act"** means the Fire Brigade Services Act, 99 of 1987;

**“agricultural holding”** means a portion of land not less than 0,8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

**"animal"** means any animal that is kept for domestic, breeding, research, agricultural, resale, veterinary treatment or animal welfare purposes within the area of the controlling authority;

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

**“automatic releasing hold-open device”** means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

**“basement”** in relation to a building, means any part of the building which is below the level of the ground storey;

**“boundary”** means any lateral or street boundary of a site;

**“building”** means:-

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

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

**“certificate of compliance”** means a certificate contemplated in section 37;

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

**“class”** means a class of petroleum product based on the following classification-

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

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

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

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

**“combustible waste”** means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and

cuttings, rubber trimmings and buffing, metal filings, and any mixture of the above items, or any other salvageable combustible waste material;

**“competent person”** means a person who is qualified by virtue of his or her experience and training;

**“control room”** means a room on any premises which is equipped and used to co-ordinate and control an emergency in or on designated premises;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996;

**“Criminal Procedure Act”** means the Criminal Procedure Act, 51 of 1977;

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

**“designated premises”** means any premises designated and registered as such by the municipality and which is required to have an emergency evacuation plan as contemplated in section 34 of this by-law;

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

**“dump”** means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it and **“dumping site”** carries a corresponding meaning;

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

**“emergency evacuation plan”** means an emergency evacuation plan contemplated in section 34;

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

(a) protects the occupiers of any building from fire; and

(b) leads to an escape door;

**“enclosed place”** in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised;

**“escape door”** means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;

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

**“explosives”** means explosives as defined in section 1 of the Explosives Act, 26 of 1956 and the regulations promulgated there under;

**“Explosives Act”** means the Explosives Act, 26 of 1956, and any regulations made under that Act;

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

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

**“Fire Brigade Services Act”** means the Fire Brigade Services Act, 99 of 1987 as amended, and any regulations made under that Act;

**“fire damper”** means an automatic damper, including its assembly, which complies with the requirements of SANS 193;

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

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

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

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

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

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

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

but excludes portable and mobile fire extinguishers;

**“fire risk category”** means the definition of the risk profile of any sub-area within the area of the controlling authority as provided for in SANS 10090 and includes:

**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 are an integral part of central business districts and would therefore be included in Category A. Buildings with major fire safety or other risk implications may, however, be classed as special risks;

**“fireworks”** means any explosive device or substance which burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act, 26 of 1956;

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

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

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

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

**“flammable solid”** as contemplated in SANS10228, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently;

**“flammable store”** means a store that is used for the storage of flammable liquids and solids, and complies with the criteria set out in Chapter 6 of this by-law;

**“flammable substance”** means any flammable or combustible solids or liquids or flammable gas;

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

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

**“Hazardous Substances Act”** means the Hazardous Substances Act, 15 of 1973, and any regulations made under that Act;

**“Land Survey Act”** means the Land Survey Act, 8 of 1997;

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

**“municipal manager”** means a person appointed in terms of section 54A of the Municipal Systems Act, or his nominee;

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

**"Municipal Systems Act"** means the Local Government: Municipal Systems Act, 32 of 2000;

**"member"** means a member of the Service and includes the chief fire officer;

**"National Archives and Record Service of South Africa Act"** means the National Archives and Record Service of South Africa Act, 43 of 1996;

**"National Building Regulations"** means the National Building Regulations and Building Standards Act, 103 of 1977, and any regulations made under that Act;

**"National Road Traffic Act"** means the National Road Traffic Act, 93 of 1996, and any regulations made under that Act;

**"Occupational Health and Safety Act"** means the Occupational Health and Safety Act, 85 of 1993 and the regulations promulgated thereunder;

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

**'owner'** has its common law meaning and includes-

- (a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of a High Court;
- (b) in relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom;
- (c) in relation to State land not controlled by a person contemplated in paragraph (a) or a community-
  - (i) the Minister of the Government department or the member of the executive council of the provincial administration exercising control over that State land; or
  - (ii) a person authorised by him or her; and
- (d) in relation to a municipality, the municipal manager of the municipality or a person authorised by him or her;

**"permit"** means a permit contemplated in section 51;

**"person in charge"** means:-

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

**"Promotion of Access to Information Act"** means the Promotion of Access to Information Act, 2 of 2000;

**"prescribed"** means as determined by the municipality;

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

**"prescribed fee"** means a fee determined by the municipality by resolution in terms of section 75A of the Municipal Systems Act, or any other applicable legislation;

**"public gathering"** includes any gathering by members of the public-

- (a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or
- (b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;

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

- (a) been provided, reserved or set apart for use by the public or at any time been dedicated to the public;
- (b) been used by the public without interruption for a period of at least thirty years; or
- (c) at any time been declared or rendered such by the municipality or other competent authority;

**“registered premises”** means any premises in respect of which a permit has been issued;

**“SANS”** means the South African National Standards contemplated in section 24 of the Standards Act, 8 of 2008, and SANS followed by any number means a reference to a SANS code of practice, specification or standard of the corresponding number;

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

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

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

**“spraying permit”** means a permit contemplated in section 91;

**“spraying room”** means a room contemplated in section 90;

**“State”** means: -

- (a) any department of state or administration in the national, provincial or local sphere of government, or
- (b) any other functionary or institution -
  - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
  - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

**“storage vessel”** means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;

**“store room”** means a room for storage of flammable substances contemplated in section 65;

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

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

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

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

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

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

**“vegetation”** includes grass, weeds, leaves, shrubs and trees; and

**“vehicle”** includes a trailer or semi-trailer which-

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

## **CHAPTER 2: PURPOSE AND APPLICATION OF BY-LAW**

### **2. Purpose of by-law**

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

### **3. Application of by-law**

(1) This by-law is applicable to all persons within the area of jurisdiction of the municipality and includes both formal and informal sectors of the community and economy.

(2) Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, and in addition to any other applicable national or provincial law, this by-law regulates flammable substances in the area of jurisdiction of the municipality to prevent and reduce fire hazards or other threatening dangers.

(3) The municipality may, in terms of an agreement as contemplated in section 12 of the Act, and the payment of tariffs in accordance with the municipality’s tariff policy or as contemplated in this by-law, be employed outside the area of jurisdiction of the municipality.

(4) If any provision in this by-law vests or imposes any power, function or duty of the municipality in or on an employee of the municipality and such power, function or duty has in terms of section 81(2) of the Municipal Systems Act, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the municipality’s service provider or, where applicable, an employee of the service provider authorized by it.

## **CHAPTER 3: ESTABLISHMENT OF A FIRE BRIGADE SERVICE**

### **4. Establishment and maintenance of service**

(1) A service for the area of jurisdiction of the municipality is established as contemplated in section 3(1) of the Fire Brigade Services Act, read with section 156(1)(a) and Part B of Schedule 4 of the Constitution.

(2) The municipality must maintain the Service, which includes -

- (a) appointing a chief fire officer and the necessary members of the Service;
- (b) ensuring that such officer and members are properly trained; and
- (c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to fulfil its objects.

### **5. Objectives of the Service**

(1) The objects of the Service are –

- (a) to prevent the outbreak or spread of a fire;
- (b) to fight and extinguish any fire that endangers any person or property;
- (c) to protect any person or property against any fire or other danger as contemplated in this by-law;

- (d) to rescue any person or property from any fire or other danger as contemplated in this by-law; or
  - (e) to perform any other function connected with any of the matters referred to in subsection (a) to (d).
- (2) The Service may provide any service related to its objectives to any other person.
- (3) Any service contemplated in subsection (2) may, at the discretion of the chief fire officer, be terminated without notice if the municipality's equipment or members involved in providing that service are required to deal with an emergency, fire hazard or other threatening danger.

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

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

## **7. Administration and enforcement**

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

## **8. Delegation**

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

## **9. Chief fire officer**

- (1) The chief fire officer has the powers as contemplated in sections 8(1) and 8(2) of the Act, and must also -
- (a) make or implement such general orders, procedures, rules and such other measures as he may consider necessary for the proper administration and enforcement of this by-law; provided that the making or implementation of such general orders, procedures, rules and such other measures are not inconsistent with the provisions of this by-law or any other by-law or policy of the municipality;
  - (b) ensure that contact numbers in respect of the Service are made available to the public and other institutions or organisations;
  - (c) inform the municipal manager of operational requirements for the structuring of the Service.
- (2) Notwithstanding anything to the contrary contained in any other law, the chief fire officer has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.
- (3) Whenever the chief fire officer is for any reason unable to perform his duties of office, the municipal manager must appoint a suitably qualified member of the Service as acting chief fire officer to perform the duties and functions of the chief fire officer.

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

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

## **11. Pretending to be member of service prohibited**

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

## **12. Identification of members of service**

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

## **13. Wearing of uniform and insignia**

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

## **14. Driving of service vehicles**

- (1) A member may, with the written authority of the chief fire officer and as directed in the exercise of his or her duties, drive a Service vehicle if he or she is in possession of a valid driving licence for the code of vehicle in question.
- (2) A member, who is duly authorised to do so, as contemplated in subsection (1), must drive a Service vehicle in accordance with the provisions of the National Road Traffic Act, 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.

## **15. Duties and orders during emergencies**

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

## **16. Right of access to buildings and premises and issue of instructions**

- (1) The chief fire officer or a member may, in executing the powers delegated in terms of this by-law or any other legislation, enter any premises at any reasonable time to conduct inspections in order to determine the existence of a fire hazard or compliance with any applicable legislation relating to fire safety on such premises.
- (2) Should any fire hazard or condition of non-compliance contemplated in subsection (1) exist, such member may serve a written instruction on the owner or occupier of such premises and such notice shall incorporate such directives or requirements that are necessary to abate the condition, which instruction must determine a deadline for compliance.
- (3) Whenever any condition that may increase the risk of fire or which may pose a threat to life or property exists on any premises and such condition cannot be immediately rectified, or if costs need to be incurred to rectify such condition, the owner of the premises must, after receiving any written instruction referred to in subsection (2), inform the chief fire officer forthwith, in writing, of the measures which he or she intends taking to remedy the condition and provide a programme and deadline to the chief fire officer for approval.
- (4) The chief fire officer may approve the proposed measures and deadline with or without amendments and may give further instructions for compliance with the proposed or required measures.
- (5) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence.

## **17. Interference with the Service**

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

## **18. Furnishing of false information**

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

**19. Denial, suspension or revocation of an approval or a permit**

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

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

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

**21. Failure to comply with provisions**

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

**22. Payment for services**

- (1) The municipality may charge the fees payable in terms of its Tariff Policy by a person on whose behalf the municipality rendered any service as contemplated in this by-law.
- (2) The municipality may charge a prescribed fee for the provision of an inspection, re-inspection or any other service, including the approval or issuing of permits or certificates as contemplated in this by-law.
- (3) Any cost incurred by the municipality for any action necessary to prevent a fire hazard, accident or other threatening danger shall be considered a fee payable by a person for services rendered as contemplated in subsection (1).
- (4) Any costs incurred by the municipality in connection with the examination or analysis of any sample taken from any premises for the purposes of this by-law, and a report on such analysis by an institution accredited by the chief fire officer for that purpose may be recovered from the owner or person in charge of the premises if such owner or person in charge is not in compliance with this by-law regarding the substance concerned.
- (5) Notwithstanding the provisions of subsection (1), the chief fire officer may assess the aggregate of charges as contemplated in subsection (1) or any portion thereof, provided that such portion shall not be less than ninety percent of the aggregate of the charges that would have been payable; provided further that in assessing such charges or portion thereof, due regard, in addition to other factors, be given to:

- (a) the fact that the amount so assessed shall be commensurate with the services rendered;
  - (b) the manner, place and origin of fire or other emergency;
  - (c) the loss that might have been caused by the fire or other emergency to the person liable to pay the charges, if the services had not been rendered.
- (6) Where charges are assessed in terms of paragraph (a) and the person liable to pay such charges is aggrieved by or is with such assessment, he may lodge a written appeal in terms of section 98 of this by-law.

## **CHAPTER 4: FIRE PROTECTION**

### *Part A: Fire protection for buildings and premises*

#### **23. General provisions**

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

#### **24. Design and construction of buildings**

- (1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling, must ensure that it is designed and constructed in a manner that –
- (a) if any water resulting from fire-extinguishing activities should spill into a basement, such water is discharged directly into a storm water drain; and
  - (b) it complies with the requirements of SANS 10400 (Parts A, J, K, M, N, O, S, T, V and W) insofar as it relates to fire protection.
- (2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that –
- (a) the transformer room is situated on the ground level;
  - (b) access to the transformer room is from outside the building; and
  - (c) there is adequate and ready access to the transformer room for firefighting and maintenance activities.
- (3) Subsections (1) and (2) do not apply in respect of any building that exists at the commencement of this by-law.
- (4) Any person who contravenes subsections (1) and (2) or Parts A, J, K, M, N, O, S, T, V or W of SANS 10400 in so far as it relates to fire protection, commits an offence.

#### **25. Requirements for sprinkler systems**

- (1) If a sprinkler system is required in any building in accordance with SANS 10400, or if the chief fire officer so requires, the owner or person in charge of the premises must ensure that the building is equipped with a sprinkler system.
- (2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed –
- (a) in accordance with SANS 10287; and
  - (b) in compliance with the requirements of SANS 10400 insofar as it relates to fire protection.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

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

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

## **27. Requirements for emergency exits**

- (1) Every owner of a building must ensure that any escape door in that building –
  - (a) is fitted with hinges that open in the direction of escape; and
  - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- (2) Every owner of a building must ensure that any door in a feeder route –
  - (a) is a double swing-type door;
  - (b) is not equipped with any locking mechanism.
- (3) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.
- (4) Any escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.
- (5) Any person who contravenes subsections (1), (2), (3) or (4) commits an offence.

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

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

## **29. Design, identification and access for firefighting and rescue purposes**

- (1) Subject to the requirements of any applicable zoning scheme regulations or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling, must ensure that the premises on which the building is situated, are planned, designed and constructed to -

- (a) permit vehicles with a carrying capacity of at least 20 metric tons; and
  - (b) provide any entrance arch to the premises with an opening with dimensions at least 4 metres wide x 4.5 metres high, unless there is an alternative and easy access route to the premises of at least the same dimensions; and
  - (c) for a vehicle turning circle of at least 12.5 metres in diameter.
- (2) Any person who contravenes or fails to comply with subsection (1) commits an offence.

### **30. Accessibility of firefighting equipment and fire installations**

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

### **31. Fire protection for thatch roof structures**

- (1) Any thatch roof construction with a span not exceeding 6 metres and which is supported by structural walls must comply with the provisions of SANS 10407.
- (2) A rational design must be provided for any thatch roof construction with a span exceeding 6 metres or where such construction is not supported by structural walls.
- (3) Where a new or replacement thatch structure is to be constructed for any building, the following must be incorporated into the design and construction of such thatch roof:
- (a) The thatch density may not be less than 35 to 50 kg/m<sup>2</sup> for a thickness of 175mm to 200mm;
  - (b) Sisal binding twine must be used;
  - (c) Construction of any thatch roof must be sound and all materials used therein must be of good quality;
  - (d) Where electrical wiring passes through the roof space of any thatch roof, all wiring must be run in continuous conduit and all junction boxes must be properly sealed;
  - (e) Where, in the opinion of the chief fire officer, the risk of lightning may pose a hazard, he may direct that certain occupancies, as he may determine, be protected by the installation of lightning conductors in accordance with SANS 10313;
  - (f) All wooden components and all exposed surfaces of thatch must be treated with an approved fire retardant and the thatching must be rodent proofed;
  - (g) Upon completion of any thatch construction, the owner must provide the chief fire officer with written certification of compliance with all of the provisions of this subsection.
- (4) Where, in the opinion of the chief fire officer, any fire in a thatched building will pose an unacceptable risk to any adjacent buildings or property or where its location will result in an increased risk from an external fire, the chief fire officer may prescribe the installation of a sprinkler or drencher system, provided that such system must automatic in operation.
- (5) Any chimney passing through a thatch roof must be constructed so that:
- (a) only full 220mm bricks are used and laid so that the unexposed faces in contact with thatch do not become hot;
  - (b) all joints and spaces are properly filled with mortar;
  - (c) no wooden building component or decoration is built into or through any chimney;
  - (d) the top of any chimney stack must extend at least 1 metre above the highest point of the roof;
  - (e) a spark arrestor comprising a stainless steel wire mesh measuring 10 x10 x 1mm across the full width of the flue be fitted not less than 750mm from the top of the stack.
- (6) Any person who contravenes subsections (1) to (5) commits an offence.

## *Part B: Firefighting equipment*

### **32. Installation and maintenance of firefighting equipment**

- (1) Every owner of a building must ensure that—
  - (a) all firefighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;
  - (b) all portable and mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in accordance with SANS 10105 and SANS 1475; and
  - (c) all firefighting equipment and service installations on the premises are –
    - (i) maintained in a good working condition by a competent person;
    - (ii) inspected and serviced in accordance with manufacturer specifications; and
    - (iii) are inspected by an appropriately registered and competent person at least once every 12 months; and
  - (d) a comprehensive service record of all firefighting equipment and service installations on the premises is maintained and furnished to the chief fire officer every 12 months or as otherwise directed.
- (2) Every person who inspects, services or repairs any firefighting equipment or service installation must—
  - (a) on completing the inspection, service or repairs, as the case may be –
    - (i) certify in writing that the equipment or installation concerned is fully functional; and
    - (ii) furnish that certificate to the owner of the premises; or
  - (b) if the equipment or installation cannot readily be repaired to a functional state, notify the chief fire officer of this fact in writing without delay.
- (3) Except for purposes of inspection, service, repair or firefighting, no person may remove or interfere with any firefighting equipment or service installation at any premises.
- (4) No person may alter, damage, misuse or render ineffective any firefighting equipment or service installation at any premises.
- (5) Any person who contravenes subsections (1), (2), (3) or (4) commits an offence.

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

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

*Part C: Emergency evacuation plans*

**34. Chief fire officer may designate premises for emergency evacuation plans**

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

**35. Duties of owner or occupier of designated premises**

- (1) The owner, or with the approval of the chief fire officer, the occupier, of any premises designated in terms of section 34 must –
  - (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in Schedule 1 and submit it to the chief fire officer in triplicate within 30 days of service of the designation notice;
  - (b) establish a fire protection committee comprised of occupiers of the premises to assist the owner or person in charge of the premises to organise a fire protection programme and regular and scheduled fire evacuation drills;
  - (c) ensure that the emergency evacuation plan is reviewed-
    - (i) at least every 12 months;
    - (ii) whenever the floor layout of the premises is changed; and
    - (iii) whenever the chief fire officer requires revision of the plan;
  - (d) ensure that an up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept, maintained and at all times available in a control room on the premises for inspection by any member;
  - (e) display the emergency evacuation plan at conspicuous positions inside the premises; and
  - (f) identify a place of safety off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors.
- (2) The chief fire officer may in respect of premises designated in terms of section 34 –
  - (a) require the review of any emergency evacuation plan by the owner or person in charge of the premises and may provide directions in this regard;
  - (b) instruct the owner or person in charge of the premises to implement a fire protection program which he believes is necessary to ensure the safety of persons and property on the premises; and
  - (c) require the owner or person in charge of the premises to provide him with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place.

*Part D: Public gatherings and water supply for firefighting services*

**36. Prohibition of public gatherings in certain circumstances**

- (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of compliance has been issued by the chief fire officer in respect of that building or temporary structure, unless a certificate of compliance previously issued in terms of this subsection, has not yet expired.
- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of this by-laws, unless after that date –

- (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
  - (b) ownership or control of the building or structure changes.
- (3) Any person who contravenes subsection (1) commits an offence.

**37. Application for certificate of compliance**

- (1) Every owner of a building or temporary structure intended for the holding of a public gathering must complete and submit to the chief fire officer an application form for a certificate of compliance in the form and manner as contemplated in section 39.
- (2) An application contemplated in subsection (1) must be submitted at least 30 days before any intended public gathering.
- (3) Any person who contravenes subsection (1) commits an offence.

**38. Requirements for certificate of compliance**

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

**39. Form and content of certificate of compliance**

- (1) A certificate of compliance must be in the form as prescribed and must at least record the following information, where applicable-
- (a) the trade name and street address of each occupier of the building or temporary structure;
  - (b) a description of the type of activity carried on by each occupier of the building or structure;
  - (c) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;
  - (d) the number of emergency exits and their dimensions; and
  - (e) the dates of issue and expiry of the certificate and its serial number.
- (2) Notwithstanding subsection (1), the chief fire officer may request additional information from the applicant.

**40. Duties of holder of certificate of compliance**

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

**41. Cancellation of certificate of compliance**

- (1) The chief fire officer may cancel any certificate of compliance in respect of premises or temporary structure if he has reason to believe that –
- (a) the owner or person in charge of the premises concerned contravenes or fails to comply with any provision of this by-law; or

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

#### **42. Fire risk categories**

- (1) The following areas of a development must be regarded-
  - (a) as high risk –
    - (i) any factory area, high density shopping area, warehouse or commercial building;
    - (ii) any plantation, timber yard or wooden building;
    - (iii) any building higher than 3 storeys;
    - (iv) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
    - (v) any other area that has a high fire risk or high fire spread risk;
  - (b) as moderate risk –
    - (i) any area in which –
      - (aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
      - (bb) the chief fire officer has not declared the materials processed or stored in these buildings as highly dangerous;
    - (ii) any area where the fire risk and spread risk of fire is moderate; and
    - (iii) any other area that is not a high or low risk area; and
  - (c) as low risk –
    - (i) any area that is mainly residential or semi-rural;
    - (ii) any area that has predominantly detached, duet, cluster or town house developments; and
    - (iii) any area where the fire risk or risk of spread of fire is slight or insignificant.

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

- (1) No person may obtain a water connection to the water reticulation system of the municipality unless the fire protection plans for the premises to be connected have been approved by the chief fire officer.
- (2) Every person or owner of premises who requires a water connection to the water reticulation system of the municipality must –
  - (a) if the premises to be connected are protected by a sprinkler installation, ensure that –

- (i) the connection is calculated and designed for each sprinkler installation in accordance with the National Building Regulations and SANS 10287; and
  - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
  - (b) if the chief fire officer requires a larger water connection for purposes of firefighting, provide the larger water connection;
  - (c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 10400 (Part W); and
  - (d) ensure that the water installation upon completion complies with the provisions of SANS-10400: 2011.
- (3) Any person who contravenes subsection (1) commits an offence.

*Part E: Prevention of fire hazards*

**44. Applicable legislation**

The municipality, taking cognisance of the provisions of the Environment Conservation Act, 73 of 1989, the National Veld and Forest Fires Act, 101 of 1998, and the regulations made under these acts, adopts the provisions thereof in this part.

**45. Certain fires prohibited**

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

**46. Storage and accumulation of combustible material prohibited**

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

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

**47. Electrical fittings, equipment and appliances**

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

**48. Flame-emitting devices**

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

**49. Discarding of flammable liquid or substance in sewers or drains**

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

**50. Flammable gas**

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

**CHAPTER 5: PERMIT FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES**

**51. Use, handling and storage of flammable substances prohibited in certain circumstances**

- (1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a permit issued by the chief fire officer in respect of the flammable substance and the premises concerned.
- (2) A permit contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Schedule 2.
- (3) No person may use, handle or store any flammable substance in respect of which no permit is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance –

- (a) is used, handled or stored in a manner that ensures that –
    - (i) no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
    - (ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or
  - (b) is used, handled or stored -
    - (i) in a naturally ventilated room that prevents the accumulation of fumes or gas;
    - (ii) in a suitable place outdoors that ensures the safe disposal of fumes or gas; or
  - (c) is stored in strong, gas-tight containers and labelled as such.
- (4) Any person who contravenes subsections (1) or (3) commits an offence.

## **52. Application for permit for flammable substances**

(1) An application for a permit contemplated in section 51(1) must be completed and submitted in the form and manner prescribed.

## **53. Issue of storage permit**

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

## **54. Availability of permit at premises**

The holder of a permit must ensure that the permit is available on the premises concerned at all times for inspection by any member.

## **55. Firefighting equipment**

- (1) Any person who holds a permit or other authorisation contemplated in this by-law must ensure that the premises to which the authorisation applies, are equipped with –
- (a) subject to the provisions of subsection (6), portable fire extinguishers –

- (i) as specified in SANS 1567 (carbon dioxide-type), SANS 810 (dry chemical-type), SANS 1573 (foam-type) and SANS 1571 (transportable-type);
- (ii) in such numbers as is appropriate in each section of the premises in accordance with the SANS codes applicable to the flammable substance and risk concerned;
- (b) if applicable, hose reels as specified in SANS 453 (hose reels), that are connected to a water supply –
  - (i) as contemplated in SANS 10400 (Part W); and
  - (ii) that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
- (c) if applicable, fire hydrants –
  - (i) with couplings as specified in SANS 1128 (Part II) (firefighting equipment couplings); and
- (d) in a ratio of 1 to every 500 square metres or part thereof.
- (e) if applicable, in relation to any above-ground facility, a sprinkler system or deluge system that –
  - (i) is approved by the chief fire officer; and
  - (ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- (2) Notwithstanding the provisions of subsection (1), if the chief fire officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he may –
  - (a) specify the type of fire extinguisher to be installed;
  - (b) require that a greater number of fire extinguishers be installed; and
  - (c) require that a fire detection or warning system be installed.
- (3) The holder of any permit or other authorisation contemplated in this by-law must ensure that all firefighting equipment contemplated in subsection (1) –
  - (a) is inspected, maintained and serviced to the satisfaction of the chief fire officer –
    - (i) by a competent, registered and appropriately qualified person in accordance with the provisions of SANS 10105 and SANS 1475;
    - (ii) at least every 12 months;
  - (b) if installed outside the premises, is adequately protected from the weather; and
  - (c) is positioned prominently or where this is not possible, the position of the firefighting equipment is clearly indicated by a symbolic safety sign-
    - (i) in accordance with the specifications of SANS 1186; and
    - (ii) to the satisfaction of the chief fire officer.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

#### **56. Amendment to permit**

The chief fire officer may amend any permit on application by the holder.

#### **57. Cancellation of permit**

The provisions of section 37, read with the necessary changes, apply to any cancellation by the chief fire officer of a permit.

#### **58. Renewal of permit**

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

#### **59. Record of permits**

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

## **CHAPTER 6: GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES**

### **60. General prohibitions regarding the use, handling and storage of flammable substances**

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

### **61. Use, handling and storage of liquefied petroleum gas**

- (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless –
  - (a) the person is in possession of a permit contemplated in section 51; and
  - (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SANS 10087, Parts 1, 3, 7 and 10.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SANS 10087, Parts 1, 3, 7 and 10.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 10087, Part 7.
- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the chief fire officer.
- (5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.
- (6) The chief fire officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.
- (7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).
- (8) Any person who contravenes subsections (1), (2), (3), (4), (5), (6) or (7) commits an offence.

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

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

**CHAPTER 7: STORAGE OF FLAMMABLE SUBSTANCES**

**63. Storage of flammable substances prohibited in certain circumstances**

- (1) No person may store or allow the storage of any flammable substance in any storeroom unless –
- (a) that person has a permit contemplated in section 51; and
  - (b) the storeroom complies with the requirements of this by-law and any other applicable law.
- (2) Any person who contravenes subsection (1) commits an offence.

**64. Symbolic safety signs must be displayed**

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

**65. Construction of flammable substance storerooms**

- (1) Every storeroom must be designed and constructed according to the following criteria -
- (a) the storeroom floor must consist of concrete;
  - (b) the storeroom walls must consist of material that has a fire resistance of at least 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 of any adjacent building.
- (2) Any person who contravenes subsection (1) commits an offence

**66. Requirements for storeroom doors**

- (1) Every storeroom must be equipped with a fire rated fire door that -
- (a) is manufactured and installed in accordance with SANS 1253;
  - (b) opens to the outside;
  - (c) is equipped with a lock or locks approved by the chief fire officer; and

- (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.
- (2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 metres or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- (3) Fire doors contemplated in subsections (1) and (2) must if installed on –
  - (a) external walls, be “B” class fire doors; and
  - (b) internal walls in communication within a building, be “D” class fire doors.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence

#### **67. Requirements for storeroom windows**

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

#### **68. Requirements for storeroom catch pits**

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

#### **69. Ventilation of storerooms**

- (1) Every storeroom must be designed and constructed to ensure -
  - (a) the effective ventilation of flammable substance fumes;
  - (b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.
- (2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks –
  - (a) that are not less than 140 millimetres by 250 millimetres in extent, with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;
  - (b) that are provided in at least 3 external walls of the storeroom; and
  - (c) that are positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.
- (3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system –
  - (a) designed and installed for this purpose;
  - (b) with a flow rate of 0,5 meters / second across the store;
  - (c) with vanes that consist of a static-free material;

- (d) that discharges through a vertical metal duct into the open air –
    - (i) not situated within 5 metres of any opening of a building or erf boundary; and
    - (ii) terminating at least 1 metre above roof height or at least 3,6 meters above ground level, whichever is the greater;
  - (e) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
  - (f) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
  - (g) equipped with ducting material that –
    - (i) is as short as possible in the circumstances and does not have sharp bends; and
    - (ii) is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building
- (4) Any person who contravenes subsections (1), (2) or (3) commits an offence.

#### **70. Electrical equipment in storerooms**

- (1) The owner or person in charge of any storeroom must ensure that -
- (a) all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SANS 10108;
  - (b) no switch gear, distribution box, fuse or other electrical equipment, except electrical equipment as contemplated in SANS10108, is situated –
    - (i) inside the storeroom; or
    - (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;
  - (c) any metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
  - (d) any mechanical ventilation system switch is situated outside the storeroom;
  - (e) any mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
  - (f) all electrical apparatus and fittings, except the mechanical ventilation system, are switched off when the storeroom is unattended.
- (2) Any electrical installation in a storeroom may be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.
- (3) The owner or person in charge of a storeroom must submit the certificate contemplated in subsection (2) to the chief fire officer for record purposes immediately after installation contemplated in such subsection.
- (4) Any person who contravenes subsections (1), (2) or (3) commits an offence.

#### **71. Foam inlets required for certain storerooms**

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

**72. Shelving in storerooms**

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

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

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

**74. Mixing and decanting rooms**

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

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

- (1) Any person, who wishes to store any flammable substance on premises on a temporary basis, must apply to the chief fire officer for a temporary permit.
- (2) A temporary permit may be issued by the chief fire officer -
  - (a) for a period not exceeding 12 months;
  - (b) if the flammable substance concerned is required -
    - (i) in respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 9 000 litres;
    - (ii) in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and
    - (iii) the application complies with the requirements of SANS10131 and this Chapter.
- (3) Every holder of a temporary permit contemplated in subsection (1) must ensure that –
  - (a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;
  - (b) adequate provision is made for rainwater run-off from retaining walls or embankments;
  - (c) no source of ignition or potential source of ignition exists within 5 metres of a storage tank;
  - (d) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and
  - (e) at least two 9 kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 metres of a temporary storage tank.
- (4) Any person who contravenes subsections (1), (2) or (3) commits an offence.

**76. Hand tools must be intrinsically safe**

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

**77. Permanent above ground storage tanks for flammable liquids**

- (1) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure –
  - (a) that the tank is erected or installed –
    - (i) in accordance with SANS 10131 and SANS 089, Part I;
    - (ii) at least 3.5 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
  - (b) that the flammable liquid stored in the tank is clearly identified by means of Hazchem placards contemplated in SANS10232, Part 1.
- (2) Any electrical installation associated with the storage tank must comply with SANS 10108 and SANS 10089, Part 2, subject to the approval of the chief fire officer.
- (3) Any person who contravenes subsections (1) or (2) commits an offence.

**78. Underground storage tanks for flammable liquids**

- (1) The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 10400, SANS10089, Part 3 and SANS 10131.
- (2) Any person who contravenes subsection (1) commits an offence.

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

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

**80. Termination of storage and use of flammable substances**

- (1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must -
  - (a) notify the chief fire officer in writing within seven days of such storage or use ceasing;
  - (b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;
  - (c) unless the chief fire officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
  - (d) to the satisfaction of the chief fire officer, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.

- (2) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the chief fire officer, fill the underground tank with liquid cement slurry.
- (3) Any person who contravenes subsection (1) commits an offence.

### **81. Container handling and storage**

- (1) Every flammable substance container must -
- (a) be kept closed when not in use;
  - (b) be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
  - (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
- (2) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.
- (3) No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap.
- (4) Any empty flammable liquid container must be stored in a storeroom.
- (5) Notwithstanding the provisions of subsection (4) the chief fire officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he is satisfied that -
- (a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;
  - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
  - (c) the fence supports are of steel or reinforced concrete;
  - (d) the storage area has an outward opening gate that is kept locked when not in use;
  - (e) when the floor area exceeds 10 m<sup>2</sup> an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
  - (f) the storage area is free of vegetation and has a non-combustible, firm and level base.
- (6) When the quantity of flammable and combustible liquids to be stored is more than 1000 litres in total, such flammable and combustible liquids must be stored in a store room approved by the chief fire officer.
- (7) Any person who contravenes subsections (1), (2), (3), (4) or (6) commits an offence.

## **CHAPTER 8: HAZARDOUS SUBSTANCES**

### **82. Supply of hazardous substances**

- (1) No person may:
- (a) supply, have supplied or permit to be supplied to any premises, greater quantities of any hazardous substance than referred to in table 1 of this by-law; or
  - (b) handle or permit any container containing a hazardous substance to be handled in such a manner that will damage or may cause damage to such container.
- (2) Any person who fails to comply with the provisions of this section commits an offence.

### **83. Flammable liquid in fuel tanks of vehicles or engines**

(1) Notwithstanding anything to the contrary in this by-law and for the purpose of the registration of premises, flammable liquid is not deemed to be stored, handled or transported provided:

- (a) it is contained in the fuel tank of a motor vehicle for normal use;
- (b) it is contained in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 000 litres and it is surrounded by an impervious bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.

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

### **84. Renewal of spraying permits**

(1) Any holder of a spraying permit must submit an application for renewal of the permit to the municipality on the prescribed form before the first working day of December each year, provided that the municipality may require further, additional or amended plans of registered premises for the purposes of renewal.

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

### **85. Delivery of hazardous substances**

(1) Any person delivering hazardous substances to any supplier or user:

- (a) may not park any delivery vehicle on or across any pavement or a public road;
- (b) may not place or allow any delivery hose to lie on or across any pavement, public road or other premises, or pass through or over a building;
- (a) must ensure that a 9kg dry chemical fire extinguisher is available and placed in the immediate readiness at all times;
- (b) must ensure that, during the pumped transfer of hazardous substances by pipe or hose, the delivery vehicle and all components of the transfer including the storage facility are bonded and earthed;
- (c) must ensure that the delivery vehicle is positioned so as to enable quick and easy removal thereof in the event of an emergency without exacerbating the situation; and
- (f) must ensure that no hazardous substance is transferred from a delivery vehicle to a facility that is leaking or broken.

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

(3) The person in charge of any delivery process relating to any hazardous substance must take reasonable precautionary measures to ensure that no hazardous substance is spilled on any surface during delivery or the transfer thereof from a delivery vehicle to a storage facility.

(4) No person may transfer or permit the transfer of any hazardous substance to a motor vehicle, aircraft, vessel, ship or boat whilst the power source thereof is in operation.

(5) No person may transfer a hazardous substance to an aircraft unless and until the aircraft has been bonded to the transfer device and earthed to ground.

(6) Any person who fails to comply with the provisions of this section commits an offence.

### **86. Prohibition of certain actions**

(1) Any person who on any premises stores or permits, hazardous substances to be stored, handled or used, as the case may be, may not:

- (a) perform, have performed or permit any act or action that may reasonably result in or cause a fire or an explosion; and
- (b) perform, have performed or permit any act or action that may reasonably obstruct the escape to safety of any human being or animal during an emergency.

- (2) No person may dump or permit any hazardous substance to be dumped into any borehole, pit, sewer, drain system or surface water.
- (3) No person may discard hazardous substances in any manner other than by having or permitting such substances to be removed by a registered hazardous waste disposal agency that is suitably equipped to do so.
- (4) No person may light, bring or use, or permit any fire, flame or anything that produces or is capable of producing an open flame within 5m of any area where hazardous substances are stored, used or handled.
- (5) No person may use or permit any device to be used in connection with hazardous substances in any basement of 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,
- (6) With the exception of the driver or other person in charge thereof, no person may fill, have filled or permit the filling of the fuel tank of a bus while there is any other person or persons on board such bus and no person may transport or permit the transportation of any hazardous substances in or on any bus, except in the fuel tank.
- (7) Any person who fails to comply with the provisions of this section commits an offence.

### 87. "No Smoking" Signs

- (1) The owner of a building must, in areas where flammable and/or explosive hazardous substances are used, stored and handled, display SANS 1186 symbolic signs prohibiting smoking and open flames. Such signs must be of the size specified by the municipality and must be prominently displayed.
- (2) Any owner or person who fails to comply with or who permits any contravention of subsection (1) commits an offence.

**TABLE 1**

### Maximum quantities of hazardous substances for exemption from storage permits or certificates

(A)	SINGLE-LOAD HAZARDOUS SUBSTANCES	QUANTITIES MAY NOT EXCEED
<b>1.</b>	<b>Group I: Explosives</b>	<b>No exemption</b>
<b>2.</b>	<b>Group II: Gases</b>	
2.1	Flammable gases	100kg total cylinder capacity
2.2	Non-flammable gases	333kg total cylinder capacity
2.3	Toxic gases	<b>No exemption</b>
<b>3.</b>	<b>Group III: Flammable liquids</b>	
3.1	Flash point $\leq 18\text{ }^{\circ}\text{C}$	100 litres
3.2	Flash point $> 18\text{ }^{\circ}\text{C}$ but $\leq 23\text{ }^{\circ}\text{C}$	420 litres
3.3	Flash point $> 23\text{ }^{\circ}\text{C}$ but $\leq 61\text{ }^{\circ}\text{C}$	1 100 litres
3.4	Flash point $> 61\text{ }^{\circ}\text{C}$ but $\leq 100\text{ }^{\circ}\text{C}$	1 100 litres
<b>4.</b>	<b>Group IV: Flammable solids</b>	
4.1	Flammable solids	Section 1.01 250kg
4.2	Pyrophoric substances	<b>No exemption</b>
4.3	Water-reactive substances	<b>No exemption</b>
<b>5.</b>	<b>Group V: Oxidising agents and organic peroxides</b>	

(A)	SINGLE-LOAD HAZARDOUS SUBSTANCES	QUANTITIES MAY NOT EXCEED
5.1	Oxidising agents	200kg
5.2	Group I organic peroxides in packets	<b>No exemption</b>
5.3	Group II organic peroxides in packets	200kg
<b>6.</b>	<b>Group VI: Toxic/ Infective substances</b>	
6.1	Group I toxic substances in packets	5kg
6.2	Group II toxic substances in packets	50kg
6.3	Group III toxic substances in packets	500kg
6.4	Infective substances	<b>No exemption</b>
<b>7.</b>	<b>Group VII: Radioactive materials</b>	<b>No exemption</b>
<b>8.</b>	<b>Group VIII: Corrosive/ caustic substances</b>	
8.1	Group I acids in packets	50kg
8.2	Group II acids in packets	200kg
8.3	Group III acids in packets	1 000kg
8.4	Group I alkaline substances in packets	50kg
8.5	Group II alkaline substances in packets	200kg
8.6	Group III alkaline substances in packets	1 000kg
9.	<i>Group IX: Miscellaneous substances</i>	
9.1	Liquids	210 litres
9.2	Solids	210 kg
<b>(B)</b>	<b>MULTIPLE-LOAD HAZARDOUS SUBSTANCES</b>	<b>No exemption</b>

### 88. Group I hazardous substances

(1) All Group I hazardous substances (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 10228, 10229, 10232 and 10263, the Explosives Act and the Hazardous Substances Act, and any regulations made under these Acts, as the case may be.

(2) Any person who by any act or omission commits a breach of any provision of this section commits an offence

### 89. Group II hazardous substances

(1) Portable containers

- (a) All portable metal containers and related devices for Group II hazardous substances must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 10019, SABNS 10228, SANS 10229 and SANS 10238, as the case may be.
- (b) All portable metal containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SANS 10228, SANS 10229, SANS 10238, SANS 10019 and SANS 10087, Parts 1 to 10, as the case may be.
- (c) All portable containers for Group II hazardous substances must at all times be transported, stored and/or installed in a vertical position.

- (2) Bulk containers
- (a) All bulk containers for Group II hazardous substances must be designed, manufactured, maintained and installed in terms of the provisions of the Occupational Health and Safety Act, 85 of 1993, and any regulations made under the Act; SANS 10019; SANS 10087-3; and the provisions of the National Building Regulations and Building Standards Act, and any regulations made under the Act, as the case may be.
- (3) Manifold installations
- (a) No Group II hazardous substance 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, use, handling or installation of any portable liquid petroleum gas container with a maximum water capacity of 45 Litres inside a detached private dwelling, on condition that such container is used solely for *bona fide* residential purposes: Provided that such cylinders are installed in accordance with the requirements of SANS 10087-1.
- (i) Any person who furnishes proof, as contemplated in subsection (4)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulation 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 form the basis of such proof.
- (4) (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, hydrogen gas shall include any gas compound that contains hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be scientifically certified.
- (5) Acetylene welding and/or cutting devices may only be used indoors in accordance with the provisions of SANS10238: Provided that the chief fire officer may prescribe fire protection requirements concerning the installation, storage and use of such devices.
- (6) Under ground pipelines:  
Any underground pipeline for a Group II hazardous substance 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 1 200ℓ per minute at a work pressure of 300 kPa, and such fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.
- (b) The owner of a pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
- (c) A pipeline must be indicated by markers approved by the chief fire officer and such markers must be maintained in a functional condition at all times by the owner of the pipeline.
- (d) The installation and extension of a pipeline or branches to consumers' premises, and the maintenance of the pipeline within the area of the local authority, 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.

- (7) Any person who fails to comply with the provisions of this section commits an offence.

## **CHAPTER 9: SPRAY PAINTING AND SPRAYING ROOMS**

### **90. Spray rooms and booths**

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

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

- (1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless -
- (a) that person is in possession of a spraying permit contemplated in section 92;
  - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the chief fire officer.
- (2) Any person who contravenes subsection (1) commits an offence.

### **92. Application for spraying permit**

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

### **93. Cancellation of spraying permit**

The provisions of section 37, read with the necessary changes, apply to the cancellation by the chief fire officer of any spraying permit.

## **CHAPTER 10: MISCELLANEOUS**

### **94. Exemption from provisions of this by-law**

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

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

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

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

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

The provisions of section 41, read with the necessary changes, apply to any approval, authorisation or permission contemplated in section 95.

**97. By-law binds State**

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

**98. Appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act to the municipal manager within 21 days of the date of the notification of the decision.

**99. Repeal of by-laws**

The By-law relating to Fire Safety published in Provincial Gazette Extraordinary No 1803 dated 30 November 2007 is repealed as a whole.

**100. Short title and commencement**

This by-law is called the Nelson Mandela Bay Metropolitan Municipality Fire Services by-law and comes into operation on the date of publication in the Provincial Gazette.

## SCHEDULE 1

### GUIDELINES FOR EMERGENCY EVACUATION PLANS

#### Content of emergency evacuation plans

1. Every emergency evacuation plan contemplated in section 34 must contain at least the information under the headings below.

(1) Emergency telephone numbers

A list of all relevant emergency telephone numbers.

(2) General information

(a) the physical address of the premises;

(b) a description of the activities on the premises;

(c) the number of persons present on the premises at any time;

(d) an indication of any control room on the premises;

(e) an indication of any alarm system on the premises; and

(f) the particulars and contact details of every responsible person in the event of an emergency.

(3) Area study

An area study addressing the following:

(a) a history of emergency incidents on the premises;

(b) any important and relevant features or landmarks regarding the premises; and

(c) any information regarding adjacent premises that may be relevant to evacuation in an emergency.

(4) Socio-economic or other threats

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

(5) Details of available equipment

Particulars and details regarding the position of the following equipment:

(a) Equipment in the control room;

(b) firefighting and first aid equipment on the premises; and

(c) any other equipment which may be relevant in an emergency.

(6) The emergency team

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

(a) its management;

(b) the continuity officers;

(c) the fire teams; and

(d) the first aid teams.

(7) Duties of emergency team members

The duties and responsibilities of members of the emergency team.

(8) Action plans and emergency procedures

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

(9) Building plans and maps

The building plans of the premises and any relevant topographical map must be included in the evacuation plan.

(10) Emergency plan register

The plan must include –

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

### **Review of emergency evacuation plans**

2. (1) An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.

(2) Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

### **Emergency evacuation drills**

3. An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.

### **Emergency evacuation awareness**

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

## SCHEDULE 2

### EXEMPTION FROM STORAGE PERMIT

A permit in terms of section 51 is not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

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

### SCHEDULE 3

#### SPRAY BOOTH CONSTRUCTION

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