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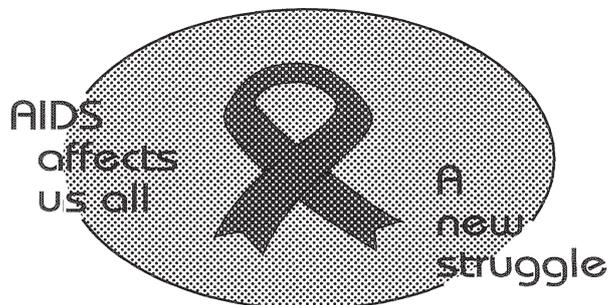
**PROVINCIAL GAZETTE  
PROVINSIALE KOERANT**

Vol. 259

**MAHIKENG**  
2 SEPTEMBER 2016  
2 SEPTEMBER 2016

**No. 7686**

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ISSN 1682-4532



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PROCLAMATION • PROKLAMASIE

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PROCLAMATION 43 OF 2016



# FIRE BRIGADE SERVICES BY LAW

Res no.A 171/12/2015

## **FIRE BRIGADE SERVICES BY LAWS**

The Council of the Mahikeng Local Municipality has in terms of section 156 of the Constitution, 1996 (Act No. 108 of 1996), read in conjunction with section 11(3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) passed the following by-law:

### **ADMINISTRATIVE PROVISIONS**

Fire Brigade Services By Law

## **1. PURPOSE OF BY-LAW**

- (1) 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.

## **2. APPLICATION OF BY-LAW**

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

## **3. ORGANISATION OF THE SERVICE**

- (1) The Service shall be comprised of –
  - (a) the fulltime members of the service, appointed by the Municipality in accordance with section 6 of the Act; and
  - (b) members of the fire brigade service force, appointed by the Municipality in accordance with section 6A of the Act, as temporary members of the service, to perform such functions as may be assigned to them from time to time by the chief fire officer
- (2) The controlling authority may, subject to section 3(3) of the Fire Brigade Services Act, 1987, establish and maintain a Service within its area, which includes the appointment of personnel and the acquisition of vehicles, machinery, equipment, devices and accessories that may be necessary to operate the Service efficiently, and the Service is intended to be used for –
  - (a) preventing the outbreak or spread of fire;
  - (b) fighting or extinguishing a fire;

Fire Brigade Services By Law

- (c) the protection of life or property against a fire or other threatening danger;
  - (d) the rescue of life or property from a fire or other threatening danger;
  - (e) subject to the provisions of the Health Act, 1977 (Act 63 of 1977), the provision of an ambulance service as an integral part of the Service, or;
  - (f) the performance of any other function connected with any of the matter referred to in subsection (1) (a) to (e).
- (3)
    - (a) The Chief Fire Officer is in charge of the Service.
    - (b) Whenever the Chief Fire Officer is for any reason unable to perform his/her duties of office, the controlling authority will appoint a member as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
  - (4) The Chief Fire Officer shall make emergency telephone numbers available to enable any person to report the occurrence of any fire or emergency or to report any hazard to the Service and such telephone numbers must be advertised and otherwise be available to all persons in the area.
  - (5) The controlling authority may, in terms of an agreement as contemplated in section 12 of the Fire Brigade Service Act, 1987, employ its Service within or outside its area of jurisdiction, or within or outside the Province of NorthWest, against payments of the tariffs determined in Annexure I to these by-laws, or against payments in terms of or on the conditions contained in the agreement concerned.
  - (6) The Chief Fire Services may exercise control over any fire fighting rescue organisation and any fire appliance which is at the scene of a fire or rescue incident whether owned by the council or by any other person, and he/she shall be entitled to make use of any such fireman, volunteer and any fire fighting equipment he/she deems necessary.
  - (7) Any member of the Service, including any volunteer and any person referred to subsection 5 shall, when called upon and directed to do so by the Chief Fire Officer, render such assistance as may be required for the combating of a fire or any other emergency, including any other function allied thereto.
  - (8) The Service may be divided into section as the Council may determine and each section shall be under the control of an official appointed by the Council or by the person appointed in terms of section 5 of the Act if these powers are delegated to such a person.
  - (9) In the cases where the fire brigade may be called upon to operate in the area of another local authority, where such local authority, where such local authority maintains a fire brigade, the officers and equipment of the fire brigade shall come under command of the Chief Fire Officer of that local authority.
  - (10) The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

#### **4. DRIVING SERVICE VEHICLES**

Fire Brigade Services By Law

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

## **5. PROCEDURE AND DUTIES DURING AN EMERGENCY SITUATION**

- (1) The Chief fire Officer or a member who is in charge of an emergency situation must, in respect of every emergency situation in which he/she is in charge, ensure that –
  - (a) adequate manpower and the appropriate apparatus and equipment are made available and are used without delay;
  - (b) the emergency situation on arrival at the premises in question and that additional equipment and/or assistance that he/she may deem necessary is sent without delay, where applicable, as agreed upon in and subject to the agreement as referred to in section 2(3) of these by-laws; and
  - (c) all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act.
- (2) All persons and/or bodies, including any State department as contemplated in section 17 of the Fire Brigade Service Act, 1987, the South African Police Service and the Department of Justice, who wish to inspect any information referred to in subsection (1)(c) must send a written application to the Chief Fire Officer, accompanied by the fees prescribed in Annexure I to these by-laws, together with an appropriate substantiation as to why the information is required.
- (3) Any press release concerning emergency situations or any matter connected with an emergency situation must be in accordance with the policy guidelines determined by the controlling authority.
- (4) Media statements regarding the service must be released as prescribed in terms of the communication strategy of the municipality.
- (5) On the occasion of any fire, the Chief Fire Officer or other officer shall attend with such men and appliances as he may deem necessary and may at his discretion avail himself and take command of any person who may voluntarily place their services to his disposal.
- (6) Members of the fire brigade whilst proceeding to a fire on any of their machines or vehicle shall have a preferent right of way over all classes of traffic in any street, thoroughfare or open space within the area of jurisdiction of the Council.

**6. REMOVAL OF LIQUID OR OTHER SUBSTANCES**

- (1) The Chief Fire Services may at the request of the owner or occupier of any premises pump or otherwise remove any liquid or other substances, from such premises, subject to payment of the charges set out in the tariff of fees as depicted in schedule ii of these by-laws.
- (2) The Chief Fire Services may at any incident where hazardous material has been involved or spilled, take such actions he/she deems necessary to safeguard the community or the environment either by their conduct or an approved organisation.

**7. PRETENDING TO BE A MEMBER**

- (1) Where the Service is subsidised in terms of section 3 of the Act, the Chief Fire Services and every member of the Service shall wear the uniform, rank markings and insignia prescribed by the Administrator in terms of the regulations.
- (2) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service which creates or may create the impression that he/she is a member.
- (3) No person may falsely present himself/herself as a member or pretend to be a member.
- (4) Any person who so pretends to be or presents himself/herself as a member must, irrespective of whether he/she has been requested to do so, identify himself/herself by producing the relevant certificate of appointment and/or mark of appointment, as prescribed in Annexure IV to these by-laws, or by furnishing proof of identity within a reasonable period.
- (5) The Chief Fire Officer must provide each member with a certificate identifying that person as a member.
- (6) 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.
- (7) Any person who contravenes or fails to comply with section is guilty of an offence.

**8. POWERS OF MEMBERS AND DESIGNATED OFFICERS**

- (1) Every member, including the Chief Fire Officer, has all the powers provided for in the Fire Brigade Services Act, 1987.
- (2) A designated officer may –
  - (a) seize any certificate of fitness, certificate of registration or spraying permit provided for in these by-laws if the conditions of or endorsements in the document are not being complied with, or if the

- member has reasonable grounds to suspect that unauthorised changes have been made to the document;
- (b) institute the relevant prosecution in connection with subsection (2)(a) or have the prosecution instituted, as the case may be; and
  - (c) seize anything (hereinafter called "object") on any premises that is connected with a spraying permit, certificate of registration or certificate of fitness, but must provide reasonable proof of a contravention of any condition of or endorsement in such permit or certificate and must remove the object or have the object removed to a place of safe custody: Provided that the seizure does not exempt any person from any other relevant provisions of these by-laws: Provided further that the seizure is, subject to section 20 of the Fire Brigade Services Act, 1987, made in accordance with the following conditions:
    - (i) The Chief Fire Officer must grant prior approval in writing for the seizure.
    - (ii) Official proof of seizure must be issued to the person from whom the object has been seized, together with a description of the object.
    - (iii) After an order issued in terms of the Fire Brigade Services Act, 1987, has been instituted and finalised, as the case may be, any object seized must be returned to the person from whose possession it was taken.
- (3) Any officer may seal off any building or premises by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire or explosion, and the member may remove, using no more force than reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.
  - (4) Any person ordered to leave an area closed off in terms of subsection (3), shall forthwith obey such order.
  - (5) In addition to any powers under section 8 of the Fire Brigade Services Act, a member may give an instruction to any person in order to secure compliance with these by-laws or to ensure the safety of any person or property.
  - (6) An instruction contemplated in subsection (3) may include, but is not limited to an instruction –
    - (a) for the immediate evacuation of any premises;
    - (b) to close any premises until such time as any contravention of these by-laws has been rectified;
    - (c) to cease any activity;
    - (d) to remove any immediate threat to safety of any person or property;
    - (e) to take specific steps to comply with these by-laws, either immediately or within a specific period; and
    - (f) if it is not reasonable for steps referred to in paragraph (e), to be taken immediately, for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with these by-laws.
  - (7) (a) Designated officers must be –

#### Fire Brigade Services By Law

- (i) suitably trained and certified as law enforcement officers and be appointed as such in terms of Government Notice R159 of 2 February 1979, as amended;
- (ii) appointed as deputy messengers of the court in terms of section 15(2) of the Magistrates' Courts Act, 1944 (act 32 of 1944);
- (iii) appointed as inspectors of explosives in terms of section 2(5) of the explosives Act, 1956, regarding the storage, sale and use of fireworks; and
- (iv) appointed as inspectors in terms of section 8 of the Hazardous Substances Act, 1973. (b) All designated officers have the power –
  - (i) in terms of the provisions of section 56, read with section 57, of the criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine;
  - (ii) in terms of the provisions of section 341 of the Criminal Procedure act, 1977, to issue spot fines for certain minor offences;
  - (iii) in terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
  - (iv) in terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorised to do so; and
  - (v) in terms of the provisions of section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.
- (8) Any member of a fire brigade or fire brigade service organisation whether it is controlled by the Council or not and subject to the provisions of Section 12 of the Act, shall when called upon to do so by the Chief Fire Services, render the necessary assistance in combating of a fire or any other emergency situation.
- (9) A member of the Fire Brigade may enter into or upon any premises or any other property and take such action as he may deem expedient for the purpose of extinguishing a fire or preventing it from spreading.
- (10) Any officer of the Fire Brigade shall have the free right of access and liberty to draw or take water from any hydrants, tanks, cisterns, pipes or other supplies, whether on public or private property for the purpose of fighting a fire.

## 9. OBSTRUCTION AND DAMAGE

- (1) No person shall interfere with, or hinder any official of the service, or any other person acting under the Chief Fire Services in the execution of his/her duties under these by-laws or the Act.
- (2) No person shall wilfully or negligently drive a vehicle over any hose, or damage, tamper with or interfere with any such hose apparatus or any appliance of the service.

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- (3) No person shall in any manner whatsoever tamper or interfere with any street hydrant or other appliances used or intended to be used for the prevention or extinction of fire or in connection with the saving of life or property in the event of fire.

#### **10. MAKING SERVICE EQUIPMENT AND MANPOWER AVAILABLE**

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

#### **11. INDEMNITY**

- (1) The Municipality, controlling authority or a member of a service is not liable for damage or loss as a result of bodily injury, loss of life or loss or damage to property or financial loss, which is caused by or arises out of or in connection with anything done or performed in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of this By-law.

#### **12. FALSE INFORMATION**

- (1) No person shall wilfully give to any member of the service any notice or furnish any information relating to the outbreak of fire or any other emergency situation requiring the attendance of the service and which to his knowledge is false or inaccurate. Such person shall, notwithstanding the provisions of section 147 be liable to pay the turning out charges prescribed in the tariff of fees as depicted in schedule ii.

#### **13. TELEPHONES, FIRE ALARMS AND OTHER APPARATUS**

- (1) The Council may affix to or remove from any building, wall, fence or other structure any telephone, fire-alarm or other apparatus for the transmission of calls relating to a fire as well as any notice indicating the nearest fire-hydrant or other fire fighting equipment provided that no sign for the control of traffic be obstructed.
- (2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of subsection (1).
- (3) Without compensation to the owner of the premises concerned, the Chief Fire Officer may cause –
  - (a) a fire alarm;

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- (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.
- (4) The Chief Fire Officer may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- (5) No person may render less effective, inoperative, inaccessible, obstruct or tamper and interfere with a fire hydrant.
- (6) Any person who contravenes subsection (1) – (5) commits an offence.

#### **14. 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 systems of delegation of the municipality developed in terms of section 9 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 systems of delegation of the municipality developed in terms of section 59 of the Municipal Systems Act.

#### **15. FAILURE TO COMPLY WITH PROVISIONS**

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

#### **16. REPORTING OF FIRE HAZARDS AND OTHER THREATENING DANGER**

- (1) Upon discovering any evidence of a fire, fire hazard, or other threatening danger pertaining to this by-law, an owner, occupier or the person in charge of any premises and/or any other person, must immediately notify the Service.
- (2) Notwithstanding that any fire has been apparently extinguished or that any other emergency has been apparently mitigated, any person as contemplated in 14.1 must report the occurrence of such a fire or other emergency incident to the Service and provide all details appertaining thereto, as requested by the Service.

#### **17. PROCEDURE ON THE OUTBREAK OF FIRE OR OTHER EMERGENCY SITUATION**

- (1) Where the service is notified, or there is reason to believe that a fire has broken out or another situation has occurred where the services of the service are required, the chief fire officer shall, together with such personnel and equipment as he or she may deem necessary, forthwith proceed to the place where the fire or other situation is taking place or is occurring, or to here he or she has reason to believe that it is taking place or is occurring.
- (2) The chief fire officer may assume command of, or interfere with, or put a stop to any existing situation or any action being taken in connection with a fire by any person not employed in the service, including the owner of the premises and his or her employee or agent and no person shall fail to comply with any lawful order or direction given by the chief fire officer in the execution of this subsection.

#### **18. RECORDS REQUIRED, ACCESS TO RECORDS AND RELEASE OF MEDIA STATEMENTS**

### **FIRE PROTECTION AND FIRE-FIGHTING**

#### **19. GENERAL**

- (1) The controlling authority in terms of section 4(3) or section 6(1) of this by-law must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

#### **20. COMBUSTIBLE MATERIALS AND REFUSE**

- (1) No person may store any combustible materials of whatever nature, or have them stored or permit them to be stored in such a manner and in such a position as to likely pose a fire hazard to any human being, animal, building or premises.
- (2) No person may allow grass, weeds, reeds, shrubs, trees or any like vegetation to become overgrown on premises to such an extent that it may pose a fire hazard or a probable fire hazard to any adjacent premises and/or any other person's property.

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- (3) 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.
- (4) No person may use or allowed to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (5) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- (6) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazards or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal as determined by the controlling authority.
- (7) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbent must be used for cleaning purpose.
- (8) Where the Chief Fire Services finds that the requirements of subsection 8(1) – (7) of these by-laws read with section 16 and 18 of the Act is not complied with, he/she may notify the owner, occupier or person in charge of the premises in writing to remove the irregularity.
- (9) Where there has been non compliance with the requirements of the notice as referred to in subsection (8), the Chief Fire Services may issue a written notice to the transgressor to appear in court in accordance with section 20 of these by-laws read with section 21 of the Act.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **21. MAKING FIRES**

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

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- (3) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger.
- (4) 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.
- (5) The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas as to prevent a fire hazard or other threatening danger.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.
- (7) Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- (8) Hot ashes, cinders or smouldering coals must be placed in a noncombustible container and the container must be placed on a noncombustible surface or stand.
- (9) An adequate distance, as deemed appropriate by the controlling authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (10) Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.
- (11) No person shall in any street or thoroughfare or in a park or open space or in the proximity of any building, whether private or public property, discharge any fireworks or make or cause or suffer any bonfire to be made or burn or cause or suffer any rubbish, shavings or other material of whatsoever description to be burned in such a manner or under such conditions as may endanger life or property or cause a nuisance.

## **22. FIRES IN CHIMNEYS, FLUES AND SMOKE DUCTS**

- (1) No owner or occupier of any building shall allow shoot or any other combustible substance to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a fire hazard.

## **23. FIREBREAKS**

- (1) The owner or occupier of premises in the area may not permit the premises to be or become overgrown with grass, weeds, reeds, shrubs and trees to the extent that the grass, weeds, reeds, shrubs

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and trees may pose a real or potentially real fire hazard to any adjoining premises or other premises or property.

- (2) The owner or occupier of –
  - (a) an erf or premises situated within a proclaimed township in the area must remove the fire hazard or ensure that the fire hazard is removed by –
    - (i) cutting to a maximum height of 150 mm above ground level any grass, reeds and/or weeds which may reasonably be connected with the fire hazard;
    - (ii) cutting around any shrubs and/or trees which may be standing in the area being cut;
    - (iii) pruning, chopping down or sawing off such shrubs and/or trees, as the case may be; and
    - (iv) removing all chopped and/or sawn off residue from the erf or premises or ensuring that the residue is removed; and
  - (b) an agricultural holding or farm situated in the area must reduce the potential fire hazard by physically clearing a safety fire belt, at least 5 m wide (measured parallel from each boundary line which borders the premises to the inside of the premises) so that no vegetation or residue whatsoever remains on this belt, and the owner or occupier must at all times maintain the belt or ensure that the belt is maintained in such condition: Provided that where obstructions occur within the 5 m belt, a 5 m belt is also maintained around those obstructions.
- (3) Notwithstanding the above, the provisions of the National Veldt and Forest Fire Act, 1998 (Act 101 of 1998) and the regulations thereunder, apply *mutatis mutandis* to the application of this section.
- (4) No person may clear or maintain a safety fire-break by burning without the prior written permission of the Chief Fire Officer
- (5) Any person who intends to clear or maintain a safety fire-break by burning must –
  - (a) apply in writing to the Chief Fire Officer for permission, stipulating the property concerned and the proposed date and time of the burning; and
  - (b) unless the burning is to be performed by a person or body accredited for this purpose by the Council, request the Service to provide assistance at the burning against payment of the prescribed fee.
- (6) The Chief Fire Officer may recommend the declaration of firebreak burning seasons in which case the provisions of section 77(1),(6) and (7) shall apply with the necessary changes.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **24. FIRE CONTROL ZONES**

- (1) Where the Chief Fire Officer is of opinion that a fire control zone should be declared in an area or that a fire control zone should be disestablished, he or she must cause such intention to be published in terms of the municipality's public participation policy.

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- (2) If the municipality is of opinion that any objection or comment should be investigated, it may decide to hold a public enquiry.
- (3) If the municipality decides to hold a public inquiry, it must:
  - (a) appoint a suitably qualified person or panel of persons to hold such enquiry; and
  - (b) determine the procedure for the public inquiry, which may include a public hearing.
- (4) The person or panel of persons appointed to hold such enquiry must conduct the inquiry in accordance with the procedure prescribed and compile a written report to the relevant portfolio committee on the inquiry and give reasons for any administrative action recommended.
- (5) Where practical, the municipality shall as soon as possible after the submission of the report to the relevant portfolio committee, publish a concise summary of such report and the particulars of the places and times at which the report may be inspected and copied; and
- (6) After the municipality has taken into account any comment or objection in respect of such proposed declaration or disestablishment it may declare a fire control zone or disestablish any such fire control zone concerned.
- (7) The municipality must publish such zone or amended zone.

## **25. SMOKING RESTRICTIONS AND DISCARDING OF COMBUSTIBLES**

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

- (8) Any person who contravenes the provisions of this section commits an offence.

## **26. SAFETY REQUIREMENTS FOR INFORMAL SETTLEMENT AREAS**

- (1) In the event of establishment of any informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:
- (a) a safety distance of 3 metres between structures shall be maintained;
  - (b) the settlement must be divided into blocks of not more than 20 structures per block, with a minimum distance of 6 metres between blocks.

## **27. SAFETY OF PREMISES AND BUILDINGS**

- (1) No person shall:
- (a) cause or create or allow anybody to cause or create any condition which may cause a fire or emergency situation or which may increase the danger of, or contribute towards the spread of fire or jeopardize or obstruct the escape of persons to a place of safety,
  - (b) allow the use of or tampering with any fire alarm, sprinkler installation system or other fire fighting or fire – detecting equipment and appliances,
  - (c) allow any unsafe working – or manufacturing process to be carried out which may create any danger of fire or explosion,
  - (d) allow the storage of any flammable gas, chemicals, oils, explosives, fireworks or any hazardous substances in a manner that may cause danger,
  - (e) permits any defective, inferior or an insufficient number of fire appliances or escape routes which is likely to interfere with the extinguishing of a fire or the escape of persons to a place of safety,
  - (f) disconnect or tamper with any water supply which, is installed for the extinguishing of fire unless permission has been granted by the Council's Department Infrastructure and the Chief Fire Services notified thereof.
  - (g) no person shall do or permit or suffer any act to be done whereby the free use of any fire escape, stairs, passageways or doors in or upon any building or premises is, or is likely to be, obstructed or interfered with in the case of fire.

## **28. EXITS**

- (1) Every door which affords an escape route from a public building to a place of safety shall be kept unlocked and shall be clearly indicated with approved exit signs: Provided that such door may be locked by means of an approved device installed in such a manner as to enable such door at all times to be opened from the inside of such building.

**29. ESCAPE ROUTES**

- (1) A component which forms part of an escape route, such as the feeder routes, access doors, emergency routes and escape doors, must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- (3) Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.

**30. GAS FILLER DEVICES**

- (1) No person shall fill any balloon, toy or other device with flammable gas without the written permission of the Chief Fire Services, who may impose such conditions as he may require having regard to all the circumstances of the case: provided that such permission shall only be granted after the Council has been indemnified by the said person.
- (2) No person shall keep, store, use or display or permit to be kept, used stored or displayed any balloon, toy or other device filled with flammable gas on or in any land, building or premises to which the public has access or which is used as a club or any place of assembly.
- (3) Nothing in this section contained shall be construed as to prevent the use of balloons filled with hydrogen for meteorological or other bona fide scientific or educational purposes.

**31. DIVISION AND OCCUPANCY SEPARATING ELEMENTS**

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

**32. 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 or door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.
- (3) A fire door and assembly may not be rendered less effective through the following actions:
  - (a) altering the integrity, insulation and stability of a particular class or door;

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- (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,

### 33. TENTS

- (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), an applicant must –
  - (a) submit an application in terms of the National Building Regulations (A2) to the Municipality for the erection and usage of the tent, and
  - (b) submit an application in terms of section 22 of this By-law to the controlling authority for a temporary population certificate.
- (2) The application submitted in terms of subsection (1)(a) must comply with the following –
  - (a) The tent must be erected at least 4, 5 metres from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it.
  - (b) Where tents are erected adjacent to one another, an unobstructed minimum distance of 4, 5 metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
  - (c) The requirements set out in National Building Regulations (T1) must be complied with in the following instances –
    - (i) where the population of a tent exceeds 25 people;
    - (ii) where a tent is occupied during the hours of darkness; (iii) for seating arrangement and aisle dimensions, and (iv) for the provisions of fire extinguishers.
  - (d) The population density of a tent must comply with the National Building Regulations (A21).
  - (e) No cooking may be carried out in the tent or an area to which the public does not have access.
  - (f) No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
  - (g) No open fire or flame is permitted within five metres of a tent, stake or guideline of a tent.
  - (h) Smoking is prohibited in a tent and a “**No Smoking**” sign must be prominently displayed at each entrance and must comply with SABS 1186: Part 1.

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- (i) Lighting and wiring installed in a tent must comply with the requirements set out in SABS 0142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.

#### **34. ATTENDANCE OF FIREMAN**

- (1) If at any meeting held at a place of entertainment or recreation, excluding education, places of worship or the showing of films at licensed cinemas or a performance in a theatre, one thousand or more persons are likely to be present, the persons conveying such meeting, shall deliver a notice in writing to the Chief Fire Services not less than 48 hours before any such meeting takes place stating the time when and premises where such meeting will take place.
- (2) Where in the opinion of the Chief Fire Services, the presence of a fireman is necessary on the grounds of safety, he/she may provide one or more fireman to be in attendance at any premises during the whole or part of any entertainment, recreation, meeting or other event.

#### **35. REMOVAL OF LIQUID OR OTHER SUBSTANCES**

- (1) The Chief Fire Officer may, at the request of the owner or occupier of any premises, pump or otherwise remove any liquid or other substance from such premises, subject to payment of the fees set out in the tariffs.

#### **36. INSPECTION OF PROPERTIES AND INSTRUCTIONS TO OCCUPIERS**

- (1) Any officer contemplated in section 6(4) of these by-laws may, in executing all powers delegated in terms of relevant and applicable legislation, enter any premises at any reasonable time to conduct inspections to determine whether there is any fire hazard on the premises.
- (2) Any officer contemplated in subsection (1) may, arising from a condition referred to in subsection (1), serve on the occupier of the premises or any other premises a written instruction and fire protection directives and requirements that are necessary to rectify the condition on or in the premises in order to reduce the fire risk and/or to protect life and property, which instruction must determine a deadline for compliance with the directives and requirements.
- (3) (a) Whenever a condition exist or is found in or on any premises, whether or not structural in nature, or anything else exists that may increase the risk or pose a threat to life or property, and the condition or anything else cannot be rectified immediately, or if cost need to be incurred to rectify it, the owner of the premises must, after receiving the rectification directives referred to in subsection (2), inform the Chief Fire Officer forthwith in writing

about the measures which the owner intends taking to rectify the condition and must submit a programme with a deadline to the Service for approval.

- (b) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give instructions for compliance with the measures.
- (4) Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.
- (5) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence.

### **37. ACCESSIBILITY OF FIRE-FIGHTING EQUIPMENT**

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

### **38. FIRE PROTECTION REQUIREMENTS FOR PREMISES**

- (1) In addition to any other provisions contained in these by-laws, the Building regulations, published under Government Notice R2484 of 26 October 1990, as amended, which are contained in Code of Practice SANS 10400 and called "The Application of the National Building Regulations", and any additional building regulations published for application in the area, are, for the purpose of the enforcement of these by-laws in relation to the fire protection requirements, applicable *mutatis mutandis* to premises in the area.
- (2) If any superfluous water unavoidable spills into or is collected in a basement for whatever reason during fire extinguishing activities, adequate means must be provided to convey the water so spilled or collected to a storm water drain.
- (3) No high-and/or low-voltage transformer room(s) in any building may be situated on any level other than the ground level: Provided that –
  - (a) the access to the transformer room(s) is situated on the outside of the building; and
  - (b) provision is made for adequate access to the transformer room(s) for the fire-fighting activities and/or maintenance.
- (4) Whenever an approved sprinkler system is required in accordance with the provisions of SANS 10400; SABS 087, Part III; and SABS 089, Part I, the sprinkler system must be planned, designed and installed in accordance with the guidelines of SABS 0287 for automatic sprinkler installations and in consultation with the Service.
- (5) A fire plan as contemplated in Regulations A9 of Part A of SANS 10400, with symbols as contemplated in Regulation A10, must, with the exception of detached dwelling houses, be submitted for all proposed buildings constructed in the area from the date of commencement of this by-law.

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- (6) Every occupancy and/or building shall be classified according to Table 1 of Section A20 of SANS 10400 and in the event of any dispute relating to such classification and the corresponding fire protection requirements, the occupancy classification determined by the Chief Fire Officer shall be final.
- (7) Notwithstanding other provisions in this by-law, approved fireextinguishers shall be provided in all premises in accordance with the provisions of Regulation TT37 of SANS 10400 and shall comprise any one, or combination of, the following types: Carbon Dioxide, Dry Chemical Powder, Foam and/or Water according to SABS 810, 889 or 1151, as the case may be.
- (8) Approved hose reels complying with SABS 543 shall be installed in all premises in accordance with the provisions of Regulation TT34 of SANS 10400.
- (9) Approved hydrants complying with SABS 1128: Part 1 shall be installed in all premises in accordance with the provisions of Regulation TT35 of SANS 10400.
- (10) Any person who fails to comply with any of the provisions of subsections (2), (3) and (4) or any provisions contained in Part A, Part K, Part M, Part O, Part T, Part V and Part W of SANS 10400, as amended, where the provisions relate to fire protection matters, is guilty of an offence.

### **39. ACCESS FOR FIRE-FIGHTING AND RESCUE PURPOSES**

- (1) When in the opinion of the controlling authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations (T1), may be required to comply with the following -
  - (a) an access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
  - (b) a motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
  - (c) fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.
  - (d) fire lanes must be at least 4 metres in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of 4 metres above the fire lane must remain unobstructed.
  - (e) A cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.

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- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.
- (4) All premises in the area must be planned, designed and constructed so as to ensure that –
  - (a) provision is made (in addition to the street reserve) on the premises for the parking and operating of Service machines and/or equipment on a climate-proof and weatherproof parking surface that is at least 10m wide and runs the full length of the side elevation which borders the surface, with a carrying capacity of at least 70 metric tons; and
  - (b) if a building does not front onto a street, an access road is provided, the dimensions and carrying capacity of which must be suitable for the fire engines used by the Service (dimensions obtained from statistics of the Service's fire engines), with specific reference to the length, width and tonnage of the fire engines: Provided that the dimensions must be equal to the largest fire engine that is likely to be used on the premises in question; and
  - (c) whenever any entrance arch spans a driveway to a group housing, cluster housing or townhouse complex or is constructed over an access to a shopping centre of office complex, the dimensions of the opening of the arch must be at least 3, 5m wide and 4, 2m high and there must be nothing causing an obstruction of the opening: Provided that if the dimensions of the entrance arch are less, another access or service gate is capable of being opened to 3, 5m.
- (5)
  - (a) The appropriate street number of every build-up premises within the area must be displayed clearly on the street boundary of the premises in question. This number must be not less than 75mm high and must be visible from the street.
  - (b) The owner or occupier of any premises must maintain the street number to ensure that it is legible at all times.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **40. UPKEEP AND MAINTENANCE OF FIRE-FIGHTING EQUIPMENT**

- (1) The owner of any premises must ensure that –
  - (a) all fire-fighting equipment or other appropriate service installations that have been provided or installed on or in connection with the premises are maintained in a good working condition by a competent person and/or firm approved by the SABS as contemplated in SABS 1475 and registered in terms of SABS 1475;
  - (b) portable and mobile fire extinguishers and hose reels are serviced and maintained in accordance with the provisions of SABS 0105 and SABS 1475;
  - (c) fire installations and any other relevant service installations are inspected and serviced in accordance with the specifications of the manufacturers of the installations; and

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- (d) installations are inspected by a registered person at least every twelve calendar months.
- (e) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the Chief Fire Officer every 12 months or as otherwise directed.
- (f) Unless otherwise provided for in a lease contract, any and all occupants of leased premises must provide fire-fighting equipment in terms of Section T of SANS 10400 for the occupancy or building classification as provided in Table 1 of Section A20 of SANS 10400.
- (2) If a sprinkler system is required in any building in accordance with SANS 0400, SANS 087 (Part III) or SANS 089 (Part I) or if the Chief ensure that the building is equipped with a sprinkler system.
- (3) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed –
  - (a) in accordance with SANS 0287; and
  - (b) in compliance with the requirements of SANS 0400 (Pats A, K, M, O, T, V and W) if so far as it relates to fire protection.
- (4) Any person who checks, services, renews, replaces or works on any fixed service installation must –
  - (a) on completing the work, certify that the service installation is fully functional; and
  - (b) notify the Service immediately in writing if he/she finds that the service installation cannot, for whatever reason, be readily repaired to its functional state.
- (5) The owner of every premises must keep a comprehensive service record of all fire-fighting equipment and any other appropriate service installation on his/her premises and submit the record to the Service every twelve months.
- (6) Except for purposes of inspection, service, repair or fire fighting, no person may remove or interfere with any fire fighting equipment or service installation at any premises.
- (7) No person may alter, damage, misuse or render ineffective any fire fighting equipment or service installation at any premises.
- (8) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable to parties who monitor the fire protection system.
- (9) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2) read in conjunction with a recognised national code or standard an applicable international code or standard.
- (10) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- (11) The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding, and where the person in charge of the premises has

received such notice, he must without delay inform the owner accordingly.

- (12) The owner or person in charge of the premises must immediately notify the controlling authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the controlling authority as soon as the system is restored.
- (13) The owner or person in charge of the premises must take all steps deemed necessary by the controlling authority to provide alternate equipment to maintain the level of safety within the premises.
- (14) The person carrying out the examination of the equipment referred to in the preceding section shall cause a label to be securely affixed thereto in a prominent position on which shall be written in ink –
  - (a) the name of the person conducting the examination;
  - (b) the number of his certificate of competence
  - (c) the date of the examination;
  - (d) the condition of the equipment.
- (15) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **41. SECOND-HAND FIRE FIGHTING EQUIPMENT TO BE APPROVED BY FIRE CHIEF OFFICER**

- (1) No second-hand fire fighting equipment shall be placed or installed in any premises where such is required in terms of this code unless and until such equipment has been examined, pressure tested and serviced in accordance with the Code of Practice referred to in section 19 above.

#### **42. EXTRACTOR FAN SYSTEM**

- (1) Extractor fan systems and related ducts or similar chimney systems must be designed and installed in accordance with SANS 1850, (Standard for the design and manufacture of commercial kitchen extractor systems) and in such a manner as to grant adequate access (that is clearly marked) for trouble-free inspection and maintenance of and repairs to the relevant mechanisms.
- (2) Every filter, damper, screen or conduit that forms an integral part of a system referred to in subsection (1) must be regularly cleaned, maintained and checked to ensure that fatty residues or any other combustible residue do not accumulate.
- (3) The conduit and outlet of any system referred to in subsection (1) must be installed so as not to pose a fire hazard or portable fire hazard to any premises or property.
- (4) No owner or occupier of a building shall wilfully or negligently allow soot or any other combustible substances to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a danger of fire.
- (5) Any person who fails to comply with the provisions of this section is guilty of an offence.

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#### 43. RATIONAL DESIGN

- (1) The construction, design and/or erection of –
- (a) hangars;
  - (b) helipads;
  - (c) grain silos;
  - (d) atriums;
  - (e) air traffic control towers;
  - (f) towers for communications or other uses;
  - (g) military structures or buildings;
  - (h) thatched structures larger than 20 m<sup>2</sup> and situated within 4, 5 m of any boundary line;
  - (i) tents and any other temporary structures for holding public gatherings;
  - (j) open-plan commercial and industrial premises, of which the distance to be covered to escape doors and/or exit doors exceeds 45 m; and
  - (k) any other structure or building identified at the discretion of the Chief Fire Officer, in the area must comply with an acceptable rational design which meets all the applicable requirements of Regulation T1 (1) of the National Building Regulations.
- (2) Subject to the provisions of subsection (1), provision must also be made, in the case of hangars or helipads, for –
- (a) complies with a rational design as contemplated by the National Building Regulations;
  - (b) the drainage of any liquid from the floor of the hangar or helipad and/or approach to the hangar;
  - (c) the channelling of any liquid to a drainage area which is effectively connected to a separator well;
  - (d) the prevention of any liquid from spreading from the floor of the hangar or helipad to any rooms, adjacent buildings or to the outside of the hangar; and
  - (e) earthing devices for discharging static electricity.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### 44. DUMPING SITE

- (1) The design, layout and construction of any dumping site of whatever nature must be done in conjunction with the instructions of the National Department of Water Affairs and Forestry and the National Department of Environmental Affairs and Tourism, and those of the Service.

#### 45. EMERGENCY EVACUATION PLANS

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

- (a) within 30 days after the premises have been designated by the Service, prepare a comprehensive emergency evacuation plan for the premises, in triplicate, and must have it ready for inspection and approval by the Service, which plan must be in accordance with the guidelines prescribed in Annexure III to these by-laws;
  - (b) constitute an internal fire protection committee from among the internal staff and occupiers to assist with the planning and organisation of a fire protection programme, which programme includes regular, scheduled fire evacuation drills on the premises;
  - (c) ensure that –
    - (i) the emergency evacuation plan is revised and updated whenever the floor layout changes or whenever the Service requires revision or updating, but in any case at least every twelve months;
    - (ii) updates records of revised emergency evacuation plans, fire protection programmes, evacuation drill related documents are kept and maintained at all times; and
    - (iii) the emergency evacuation plan and relevant documents are at all times available in a control room for inspection by the Service; and
  - (d) identify a predetermined place of safety outside, but in the vicinity of, the designated premises, where occupiers may gather during an emergency situation for the purpose of compiling a list of survivors.
- (2) The Service may from time to time –
    - (a) provide directives for updating and/or amending an emergency evacuation plan;
    - (b) instruct the owner or occupier of designated premises in writing to implement such fire protection programmes that, in the opinion of the Chief Fire Officer, are necessary to ensure the safety of the occupiers of the designated premises; and
    - (c) require the owner or occupier of designated premises to furnish the Service with a certified copy of any emergency evacuation plan and/or relevant documents on such day and at such time and place as the Service may determine.
  - (3) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
  - (4) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection (3), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
  - (5) The emergency evacuation plan must be tested in its entirety at a minimum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.

- (6) The register mentioned in subsection (6) must contain the following information:
  - (a) the date and time of the test;
  - (b) the number of participants;
  - (c) the outcome of the test and any corrective actions required, and
  - (d) the name and signature of the person supervising the test.
- (7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate and recommendations or remedial actions to improve or rectify faults in the plan.
- (8) In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the emergency evacuation plans must be displayed in a conspicuous position in any room designed for sleeping purposes.
- (9) The displaying of emergency evacuation plans for any other premises is subject to the approval of the controlling authority.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **46. BARRICATING OF VACANT BUILDINGS**

- (1) The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse there from and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorised person.

#### **47. CERTIFICATE OF FITNESS FOR ALL PUBLIC BUILDINGS**

- (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of fitness has been issued by the Chief Fire Officer in respect of that building or temporary structure, unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.
- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of this by-laws, unless after that date –
  - (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
  - (b) ownership or control of the building or structure changes.
- (3) The owner of any public building, or of any temporary structure which is erected or intended for holding public gatherings, must apply in writing to the Service for the issuing of a certificate of fitness for every type of gathering or for the proceedings envisaged in the premises or structure, and must pay fees, as determined in Annexure I to these by-

- laws, when submitting the application form (the design guidelines appear in Annexure II to these by-laws).
- (4) The controlling authority may request additional information from the applicant.
  - (5) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for wither a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
  - (6) An application contemplated in subsection (1) must be submitted at least 30 days before any intended public gathering.
  - (7) A temporary population certificate is valid for a period not exceeding 30 calendar days.
  - (8) No certificate of fitness will be issued for a public building unless the relevant provisions of these by-laws have been complied with.
  - (9) A certificate of fitness issued to the owner of a public building will be endorsed with the following information, where applicable:
    - (a) The trade name and street address of each occupier
    - (b) The type of activity of each occupier
    - (c) The name of the person on the executive
    - (d) The permissible number of people in proportion to the usable floor area
    - (e) The number of emergency exits and their widths
    - (f) A cancellation clause in the event of any applicable provision of these by-laws being disregarded
  - (g) An obligation on the part of the holder of the certificate to –
    - (i) display the certificate prominently on the premises at all times; and
    - (ii) maintain the certificate in a legible condition at all times
  - (h) A date, year and serial number
    - (i) The date of expiry of the certificate.
  - (10) Subject to the provisions of section 22 of these by-laws, a certificate of fitness is not required for a public building which has been legally erected on commencement of these by-laws.
  - (11) If the trade name of a public building changes, the holder of the certificate of fitness must ensure that the change is brought to the attention of the Service immediately and in writing.
  - (12) No certificate of fitness will be issued or renewed, as the case may be, unless and until the controlling authority –
    - (a) is in possession of a set of plans referred to in section 23 of these by-laws and approved by the Service; and
    - (b) has received the prescribed application from defined in Annexure II to these by-laws, which form has been completed in full and correctly;
    - (c) Unless the building or temporary structure complies with the requirements of these by-laws; and
    - (d) for a period of validity exceeding 12 months.
  - (13) The holder off a certificate of fitness must ensure that he/she is at all times in possession of a valid certificate of fitness.

- (14) (a) Any expansion or removal of or change in anything relating to or in connection with premises for which a certificate of fitness has been issued will result *ipso facto* in the cancellation of the certificate of fitness, including any other authorisation granted in terms of these by-laws.
- (b) The provisions of this subsection are not applicable to any action which results in the temporary removal of something for the purpose of effecting repairs or replacements in respect of the premises.
- (15) (a) The owner must submit, on or before the first working day of December of each year, together with the prescribed fees determined in Annexure I to these by-laws, an application for the renewal of the certificate of fitness to the Service on the prescribed form: Provided that if the Service for some reason requires plan of the premises in question for the purposes of the renewal application, the plans must accompany the application.
- (b) The Service may send a reminder in respect of the renewal.
- (16) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this by-law.
- (17) The temporary or permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (1).
- (18) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (19) The owner or the person in charge of the premises must prevent overcrowding by limiting the, maximum population to that which is specified on the temporary or permanent population certificate.
- (20) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.
- (21) The Chief Fire Officer may cancel any certificate of fitness in respect or 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.
- (22) Subject to subsection (17), before the Chief Fire Officer cancels a certificate of fitness as contemplated in subsection (15), he must –
- (a) give the owner or person in charge of the premises written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
- (b) give the owner or person in charge of the premises a period of at least 21 days to make written representations regarding the matter to the municipality.

- (23) A person whose certificate of competence is lost, destroyed or damaged shall forthwith apply to the Chief Fire Officer on the prescribed form for the replacement of such certificate.
- (24) An application in terms of subsection (17) shall be accompanied by an affidavit, as to the circumstances in which the certificate was lost or destroyed, or the damaged certificate, as the case may be, and the prescribed fee.
- (25) Any person who fails to comply with the provisions of this section or who alters or attempts to alter a certificate of fitness, or knowingly allows the certificate to be altered, is guilty of an offence.

#### **48. CANCELLATION OF CERTIFICATE OF FITNESS**

- (1) The Chief Fire Officer may cancel any certificate of fitness in respect of a building or temporary structure if he or she has reason to believe that –
  - (a) the owner or occupier concerned contravenes or fails to comply with any provision of these By-laws; or
  - (b) the building or structure contravenes or does not comply with the requirements of these By-laws.
- (2) Subject to subsection (3), before the Chief Fire Officer cancels a certificate of fitness as contemplated in subsection (1), he or she must –
  - (a) give the owner or occupier concerned written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
  - (b) give the owner or occupier concerned a period of at least 20 days to make written representations regarding the matter; and (c) consider and representations received.
- (3) If the Chief Fire Officer has reason to believe that the failure to cancel a certificate of fitness within the period contemplated in subsection (2) (b), may endanger any person or property, he or she may cancel a certificate of fitness without prior notice to the owner or occupier concerned.
- (4) If the Chief Fire Officer cancels a certificate of fitness in terms of subsection (3), he or she must –
  - (a) furnish the owner or occupier of the building or temporary structure concerned with written notice of the cancellation;
  - (b) Provide the owner or occupier a period of at least 20 days to make written representations regarding the cancellation; and (c) consider any representations received.
- (5) The Chief Fire Officer may, after considering the representations contemplated in subsection (4), reverse the decision to cancel the certificate of fitness.

#### **37. DENIAL, SUSPENSION OR REVOCATION OF AN APPROVAL OR A CERTIFICATE**

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- (1) A controlling authority may refuse, suspend or revoke an approval or a certificate required by this by-law for:
  - (a) failure to meet the provisions of this by-law for the issuance of the approval or certificate; or
  - (b) non-compliance with the provisions of the approval or certificate.

#### **49. WATER SUPPLY FOR FIRE-FIGHTING**

- (1) In any township development, a township developer must provide as follows for water supply for fire-fighting purposes as provided for in SANS 10090 (Community Protection against Fire).
- (2) Fire hydrants must be inspected by the Service at the intervals as provided for in SANS 10090, and a flow and pressure test must be conducted on the stream to determine whether the stream complies with the said code of practice.
- (3) The position of all fire hydrants must be properly plotted for operational use by the Service.
- (4) If any risk area is developed or redeveloped in such a manner that the risk area falls into the high-risk category, the water reticulation must be adapted accordingly without delay, by the developer.
- (5) Any building developer who requires water supply on to the water reticulation system of the controlling authority must submit a complete set of approved fire protection plans for the premises to the Service, as contemplated in Regulation A9 of the National Building Regulations, to obtain a water connection form, as set out in Annexure II to these bylaws, from the Service, for submission to the Water Supply Division of the controlling authority: Provided that –
  - (a) if the premises are protected by a sprinkler installation, the water supply requirement must be calculated and designed for each sprinkler installation in accordance with appropriate design criteria, and the seize, delivery pressure and flow of the water supply requirement must be calculated in advance by the engineer responsible;
  - (b) if the Service requires a larger water supply for the premises to ensure that fire-fighting equipment functions in accordance with the appropriate design requirements as set out in Part W of SANS 10400, the owner of the premises must provide the required water supply; and
  - (c) the size, work pressure and delivery flow of any water supply, excluding a water supply as contemplated in subsection (10)(a), must be calculated and designed according to the provisions of Part W of SANS 10400 and SABS 0252, Part 1.
- (6) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply for purposes of fire fighting by members of the Service.
- (7) Every person who develops or redevelops a township must ensure that  
–

- (a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire fighting purposes contemplated in these by-laws:
- (b) the water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and
- (c) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.
- (8) Subsection (2)(c) is deemed to be satisfied, if –
- (a) the water is supplied to the township from more than one reservoir;
- (b) each reservoir receives water from a separate supply main and pump; and
- (c) the reservoirs are connected to each other.
- (9) Every person who develops or redevelops a township must ensure that – (a) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system of more than 150 metres in any high risk area or for more than 300 metre in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
- (b) if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in section 28, the water reticulation system is adapted without delay so as to comply with the requirements of sections 26 and 27.
- (10) Every person who develops or redevelops a township must ensure that the water supply provides a fire extinguishing stream that is immediately available to members of the Service in an emergency, of the following volume and duration:

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

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

<b>Fire risk category</b>	<b>Minimum fire hydrant delivery volume measured at peak consumption (litres per minute)</b>	<b>Minimum distance between fire hydrants (metres)</b>
High risk	1 980	120
Moderate risk	1 150	180

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Low risk	900	240
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- (12) Every person who develops or redevelops a township must ensure that the position of fire hydrants are plotted accurately on a plan that is furnished to the Chief Fire Officer for operational fire-fighting purposes.
- (13) For purposes of sections 10, 11 and, the following areas of a township must be regarded –
- (a) as high risk –
- (i) any factory area, high density shopping area, warehouse or commercial building;
  - (ii) any plantation, timber yard or wooden building;
  - (iii) any building higher than 3 storeys;
  - (iv) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
  - (v) any other area that has a high fire risk or high fire spread risk;
- (b) as moderate risk –
- (i) any area in which –
    - (aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
    - (bb) the Chief Fire Officer has not declared the materials processed or stored in these buildings as highly dangerous;
  - (ii) any area where the fire risk and spread risk of fire is moderate; and
  - (iii) any other area that is not a high or low risk area; and
- (c) as low risk –
- (i) any area that is mainly residential or semi-rural;
  - (ii) any area that has predominantly detached, duet, cluster or town house developments; and
  - (iii) any area where the fire risk or risk of spread of fire is slight or insignificant.

## 50. CONNECTIONS TO WATER RETICULATION SYSTEM

- (1) No person may obtain a water connection to the water reticulation system of the Council 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 Council must –
- (a) if the premises to be connected are protected by a sprinkler installation, ensure that –
    - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act, and
    - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
  - (b) if the Chief Fire Officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;

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- (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 SABS 0400 (Part W); and
- (d) ensure that the water installation upon completion complies with the provisions of SABS – 1:1994.

#### **51. REGISTRATION APPLICATIONS FOR EXISTING PREMISES**

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

#### **52. 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.

#### **53. 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.

#### **54. SOURCES OF IGNITION**

- (1) Smoking, carrying of matches, the use of heating, or other flameemitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- (2) Hot ashes, cinders or smouldering coals must be placed in a noncombustible container and the container must be placed on a noncombustible surface or stand.

- (3) An adequate distance, as deemed appropriate by the controlling authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

## **55. DESIGN AND CONSTRUCTION OF BUILDINGS**

- (1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that –
  - (a) provides for –
    - (i) the effective drainage of any water that may result from fire-extinguishing activities; and
    - (ii) the discharge of that water directly into a storm water drain;
  - (b) prevents any water that may result from fire-extinguishing activities from draining –
    - (i) down any stairway or lift shaft;
    - (ii) down any electrical shaft or telecommunications service shaft;
    - (iii) down any shaft that is connected to a basement level; or
    - (iv) along any approach to a building or any vehicle access ramp leading to or from a building;
  - (c) if any water resulting from fire-extinguishing activities should spill into a basement, that water is discharged directly into a storm water drain; and
  - (d) complies with the requirements of SABS 04001 (Part A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that –
  - (a) the transformer room is situated on the ground level;
  - (b) access to the transformer room is from outside the building; and
  - (c) there is adequate and ready access to the transformer room for fire – fighting and maintenance activities.
- (3) Subsections (1) and (2) do not apply in respect of any building which exists at the commencement of these By-laws.
- (4) The Chief Fire Officer must in terms of section 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.
- (5) Any person who contravenes subsections (1) and (2) or Parts A, K, M, O, T, V or W of SANS 10400 in so far as it relates to fire protection, commits an offence.

## **56. REQUIREMENTS FOR EMERGENCY EXITS**

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- (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 ext.
- (2) Every owner of a building must ensure that any door in a feeder route –
  - (a) is a double swing-type door;
  - (b) is not equipped with any locking mechanism.
- (3) Notwithstanding the provisions of subsection (20, if it is necessary that a door, in a feeder route be locked for security reasons, the owner of the building must provide an alternative means of escape approved by the Chief Fire Officer.
- (4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.
- (5) Where required by the Chief Fire Officer, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.
- (6) Any person who contravenes subsections (1), (2) and (3) commits an offence.

#### **57. BARRICADING OF VACANT BUILDINGS**

- (1) Every person or owner in charge of a building or portion of a building that is vacant must, at his or her own cost and to the satisfaction of the Chief Fire Officer –
  - (a) remove all combustible waste and refuse from the building; and
  - (b) block, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any hazard caused by entering of the building by any unauthorized person.

#### **58. STORAGE OF FLAMMABLE SUBSTANCES NEAR FURNACES**

- (1) It shall not be lawful for any person to pile, stack or store cut or uncut timber, lathwood, firewood, casks, barrels, boxes or cases or other flammable substances in the same yard or premises, or in any part of the same premises where any furnace is situated, except –
  - (a) where the furnace is enclosed in a building or chamber constructed of fire-resisting material; or
  - (b) where there is a distance of not less than 7, 7 m between the furnace and the pile, stack or store of timber, or other flammable substances.

#### **59. PILING, STACKING OR STORING OF TIMBER AND OTHER FLAMMABLE SUBSTANCES**

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- (1) It shall not be lawful for any person to pile, stack or store timber or any other flammable substance to a height exceeding 4 m from the level of the ground, and every person who shall pile, stack or store any such substance as aforesaid shall pile, stack or store the same in a safe, compact and proper manner.
- (2)
  - (a)
    - (i) Timber and other flammable substances shall be piled, stacked or stored 200 mm off the ground within stack areas 6 m by 3 m by 4 m high to the satisfaction of the Chief Fire Officer.
    - (ii) Each stack shall be separated from adjoining stacks by an unobstructed pathway not less than 2 m in width.
    - (iii) Stacks shall be a minimum of 3 m from any boundary wall and 6 m from any building.
    - (iv) Individual stacks shall be stacked in a compact and proper manner to the satisfaction of the Chief Fire Officer.
  - (b) The entire site shall be enclosed with a brick or pre-cast concrete wall not less than 2, 4 m in height.
  - (c) The area between the stacks and boundary wall shall be kept entirely free of any obstruction.
  - (d) The entire site shall be kept free of unkempt and overgrown vegetation.
- (3) No person shall pile, stack or store timber or any other flammable substance on sites subject to flooding unless a permit is granted by the Local Council based on the fact that the area to be utilised is above the 1 in 50 year flood occurrence level as determined by the Local Council. The sites subject to flooding shall be those sites as determined from time to time by the Local Council.

#### **60. ROOM OR CHAMBER PROHIBITED IN A TIMBER STACK**

- (1) It shall not be lawful for any person to form in any pile, stack or store of timber or any other flammable substance any room, chamber or space (other than a passage) to be used for any purpose whatever.

#### **61. THACHED ROOF-CONSTRUCTION**

- (1) All construction for tached roof with a span not exceeding 6 metres and supported by structural walls must comply with the requirements and methods set out in SANS 10407.
- (2) A rational design shall 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 replacement thatch structure is to be constructed for any building, the following shall be incorporated into the design and construction of such thatch roof:
  - (a) The thatch density should be not less than 35 to 50 kg/m<sup>3</sup> for a thickness of 175 mm to 200 mm;
  - (b) Sisal binding twine shall 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

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- thatch roof, all wiring shall be run in continuous conduit and all junction boxes shall be properly sealed;
- (e) Where, in the opinion of the Chief Fire Officer, the risk of lightning may pose a hazard, he/she may direct that certain occupancies, as he/she may determine, be protected by the installation of lightning conductors in accordance with SABS 03: 1985;
  - (f) All wooden components and all exposed surfaces of thatch shall be treated with an approved fire retardant and the thatching shall be rodent proofed;
  - (g) Upon completion of any thatch construction, the owner shall provide the Chief Fire Officer with written certification of compliance with all of the provisions of regulation 48.3.
- (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 may be manual or automatic in operation.
- (5) Any chimney passing through a thatch roof shall 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 x 10 x 1 mm across the full width of the flue shall be fitted not less than 700 mm from the top of the stack.

## **62. PREVENTION AND CONTROL OF OVERCROWDING**

- (1) Prior to the usage of a premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in the Schedule 2 of this By-law.
- (2) The controlling authority may request additional information from the applicant.
- (3) Notwithstanding the provisions in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (4) A temporary population certificate is valid for a period not exceeding thirty(30) calendar days.
- (5) The controlling authority must refuse to issue a temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the

owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.

- (6) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, it must act in terms of sections 5(2) or 6(1) and section 7 of this by-law.
- (7) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to premises for which the certificate was issued, the owner or person in charge of the premises must apply for the certificate in accordance with subsection (1).
- (8) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (9) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (10) A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

### **63. FIRE PROTECTION FOR INFORMAL SETTLEMENTS AND TEMPORARY SETTLEMENT AREAS**

- (1) Where in the event of establishment of any settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:
  - (a) A safety distance of 3 metres between structures shall be maintained;
  - (b) The settlement must be divided into blocks of not more than 20 structures per block, with a minimum distance of 6 metres between blocks.
  - (c) The maximum floor area of any structure may not exceed 30 m<sup>2</sup>.

### **CONTROL OF FIREWORKS**

#### **64. USE OF FIREWORKS PROHIBITED IN CERTAIN CIRCUMSTANCES**

- (1) Unless so authorised in terms of section 33, no person may use fireworks –
  - (a) within 500 metres of any explosive factory, explosives storage place, petrol depot or petrol station;
  - (b) inside any building;
  - (c) on any agricultural holding;
  - (d) at any public place; and
  - (e) at any school, old age home or hospital.

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- (2) No person may light or ignite fireworks in any place where animals are present.
- (3) Unless so authorized in terms of section 33, no person may light or ignite fireworks on any day or at any time except –
  - (a) New Years Eve from 23h00 to 01h00
  - (b) New Years Day from 19h00 to 22h00
  - (c) Hindu New Year from 19h00 to 22h00
  - (d) Lag b'omer from 19h00 to 22h00
  - (e) Chinese New Year from 19h00 to 22h00
  - (f) Human Rights Day from 19h00 to 22h00
  - (g) Freedom Day from 19h00 to 22h00
  - (h) Guy Fawkes Day from 19h00 to 22h00
  - (i) Divali from 19h00 to 22h00
  - (j) Christmas Eve from 19h00 to 22h00;
  - and (k) Day of Goodwill from 19h00 to 22h00.
- (4) No person may allow any minor under his or her control to use, light or ignite fireworks in contravention of subsection (1), (2) and (3).
- (5) No person may discharge any fireworks outside an area designated by the municipality in terms of section 46.

#### **65. DESIGNATION OF PLACES AND CONDITIONS**

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

#### **66. DISCHARGE OF FIREWORKS**

- (1) No person may discharge any fireworks outside an area designated by the municipality in terms of section 59.
- (2) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation by completing and submitting an application in the form and manner determined by the Municipality together with the prescribed fee and a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the discharge and fallout of the fireworks.

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

#### **67. FIREWORKS DISPLAYS PROHIBITED UNLESS AUTHORISED**

- (1) No person may present a firework display unless –
- (a) authorised to do so by the Council as contemplated in section 33;
- (b) authorised to do so by the Civil Aviation Authority and the Chief Inspector of Explosives;
- (c) the display is at all times under that person's supervision and control;
- (d) the Service and a suitable qualified explosives expert from the South African Police Service are at all times in attendance at the display;
- (e) that person has ensured that –
- (i) an area with a radius of at least 50 metres is clearly demarcated for the launching of fireworks at the display; and
- (ii) measures are in place to prevent any person who is not involved in the presentation of the display from entering this launching area; and
- (f) a pyrotechnist is at all times present and responsible for the use of fireworks at the display.

#### **68. APPLICATION TO PRESENT FIREWORK DISPLAY**

- (1) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation by completing and submitting an application in the form and manner determined by the Council together with the prescribed fee and the following documentation:
- (a) Proof of permission for the fireworks display from the Civil Aviation Authority;
- (b) proof that an application for the fireworks display has been submitted to the Chief Inspector of Explosives;
- (c) a letter of consent from the owner or person responsible for the property on which the fireworks display is proposed to be presented; and
- (d) a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the launching of the fireworks.
- (2) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

#### **69. AUTHORITY TO PRESENT FIREWORKS DISPLAY**

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

- (2) The Council may require that the fireworks display be presented only on suitable premises designated by the Council and under the supervision and control of an official designated by the Council.
- (3) The Chief Fire Officer may order the cancellation of any fireworks display:
  - (a) should and applicant fail to comply with any of the conditions of approval
  - (b) should local conditions dictate that the holding of such display pose a serious risk of fire and safety of the community.

#### **70. DEALING IN FIREWORKS**

- (1) No person may deal in fireworks unless –
  - (a) that person holds the required firework licence in terms of the Explosive Act; and
  - (b) has the written authority of the Chief Fire Officer.
- (2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1) (b), must –
  - (a) complete an application in the form and manner determined by the Council; and
  - (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
- (3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes or fails to comply with any provision of these By-laws or any other applicable law.

#### **71. SEIZURE IN FIREWORKS**

- (1) A member of the service may take into possession any fireworks found by him in contravention of section 45(5) and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act relating to seizure and disposal.

### **DECLARATION OF FIRE CONTROL ZONES AND FIRE BREAK BURNING SEASONS**

#### **72. FIRE CONTROL ZONES**

- (1) Where the Chief Fire Officer is of opinion that a fire control zone should be declared in an area or that a fire control zone should be disestablished, he or she must cause such intention to be published in terms of the municipality's public participation policy.
- (2) If the municipality is of opinion that any objection or comment should be investigated, it may decide to hold a public enquiry.
- (3) If the municipality decides to hold a public inquiry, it must:
  - (a) appoint a suitably qualified person or panel of persons to hold such enquiry; and
  - (b) determine the procedure for the public inquiry, which may include a public hearing.

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- (4) The person or panel of persons appointed to hold such enquiry must conduct the inquiry in accordance with the procedure prescribed and compile a written report to the relevant portfolio committee on the enquiry and give reasons for any administrative action recommended.
- (5) Where practical, the municipality shall as soon as possible after the submission of the report to the relevant portfolio committee, publish a concise summary of such report and the particulars of the places and times at which the report may be inspected and copied; and
- (6) After the municipality has taken into account any comment or objection in respect of such proposed declaration or establishment it may declare a fire control zone or disestablish any such fire control zone concerned.
- (7) The municipality must publish such zone or amended zone.

### **73. FIREBREAK BURNING SEASONS**

- (1) The Chief Fire Officer may recommend the declaration of firebreak burning season in which case the provisions of section 79(1), (6) and (7) shall apply with the necessary changes.

## **HAZARDOUS SUBSTANCES**

### **74. APPLICATION OF THIS CHAPTER**

- (1) Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chapter regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

### **75. APPLICATION FOR APPROVAL OF PLANS**

- (1) An application for a certificate of registration in respect of premises shall be submitted to the chief fire officer on the form prescribed in the third schedule to this code and shall be accompanied by:
  - (a) a plan of the premises in respect of which the certificate is required, drawn to scale of not less than one in a hundred (1:100), which shall indicate the proposed installation or room in which the flammable liquid or substance is to be stored, used or handled, describe the material with which such installation or room is or is to be constructed, and indicate the position of any pump, storage tank, store, pipeline, dry cleaning machinery, spraying room, spraying booth or ventilating equipment.
  - (b) a block plan of such premises, drawn to scale of not less than one in five hundred (1:500) which shall specify:
    - (i) the buildings in relation to adjoining subdivisions, and the materials of which such buildings are constructed or to be constructed;
    - (ii) the subdivisions and lots immediately adjoining the premises giving their street, block and postal numbers;
    - (iii) names of any streets on which the premises abut;
    - (iv) the north point.

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- (2) Where the plan relates to existing premises in respect of which a certificate of registration has been issued and wherein it is proposed to make alterations or additions to any building or equipment or apparatus lawfully used or intended to be used thereon for the storage or handling of a flammable liquid or substance, a ground plan only need to be submitted for approval. Such ground plan shall be drawn to a scale of not less than one in a hundred (1:100) and shall show such additions or alterations in relation to the existing buildings or equipment or apparatus.
- (3) All plans shall be:
  - (a) signed by the applicant or his agent;
  - (b) drawn in Indian ink on tracing linen or be clear prints on cloth with white back ground or on drafting paper which is acceptable to the Chief Fire Officer;
  - (c) coloured with fixed colours, as follows:
    - (i) block plan
      - Proposed buildings: Red
      - Existing buildings: Grey or neutral tint
      - Open spaces: Uncoloured
    - (ii) other plans
      - Ventilation ducts, trunks or enclosures: Blue
      - Storage tanks, pumps, pipelines, dry cleaning machinery and spray booths: Red
      - Buildings in which the flammable liquid or substance is to be stored, used or handled: Uncoloured
      - Existing buildings where required to be shown: Grey or neutral tint.
- (4) Every application for a certificate or registration for purposes of the conveyance of flammable liquids or substances shall be submitted to the Chief Fire Officer on the form provided in the fourth schedule to this code.
- (5) Subject to the provisions of the National Building Regulations and Building Standards Act, 1977, every owner of premises on which there is a building in respect of which a floor layout change, addition, alteration, upgrading and/or renovation is envisaged, or the owner of premises on which bulk, above-ground and underground installations and any other structures are to be erected in connection with such use, storage or handling, must submit plans in triplicate to the controlling authority on the prescribed form obtainable from the office of the Building Control Officer.
- (6) The prescribed fees payable to the Service for the approval of plans are determined in Annexure I to these by-laws, but these fees do not include the fees charged by the Building Control Officer for the approval of plans.
- (7) The Service will not accept any plan (except for a plan regarded by the Building Control Officer to be that of "minor building work") unless the official certification of submission of the Building Control Officer appears on it.

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- (8) No construction work may be started on any premises unless the building contractor is in possession of the relevant plans that have been officially certified as approved by the Building Control Officer and positive comment has been given by the Fire Safety Section of the Service. For the duration of construction work on the premises the plans in question must be available for inspection by the Service.
- (9) The provisions of section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of plans as regulated in this section.
- (10) The approval of any plan by the controlling authority will be null and void if, within one year of the date of such approval, the buildings or constructions have not been erected in accordance with the approved plans.
- (11) Any fire official may, for any purpose related to compliance with or the application of this code enter upon any premises whatsoever, and make such examination and enquiry thereon as he may deem necessary.
- (12) The owner or occupier of premises or in their absence, any other person employed thereon, shall upon demand, disclose to a Fire Official the presence of any flammable liquid or substance in or upon such premises and shall answer all enquiries relating either to the observance of this code or to any condition in connection with the certificate of registration in respect of the premises.
- (13) Any owner of premises who fails to comply with the provisions of this section or any person who on behalf of the owner is involved in any activity contemplated in this section and fails to comply with the provisions of this section is guilty of an offence.

## 76. ISSUING OF CERTIFICATES OF REGISTRATION

- (1) The owner or person in charge of the premises, who requires a flammable substance certificate, must submit an application to the controlling authority as prescribed in the schedule 2 of this by law.
- (2) The local authority may request additional information from the applicant.
- (3) No person may on any premises use, handle or store quantities of hazardous substances in excess of the quantities referred to below or permit them to be used, handled or stored, unless and until the person is in possession of a certificate of registration as provided for Annexure II to these by-laws and issued in respect of the specific quantities and appropriate devices on approved premises: Provided that if only one of the groupings referred to below is present on the premises and the applicable maximum permissible quantity is not exceeded, the provisions of this section are not applicable:

<b>Group I:</b>	<b>Explosives</b>	Fireworks	No
	exemption		
<b>Group II:</b>	Gases		

NO EXEMPTION

**G**  
**Group III:** **Flammable liquids**  
 3.1 With flash points  $\geq$  Total quantity may not exceed 100 Litre  
 3.2 With flash points  $>$  exceed 420 Litre  
 3.3 With flashpoints  $>$  Total quantity may not exceed 1 100 Litre

**T**  
**o**  
**x**  
 i but  $\leq 61$  °C  
**o**  
**u**  
**t**  
**i**  
**n**  
**f**  
**e**  
**c**  
**t**  
**Group IV:** **Flammable solids**  
 4.1 Flammable solids Total quantity may not exceed 250 Kg  
 4.2 Pyrophoric No exemption  
 4.3 Water-reactive  
**S**  
**u**  
**b**  
**s**  
**t**  
**ances**

**Group V:** **Oxidising agents and organic peroxides**  
 5.1 Oxidising agents Total quantity may not exceed 200 Kg  
 5.2 Group I organic No exemption  
 5.3 Group II organic exceed 200 Kg peroxides in packets  
**1**  
 Group I toxic substances in packets Total quantity may not exceed 5 Kg Total quantity may not exceed 50 Kg

6.2 Group II toxic substances Total quantity may not exceed 500 Kg in packets No exemption

6.3 Group III toxic substances in packets

6.4 Infective substances

**Group VII: Radioactive materials No exemption**  
**Group VIII: Corrosive/caustic substances** Total quantity may not

8.1 Group I acids in packets Total quantity may not exceed 50 Kg  
 8.2 Group II acids in packets Total quantity may not exceed 1 000 Kg

8.3 Group III acids in packets Total quantity may not exceed 50 Kg  
 8.4 Group I alkaline substances Total quantity may not exceed 1 000 Kg in packets

8.5 Group II alkaline substances in packets

8.6 Group III alkaline Substances in packets

**Group IX: Miscellaneous substances** Total quantity may not

9.1 Liquids exceed 210 Litre  
 Total quantity may not

9.2 Solids exceed 210 Kg

- (4) No person may, on any unregistered premises, store, use or handle any of the hazardous substances referred to in subsection (1), or have them stored, used or handled, or permit them to be stored, used or handled, unless the hazardous substances are store, used or handled in such place or in such manner as to ensure that –
  - (a) no hazardous substance or fumes of the substance come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition that may cause the hazardous substance or fumes to catch fire; and
  - (b) the escape of human beings or animals is not hindered or obstructed in the event of a fire or an emergency situation.
- (5) No person may, on any unregistered premises, use or handle hazardous substances, or have them used or handled or permit them to be used or handled on the premises, except in a suitable place out of doors to ensure that any fumes can escape freely, or in a properly

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- and naturally ventilated room to ensure that any fumes or gas does not collect in the room but is effectively disposed of.
- (6) Hazardous substances may be stored on unregistered premises only if the hazardous substances are, when not in use, stored in strong, labelled containers that seal tightly.
- (7) No certificate of registration will be issued in respect of premises for the use, handling or storage of hazardous substances, unless all the applicable provisions of these by-laws have been complied with and a written application for registration, on the prescribed form, as described in Annexure II to these by-laws, has been submitted to the Service, together with the fees prescribed in Annexure I to these by-laws.
- (8) A certificate of registration may be issued subject to such conditions as deemed necessary by the Chief Fire Officer, having regard to the circumstances of each application, to prevent danger to life and property and taking into account the maximum amount of each class of flammable liquid or substance which may be manufactured, stored, used, sold or handled and the number of pumps, storage tanks and stores permitted on the premises and, in the case of vehicles, the maximum quantity and class of flammable liquid or substance which such vehicle shall be permitted to carry.
- (9) When a certificate of registration is issued, the certificate must be endorsed with the following conditions, namely that the certificate –
- (a) must at all times be displayed in a weatherproof container in a conspicuous place on the premises designated by a member of the Service;
- (b) must be maintained in a legible condition at all times;
- (c) must reflect the groups and the quantities of hazardous substances for which the premises have been registered;
- (d) must reflect the number of above-ground and/or underground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility;
- (e) must reflect the number of storerooms and the total capacity of each storeroom;
- (f) must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation;
- (g) must specify the number of storage facilities for other hazardous substances and reflect the volumes intended for each facility;
- (h) must reflect a serial number;
- (i) must indicate whether the issue of such certificates is permanent or temporary;
- (j) must reflect the period of validity and the expiry date of the certificate: Provided that the period of validity will be only twelve calendar months, calculated from the date of issue, and written application for renewal of the certificate reaches the Service at least one calendar month prior to the expiry date;
- (k) is not transferable from premises to premises;
- (l) must, subject to the provisions of section 22 of these by-laws, be transferable from owner to owner and/or from control to control on the same premises: Provided that –

- (i) application for such transfer is made to the Service on the prescribed form; and
  - (ii) if the trade name of the premises changes, the holder of the spraying permit and/or certificate of registration must ensure that the change is immediately brought to the attention of the Service;
  - (m) will not be issued unless the Service is in possession of a set of approved plans as required by section u3 of these by-laws; and
  - (n) will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted.
- (10) (a) Any person who has a legal certificate of registration in his/her possession may apply in writing on the prescribed form to have the total quantity of flammable liquids and number of underground tanks, storerooms, gas installations and other storage areas amended, according to need, and the form must be accompanied by the prescribed fee.
- (b) The Service will approve an application only if the proposed amendments comply with the provisions of these by-laws.
- (c) If the application is approved, the applicant must submit his/her certificate of registration to the Service for amendment.
- (11) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed.
- (12) The Service may send a holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.
- (13) The holder of a certificate of registration must ensure that he/she is at all times in possession of a valid certificate of registration.
- (14) Any person who fails to comply with the provisions of this section or who alters a certificate of registration or who attempts to alter the certificate or permits the certificate to be altered is guilty of an offence.
- (15) A certificate of registration –
- (a) may not be issued by the Chief Fire Officer for a period exceeding 12 months;
  - (b) 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.
- (16) A certificate of registration is valid only for –
- (a) the installation for which it was issued;
  - (b) the state of the premises at the time of issue; and
  - (c) for the quantities of flammable substance stated on the certificate.
- (17) If alterations and additions are approved and the work has been executed in accordance with the ground plan approved under that subsection, a new certificate or registration shall be issued in respect of the premises and the old certificates shall be deemed to have been cancelled.
- (18) The controlling authority must keep record of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

- (19) 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.
- (20) 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.

#### **77. RECORD OF CERTIFICATES OF REGISTRATION**

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

#### **78. RECOGNITION OF CERTIFICATES ISSUED BY OTHER AUTHORITIES**

- (1) Upon production to him by the holder thereof of a certificate of registration issued by another fire authority in terms of by-laws applying to the area of jurisdiction of such authority and having the same or similar provisions as this code, which authority has been approved by the Chief Fire Officer for the purpose, the Chief Fire Officer may recognise such certificate as being acceptable for the purpose of this code and if he does so he shall endorse such certificate accordingly and enter the particulars of the holders and the certificate in the register kept in terms of section 30 as if the certificate had been issued in terms of section 25 and thereupon the holder of the certificate shall for all purposes of this code be deemed to be the holder of a certificate issued in terms thereof.

#### **79. AMENDMENT TO CERTIFICATE OF REGISTRATION**

- (1) The Chief Fire Officer may amend any certificate of registration on application by the holder.

#### **80. CANCELLATION OF CERTIFICATE OF REGISTRATION**

- (1) The provisions of section 24, read with the necessary changes, apply to any cancellation by the Chief Fire Officer of a certificate of registration.

#### **81. SUSPENSION OR CANCELLATION OF CERTIFICATES OF REGISTRATION**

- (1) Where a holder of a certificate of registration has been convicted for a contravention of this code on two or more occasions, the Chief Fire Officer may either cancel the certificate of registration or may suspend it for such period as he may decide and during the period of suspension the holder shall not do anything which the certificate otherwise authorises him to do, provided, however, that the powers

conferred by this section shall not be exercised unless and until fourteen (14) days written notice has been given to the holder by the Chief Fire Officer of his intention to cancel or suspend the certificates.

- (2) The holder may within the said period of fourteen (14) day submit written representations for consideration.

## **82. RULES TO BE OBSERVED ON UNREGISTERED PREMISES**

- (1) No person shall store, use or handle or cause, allow or permit to be stored, used, or handled any flammable liquid or substance on any unregistered premises unless such flammable liquid or substance is stored, used or handled in such a position or in such a manner that –
  - (a) no flammable liquid or substance or its vapour accidentally comes or is likely to come into contact with any fire, flame or naked light or other agency likely to ignite such flammable liquid or substance or its vapour.
  - (b) in the case of fire, the escape of persons or animals will not be prevented or impeded.
- (2) No person shall use or handle or cause, allow or permit to be used or handled any flammable liquid or substance on unregistered premises, except in such a place in the open air as will prevent the accumulation of vapour or its ignition, or in a room with ventilation which is adequate to remove the fumes there from and effectively prevent the accumulation of fumes therein.
- (3) No person shall store or issue or permit flammable liquids or substances to be stored except in a substantial container which shall be kept securely closed when not in immediate use.

## **83. NO AUTHORISATION REQUIRED FOR CERTAIN MOTOR VEHICLE FUEL TANKS**

- (1) No certificate of registration contemplated in section 35 of any other authorisation contemplated in these by-laws is required in respect of flammable liquids in fuel tank –
  - (a) of any motor vehicle; and
  - (b) of any stationary engine if the volume of the fuel tank does not exceed 1 000 litres.

## **84. SUPPLY OF HAZARDOUS SUBSTANCES**

- (1) No person may –
  - (a) supply more hazardous substances than the quantities referred to in section 24(1) of these by-laws to any unregistered premises, or have them supplied or permit them to be supplied;
  - (b) deliver or supply more hazardous substances than the quantity specified in the applicable certificate of registration or hazardous substances of a group other than specified in such certificate of registration to any premises or person, or have them delivered or supplied or permit them to be delivered or supplied.

- (2) No person may handle any container containing a hazardous substance in a manner that will damage or may damage that container, or permit the container to be damaged.
- (3) Every person who delivers dangerous goods must ensure that –
  - (a) a 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;
  - (b) during any transfer of dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
  - (c) while delivering –
    - (i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;
    - (ii) the delivery vehicle is not parked on or across a pavement or a road;
    - (iii) no delivery hose lies on or across a pavement, road or other premises;
  - (d) no dangerous goods are transferred to a storage facility that does not comply with the requirements of Chapter 6 and the provisions of SABS 0263;
  - (e) any device connected with, or used for, the delivery of the dangerous goods –
    - (i) is designed for its purpose; and
    - (f) no dangerous goods are spilled during delivery.
- (4) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, vessel, ship or boat while its power source is in operation.
- (5) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **85. EXEMPTIONS**

- (1) Notwithstanding anything to the contrary in these by-laws –
  - (a) flammable liquids are not deemed to be stored, handled or transported whenever liquids are, for normal use, in the fuel tank of a motor vehicle;
  - (b) flammable liquids are not deemed to be stored, handled or transported if the liquids are in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 000 litre and the fuel tank is surrounded by a liquid proof bound wall, volumetrically be 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 is guilty of an offence.

#### **86. RENEWAL OF SPRAYING PERMITS AND/OR CERTIFICATES OF REGISTRATION**

- (1) Any holder of a certificate of registration or spraying permit must, before the first working day of December each year, submit an application for renewal of the certificate or permit to the Service on the prescribed form, which form must be accompanied by the fees prescribed in Annexure I to these by-laws: Provided that the Service may require further, additional and/or amended plans of the premises in question for the purposes of renewal.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **87. TEMPORARY STORAGE OF HAZARDOUS SUBSTANCES**

- (1) The Service may grant a temporary certificate of registration for a period of not more than six months to any person who, for bona fide reasons, requires more hazardous substances on the premises that the quantities contemplated in section 24(1) of these by-laws: Provided that –
  - (a) if the hazardous substance are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 14 000 Litre;
  - (b) in respect of small fleet maintenance on research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and
  - (c) an application is submitted on the prescribed form, accompanied by the fees prescribed in Annexure 1 to these by-laws, together with the plans required by section 23 of these by-laws; and
  - (d) the entire installation must comply with SABS 0131: Part 2, and
  - (e) the duration of the temporary storage is at the discretion of the Chief Fire Officer.
- (2) Notwithstanding this section, if a larger capacity
- (3) Any person whose application for a temporary storage tank is approved must ensure that the storage tank is surrounded by a liquid-proof bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank;
  - (a) the rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
  - (b) a permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
  - (c) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
  - (d) the storage tank is not erected within 5 m of any erf boundary, building, excavation, road and/or driveway;
  - (e) no source of ignition or potential ignition is brought within 5 m of the storage tank;
  - (f) symbolic signs prohibiting smoking and open flames, at least 300 mm x 300 mm in size, are affixed to all sides of the temporary installation, and

- (g) a minimum of two 9kg dry chemical fire extinguishers are installed within 10 m of the temporary installation.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **88. PERMANENT ABOVE GROUND STORAGE TANKS FOR FLAMMABLE LIQUIDS**

- (1) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure—
  - (a) that the tank is erected or installed—
    - (i) in accordance with SANS 0131 and SANS 089, Part I;
    - (ii) at least 3,5 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
  - (b) that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SANS 0232, Part 1.
- (2) Any electrical installation associated with the storage tank must comply with SANS 0108 and SANS 089, Part 2.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

#### **89. STORAGE AND USE OF A FLAMMABLE SUBSTANCE**

- (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1) in the presence of the controlling authority.
- (3) Notwithstanding subsection (2), the controlling authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, to be pressure tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The controlling authority must be notified at least 48 hours prior to the pressure test.
- (5) Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipe work, the owner or

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- person in charge of the premises must notify the controlling authority, who may call for the premises or installation to be rendered safe.
- (6) The owner or person in charge of the premises may not store or use –
- (i) a flammable gas in excess of 19 kilogram, or
  - (ii) a flammable liquid of a danger group (i), (ii) or (iii) in excess of 200 litres,
- unless he has obtained a flammable substance certificate from the controlling authority.
- (7) The design requirements and construction of an underground storage tank must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.

#### **90. BULK STORAGE DEPOT FOR FLAMMABLE SUBSTANCES**

- (1) The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read with SANS 089: Part 1.

#### **91. SMALL INSTALLATIONS FOR LIQUEFIED PETROLEUM GAS**

- (1) Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SANS 10087: Part 1.

#### **92. BULK STORAGE VESSEL FOR LIQUID PETROLEUM GAS**

- (1) The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10087: Part 3.

#### **93. DELIVERY OF HAZARDOUS SUBSTANCES**

- (1) Any person delivering hazardous substances to any supplier or user –
- (a) may not, while delivering, park any delivery vehicle on or across a pavement or on or across a public road;
  - (b) may not, while delivering, let any delivery hose lie on or across a pavement, public road or other premises, or go through or over a building or have it lying there;
  - (c) must ensure that, while delivering, a 9 kg dry chemical fire extinguisher is ready at all times;
  - (d) must ensure that, during the transferral of hazardous substances, the delivery vehicle is physically earthed with the storage facility to which the hazardous substances are being transferred;
  - (e) must ensure that, while delivering, the delivery vehicle is in such a position that it can be removed quickly and easily in the event of an emergency situation without exacerbating the situation; and
  - (f) must ensure that no hazardous substance is transferred from a delivery vehicle to a facility that is leaking or broken.

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- (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 specific purpose and is in a safe and good working condition.
- (3) The person in charge of any delivery process of a hazardous substance must take reasonable precautionary measures to ensure that no hazardous substance is spilled during delivery on any surface when the substance is transferred from a delivery vehicle to a storage facility.
- (4) No person may transfer any hazardous substance to a motor vehicle, aircraft, vessel, ship or boat while the power source thereof is in operation or permit the substance to be transferred.
- (5) No person may transfer a hazardous substance to an aircraft unless and until the aircraft has been earthed with the transferral device by means of an earth cable.
- (6) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **94. PROHIBITION OF CERTAIN ACTIONS**

- (1) Any person who stores, uses or handles hazardous substances on premises or has them stored, used or handled or permits them to be stored, used or handled on the premises may not –
  - (a) perform any act or action, or have any act or action performed or permit any action to be performed that may reasonably result in or cause a fire or an explosion; and
  - (b) perform any act or action, or have any act or action performed or permit any act or action to be performed that may reasonably obstruct the escape to safety of any human being or animal during an emergency situation.
- (2) No person may dump any hazardous substance in or spill any hazardous substance into any borehole, pit, sewer, drain system or surface water, or permit any hazardous substance to be dumped in or spilled into any borehole, pit, sewer, drain system or surface water.
- (3) No person may discard hazardous substance in any manner other than by having the substance removed or permitting the substance to be removed by an organisation which is fully equipped to do so.
- (4) No person may light, bring or use, within 5 m of any area where, to his/her knowledge, hazardous substances are stored, used or handled, any fire or anything else that produces or is capable of producing an open flame or permit the fire to be lit, brought or used within 5 m of such area.
- (5) No person may use any device in connection with hazardous substances in any basement level in a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting in connection with the maintenance of that building, or have the device used or permit the device to be used in any basement level.
- (6) No person may, while there is another person in or on a bus (except for the driver of the bus, or any other person in charge of the bus), fill the fuel tank of that bus, or have it filled or permit it to be filled, or

- transport any hazardous substances in or on such bus, except in the fuel tank, or have it transported or permit it to be transported.
- (7) No person shall use or cause or permit the use in any basement of any device for spraying flammable liquid or any pump or other device for the issue or transfer of any flammable liquid to vehicles or containers.
  - (8) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **95. COMBUSTIBLE OR FLAMMABLE SUBSTANCES AND SWEEPING COMPOUNDS**

- (1) Notwithstanding anything to the contrary contained in any other by-law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

#### **96. "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 symbolic signs prohibiting smoking and open flames, as the case may be. These signs must conform with SABS 1186 and be of the appropriate size as specified by the Service and must be displayed prominently in appropriate places.
- (2) A person may not remove a "No Smoking" sign.
- (3) A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.
- (4) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.
- (5) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.
- (6) Any owner who fails to comply with the provisions of subsection (1) is guilty of an offence.
- (7) Any person who disregards the prohibiting in subsection (1) or permits the prohibition to be disregarded is guilty of an offence.

#### **97. FIRE-FIGHTING EQUIPMENT**

- (1) Notwithstanding anything to the contrary in these by-laws, the person to whom the certificate of registration in terms of section 24 of these bylaws and/or spraying permit in terms of section 48(1) of these by-laws has been issued must ensure that all premises to which such

- certificate of registration and/or spraying permit applies are equipped with –
- (a) portable fire extinguishers, as specified in SABS 1567 (carbon dioxide type), SANS 1910 (dry chemical power, foam and water types) and SABS 1571 (transportable type), of a minimum capacity of 9 kg or 9 Litre, as the case may be, in a ratio of one fire extinguisher to every 100 m<sup>2</sup> or part of it: Provided that the Service may specify the type of fire extinguisher to be provided and, if the Service is of the opinion that exceptional hazards or risks necessitate a larger number of fire extinguishers, the Service may require that more fire extinguishers, in a consequential smaller ration than the ratio stated above, be installed;
  - (b) hose reels, as specified in SABS 543 (hose reel), connected to a water supply as reflected in Part W of SANS 10400, enabling each hose reel to maintain a flow of 0, 5 Litre per second at a work pressure of 300 kPa.
  - (c) fire hydrants, with couplings as specified in SABS 1128, Part II (Fire fighting equipment – Couplings), in a ration of at least one to every 1 000 m<sup>2</sup> or part of it; and
  - (d) approved sprinkler systems in any above-ground facility, of which the capacity is 9 m<sup>3</sup> or larger, with the exception f temporary storage facilities as referred to in section 28 of these by-laws, and installed in positions indicated on the plans referred to in section 23 of these by-laws.
- (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 or she 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) Fire-fighting equipment must be inspected and maintained by a registered person in accordance with the provisions of SABS 0105 and SABS 1475 at least once every twelve months to the satisfaction of the Service.
  - (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (2).
  - (5) When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (2), the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
  - (6) When, in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.

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- (7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced modified, repaired or tested in an area where such action would create a danger or hazard.
- (9) If fire-fighting equipment is not positioned prominently, the position of the equipment must be indicated by symbolic safety signs in accordance of SABS 1186 and to the satisfaction of the Service.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **98 REPORTING OF FIRES, ACCIDENTS AND DUMPING**

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

## **99. SAMPLING**

- (1) Whenever a member inspects any premises and suspects that a substance on the premises is hazardous, the member may take a sample of any relevant substance for analysis: Provided that –
  - (a) any sample so taken must be taken in the presence of the owner, occupier or any other third party;
  - (b) any sample must be divided into two equal parts and be sealed in similar containers with the following information on the containers:
    - (i) The address and the location of the premises
    - (ii) The trade name of the premises or concern
    - (iii) The name and signature of the persons who are present, as contemplated in subsection (1)(a)
    - (iv) The date on which and time at which the sample was taken.
    - (v) A description of the exact location on the premises where the sample was taken; and
  - (c) any sample so taken must, at the expense of the owner of the premises, be taken immediately to an accredited institution as determined by the Service for an analysis and a report:

Provided further that the results of the analysis may, subject to the rules of the law evidence, be used as evidence in any potential legal steps that the Service may consider and/or deem necessary, as the case may be.

## **79. STORAGE TANKS AND DEVICES THAT HAVE BECOME ABSOLUTE**

- (1) The owner or user of any storage tank and/or related device that has become absolute must, in accordance with the provisions of section 37 of these by-laws, remove the tank or device or have the tank or device removed, or fill up the tank with matter as provided for in SANS 100893.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **80. ACCESS TO STORAGE TANKS FOR REPAIRS AND MAINTENANCE**

- (1) No person may enter or permit any other person to enter any storage tank which contained Group III hazardous substances, unless that person is wearing an effective self-supporting breathing apparatus or until such tank has been de-aerated and made free of gas and fumes, as provided for in SANS 10089-1, as amended.
- (2) No person may enter any storage tank which contained Group III hazardous substances unless that person is attached to a rescue rope controlled by a responsible person who is at all times taking appropriate measures to ensure the safety and welfare of all persons involved.
- (3) No person shall carry out or permit to be carried out any repair or alteration of or perform any work on any used container until all flammable liquid and flammable liquid vapour have been removed from such container: Provided that in the case of faulty liquefied petroleum gas cylinder, no attempt at repair shall be made and the owner of the person having possession of the cylinder shall ensure that it is treated as described in SABS Code of Practice 019: Portable Metal Containers for Compressed Gasses: Basic Design Criteria, Use and Maintenance.
- (4) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **81. INSTALLTION, ERECTION, REMOVAL AND DEMOLITION**

- (1) In addition to any other applicable legislation, any person who intends to erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement and floor layout in respect of premises or anything connected with the premises, or have any of the above erected, installed, removed, demolished, extended or changed, must notify the Service of his/her intentions at least three working days prior to the commencement date and estimated completion date, and this notification must be made on the form described in Annexure II to these by-laws.
- (2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.

- (3) Any failure to act as contemplated in subsection (1) will *ipso facto* cancel the certificate of registration and/or spraying permit, as the case may be, in so far as such failure is connected with the matter, as well as any other authorization, including an exemption granted in terms of these by-laws: Provided that the provisions of this section are not applicable whenever –
- (a) anything is removed temporarily for carrying out repairs thereto or in connection therewith –
  - (b) any above-ground or underground equipment and/or parts of the equipment are replaced; and
  - (c) any above-ground or underground storage tanks are replaced with tanks of the same capacity.
- (4) (a) No structure, installation or building may, after completion of the action referred to in subsection (1), be erected again on the premises in question, unless application for the approval of plans, as contemplated in section 23 of these by-laws, is made again.
- (b) After completion of the structure, building or installation, application must be made again for a certificate of fitness, spraying permit and/or certificate of registration in accordance with the provisions of PART IV, HAZARDOUS SUBSTANCES, of these by-laws.
- (5) If an above ground 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 was erected must –
- (a) within seven days of the cessation, notify the controlling authority in writing thereof;
  - (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
  - (c) within six months of the cessation, remove the installation including any associated pipe work, from the premises entirely, unless the controlling authority otherwise instructs, and
  - (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.
- (6) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **82. GROUP I HAZARDOUS SUBSTANCES**

- (1) All Group I hazardous substances (explosives) must be handled, used, stored and transported in accordance with the provisions of SABS 0228, 0229, 0232 and 0263, the Explosives Act, 1956, and under these Acts, as the case may be.
- (2) (a) No person may use or explode any explosives within the area unless the Chief Fire Officer has been notified of this in writing at least seven days prior to its commencement.

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- (b) The Chief Fire Officer may impose any fire protection measures he/she deems necessary according to circumstances in question.
- (3) No person may discharge any fireworks or permit the discharge of any fireworks within the area without the permission of the Chief Fire Officer.
- (4) Any person who by any act or omission commits a breach of any provision of this section is guilty of an offence, and the explosives or fireworks, if any, may be confiscated, in which case the cost of disposal thereof will be borne by the accused person.
- (5) No person shall store or convey or cause or permit to be stored or conveyed Group I Flammable Liquid in a quantity exceeding 5 L except in a container constructed of metal having a thickness of at least 1, 25 mm or liquid petroleum gas except in a container constructed in accordance with the requirements of SABS Code of Practice 019: Portable Metal Containers for Compressed Gases.

### **83. GROUP II HAZARDOUS SUBSTANCES**

#### **Portable containers**

- (1) 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, SABS 0228, SABS 0229 and SABS 0238, as the case may be.
- (2) All portable metal containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SABS 0228, SABS 0229, SABS 0238, SANS 10019 and SANS 10087, Parts 1 to 10, as the case may be.
- (3) All portable containers for Group II hazardous substances must at all times be transported, stored and/or installed in a vertical position.

#### **Bulk containers**

- (4) 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, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10019; SANS 11087-3; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

#### **Manifold installations**

- (5) (a) No Group II 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 a portable liquid petroleum gas container of a maximum water capacity of 45 litre inside a detached private dwelling-house (H4 occupancy classification in terms of Regulation

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A20 of the National Building Regulations), on condition that the 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 (5) (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 be the basis of such proof.
- (6) (a) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen balloons indoors, for whatever purpose.
- (b) In enforcing this subsection, the concept of "hydrogen gas" includes any gas compound containing hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be certified scientifically.
- (c) The provisions of section 39 (5) (b) of these by-laws are applicable *mutatis mutandis* to this subsection
- (7) Whenever any person uses acetylene welding devices and/or cutting devices indoors, the devices must be used strictly in accordance with the requirements of SABS 0238: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of the device.
- (8) The installation within the area of underground pipelines for any Group II hazardous substance, and branches or manifolds or pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 22, 23, 24, 25, 27, 29 and 31 of these by-laws.

### **Underground pipelines**

- (9) 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 1 600 litre per minute at a work pressure of 300 kPa, and these fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.
  - (b) The owner of the pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
  - (c) The pipeline must be marked with markers approved by the Chief Fire Officer and must be maintained in a functional condition at all times by the owner of the pipeline.
  - (d) The installation and extension of the pipeline and/or branches to consumers' premises, and the maintenance of the pipeline within the area, must *in toto* be done according to a recognized standard approved by the Chief Fire Officer.

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- (e) No construction work above or below the ground may be done within 16 m of the pipeline reserve, unless the construction company is in possession of written authorization to do so, which authorisation has been issued by the controlling authority and the owner of the pipeline.
- (10) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **84. GROUP III HAZARDOUS SUBSTANCES**

- (1) No person shall store or cause or permit to be stored Class III flammable liquid in any room or building except in sealed containers.
- (2) No more than 5 kl of Class III flammable liquid may be stored in a room or store unless:
  - (a) such room or store is constructed of non-combustible material;
  - (b) fire fighting equipment is installed to the satisfaction of the chief fire officer.
- (3) Not more than 20 kl of Class III flammable liquid may be stored in any one room or store.
- (4) The Chief Fire Officer may in writing exempt from the provisions of section 23 and 24 of this code, for such period as he may deem necessary, any person wishing to store more than 200 l of Class I flammable liquid., more than 400 l of Class II flammable liquid and 2.3 kl of Class III flammable liquid required for or in connection with any excavation, building or road making work of a temporary nature, provided, however that:
  - (a) application is submitted, in writing, to the Chief Fire Officer;
  - (b) suitable provision have been made to surround the storage tank or containers in which such flammable liquid is stored by walls or bunds of such a character that such flammable liquid cannot escape from such walls or bunds either under the action of fire or otherwise;
  - (c) at least one efficient chemical fire extinguisher of a type to be approved by the Chief Fire Officer has been provided as set out in section 46 of this code.
- (5) Any person to whom an exemption has been granted in terms of this section shall ensure that at all relevant times:
  - (a) all reasonable precautions are taken to prevent any fire, flame or other agency likely to ignite flammable liquid or substance or flammable vapour being brought into contact with such flammable liquid or its vapour;
  - (b) such flammable liquid or substance is not placed within 4, 5 m of any protected work or public thoroughfare;
  - (c) to provisions of paragraphs (1) and (2) of the abovementioned hereof are observed.

#### **Tank manufacture**

- (6) Any storage tank for Group III hazardous substance must be installed in accordance with the provisions of SANS 10400; SABS 1089; Parts I, II and III; SABS 10131, Parts I, II, and III; SABS 0108 and SABS 086, as the case may be: Provided that:

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- (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131;
  - (b) all pumps and filling devices installed indoors must be in purpose-built, registered premises;
  - (c) all installations, as contemplated in subsection (1)(a) and (b), as the case may be, are subject *mutatis mutandis* to the provisions of section 23 and section 24 of these by-laws, as the case may be; and
  - (d) all above-ground storage tanks may be installed in bulk depots only, except those storage tanks contemplated in section 28 of these by-laws;
- (7) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **85. INSTALLATION OF STORAGE TANKS**

- (1) Any storage tank for Group III hazardous substances must be installed in accordance with the provisions of SANS 10400; SABS 1089, Parts I, II and III; SABS 10131, Parts I, II and III; SABS 0108 and SABS 086, as the case may be: Provided that –
- (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131;
  - (b) all pumps and filling devices installed indoors must be in purpose-built, registered premises;
  - (c) all installations, as contemplated in subsection (1)(a) and (b), as the case may be, are subject *mutatis mutandis* to the provisions of section 23 and section 24 of these by-laws, as the case may be; and
  - (d) all above-ground storage tanks may be installed in bulk depots only, except those storage tanks contemplated in section 28 of these by-laws.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **86. SMALL INSTALLATIONS FOR LIQUEFIED PETROLEUM GAS**

- (1) Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SABS 087: Part 1

#### **87. INSPECTION OF PREMISES AND INSTALLATIONS**

- (1) The person responsible for the installation or erection of any pump, storage tank, filling device, dry cleaning room, store, spraying room or other equipment or premises intended for the storage, use or handling of flammable liquid or substance, shall notify the Chief Fire Officer in writing upon completion of installation or erection.

#### **88. USE, HANDLING AND STORAGE OF LIQUEFIED PETROLEUM**

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**GAS**

- (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless –
  - (a) the person is in possession of a certificate of registration contemplated in section 35; and
  - (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SABS 087, Parts 1, 3, 7 and 10.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SABS 087, Parts 1, 3, 7 and 10.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SABS 087, Part 7.
- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.
- (5) An application of 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 and liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).
- (8) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.
- (9) A liquid petroleum gas container must be used in such a manner as to prevent damage or leakage of liquid or vapour there from.
- (10) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

**89. USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES PROHIBITED IN CERTAIN CIRCUMSTANCES**

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

substance to be used, handled or stored on any premises, unless the flammable substance –

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

## **90. 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.

## **STORAGE TANKS, PUMPS AND CONTAINERS**

### **91. STORAGE TANKS IN BASEMENT**

- (1) A basement storage tank authorised in terms of subsection (1) shall have a capacity not exceeding 1 500 litres and the person to whom authority has been given under that subsection shall comply with all conditions subject to which such authority has been given.

## **92. CAPACITY OF UNDERGROUND STORAGE TANKS**

- (1) The capacity of any underground storage tank, if not within a bulk depot or an aerodrome or landing ground used by aircraft, shall be in accordance with SABS Code of Practice 089: Code of Practice of the Petroleum Industry, Part I: The Handling, Storage and Distribution of Petroleum Products.

## **93. VENTILATION OF UNDERGROUND STORAGE TANKS**

- (1) The holder shall ensure that every underground storage tank installed on the premises in respect of which a certificate of registration has been issued has a ventilation pipe in accordance with SABS Code of Practice 089: The Petroleum Industry, Part I: The Handling, Storage and Distribution of Petroleum Products.

## **94. 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 insure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 0400, SANS 089, Part 3 and SANS 0131.
- (2) Any person who contravenes subsection (1) commits an offence.

## **95. ABANDONED TANKS**

- (1) Before any storage tank which is no longer required for use as such is removed, the following steps shall be carried out successively:
- (a) all flammable liquid shall be removed from the tank and from connecting pipes;
- (b) the suction, filler, vent and dipping hole pipes shall be disconnected;
- (c) the tanks shall be rendered thoroughly airtight after disconnecting all pipes by blanking off all flanges and screwing in metal gas plugs onto any sockets in the tank. All leakage holes shall be plugged with lead or hardwood plugs.
- (2) If an underground storage tank which is no longer required for use as such is not to be removed in terms of subsection (1), the owner of such tank shall cause it to be filled with sand, liquid concrete or such other substance as may be approved by the Chief Fire Officer.
- (3) If a tank is to be disposed of as scrap, it shall before disposal be retested for explosive vapours and, if necessary, rendered gas-free and a sufficient number of holes or openings shall be made in such tank so as to render it unfit for future use.

**96. POSITION OF PUMPS**

- (1) No pump or other device used or intended to be used for the issue or transfer of flammable liquid to or from any vehicle shall be erected or situated in such a position that the hose thereof can be used for the issue or transfer of flammable liquid on or across any public street or public place.
- (2) No person shall cause, allow or permit the issue or transfer of flammable liquid to or from a vehicle by means of a pump or other device except while within the premises on which the pump or device is situated.

**97. PUMPS ON RAMPS**

- (1) Pumps or other devices used or intended to be used for the issue of flammable liquid to motor vehicles or containers shall not be erected on any ramp or within 6 m of the beginning or top of the ramp and shall in all cases be erected on level ground.

**98. DIPPING STICKS**

- (1) Dipping sticks shall be made only of wood or brass or other non-ferrous metal or alloy.

**99. PUMP HOSES**

- (1) No person shall deliver flammable liquid or permit it to be delivered from any pump to the fuel tank of any vehicle except through sound hose having an earthing wire in its construction which is effectively attached to the metal of the pump and to the metal hose nozzle and, except at an aerodrome or landing ground used by air crafts, no hose attached to any such pump shall exceed 4, 5 m in length when measured from the pump to the tip of the nozzle.

**100. SITUATION OF PUMPS AND THEIR FILLING PIPES**

- (1) Every filling pipe inlet and every pump, except where used for manufacturing purposes, shall be –
  - (a) at surface level;
  - (b) installed in such a position that it would not impede the escape of any person or animal from the premises in the case of fire;
  - (c) so situated or protected by surrounding walls as not to expose adjoining property to the risk of danger from fire during filling operations or otherwise.

**101. MAINTENANCE OF TANKS, PIPELINES, PUMPS AND OTHER EQUIPMENT AND FITTINGS**

- (1) The holder shall ensure that in respect of the premises for which a certificate of registration has been issued to him all storage tanks, pipelines, pumps, machinery and other equipment and fittings for the storage, use or handling of flammable liquid or substance are –
  - (a) of sound and proper construction;
  - (b) so installed and fixed as not to be unnecessarily exposed to damage;
  - (c) effectively electrically earthed;
  - (d) free from leakage of flammable liquids and, as far as is reasonably possible, free from leakage of flammable liquid vapour, except by means of a vent pipe;
  - (e) maintained in a good and proper order and are at all times in accordance with the provisions of this code;
- (2) All pipelines between a storage tank and a pump shall be below ground level.
- (3) All electrical earth connections required under this code shall be examined once every twelve months by a qualified person, who shall enter in a suitable book, supplied by the occupier of the premises and kept solely for that purpose, the effectiveness and conditions of such earth, his name and address and the date of examination. All such entries shall be signed by such qualified person.
- (4) All work on flammable liquid installations is to be carried out by a qualified person as defined in the applicable SABS Code of Practice.

#### **102. FILLING OF CONTAINERS**

- (1) No person shall fill a container with Class 0 or Class I or II flammable liquid other than in a room or building constructed of non-combustible materials and used solely for such purpose, which room or building shall be adequately ventilated or in the open air at a distance of not less than 15 m from any fire, flame, naked lights, or other agency likely to ignite flammable liquid or its vapour.
- (2) No person shall fill a container with Class 0 flammable liquid or cause or permit it to be filled except in accordance with the requirements of SABS Code of Practice 087, Part VII: Retail Outlets and Similar LP Gas Filling Sites for Small Containers.
- (3) A person who fills a container with Class 0, I or II flammable liquid shall ensure that both it and the container from which it is filled are properly earthed.

#### **103. QUANTITY IN CONTAINERS**

- (1) No container shall be filled with flammable liquid to more than ninety seven and a half percent (97, 5 %) of its capacity: Provided that in the case of liquefied petroleum gas, containers shall not be filled more than eighty percent (80 %) of their capacity.

#### **104. 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 noncombustible, firm and level base.
- (6) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/or more than 210 litres of class II and class IIIA combined, such flammable and combustible liquids must be stored in a store room.
- (7) Any person who contravenes subsections (1), (2), (3), (4) and (6) commits an offence.

#### **105. CONTAINERS AFTER DELIVERY**

- (1) No person who has taken delivery of any flammable liquid in containers in excess of the quantity stated in section 23 shall cause or permit such containers to remain unattended in any place other than a store for a longer period than may reasonably be necessary. In the case of portable containers filled with liquid petroleum gas which are stored for the retail market, the holder of a certificate of registration in respect of premises shall ensure that storage of such containers complies with the requirements of Part VII of the SABS Code of Practice referred to in section 79

#### **106. STORAGE AND HANDLING OF LIQUEFIED PETROLEUM GAS**

- (1) No person shall store or handle liquefied petroleum gas or construct or assemble an installation for the storage and distribution of liquefied petroleum gas except in accordance with the requirements of Part VII of the SABS Code of Practice referred to in section 79 and in accordance with the provisions of SABS Code of Practice 019: Portable Metal Containers for Compressed Gasses: Basic Design Criteria, use and Maintenance.
- (2) No person shall cause or allow more than 19 kg of liquefied petroleum gas to be kept or stored in any building and for the purpose of this provision any container for liquefied petroleum gas found in any building shall be deemed to be full until the contrary is proved.
- (3) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SANS 10087: Part 1 and SANS 10019.
- (4) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour there from.
- (5) A liquid petroleum gas container of a capacity not exceeding nine (9) kilogram must be filled and stored in accordance with SANS 10087: Part 7.

#### **107. STORAGE OF EMPTY CONTAINERS**

- (1) No person shall place or keep any used empty container or cause or permit any used empty container to be placed or kept in any part of any premises other than a store: Provided, however, that –
  - (a) such a container may be stored in the open air at a distance of not less than 6 m from any fire, flame, naked light or other agency likely to ignite flammable liquid or its vapour.
  - (b) no person shall cause or allow any used empty container to remain in or on any public street or public place.
- (2) The person who stores used empty containers in terms of subsection (1) shall at all times ensure that they are securely closed with a bung or other suitable stopper.
- (3) The holder of a certificate of registration in respect with any premises shall ensure that the storage of filled liquefied petroleum gas containers and empty cylinders shall be in accordance with the requirements of Part VII of the SABS Code of Practice referred to in section 79.

#### **108. MARKING OF CONTAINERS**

- (1) No person shall supply or deliver to any person any Class I flammable liquid in any container unless such container bears in conspicuous letters the words “FLAMMABLE/VLAMBAAR” or a sign conforming to sign WW2 described in SABS Specification 1186: Symbolic Safety Signs and the marking of liquefied petroleum gas containers is in accordance with the requirements of the SABS Code of Practice referred to in section 79.

#### **CONSTRUCTION OF VEHICLES, AS WELL AS TRANSPORTATION AND**

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## **TRANSPORT PERMITS**

### **109. CONSTRUCTION OF VEHICLES FOR GROUPS I, II, III, IV, V, VI, VII, VIII AND IX HAZARDOUS SUBSTANCES**

- (1) Any road tanker for the transportation of Groups II, III, V, VI, VIII and IX hazardous substances must be constructed and maintained in accordance with the provisions of SABS 0189, SABS 1398 and SABS 0233, as the case may be, and must be labelled in accordance with the provisions of SABS 0232, the Hazardous Substances Act, 1973, and any regulations made under the Act.
- (2) Any vehicle other than a road tanker used for transporting any hazardous substance, as contemplated in section 2(1) of the Hazardous Substances Act, 1973, must –
  - (a) be built large and strong enough to transport the quantity of hazardous substances intended to be transported in or on the vehicle;
  - (b) have at least two independent axle systems, each with its own suspension system, excluding a trailer that forms part of an articulated vehicle;
  - (c) be equipped with a safe mechanical lifting device for loading and offloading containers that contain or have contained hazardous substances of which the gross mass is 25 kg or more;
  - (d) be equipped with a strong safety edge or safety railing of at least 1 m high, measured from the surface of the body to the top of the body;
  - (e) be provided with strong, durable straps to fasten containers that contain or have contained hazardous substances securely to the body: Provided that the said straps must be anchored firmly to the bodywork of the vehicle and be fitted with a reversible cog winch mechanism that can be locked;
  - (f) have electrical wiring that complies with the requirements of SABS 314 and be maintained in accordance with SABS 314;
  - (g) have at least two static-free wheel blocks;
  - (h) have a power insulating switch, excluding the ignition switch, close to the battery in a position that is readily accessible in an emergency;
  - (i) have a spark-proof and static-free tank that has been designed, constructed and equipped to protect the consignment optimally from shock during an accident so that there is little likelihood of the hazardous substance catching alight in transit: {provided that portable container that contain or have contained Group II hazardous substances may only be transported in an openbodied vehicle; and
  - (j) have a valid roadworthy certificate as prescribed by the National Road Traffic Act, 1996, and any regulations made under the Act.
- (3) Any vehicle transporting hazardous substances for which a transport permit is required as contemplated in section 44 of these by-laws must be equipped with at least two 9 kg dry chemical fire extinguishers, which extinguishers must be –
  - (a) designed and manufactured in accordance with the specifications contained in SANS 1910;
  - (b) maintained in accordance with SABS 0105 and SABS 1475 and

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- (c) so positioned and installed on either side of the vehicle that they can quickly and easily be reached in the event of a fire.
- (4) The cabin, body, cargo space or tank, as the case may be, fuel tank, chassis and engine of any vehicle that transports hazardous substances must be permanently and effectively earthed electrically with each other.
- (5) Any person who, in the area, transports any group of hazardous substance in a road tanker or in any other vehicle contrary to any requirements contained in this section, or has it so transported or permits it to be so transported, is guilty of an offence.

#### **110. APPLICATION FOR TRANSPORT SERVICE PERMITS**

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

#### **111. DANGEROUS GOODS CERTIFICATE**

- (1) Notwithstanding anything contained in the National Road Traffic Act or any SANS code, the operator of a roadworthy vehicle designed for the transportation of dangerous goods may not operate such a vehicle, unless he has obtained a dangerous goods certificate from the controlling authority.
- (2) An operator of a vehicle mentioned in subsection (1), must submit an application to the controlling authority as prescribed in Schedule 2 (D) of this by-law.
- (3) The controlling authority may request additional information from the applicant.
- (4) The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SANS 10087: Part 4, SANS10089: Part 1, SANS 10230, SANS 1398, SANS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with subsection (1), as well as the dangerous goods certificate.
- (5) A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- (6) If, at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 5(2) or 6(1) and section 7 of this by-law.
- (7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection (1), unless the operator is in

- possession of a valid dangerous goods certificate issued by the controlling authority.
- (8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection (1), unless the operator meets the requirements in subsection (7).
  - (9) A dangerous goods certificate is valid only:
    - (a) for the vehicle for which it was issued;
    - (b) for the state of the vehicle at the time of issue; and
    - (c) for the quantities stated on the certificate.
  - (10) The dangerous goods certificate must be available in the vehicle mentioned in subsection (1) for inspection at all times.
  - (11) The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

#### **112. REQUIREMENTS OF TRANSPORT SERVICE PERMITS**

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

#### **113. NO AUTHORISATION REQUIRED FOR CERTAIN MOTOR VEHICLE FUEL TANKS**

- (1) No certificate of registration contemplated in section 63(1) or any other authorisation contemplated in this by-law is required in respect of flammable liquids in a fuel tank –
  - (a) of any motor vehicle; and
  - (b) of any stationery engine if the volume of the fuel tank does not exceed 1 000 litres.

#### **114. MAINTENANCE OF VEHICLE**

- (1) No person shall use or cause or allow to be used in any public place any vehicle for the transport of flammable liquid other than in the fuel tank of the vehicle unless such vehicle is maintained in good condition and in proper working order.

#### **115. OPENINGS TO TANK**

- (1) All openings to the tank of any vehicle used for the transport of flammable liquids shall be kept securely and effectively closed at all times when not in use.

#### **116. SUPERVISION OF WAGGON BY RESPONSIBLE PERSON**

- (1) Every road tank wagon shall be under constant supervision of the person having charge and control of such wagon during the period that it is in use as such outside a bulk depot.

#### **117. POSITION OF ROAD TANK WAGGON DURING DELIVERY OPERATIONS**

- (1) No person shall –
  - (a) cause or permit a road tank wagon to stand on or across any public footpath during delivery operations;
  - (b) place the hose or cause or permit the hose to be placed across such footpath during such operation;
  - (c) cause or permit a road tank wagon to face in any direction other than toward the exit during such operation.

#### **118. FIRE EXTINGUISHERS**

- (1) No person shall use or cause or permit to be used any road tank wagon conveying flammable liquid, unless such wagon is provided with at least two dry chemical powder type fire extinguishers each having a capacity of not less than 9 kg dry chemical powder.
- (2) Such extinguishers shall be carried on the road tank wagon in such a position and shall be attached to the road tank wagon in such a manner as to be readily and easily accessible in the case of fire.

#### **119. AGENCIES LIKELY TO IGNITE FLAMMABLE LIQUID**

- (1) No person shall –
  - (a) bring or cause to be brought any fire, naked light, flame or other agency likely to ignite flammable liquid or its vapour within 3 m of any vehicle in which flammable liquids are transported;
  - (b) carry or permit to be carried any matches, cigarette lighter or similar contrivance on any vehicle used for the transport of flammable liquid;
  - (c) smoke or be in possession of a lighted cigarette, cigar or pipe or permit any other person to smoke or be in possession within 3 m of a vehicle in use for the transport of flammable liquid or during the filling of such vehicle with flammable liquid or the discharge of such liquid there from;
  - (d) smoke or be in possession of a lighted cigarette, cigar or pipe within 3 m of such vehicle during the filling of such vehicle with flammable liquid or the discharge of such liquid there from or while in attendance thereon permit any other person so to smoke or be in possession.

**120. DUTIES, RESPONSIBILITIES AND SKILLS OF A DRIVER OF A VEHICLE FOR HAZARDOUS SUBSTANCES.**

- (1) Any driver of a vehicle referred to in section 42 of these by-laws must have the skills and appropriate documents in terms of the National Road Traffic Act, 1996, and the Road Transportation Act, 1977 (Act 74 of 1977), and must act in accordance with SABS 0189, SABS 0232, the Hazardous Substances Act, 1973, and the regulations made under the Act.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

**121. SERVICE TRANSPORT PERMIT**

- (1) The owner of any vehicle used for transporting hazardous substances in the area must, subject to section 45 of these by-laws, have a valid transport permit in terms of this section for transporting hazardous substances: Provided that –
  - (a) each vehicle for which such a permit has been issued must comply with the provisions of section 42 of these by-laws;
  - (b) the application form, provided for in Annexure II to these by-laws and obtainable from the Service, must be completed correctly and in full;
  - (c) the application form must be accompanied by the fees prescribed in Annexure I to these by-laws; and
  - (d) the application must be submitted for processing to the hazardous substances registration office of the Service at least five days (excluding Saturdays, Sundays and public holidays) prior to the proposed test date.
- (2) The transport permit must –
  - (a) indicate the date of issue and the date of expiry;
  - (b) be valid for a period of twelve months from the date of issue;
  - (c) indicate the name, in block letters, of the issuing officer and bear the officer's signature;
  - (d) indicate a year-linked serial number;
  - (e) indicate the group and quantity of hazardous substances to be transported;
  - (f) indicate the registration number of the vehicle in question;
  - (g) be displayed in a purpose-made waterproof container attached to the side of the chassis frame supporting the tank, load level or load space; and
  - (h) at all times be maintained in a legible condition.
- (3) The Service may send a reminder for renewal of the transport permit to the owner of the vehicle(s). A transport permit holder who has not received a reminder is not indemnified from possible prosecution.
- (4) Any person who fails to comply with the provisions of this section, or who alters or attempts to alter a transport permit or who permits it to be altered, is guilty of an offence.

## 122. GENERAL PROHIBITIONS REGARDING TRANSPORT OF DANGEROUS GOODS

- (1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless –
- (a) the vehicle has a valid roadworthy certificate;
  - (b) if not exempt in terms of section 73, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers –
    - (i) designed and manufactured in accordance with SABS 810 and maintained in accordance with SABS 0105 and SABS 1475; and
    - (ii) positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.
- (2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.

## 123. EXCEPTIONS WITH REGARD TO TRANSPORT PERMITS

- (1) Subject to the provisions of section 44 of these by-laws, the following quantities of hazardous substances are not, while in transit (except where otherwise indicated), subject to the issuance of a transport permit as contemplated in the said section 44:

(a) **Single-load hazardous substance(s)**

1.	<b>Group I: Explosives</b>	No exemption
2.	<b>Group II: Gases</b>	
2.1	Flammable gases	Total cylinder capacity may not exceed 100 kg
2.2	Non-flammable gases	Total cylinder capacity may not exceed 333 kg
2.3	Toxic gases	No exemption:
	Provided that any gas cylinders which are inside a framework attached to a heavy goods vehicle and which are intended for heating the product being transported are exempt from these provisions.	
3.	<b>Group III: Flammable liquids</b>	
3.1	With flash points $\leq 18\text{ }^{\circ}\text{C}$	Total quantity may not exceed 100 Litre
3.2	With flash points $> 18\text{ }^{\circ}\text{C}$	Total quantity

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	but ≤ 23 °C	may not exceed 420 Litre	
3.3	With flash points > 23 °C but ≤ 61 °C	Total quantity may not exceed 1 100 Litre	
3.4	With flash points > 61 °C <b>but ≤ 100 °C</b>	Total quantity may not exceed 1 100 Litre	
<b>4. Group IV:</b>	<b>Flammable solids</b>		
4.1		Flammable solids Total quantity may not exceed 250 kg	
4.2	Pyrophoric substances	No	
4.3	Water-reactive exemption	substances	No
<b>5.</b>	<b>Group V: Oxidising agents and organic peroxides</b>		
5.1		Oxidising agents Total quantity may not exceed 200 kg	
5.2	Group I organic exemption in packets	peroxides	No
5.3	Group II organic peroxides in packets quantity	peroxides	Total may not exceed 200 kg
<b>6. Group VI:</b>	<b>Toxic/infective substances</b>		
6.1	Group I toxic substances in packets exceed	Total quantity may not exceed 5 kg	
6.2	Group II toxic substances in packets	Total quantity may not exceed 50 kg	
6.3	Group III toxic substances in packets quantity	Total may not exceed 500 kg	
6.4	Infective substances	No exemption	
<b>VII:</b>	<b>Radioactive materials</b>	No	

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**8. Group VIII: Corrosive/caustic substances**

- 8.1 Group I acids in packets Total quantity may not exceed 50 kg
- 8.2 Group II acids in packets Total quantity may not exceed 200 kg
- 8.3 Group III acids in packets Total quantity may not exceed 1 000 kg
- 8.4 Group I alkaline Total quantity substances in packets may not exceed 50 kg
- 8.5 Group II alkaline Total quantity substances in packets may not exceed 200 kg
- 8.6 Group III alkaline Total quantity substances in packets may not exceed 1 000 kg

**9. Group IX: Miscellaneous substances**

- 9.1 Liquids Total quantity may not exceed 210 Litre
- 9.2 Solids Total quantity may not exceed 210 kg

**(b) Multiple-load hazardous substances** No exceptions.

**124. NO AUTHORISATION REQUIRES FOR CERTIAN MOTOR VEHICLE FUEL TANKS**

- (1) No certificate of registration contemplated in section 63(1) or any other authorisation contemplated in this by-law is required in respect of flammable liquids in a fuel tank –
- (a) of any motor vehicle; and
- (b) of any stationary engine if the volume of the fuel tank does not exceed 1 000 litres.

**125. CANCELATION OF TRANSPORT PERMIT**

- (1) The provisions of section 24, read with the necessary changes, apply to any cancellation of a transport permit by the Chief Fire Officer.

**126. RECORDS OF TRANSPORT PERMITS**

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- (1) The Chief Fire Officer must keep updated records of all vehicles in respect of which a transport permit has been issued, amended or renewed.

#### **127. PRECAUTIONS**

- (1) Every person responsible for or concerned in the conveyance of flammable liquid or substance shall take all reasonable precautions for the prevention of accidents by fire or explosion and for the prevention of access by any unauthorised person to any vehicle or container whilst in transit.

#### **128. RESTRICTION OF SCOPE OF CERTAIN SECTIONS RELATING TO TRANSPORT OF FLAMMABLE LIQUID**

- (1) The provisions of section 23 and 24 of this code shall not apply to the conveyance of flammable liquid on a vehicle, not being a road tank wagon –
- (a) of a quantity not exceeding 200 L of class I flammable liquid or 400 L of class II flammable liquid or 600 L of class III flammable liquid in securely closed metal containers of a capacity not exceeding 200 L; or
  - (b) of a quantity of class 0 flammable liquid in containers not exceeding 90 liters in total capacity,
- provided that the person who so conveys such liquid shall ensure that such containers are of substantial construction and are packed in such a manner as to prevent leakage from and damage to the containers in the course of conveyance, and provided, further, that any container for liquefied petroleum gas found on a vehicle shall be deemed to be full until the contrary is proved.

#### **129. DESIGN, CONSTRUCTION, MAINTENANCE AND REPAIR OF OTHER VEHICLES**

- (1) Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle –
- (a) is designed and constructed –
    - (i) to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
    - (ii) with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;
  - (b) is equipped with –
    - (i) a safety edge or safety railing –
      - (aa) at least 1 meter high when measured from the surface of the body of the vehicle; and
      - (bb) capable of securing dangerous goods containers;
    - (ii) strong and durable straps –

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

### **130. DESIGN, CONSTRUCTION, MAINTENANCE AND REPAIR OF ROAD TANKERS**

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

### **STOREROOMS FOR HAZARDOUS SUBSTANCES**

#### **131. PROVISIONS OF STORES**

- (1) When deemed necessary by the Chief Fire Officer, having regard to the nature and quantity of flammable liquids or substances to be stored, the nature and proximity of adjacent buildings and other attendant risks, the occupier of the premises shall provide thereon a store in accordance with the requirements of this code for the storage of such liquids or substances.
- (2) No person who is the holder of certificate of registration shall store in any store provided in terms of this code any greater quantity of flammable liquids or substances than is permitted by the certificate of registration issued in respect of that store and in the case of the storage of liquefied petroleum gas at retail outlets the holder shall ensure that the requirements of Part VII of the SABS Code of Practice referred to in section 82 are complied with.
- (3) No person shall use or permit the use of a store for the purpose of storing flammable liquid or substance, unless it complies with the

requirements of this code and until warning notices conforming to sign WW2 described in SABS Specification 1186: Symbolic Safety Signs are legibly painted or otherwise displayed on the outer face of the door of such store and such notices shall at all times be maintained in such position and in a legible condition.

## **132. REQUIREMENTS FOR STOREROOMS**

### **Capacity**

- (1) The certificate of registration issued for any storeroom for hazardous substances as contemplated in section 47 of these by-laws must indicate the group and the largest quantity of hazardous substances which may be kept in the storeroom.
- (2) No person may store or allow the storage of any flammable substances in any storeroom unless –
  - (a) that person has a certificate of registration contemplated in section 35; and
  - (b) the storeroom complies with the requirements of these By-laws and any other applicable law.

### **Danger notices in storeroom**

- (3) No person may use any storeroom or permit any storeroom to be used for Group III hazardous substances, unless –
  - (a) symbolic safety signs prohibiting open flames and smoking, at least 290 mm x 290 mm in extent, manufactured in accordance with the provisions of SABS 1186, are affixed in the storeroom; and
  - (b) the relevant groups of hazardous substances and the corresponding quantities of the substances which may be stored in the storeroom are indicated in 75mm high red letters against a white background on the outside of the door(s) to the storeroom.

### **Display of certificate of registration**

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

### **Construction of storerooms (excluding storerooms in recognised bulk depots and bulk installations)**

- (5) The construction of any storeroom must be in accordance with the following requirements:
  - (a) (i) The walls must be of brick or concrete.
  - (ii) The floor must be of concrete.

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- (iii) The roof must be of reinforced concrete of which the composition must offer fire resistance of at least 120 minutes.
- (b) Notwithstanding the provisions of subsection (4)(a)(iii), the roof of a storeroom may be manufactured from any other noncombustible material if -
  - (i) the storeroom adjoins a higher wall that has no opening at any place within 10 m above the storeroom and has no openings within 5 m of any side thereof; and
  - (ii) the storeroom is not situated within 5 m of any adjacent building and/or boundary of any premises.

### **Doors**

- (6) Any storeroom must be equipped with Class B-type fire doors manufactured and installed in accordance with SABS 1253: Provided that -
  - (a) the said doors must open to the outside and have a lock or locks as are approved by the Chief Fire Officer;
  - (b) whenever the distance to be covered from any storeroom is 4 m or more, the storeroom must have at least two Class B-type fire doors, which doors must be installed as far from each other as is practicable; and
  - (c) any door providing access to a storeroom must at all times be capable of being opened easily from the inside without the use of a key.

### **Windows**

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

### **Catch pit**

- (8) Any storeroom must be designed and constructed so that the floor of the storeroom is recessed below the level of the door sill to form a catch pit: Provided that -
  - (a) the catch pit formed by such recessed floor or sill must have a capacity capable of accommodating the total quantity of hazardous substances able to be stored in the storeroom, plus 10%;
  - (b) the catch pit must be covered at door sill level with a strong, stable, non-combustible and oxidation-free grill, which grill must serve as a floor on which corrosion-free shelves and/or the contents of the storeroom must be placed;
  - (c) an access hatch for cleaning purposes must be placed in a

- suitable position on the grill floor; and
- (d) the catch pit must, at its lowest level, have a non-corrosive drainage valve for cleaning purposes and for product recovery.

### **Ventilation**

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

### **Natural ventilation**

- (10) The owner or person in charge of any storeroom must effectively ventilate the storeroom at a minimum cycle of 30 total air changes per hour by installing non-combustible airbricks, at least 140 mm x 215 mm in extent, with non-corrosive gauze wire of which the nominal opening diameter must be at least 0,5 mm: Provided that the airbricks are -
- (a) provided in at least three external walls; and
- (b) positioned 100 mm above the level of the sill and 100 mm below the roof and not more than 450 mm apart.

### **Mechanical ventilation**

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

### **Electrical equipment**

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- (12) The owner or person in charge of a storeroom must ensure that -
- (a) all electrical apparatus, fittings and switchgear used or installed in any storeroom are protected and installed in accordance with the equipment of the appropriate class and division type for the particular area in terms of the provisions of SABS 0108;
  - (b) all switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SABS 0108 must be situated outside the storeroom and positioned so as not to come into contact or possibly come into contact with fumes escaping from the storeroom;
  - (c) all metal parts and electrical fittings and any device in or in connection with a storeroom are earthed effectively with each other and the ground;
  - (d) switches actuating any mechanical ventilation system are situated outside the storeroom;
  - (e) any mechanical ventilation system is on at all times, except whenever the system is switched off for repairs and/or replacement purposes: Provided that if the mechanical ventilation system breaks down, the system must be repaired without delay, and if the system breaks down irreparably, the system must be replaced without delay; and
  - (f) whenever any storeroom is not staffed, all electrical apparatus and fittings, with the exception of the mechanical ventilation system, are switched off.

#### **Electrical installations installed by qualified electricians**

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

#### **Storerooms constructed from other, non-combustible materials**

- (14) Notwithstanding the provisions of this section, a storeroom may be constructed from other, non-combustible materials: Provided that -
- (a) the storeroom is not constructed within 30 m of any other building and/or the boundary of premises;
  - (b) the storeroom is surrounded with liquid-proof retaining walls or embankments that are capable of accommodating the quantity of hazardous substances able to be stored in the storeroom, plus 10%; and
  - (c) the floor of or space within these retaining walls or embankments is also liquid-proof to prevent ecological contamination.

#### **Unauthorised access**

- (15) No person may enter, have any other person enter or permit any other person to enter any storeroom without the express permission of

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the occupier or any other responsible person who is in charge of such storeroom.

#### **Abuse of a storeroom**

- (16) No person may -
- (a) use any storeroom, or have the storeroom used or permit the storeroom to be used for any purpose other than for the storage, use or handling of hazardous substances in the storeroom;
  - (b) employ any other person in any storeroom or permit the person to work in the storeroom unless all the doors of the storeroom are wide open and/or the mechanical ventilation system is on; and
  - (c) place any obstruction or hindrance, or have any hindrance or obstruction placed or permit any hindrance or obstruction to be placed in the passages or in front of any door(s) of any storeroom.
- (17) Any person who uses a storeroom or permits a storeroom to be used and does not comply with the provisions of this section is guilty of an offence.

#### **133. LIGHTING OF STORE**

- (1) All lights installed shall be of the incandescent electric type, which shall be enclosed in an outer flame and vapour proof fitting, and all wiring shall be armoured cable or enclosed in seamless metal tubes, the junctions of which are screwed together. All switches, junction boxes, fuses and other electrical equipment shall be outside the store.

#### **134. USE OF STORE**

- (1) No person shall, without the prior written authority of the Chief Fire Officer –
- (a) use any store or cause or permit such store to be used for any purpose other than the storage of flammable liquids or substances and their containers.
  - (b) be present in or cause or permit any other person to be present in any store unless all doors of the store are fully open and kept entirely unobstructed.

#### **135. KEEPING AND HANDLING HAZARDOUS SUBSTANCES IN A STOREROOM**

- (1) Any storeroom referred to in section 46 of these by-laws may be used for keeping any grouped hazardous substance, with the exception of Group I hazardous substances (explosives), as defined in section 2(1) of the Hazardous Substances Act, 1973: Provided that all chemically reactive hazardous substances must be separated from each other by means of compartmental liquid-proof fire partition walls to the

satisfaction of the Service, which fire partition walls must extend from the bottom of the catch pit to 1 m above the highest stack of each group inside the storeroom.

- (2) Notwithstanding the provisions of section 46 of these by-laws, any grouped hazardous substance contemplated in this section, with the exception of Group I hazardous substances (explosives), may also be stored, handled and used inside any structure contemplated in SABS 0263 and kept in terms of SABS 0263: Provided that any storeroom will be subject *mutatis mutandis* to the provisions of sections 22, 23 and 24 of these by-laws, as the case may be.
- (3) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **136. STORAGE IN OPEN AIR**

- (1) No person shall store flammable liquid outside a building or elsewhere in the open air except in accordance with the following requirements:
  - (a) The flammable liquid may only be stored in sealed containers which shall be staked to a height not exceeding three containers;
  - (b) No flammable liquid or drum shall be nearer than –
    - (i) 3 m from any boundary of the premises or any drain;
    - (ii) 6 m from any building on the premises;
    - (iii) 15 m from any building on adjacent premises;
  - (c) The area in which storage takes or is to take place shall, if required by the Chief Fire Officer, be bunded to his satisfaction;
  - (d) Signs prohibiting smoking and naked flames conforming to prohibitory signs PV1 and PV2 as described in SABS Specification 1186: Symbolic Safety Signs, shall at all times be displayed so as to be visible to all persons approaching the storage area.

### **137. 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 5 000 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”.

### **138. SHELVING IN STOREROOMS**

- (1) The owner or person in charge of a storeroom must ensure that any racking of shelving erected or installed in the storeroom is of noncombustible material.

**139. MIXING AND DECANTING ROOMS**

- (1) The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Schedule 3 are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this Chapter applicable to storerooms.

**140. 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.

**141. 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 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 council, restore any public footpath or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.

**142. CONTAINERS 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.

**143. STORAGE, USE AND HANDLING ON REGISTERED PREMISES PROHIBITED IN CERTAIN CIRCUMSTANCES**

- (1) Except as otherwise provided in this code, no person shall store, use or handle or permit or cause to be stored, used or handled any flammable liquid or substance on any registered premises –
- (a) in circumstances that such flammable liquid or substance, or its vapour comes or likely to come into contact with any fire, flame, naked

- light or other agency likely to ignite such flammable liquid or substance or its vapour;
- (b) unless such premises are situated or constructed or so protected by surrounding walls or bunds so as adequately to protect adjoining premises or part thereof from the risk of danger from fire;
  - (c) as to prevent, or impede the escape of any person or animal;
  - (d) unless all equipment used in such premises for the storage, use and handling of flammable liquid or substance is maintained in good and proper order and free from leakage of flammable liquid or substance;
- (e) unless such person has taken all due precautions for the prevention of accidents by fire or explosion on such premises and for the prevention of unauthorised person obtaining access to the flammable liquid or substance kept thereon.

#### **144. SYMBOLIC SAFETY SIGNS MUST BE DISPLAYED**

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

#### **145. PROHIBITED ACTS: NOTICES**

- (1) Whenever so directed by the Chief Fire Officer in writing, the occupier of any premises, whether registered in terms of this code or not, upon which flammable liquids or substances are stored, used or handled shall post and keep posted in a conspicuous position or positions in such premises or part thereof, as the Chief Fire Officer shall specify, a sign or signs conforming to signs PV1 and PV2 described in SABS Specification No. 1186 – 1978 : Symbolic Safety Signs prohibiting smoking or the use or causing of fire or an open flame on such premises or part thereof.
- (2) Any person who, upon premises on which flammable liquids or substances are stored, used or handled who does, or cause or permits to be done, any act which tends or is likely to cause a fire or explosion or who smokes or uses an open flame in contravention of a notice posted in terms of subsection (1) and any occupier of premises who fails to post or keep posted any notice in terms of a direction given under subsection (1) shall be guilty of an offence.

**146. NOTICE TO DISCONTINUE DANGEROUS METHOD**

- (1) Where on inspection of any premises it appears that any degree, manner or method of storage, use, transport or handling of flammable liquids or substances which is in conflict with the provisions of this code or any act or omission constitutes a contravention of this code, is calculated to endanger the safety of persons or property, any Fire Official may require the immediate discontinuance, of such degree, manner or method or the removal of the flammable liquid or substance to a place of safekeeping.
- (2) A person who fails to comply with an instruction given in terms of subsection (1) shall be guilty of an offence.

**147. 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.

**BULK DEPOTS****148. BULK DEPOTS**

- (1) The person who is the holder of a certificate of registration in respect of a bulk depot shall ensure that its establishment, maintenance and control is in accordance with the requirements and recommendations of SABS Code of Practice 089, Part I: The Handling, Storage and Distribution of Petroleum Products.

**SPRAY-PAINTING MATTERS AND SPRAYING PERMITS****149. APPLICATION FOR SPRAYING PERMIT**

- (1) 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.

**150. REGISTRATION OF SPRAY-PAINTING ROOMS**

- (1) No person may spray, coat, plate or epoxy-coat any vehicle, or parts of a vehicle, or any other articles, objects or buildings, or parts

thereof, or permit them to be sprayed, coated, plated or epoxy-coated, whether indoors or outdoors, with a Group III hazardous substance or with liquid compounds of a Group III hazardous substance, or with any other hazardous substance, unless such person is in possession of a spraying permit in accordance with the requirements of Annexure II to these by-laws.

#### **Prohibition of certain actions**

- (2) No person may use or handle hazardous substances, or permit hazardous substances to be used or handled, on unregistered premises, unless a member is satisfied that the hazardous substances will be used or handled in a place and in a manner that will ensure that
- - (a) no hazardous substance or fumes come or are able to come into contact with any fire, flame or naked light, or any other source of ignition which is likely to set the hazardous substance or fumes alight; and
  - (b) the escape of human beings or animals is not hampered or hindered in the event of a fire or an emergency situation.

#### **Display and conditions of spraying permit**

- (3) A spraying permit is issued on the following conditions:
- (a) The spraying permit must at all times be displayed prominently in a weatherproof container on the premises in a place designated by a member.
  - (b) The spraying permit must be legible at all times.
  - (c) The number of spraying rooms and/or spraying booths must be indicated on the spraying permit.
  - (d) A serial number must be indicated on the spraying permit.
  - (e) The spraying permit must reflect the period of validity and the date of expiry: Provided that the period of validity will, notwithstanding the date of issue of the permit, expire on 31 December of each year.
  - (f) The spraying permit is not transferable from premises to premises.
  - (g) In the case of reconstructing, the spraying permit is, subject to the provisions of section 22 of these by-laws, transferable from control to control or from owner to owner on the same premises: Provided that -
    - (i) application must be made for transfer to the Service on the prescribed form; and
    - (ii) if the trade name of the premises changes, the holder of the spraying permit must ensure that the change is immediately brought to the attention of the Service.

- (h) The Chief Fire Officer must be in possession of a set of approved plans as referred to in section 23 of these by-laws.
- (i) The spraying permit will not be issued or renewed unless the prescribed application form has been completed in full and has been submitted to the Chief Fire Officer.
- (j) (i) Any person who is legally in possession of a spraying permit must apply to the Chief Fire Officer in writing on the prescribed form if that person wishes to amend the number of spraying rooms and/or spraying booths, according to need.
  - (ii) The fees prescribed in Annexure I to these by-laws must accompany an application. The Chief Fire Officer will grant the spraying permit only if the proposed amendments comply with the relevant provisions of these by-laws.
  - (iii) Whenever the Chief Fire Officer approves such an application, the person concerned must hand the spraying permit to the Chief Fire Officer to be amended.
- (4) The Chief Fire Officer may send a reminder for the renewal of registration to the owner or occupier of registered premises. An owner or occupier who has not received a reminder is not indemnified from possible prosecution.
- (5) The holder of a spraying permit or certificate of registration must ensure that he/she is always in possession of a valid spraying permit and/or certificate of registration.
- (6) Any person who fails to comply with the provisions of this section, or who alters a spraying permit or attempts to alter a spraying permit or permits a spraying permit to be altered is guilty of an offence.

#### **151. CANCELTION OF SRAYING PERMIT**

- (1) The provisions of section 44, read with the necessary changes, apply to the cancelation by the Chief Fire Officer of any spraying permit.

#### **152. SPRAYING PROHIBITED WITHOUT SPRAYING PERMIT**

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

#### **153. CONSTRUCTION AND DESIGN OF SPRAY-PAINTING ROOMS**

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

- (b) The walls must be of brick and/or concrete.
  - (c) The roof must be of reinforced concrete.
  - (d) The doors must be Class B-type fire doors as contemplated in SABS 1253.
  - (e) The window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
- (2) The provisions of subsection (1) are not applicable to the erection of a spraying room and/or spraying booth if, in terms of the design thereof, the room or booth complies with the following requirements:
- (a) The framework of the entire structure, including the door assemblies, must have a sturdy steel profile with a minimum wall thickness of 2,5 mm.
  - (b) The framework, including any doors, must be clad on both sides with sheet metal with a minimum thickness of 1,3 mm.
  - (c) If the sheet metal is joined, the joins and/or joints of the sheet metal so joined, including any door assembly forming an integral part of the whole, must be fume-, flame- and liquid-proof.
  - (d) The floor must be of concrete or metal.
  - (e) The window frames must be of steel with window panels that cannot be opened, which panels must be a maximum size of 450 mm x 450 mm and fitted with wire glass with a minimum thickness of 8 mm.
  - (f) All materials used must have a fire integrity grading of at least 60 minutes.
- (3) The unit formed through the combination of components referred to in subsections (1) and (2), including any services constituting an integral part of the unit or required in the unit, must be constructed, installed and finished so that all surfaces are smooth to prevent any furring which may hamper the ventilation, washing and cleaning processes.
- (4) A prefabricated unit is suitable only if such a unit is evaluated by the SABS or CSIR and is found to be suitable for the particular intended purpose.

#### **Location of and access to a spraying room**

- (5) (a) Notwithstanding the door(s) granting access for motor vehicles or other objects to be sprayed in any spraying room, a spraying room must have at least two hinged doors for the purposes of escaping, which doors must -
- (i) open to the outside;
  - (ii) be at least 800 mm x 2 000 mm in extent;
  - (iii) be positioned in opposite sides, provided that, whenever there is any object in the spraying room for processing, the distance to be covered to any of the doors may not exceed 4 m; and
  - (iv) be fitted with locking mechanisms that can be opened easily from the inside without the use of a key.

- (b) Any spraying room must be located so that it is at all times separated from other activities and/or areas by means of an escape opening of at least 1 200 mm wide, which escape opening must at all times be kept free of any obstruction, refuse or combustible materials.
- (c) If any activity and/or process which is operated adjacent to a spraying room may pose a probable fire danger to the spraying room, the said escape opening of 1 200 mm must be identified by fire partition walls with a fire resistance of at least 60 minutes, and the height of these walls must be at least 300 mm higher than the roof of the spraying room.
- (d) Any spraying room contemplated in subsection (2) may be erected indoors and outdoors against fire walls: Provided that not more than two sides of the spraying room may border the fire walls.

### **Water floors**

- (6) (a) A spraying room may have a sunken water-filled floor covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free grill that is capable of bearing the weight of the heaviest object in the spraying room.
- (b) The water in the sunken floor must be circulated through an effective non-combustible and cleanable filtering system by means of a closed-circuit pump circulation system of noncorrosive metal pipes with a suitable diameter and wall thickness.

### **Electrical equipment**

- (7) All electrical apparatus, lights, fittings and switchgear used or installed in any spraying room must be protected and installed in accordance with the provisions for equipment of the appropriate class and division type for the particular area in terms of SABS 0108.
- (8) All switchgear, distribution boxes, fuses and any other electrical equipment not in compliance with the provisions contained in SABS 0108 must be situated outside the spraying room and positioned so as not to come into contact or possibly come into contact with fumes escaping from the spraying room.
- (9) Switches actuating any mechanical ventilation system must be situated outside the spraying room.
- (10) All metal parts and electrical fittings and any device in or in connection with a spraying room must be earthed effectively with each other and the ground.
- (11) A suitably qualified electrician must install and certify all electrical installations: Provided that the certificate must be submitted to the Chief Fire Officer for record purposes immediately after installation.

### **Mechanical ventilation**

- (12) (a) Any spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed for this purpose: Provided that -
- (i) the capacity of the system must be able to change the cubic air content in the spraying room at least 30 times an hour;
  - (ii) the vanes of the system must be manufactured from static-free materials;
  - (iii) the fumes must be released into the open air and the outlets must not be within 5 m of any opening of a building or erf boundary;
  - (iv) all ventilators must be attached firmly to the inside of the walls;
  - (v) the bottom ventilators must be affixed as close as possible to the level of the sill; and
  - (vi) all ventilation openings and/or air duct openings must be installed in the opposite wall, door(s) or roof to ensure cross-ventilation in conjunction with the said mechanical ventilation system.

#### **Fire dampers, fire detectors and fire alarms**

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

#### **Positioning of ventilation outlets**

- (13) All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1 m above a roof or 4 m above the ground level and at least 5 m from any opening of a building.

- (14) The ventilation system must function whenever any activities related to spray-painting take place in the spraying room.

#### **Display of signs prohibiting open flames and smoking**

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

#### **Maintenance of spraying rooms**

- (16) All spraying rooms must be maintained at all times in accordance with the provisions of this section.

#### **Unauthorised access**

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

#### **Abuse of spraying room**

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

#### **Provision of fire-fighting equipment**

- (19) (a) Any spraying room must have a 9kg dry chemical fire extinguisher on the inside, as well as a 9kg dry chemical fire extinguisher and a 9kg carbon dioxide-type fire extinguisher on the outside, which extinguishers must be installed in positions determined by the Chief Fire Officer.
- (b) All spraying rooms must be protected by a fire hose reel referred to in section 32(1) (b) of these by-laws.

#### **Drying kiln/heating devices**

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- (20) Whenever any manifold installation of a Group II hazardous substance forms an integral part of the heating of a spraying room, the manifold installation must be in accordance with the provisions of SANS 100871, and the relevant provisions of these by-laws will apply *mutatis mutandis* in the application of this section.
- (21) Any person who fails to comply with the provisions of this section is guilty of an offence.

#### **154. SPRAY ROOMS AND BOOTHS**

- (1) A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations, promulgated in terms of the Occupational Health and Safety Act and also comply with the requirements of Schedule 2 (F).

#### **155. WHEN PERMIT IS NOT REQUIRED**

- (1) Nothing contained in section 120 shall prohibit the spraying with flammable liquid of any vehicle or article in the open air if such spraying is not within a distance of 15 m from any fire, flame, open light, or other agency likely to ignite such flammable liquid or its vapour and is not likely to impede the escape of persons or animals in the case of fire.

#### **156 INSPECTION OF PREMISES**

- (1) The Chief Fire Officer shall on behalf of the Municipality arrange for the periodic inspection by a Fire Official of all premises in respect of which a certificate of registration has been issued in terms of this code in order to ensure that the provisions of this code are being complied with and that all equipment, apparatus and appliances are provided and maintained in accordance therewith.
- (2) The premises referred in subsection (1) shall be inspected at least once during the period 1 January to 31 December in each and every year and a record of all inspections carried out shall be kept.

#### **157. DUTIES OF OWNER, OCCUPIER OR PERSON IN CHARGE OF SPRAYING ROOM**

- (1) Every owner, occupier and person in charge of a spraying room must ensure that –
  - (a) the spraying room complies with the requirements of this Chapter; and
  - (b) every other person on the premises complies with the provisions of this Chapter.

#### **158. ACCESS TO SPRAYING ROOMS**

- (1) In addition to any door for the access of motor vehicles or other objects to any spraying room, every spraying room must have at least two hinged doors for escape purposes that –
- (a) open to the outside of the spraying room;
  - (b) have dimensions of at least 800 millimetres wide x 2 000 millimetres high;
  - (c) are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4 metres; and
  - (d) are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

#### **159. MANIFOLD INSTALLATIONS IN SPRAYING ROOMS**

- (1) Every manifold installation of a Group II hazardous substance that forms an integral part of the heating system of any spraying room must –
- (a) comply with SABS 087 (Part 1); and
  - (b) the requirements of these By-laws.

#### **DRY-CLEANING ROOMS**

##### **160. DRY-CLEANING ROOMS**

- (1) The person who is the holder of a certificate of registration in respect of a dry cleaning room shall ensure that the provisions of sections 124 to 139 are complied with and no person shall use a dry cleaning room for any purpose other than that of dry-cleaning and purposes reasonably incidental thereto.

##### **161. INSTALLATION OF MACHINERY**

- (1) No person shall install or cause or permit to be installed any drycleaning machinery elsewhere than in a dry cleaning room.
- (2) All machinery shall be properly electrically earthed.
- (3) All electrical earth connections shall be examined and entered in a log book as required under section 82.

##### **162. BOILERS**

- (1) No boiler or chimney of a boiler shall be installed within 6m of a dry cleaning room; provided, however, that a boiler may be installed not nearer than 3 m to a dry cleaning room where there is an unbroken brick or concrete wall between such boiler or its chimney and such room of a height of not less than 450 mm above the top of the boiler and its chimney and of not less than 2 m above the floor of the dry cleaning room.

##### **163. DRAINING OF DRY-CLEANING MACHINERY**

- (1) All dry-cleaning machinery on or above floor level shall be drained immediately after the termination of cleaning operations each day.

**164. ELECTRICAL EQUIPMENT**

- (1) No person shall install or cause or permit to be installed in or near a dry cleaning room or in any position which comes or is likely to come into contact with flammable liquid or its vapor any electrical equipment other than -
- (a) an incandescent electric light enclosed in a flame and vapor proof or other approved fitting;
  - (b) electric wires protected throughout by seamless metal tubes, the junctions of which are screwed together, or armored or leadcovered cable, approved by the Executive Director: Durban Electricity; provided, however, that, with the written permission of the Local Council concerned, other types of cables may be installed where the use of such cable is unlikely to cause danger to persons or property from fire;
  - (c) one electrical push button switch of flame and vapor proof construction which is designed for use to stop all machinery in an emergency and which is situated not less than 1.35m above the level of the floor;
  - (d) electric motors of flame and vapor proof construction.

**165. HANDLING OF FLAMMABLE LIQUID**

- (1) The storage tank shall be connected to the dry-cleaning machinery and no flammable liquid shall be handled during any cleaning process; provided, however, that a total quantity not exceeding 10 L at any time may be handled in one or more containers for the purpose of hand washing or spotting.

**166. NOTICE OF DANGER AT ENTRANCE**

- (1) Approved signs prohibiting smoking and naked flames or signs conforming to prohibitory signs PV1 and PV2 as described in SABS Specification 1186: Symbolic Safety Signs shall be prominently displayed at each entrance to a dry cleaning room and within such room to the satisfaction of the Chief Fire Officer.

**167. REMOVAL OF FOREIGN MATTER AND METALLIC SUBSTANCES FROM GARMENTS**

- (1) No person shall dry-clean or cause, allow, permit or suffer to be drycleaned any article of clothing or other textiles unless and until such article has been thoroughly examined and all object such as matches, metallic substances, metal buttons and other items which are liable to cause sparks have been removed there from.

**168. INSTRUCTIONS TO EMPLOYEES**

- (1) The person having charge or control of the business conducted on the premises shall cause all persons employed in the dry cleaning room to be thoroughly instructed as to the hazards involved in the use of flammable liquids and in the handling and method or usage of all firefighting equipment required by this Code to be on the premises, and shall repeat such instructions quarterly.

#### **169. UNAUTHORISED PERSONS AND UNLAWFUL ACTS**

- (1) No person other than a person lawfully employed on the premises or a Fire Official shall enter any dry cleaning room without the express permission of the occupier or person in charge.
- (2) No person shall commit any act which is liable or calculated to cause fire, explosion or other danger to a dry cleaning room or its contents or any person therein.

#### **170. POSITION OF MACHINERY**

- (1) All dry-cleaning machinery shall be situated as near as reasonably possible to the exhaust ventilation ducts required by section 138.

#### **171. POWER SHAFTS**

- (1) Where any machinery is driven by means of a shaft from motive power outside the dry cleaning room, the driving shaft shall pass through a gas-proof wall box which shall be installed at the point where such shafting enters such dry cleaning room.

#### **172. SCOURING OR BRUSHING TABLE**

- (1) Every table used for washing or brushing any material with flammable liquid shall -
  - (a) be provided with a liquid-tight top with a curb on all sides not less than 25mm high;
  - (b) have a top which is so pitched as to ensure thorough draining by a pipe of not less than 25mm diameter directly connected to an underground tank through a trap preventing the return of vapor and which, in the case of a metal top, is electrically earthed;
  - (c) be secured to the floor or wall so as not to disturb the electrical earth and drain connections.

#### **173. POTABLE LAMPS AND TROLLEYS**

- (1) No person shall take or cause, allow, permit or suffer to be taken any flash lamp or any other light or lamp into any dry cleaning room except an incandescent electrical light or safety lamp which has been fitted with an outer flame and vapor proof fitting, and no person shall use any hand truck or any trolley for the conveyance of any material,

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clothing or liquid unless it is equipped with hard rubber tyres and non-ferrous edges, so as to prevent sparks arising from accidental contact with any other metal surface.

#### 174. CONSTRUCTION OF DRY CLEANING ROOMS

- (1) Every dry cleaning room in which Class I Flammable liquids are used shall be constructed and maintained in accordance with the following requirements:
- (a) the walls shall be constructed of brick or concrete or similar **Non-Combustible** material, the floor of concrete or other impervious material and the roof of reinforced concrete;
  - (b) all windows shall be glazed with wire-woven shatterproof glass and shall be of the closed or fixed type;
  - (c) all doors shall be of hardwood, suitably covered with metal of not less than 1 mm in thickness and shall be carried on metal door frames and fitted with automatic closing devices;
  - (d) a sill of concrete at least 150mm in height shall be erected across all door openings at surface level or the floor of the room shall be 150mm below the adjacent surface level;
  - (e) the **Dry Cleaning Room** shall be situated not closer than 1,5m to any public thoroughfare or adjacent **Building** unless the wall or walls which face such thoroughfare or **Building** are constructed without openings whether glazed or otherwise; provided, however, that not more than two sides of any **Dry Cleaning Room** shall be without such openings;
  - (f) there shall be provided at least two (2) doors opening outwards directly into the open air. Such doors shall be so situated and at such a distance from each other as to allow the free and unimpeded escape of **Persons** within the **Dry Cleaning Room** through either of such doors in the case of fire or other danger;
  - (g) no **Dry Cleaning Room** shall have any opening into any other room or **Building**, provided, however, that, subject to compliance with the conditions hereunder set out, any room used or intended to be used solely for the purposes of drying garments or materials which have been cleaned or treated with **Flammable Liquid** may have direct access to the **Dry Cleaning Room**:
    - (i) Such drying room shall be separated from the **Dry Cleaning Room** by a wall constructed of **Non-Combustible** material; and
    - (ii) the entrance to such drying room shall be provided with a door of hardwood which is covered with metal of not less than 1 mm in thickness and which is carried on a metal door frame and fitted with an automatic closing device.

#### 175. STEAM PIPES

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- (1) Every **Dry Cleaning Room** in which **Class I Flammable Liquids** are used shall be fitted with at least one steam pipe not less than 25mm in diameter. Every such pipe shall be provided with -
  - (a) perforation or jets of at least 6,3 mm in diameter and so spaced as to give as near as practicable an equal distribution of steam in such a manner that such room can immediately be flooded with steam in case of fire;
  - (b) a steam trap or other effective means of preventing the accumulation of water within such pipe.
- (2) A steam supply for such pipe or pipes shall be maintained continuously while any **Flammable Liquid** is contained in any **dry-cleaning machinery**.
- (3) Such steam supply system shall be provided with a valve placed in the service line and situated outside the **Building** in any easily accessible position; provided that the **Chief Fire Officer** may authorize the installation of alternative **Fire Fighting Equipment** where in his opinion the circumstances warrant it.

#### **76. VENTILATION OF DRY CLEANING ROOM**

- (1) Every dry cleaning room in which class I flammable liquid are used shall be ventilated with a mechanical system of exhaust and inlet ventilation of such design, construction and capacity as will remove flammable liquid vapour from such room and discharge such vapour into the open air at a point which is above the roof of such room and more than 5 m from any opening to any building.
- (2) Such system of ventilation shall cause the air in the dry cleaning room to be changed at least thirty (30) times in every hour.
- (3) The blades of all ventilating fans shall be made of non-ferrous metal.
- (4) All exhaust ventilation ducts shall be of non-combustible material and shall be installed –
  - (a) as near ground level as practicable: Provided, however, that where any such duct or any portion thereof is situated at a level which is less than 150 mm above the level of the dry cleaning room floor adequate provision shall be made to prevent the escape of flammable liquid there from in the case of fire or otherwise;
  - (b) as near as practicable to the parts of the dry cleaning machinery from which the flammable liquid vapour is emitted.
- (5) Any person discovering a fire in any dry cleaning room shall immediately take all reasonably possible steps to shut down the exhaust ventilating system.

#### **177. CONSTRUCTION OF DRY CLEANING ROOM**

- (1) Every dry cleaning room in which class II flammable liquid are used shall be constructed and maintained in accordance with the following requirements:
  - (a) The walls shall be constructed of brick or concrete or other similar non-combustible material and the floor of concrete or

- other impervious material and the room of non-combustible material.
- (b) A sill of concrete at least 150 mm in height shall be erected across all door openings at floor surfaces level or the floor of the room shall be 150 mm below the adjacent surface level.
  - (c) There shall be provided at least two (2) doors opening outwards one of which shall lead directly into the open air. Such doors shall be so situated and at such a distance from each other as to allow free unimpeded escape of persons within the dry cleaning room through either of such doors in the case of fire or other danger.
  - (d) No dry cleaning room shall be situated below or above any other room or other part of the building: Provided, however, that a room or building may be constructed above a dry cleaning room if such room or building is not used as a habitable room and is provided with adequate means of escape to the satisfaction of the Chief Fire Officer.

#### **178. VENTILATION OF DRY CLEANING ROOM**

- (1) Every dry cleaning room in which class II flammable liquid are used shall be ventilated by a system of ventilation of such design, construction and capacity as will adequately prevent the accumulation of flammable liquid vapors within any portion of such room and will discharge such vapor into the open air at appoint or points where such vapor is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapor: Provided, however, that where any reason such ventilation can only be secured by means of a mechanical system of ventilation, such mechanical system shall conform to and comply with the provisions of section 140.

#### **CHARGES**

##### **179. CHARGES**

- (1) The Municipality may determine the fees payable by a person on whose behalf, the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Service Act.
- (2) The Municipality may charge a fee for the provisions of an inspection, re-inspection or any other service as well as the issuing, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

##### **180. PAYMENT FOR ATTENDANCE AND SERVICES**

- (1) Subject to the provisions of section 6 of this by-laws, the owner or occupier of land or premises, or both such owner and occupier jointly and severally, or the owner of a vehicle, as the case may be, in connection with which the attendance of the service was requested or any services of the service was rendered, shall pay to the council the

charges determined by the Chief Fire Services to be due in accordance with the charges set out in the tariff or fees as depicted in schedule ii for such attendance or service, including the use and supply of water, chemicals, equipment and other means.

- (2) Notwithstanding the provisions of subsection (1), the Chief Fire Services may access the whole or portion only of the charges contemplated in subsection (1): Provided that such portion shall not be more than ninety percent (90%) lower than the aggregate of the charges which would have been payable in terms of subsection (1): Provided further that in assessing such charges or portion thereof, due regard shall, amongst other relevant factors, be given to –
  - (a) the fact that the amount so assessed shall be commensurate with the service rendered;
  - (b) the manner and place of origin of the fire; and
  - (c) the loss which may have been caused by the fire to the person liable to pay the charges, if the services of the service had not been rendered.
- (3) Where the charges are assessed in terms of paragraph (2) and the person liable to pay such charges is dissatisfied with such assessment, he/she may lodge an appeal with the Court.
- (4) An appeal in terms of paragraph (3) shall be lodged by forwarding, within 14 days after receipt of an account for the assessed charges, a written notice of appeal to the Council. The Municipal Manager of the Council shall obtain a written comment thereon from the Chief Fire Services and submit it together with the objection to the Council, which may confirm, alter or revoke the assessment.

### **181. EXEMPTION FROM PAYMENT OF CHARGES**

- (1) Notwithstanding the provisions of section 146, no charges shall be payable where –
  - (a) A false alarm has been given in good faith;
  - (b) The services were required as a result of civil commotion, riot or natural disaster;
  - (c) The services were rendered in the interest of public safety;
  - (d) The Chief Fire Services is of the opinion that the services were of a purely humanitarian nature or were rendered solely for the saving of life;
  - (e) The owner of a vehicle furnishes proof to the satisfaction of the Chief Fire Services that such vehicle was stolen and that it had not been recovered by him/her at the time when the services of the service were rendered in respect thereof;
  - (f) Any person, including the State, has entered into an agreement with the Council in terms of Section 18 of the by-laws whereby the services of the service are made available to such person against payment as determined in such agreement.

## **ANIMALS**

### **182. HANDLING ANIMALS DURING EMERGENCIES**

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- (1) Provision must be made for the professional handling of animals during an emergency on any premises, but particularly at zoological gardens, feedlots, stables, research institutions, veterinary practices and/or places of veterinary science study: Provided that the Service may -
  - (a) authorise a suitably qualified person to handle and/or put down the animals during an emergency situation, as the case may be; and
  - (b) recover all costs involved in the matter from the owner or the institution responsible for the care of the animals.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

### **MISCELLANEOUS**

#### **183. EXEMPTION FROM PROVISIONS OF THESE BY-LAWS**

- (1) Any person may make application to the Council in writing, for an exemption from any provision of these By-laws, specifying the reason for exemption in such application.
- (2) The Council 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 these By-laws.
- (3) If an exemption is granted in terms of subsection (2), the Council must issue a certificate of exemption and any condition imposed.
- (4) The Council may amend or withdraw a certificate of exemption at any time.
- (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

#### **184. APPROVAL, AUTHORISATION OR PERMISSION UNDER THESE BY-LAWS**

- (1) Any person who requires any approval, authorisation or permission contemplated in these By-laws, 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 Council; and
  - (b) by paying the prescribed fee.

#### **185. CANCELLATION OF APPROVAL, AUTHORISATION OR PERMISSION**

- (1) The provisions of section 24, read with the necessary changes, apply to any approval, authorisation or permission contemplated in section 104.

#### **186. BY-LAWS BIND STATE**

- (1) These By-laws bind the State and any person in the service of the State.

#### **187. JOINT FIRE SERVICES COMMITTEE**

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

#### **188. APPEAL**

- (1) A person whose rights are affected by a decision delegated by 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 (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

#### **PRESUMPTIONS**

##### **189. PRESUMPTIONS**

- (1) In addition to the person by whose act or omission any contravention of or failure to comply with a provision of the code is actually committed, the owner of the vehicle in respect of which the offences is committed or the owner of the premises on which the offence is committed or, if the premises are occupied by a person other than such owner, the occupier thereof, shall be presumed also to have committed such contravention or to have so failed to comply unless it is proved to the satisfaction of the court that he has taken all reasonable steps to have prevented such as contravention or failure to comply by any other

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person: Provided that the fact that such owner or occupier issued instructions forbidding any such act or omission shall not of itself be accepted as sufficient proof that such owner or occupier took all reasonable steps to prevent such a contravention or failure to comply by such other person.

## **PENALTIES**

### **190. PENALTIES FOR CONTRAVENTIONS**

- (1) Any person who contravenes or fails to comply with any provision of these by-laws, including any condition or requirement for a certificate of registration or spraying permit, or any instruction by a member of the Service, is guilty of an offence and on conviction liable to a fine not exceeding R5 000, 00 or, in default of payment, liable to imprisonment for a period not exceeding six months.

## **GENERAL**

### **191. OPERATION OF THESE BY-LAWS IN RELATION TO OTHER LAWS**

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

### **192. SHORT TITLE**

- (1) These by-laws are called the Fire Service By-laws and their provisions come into operation on a date fixed by proclamation in the *NorthWest Provincial Gazette*.

## **ANNEXURES**

### **ANNEXURE I**

#### TARIFFS

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

##### **A. FEES FOR HAZARDOUS SUBSTANCES AND FIRE PROTECTION SERVICES**

<b>1. DESCRIPTION OF SERVICE</b>	<b>TARIFF (payable annually)</b>
(1) Inspection of bulk depots and issuing of registration certificates	R1 720,00

(2) Inspection of spray booth and issuing of spray permit, as well as	R 500,00
(3) Inspection with regard to the storage, handling and use of hazardous liquids or substances and issuing of registration certificate	
(4) Inspection of vehicle and issuing of a transport permit	R 500.00
(5) Plan approval	R 60,00
(6) Temporary registration for special events	R 50.00
(7) Inspection of a building for the issuing of a certificate of occupancy	R 500.00
(8) Release of information contemplated in section 2 of these by-laws	R 50,00

**2. GENERAL CONDITIONS WITH REGARDS TO THE PAYMENT OF THE TARIFFS AS SET OUT ABOVE**

- (1) All registration certificates and permits must be renewed before or on 31 December of every year.
- (2) Temporary registration for special events is charged per day to a maximum of 15 days per year. Should a vendor require a permit for more than 15 days per year, the normal registration fee will be charged.
- (3) All moneys are payable in advance.
- (4) All relevant application forms are available at the Public Safety Department (Fire Brigade Services Section) and must be completed in full and where applicable, properly signed.
- (5) If registration certificates are refused, remedial steps must be taken within 14 days by the applicant in order for the reinspection to be free of charge and to ensure the issuing of the relevant registration certificate or permit. Failing this, the prescribed tariffs will again be payable in full.

**B. FEES PAYABLE WITH REGARD TO FIRE BRIGADE SERVICES**

**(1) UTILIZATION OF VEHICLES**

(1). TARIFF PER VEHICLE PER HOUR OR PORTION OF AN HOUR (The time is calculated from arrival to departure)	TARIFF
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TYPE OF VEHICLE	
(a) Rescue Pumper	R1 381.00
(b) Aerial Apparatus	R1 381.00
(c) Specialist Vehicle	R1 381.00
(d) Water Tanker	R 644.00
Utilization of Specialized Equipment	R 350,00

**(2) UTILIZATION OF CREW MEMBERS**

Tariff per crew member per hour or part thereof: R  
554.00  
(The time is calculated from arrival to departure)

**(3) UTILIZATION OF MATERIAL**

The tariff for material used is cost plus a surcharge of 15%. Provided that in respect of material for which the Municipality has determined a tariff, that tariff shall apply.

**(4) SERVICE DELIVERY OUTSIDE THE JURISDICTION AREA OF THE MAHIKENG LOCAL MUNICIPALITY**

The tariffs as set out in this annexure plus a surcharge of 50%.

**(5) MAXIMUM HOUSEHOLD ACCOUNT**

The Chief Fire Officer or his/her nominee may use their discretion in issuing accounts to private households, especially those in informal or "poor" areas, and to cancel or reduce an account if a request to this effect is received.

A maximum restriction to the amount of R4500.00 (Four Thousand Five Hundred ) be placed to be charged per private household for fire brigade services.

**(6) EXCLUSIONS**

The fees payable above apply neither to property of the Mahikeng Local Municipality, unless such properties are leased, nor to grass, veldt and rubbish fires on vacant erven within the Mahikeng Local Municipality area.

The Chief Fire Officer or his/her nominee may use their discretion on whether or not an account should be issued for fire services at exhibitions and parades.

Persons registered on Council's Indigent Register will be exempted from paying any costs.

**C. FEES PAYABLE WITH REGARD TO MAKING AVAILABLE OF FIRE BRIGADE EQUIPMENT**

**(1) UTILIZATION OF VEHICLES**

(1). TARIFF PER VEHICLE PORTION OF AN HOUR (The time is calculated from arrival to departure)	PER HOUR OR	TARIFF
TYPE OF VEHICLE		
(a) Rescue Pumper		R1 381.00
(b) Aerial Apparatus		R1 381.00
(c) Specialist Vehicle		R1 381.00
(d) Water Tanker		R 644.00

**(2) UTILIZATION OF CREW MEMBERS**

Tariff per crew member per hour or part thereof: R 554.00

(The time is calculated from arrival to departure)

**(3) UTILIZATION OF MATERIAL**

The tariff for material used is cost plus a surcharge of 15%. Provided that in respect of material for which the Municipality has determined a tariff, that tariff shall apply.

**D. ADJUSTMENT IN FEES PAYABLE TO THE SERVICE AS CONTEMPLATED IN CLAUSES A AND B OF THIS ANNEXURE**

The Service must ensure that all fees referred to in clauses A and B of this annexure are adjusted annually to keep trend with inflation according to the consumer price index.

**ANNEXURE II**

**OFFICIAL DOCUMENTS**

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**A. GENERAL**

1. The Service must design and draw up all official documents in connection with these by-laws in accordance with the prevailing policy, and the documents must comply with the specific needs and requirements of the Service and the controlling authority, but must not detract from the directives and provisions of these by-laws.
2. All official documents must at all times be completed in triplicate; the original copy is for the client and the remaining two copies for the Service for administration purposes.

**B. STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS**

The following must be indicated in all documents:

1. The logo of the Service and/or controlling authority
2. The full name of the premises in question
3. The name of the suburb in question
4. The street address of the premises in question, in full
5. The postal address of the premises in question, in full, including the postcode (on all application forms)
6. Full particulars of the occupier of the premises or the firm on the premises
7. The telephone and fax numbers of the business in question (on all application forms)
8. The signature of the issuing officer
9. The date on which the document was issued
10. The expiry date of the document
11. The type of document, such as:
  - (1) "Application for a bulk depot certificate of registration" or "Bulk depot certificate of registration"
  - (2) "Application for a certificate of fitness" or "Certificate of fitness"
  - (3) "Application for a certificate of registration/spraying permit" or "Certificate of registration/Spraying permit"
  - (4) "Application for a transport permit" or "Transport permit"

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- (5) "Application for approval of plans" or "Application for inspection for the issuing of a certificate of occupancy"
- 12. Any other relevant information, such as:
  - (1) The groups and subgroups of hazardous substances for which registration is required
  - (2) The required quantity of each group of hazardous substance
  - (3) The manner in which the substances are to be stored, for example -
    - (a) in an underground storage tank;
    - (b) in an above-ground storage tank;
    - (c) in a hazardous substance store; or
    - (d) in a manifold installation
  - (4) An indication of all spray-painting rooms and submersion tanks, as the case may be
- 13. A watermark (on all permits and certificates)
- 14. A serial number (on all permits and certificates)
- 15. A receipt number (on all permits and certificates)
- 16. The official stamp of the Service.

## **C. OFFICIAL DOCUMENTS IN CONNECTION WITH THESE BY-LAWS**

### **1. APPLICATION FORMS**

- (1) The purpose for which application forms are to be used must appear at the top of all application forms.
- (2) (a) All application forms must have all the administrative information as contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**.
- (b) On all application forms, space must be left in which the correct application fee, as contained in Annexure I to these by-laws, can be indicated prominently in red figures.

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- (c) A warning must appear below the space for the application fee to the effect that the applicant is granted only 14 working days (weekends and public holidays excluded) to make any corrections that may be indicated on the checklist, without any additional cost, but that if the said period of 14 days is exceeded, the prescribed fee must be paid again before any permit or certificate will be issued.
- (3) A suitable checklist must form part of each application form and must be drawn up chronologically in accordance with the appropriate requirements contained in these by-laws and/or relevant SABS codes of practice and/or specifications, as the case may be.
- (4) At the top of each checklist -
  - (a) it must be stated that the checklist is for office use only;
  - (b) space must be set aside for the date, time and place of the appointment for an inspection; and
  - (c) space must be set aside for particulars of the contact person who will represent the applicant during the inspection.
- (5) At the end of each checklist, space must be set aside for -
  - (a) the signature of the member of the Service who completed the checklist;
  - (b) the date on which the checklist was completed; and
  - (c) an indication of whether or not the application is successful.
- (6) Provision must also be made on each application form for -
  - (a) full particulars of the registration officer who received the application fee;
  - (b) the method of payment, for example cash, postal order or cheque; and
  - (c) an official receipt number.

## **2. PERMITS AND CERTIFICATES**

- (1) The purpose for which permits and certificates are to be used, as contemplated in paragraph **A.1 (DESCRIPTION OF SERVICE)** in Annexure I to these by-laws must appear at the top of all permits and certificates.

- (2) All permits and certificates must have all the applicable administrative information as contained in paragraph **B (STANDARD ADMINISTRATIVE INFORMATION IN DOCUMENTS)**.

### 3. TRANSPORT PERMIT

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

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





Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.  
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Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **North-West Province**, Private Bag X2036, Mmabatho, 8681. Tel. (0140) 81-0121.