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The following City of Cape Town Draft By-law is hereby published for general information and comment:—

CITY OF CAPE TOWN: COMMUNITY FIRE SAFETY BY-LAW

Any person/business/organisation are invited to submit written comments and/or the intent to make an oral submission in writing by not later than 27 July 2001 with:

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As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

Die volgende Konsepverordening van die Stad Kaapstad word hiermee vir algemene kennisname en kommentaar gepubliseer:—

STAD KAAPSTAD: VERORDENING RAKENDE GEMEENSKAPSBRANDVEILIGHEID

Alle individue/besighede/organisasies word genooi om skriftelike kommentaar of die skriftelike voorneme om mondeling kommentaar te lewer voor of op 27 Julie 2001 in te dien by:

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Ibhaliswe ePosini njengephephandaba

IZIQULATHO

Umpoposho wengcaciso ethe gabalala noku-thunyelwa kwezimvo malunga noMthetho osaYilwayo woMasipala:—

ISIXEKO SASEKAPA: UMTHETHO WOMASIPALA ONXULUMENE NOKHUSELEKO LOLUNTU EMLILWENI

Nawuphi na umntu/ishishini/iqumrhu liyamenywa ukuba lithumele izimvo zalo ezibhaliweyo nokuba lizimisele ukuzinika ngomlomo ezo zimvo malikwenze oko ngembalelwano ungekadluli umhla wama-27 kuJulayi 2001 lithumele ku:

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BY-LAW RELATING TO COMMUNITY FIRE SAFETY

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Preamble

The Municipal Council of The City of Cape Town recognises:—

- that everyone has the constitutional right to an environment that is not harmful to their safety or well-being;
- that losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship;
- that the protection of all sectors of the community against fire is an important aspect in the development and sustenance of the economy;
- that certain aspects of the daily existence need to be controlled in such a manner as to prevent and reduce the effects of fire on the community as a whole;
- that the community has a vital role to play in achieving the objectives of this By-law, and
- that the benefits of a fire-safe environment should be accessible to all.

Purpose and scope of this By-law

The purpose and scope of the By-law is:—

- to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;
- to repeal all existing relevant by-laws of the Municipality;
- to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the Municipality.

Application of this By-law

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.

CHAPTER 1

DEFINITIONS

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

“above ground storage tank” means a tank situated above ground for the storage of a flammable liquid;

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

"boundary" means any lateral or street boundary of a site;

"building" means:—

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

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

"chief fire officer" means the person in charge of a service, or the acting chief officer, as contemplated in the Fire Brigade Services Act;

"combustible material" means combustible refuse, combustible waste or any other material capable of igniting;

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

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

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

"controlling authority" means either a chief fire officer, a municipal manager or their respective delegates as contemplated in sections 2 and 3 of this By-law;

"dangerous goods" means commodities, substances and goods that are capable of posing a significant risk to health and safety or to property or the environment and that are listed in SABS 0228;

"division separating element" means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

"emergency evacuation plan" means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

"emergency route" means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

"emergency vehicle" means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

"entertainment and public assembly occupancy" means a place where people gather to eat, drink, dance or participate in other recreation;

"escape route" means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

"escape route plan" means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

"escape door" means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

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

"fire damper" means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

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

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

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

"fire lanes" means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

"fire protection system" means any device or system designed and installed to—

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

but excludes portable and mobile fire extinguishers;

"fire wall" means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SABS 0400;

"flammable gas" as contemplated in SABS 0228, means a gas that at 20 oC and at a standard pressure of 101,3 kilopascals:—

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

"flammable liquid" means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5°C and also includes a liquid within the following danger groups as determined in SABS 0228:—

DANGER GROUP BASED ON FLAMMABILITY.

1	2	3
Danger Group	Closed Cup Flash Point	Initial Boiling Point
i	—	≤35
ii	>23	>35
iii	≥23≤60,5	>35
iv	>60,5 – 100	>35

"flammable substance" means a flammable liquid or a flammable gas;

"flammable store" means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this By-law;

"Hazardous Substances Act" means the Hazardous Substances Act, 1973 (Act 15 of 1973);

"Municipality" means The City of Cape Town,

"Municipal Manager" means a person appointed in terms of section 82 of the Municipal Structures Act;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

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

"National Building Regulations" means the regulations promulgated in terms section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and:—

- (a) National Building Regulations (A2) means the provisions regulating the submission of building plans and particulars to the Municipality;
- (b) National Building Regulations (A20) means the provisions regulating the classification and designation of occupancies;
- (c) National Building Regulations (A21) means the provisions regulating the population of a building;
- (d) National Building Regulations (T1) means the provisions regulating general requirements for fire protection of a building, and
- (e) National Building Regulations (T2) means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

"National Road Traffic Act" means the National Road Traffic Act, 1996 (Act 93 of 1996);

"non-combustible" means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;

"occupancy" means the particular use or type of use to which a building or portion thereof, is normally put or intended to be put as provided for in the National Building Regulations (A20);

"occupancy separating element" means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

"Occupational Health and Safety Act" means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

"operator" means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

"owner" means:—

- (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b), and
- (d) in the event of the controlling authority being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

"person in charge" means:—

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

"population" means the population determined in accordance with the National Building Regulations (A21);

"premises" means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

"public place" means any square, park, recreation ground or open space which:—

- (a) is vested in the Municipality;
- (b) the public has the right to use, or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

"public road" means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:—

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"SABS Codes" means South African Bureau of Standards SABS Codes of Practice and Specifications issued in terms of the Standards Act;

"service" means a fire brigade service as defined in the Fire Brigade Services Act;

"site" means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

"Standards Act" means the Standards Act, 1993 (Act 29 of 1993);

"State" means:—

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

"storage vessel" means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act;

"summary abatement" means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

"tank" for purposes of chapter 9 of this By-law, means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

"this By-law" includes the Schedules published in terms of this By-law;

"underground tank" means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

"vehicle" means a vehicle as defined in the National Road Traffic Act and includes the following:—

- (a) "road tank vehicle" means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;
- (b) "tank-semi-trailer" means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;
- (c) "tank trailer" means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;
- (d) "tank truck" means a single, self-propelled vehicle with a tank mounted on it;
- (e) "truck-tractor" means a self-propelled vehicle used to pull a tank-semi-trailer, and
- (f) any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter 9 of this By-law.

CHAPTER 2

ADMINISTRATIVE PROVISIONS

Administration and enforcement

- 2. (1) The chief fire officer is responsible for the administration and enforcement of this By-law.
- (2) Where no chief fire officer has been appointed in terms of the Fire Brigade Services Act, the municipal manager is responsible for the administration and enforcement of this By-law.
- (3) Where there is no service established in the area of jurisdiction of the Municipality, the municipal manager is responsible for the administration and enforcement of this By-law.

Delegation

- 3. (1) A chief fire officer may delegate any power granted to him in terms of this By-law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A municipal manager may delegate any power granted to him in terms of this By-law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.

Enforcement provisions

- 4. (1) A controlling authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this By-law.
- (2) A controlling authority has the authority to summarily abate any condition which is in violation of any provision of this By-law and which presents an immediate fire hazard or other threatening danger.
- (3) A controlling authority must remedy any violation mentioned in subsection (2), by performing any act, and may also:—
 - (a) call for the immediate evacuation of the premises;
 - (b) order the closure of the premises until such time as the violation has been rectified;
 - (c) order the cessation of any activity, and
 - (d) order the removal of the immediate threat.
- (4) Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.

Authority to investigate

- 5. 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.

Failure to comply with provisions

- 6. (1) When a controlling authority finds that there is non-compliance with the provisions of this By-law, excluding the situation in section 4(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) set forth 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 controlling authority, 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.

Denial, suspension or revocation of an approval or a certificate

7. 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.

Records required

8. The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

Charges

9. (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 Services Act.
- (2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

Indemnity

10. 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 of 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.

Reporting a fire hazard and other threatening danger

11. An owner or the person in charge of the premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this By-law, must immediately notify the controlling authority.

CHAPTER 3

FIRE PROTECTION OF BUILDINGS

General

12. 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.

Access for emergency vehicles

13. (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 four 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 four 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.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

Division and occupancy separating elements

14. 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.

Fire doors and assemblies

15. (1) Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.

(3) A fire door and assembly may not be rendered less effective through the following actions:—

- (a) altering the integrity, insulation or stability of a particular class of door;
- (b) disconnecting the self-closing mechanism;
- (c) wedging, blocking or obstructing the door so that it cannot close;
- (d) painting the fusible link actuating mechanism of a door;
- (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
- (f) any other action that renders a fire door or assembly less effective.

Escape Routes

16. (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 SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

Tents

17. (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), an applicant must:—
- (a) submit an application in terms of the National Building Regulations (A2) to the Municipality for the erection and usage of the tent, and
 - (b) submit an application in terms of the section 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 the National Building Regulations (T1) must be complied with in the following instances:—
 - (i) where the population of a tent exceeds 25 people;
 - (ii) where a tent is occupied during the hours of darkness;
 - (iii) for seating arrangements and aisle dimensions, and
 - (iv) for the provisions of fire extinguishers.
 - (d) The population density of a tent must comply with the National Building Regulations (A21).
 - (e) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
 - (f) No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
 - (g) No open fire or flame is permitted within five 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.
 - (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.
- (3) Notwithstanding the provisions in subsections (1) and (2), the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

CHAPTER 4

FIRE SAFETY EQUIPMENT

Fire extinguishers

18. (1) Fire extinguishers must be provided and installed on premises as required by the controlling authority and in accordance with the National Building Regulations (T1) and (T2).

- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part 1.
- (3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part 1, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).
- (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 (3), 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.
- (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.

Testing and maintenance of fire protection systems

19. (1) A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.
- (2) 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 the parties who monitor the fire protection system.
- (3) 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, and in the absence of a national code or standard an applicable international code or standard must be used.
- (4) 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.
- (5) 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 has received such notice, he must without delay inform the owner accordingly.
- (6) 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.
- (7) 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.

Interference with and access to fire protection systems and fire extinguishers

20. A person is not permitted to render less effective, inoperative, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

Fire alarms and fire hydrants

21. (1) Without compensation to the owner of the premises concerned, the controlling authority may cause: —
 - (a) a fire alarm;
 - (b) a transmission instrument for calls of fire or other emergency, or
 - (c) a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.
- (2) Without compensation to the owner of the premises concerned, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.
- (3) The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- (4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection (1), board, decal, metal plate or painted marker.
- (5) A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

CHAPTER 5

PUBLIC SAFETY

Prevention and control of overcrowding

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

Attendance of a service

23. (1) When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 9 of this By-law.

Formulation of an emergency evacuation plan

24. (1) 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.
- (2) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection (1), 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.
- (3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) 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.
- (5) The register mentioned in subsection (4) must contain the following information:—
- (a) the date and time of the test;
 - (b) the number of participants;
 - (d) the outcome of the test and any corrective actions required, and
 - (e) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.
- (7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

Displaying of escape route plans

25. (1) 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 escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.
- (2) The displaying of escape route plans for any other premises is subject to the approval of the controlling authority.

Barricading of vacant buildings

26. The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom 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.

CHAPTER 6**HOUSEKEEPING****Combustible waste and refuse**

27. (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the controlling authority.

Dust

28. The owner or person in charge of the premises or a portion thereof may not allow the accumulation of dust in quantities sufficient to create a fire or other threatening danger and must store or dispose of the dust as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of dust.

Combustible or flammable substances and sweeping compounds

29. (1) Notwithstanding anything to the contrary contained in any other 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.

Accumulations in chimneys, flues and ducts

30. The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

Sources of ignition

31. (1) 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.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible 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.

Smoking

32. (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the controlling authority and the signs must comply with SABS 1186: Part
- (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.

Electrical fittings, equipment and appliances

33. (1) A person may not cause or permit an electrical supply outlet to be overloaded.

CHAPTER 5

PUBLIC SAFETY

Prevention and control of overcrowding

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- (2) The controlling authority may request additional information from the applicant.
- (3) Notwithstanding the provision in subsection (1), the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (4) A temporary population certificate is valid for a period not exceeding 30 calendar days.
- (5) The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.
- (6) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4(2) 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 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).
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- (2) When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 9 of this By-law.

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- (2) The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection (1), 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.
- (3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) 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.
- (5) The register mentioned in subsection (4) must contain the following information:—
- (a) the date and time of the test;
 - (b) the number of participants;
 - (d) the outcome of the test and any corrective actions required, and
 - (e) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.
- (7) The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

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25. (1) 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 escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.
- (2) The displaying of escape route plans for any other premises is subject to the approval of the controlling authority.

Barricading of vacant buildings

26. The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom 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.

CHAPTER 6**HOUSEKEEPING****Combustible waste and refuse**

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- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the controlling authority.

Dust

28. The owner or person in charge of the premises or a portion thereof may not allow the accumulation of dust in quantities sufficient to create a fire or other threatening danger and must store or dispose of the dust as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of dust.

Combustible or flammable substances and sweeping compounds

29. (1) Notwithstanding anything to the contrary contained in any other 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.

Accumulations in chimneys, flues and ducts

30. The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

Sources of ignition

31. (1) 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.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible 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.

Smoking

32. (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the controlling authority and the signs must comply with SABS 1186: Part
- (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.

Electrical fittings, equipment and appliances

33. (1) A person may not cause or permit an electrical supply outlet to be overloaded.

- (2) A person may not cause or permit an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

Flame-emitting device

34. A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 7

FIRE HAZARDS

Combustible material

35. (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside the premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of the premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

Lighting of fires and burning of combustible material

36. (1) The lighting of fires and the disposal of combustible material by burning, is prohibited.
- (2) 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.
- (3) 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 so as to prevent a fire hazard or other threatening danger.
- (4) Before the owner or person in charge of a farm or small holding, or an organ of state controlling non-proclaimed residential areas may dispose of combustible material by burning, and before making an application in writing for approval from the controlling authority, prior approval must be obtained in terms of the applicable legislation set out in the Schedule 3.

CHAPTER 8

FLAMMABLE SUBSTANCES

Application of this Chapter

37. 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.

Storage and use of a flammable substance

38. (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 pipework, 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 pipework, 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 pipework, the owner or 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.

Flammable substance certificate

39. (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 38(6), must submit an application 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) The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this By-law, 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 usage of the premises in accordance with section 38(6) and the issuing of the certificate.

- (4) 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 or when section 38(5) applies.
- (5) If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-law.
- (6) Notwithstanding subsection (5), when in the opinion of the controlling authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- (7) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.
- (8) A flammable substance certificate is valid only:—
 - (a) for the installation for which it was issued;
 - (b) for the state of the premises at the time of issue, and
 - (c) for the quantities stated on the certificate.
- (9) The flammable substance certificate must be available on the premises for inspection at all times.
- (10) The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

Permanent or temporary above ground storage tank for a flammable liquid

40. (1) In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- (2) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with:—
 - (a) if it has a capacity not exceeding 9000 litres and is not used for the storage of flammable substances with a flash point below 40°C;
 - (b) to be on the premises for a period not exceeding six months;
 - (c) the entire installation must comply with SABS 0131: Part 2, and
 - (d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.
- (3) Notwithstanding section 38(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).
- (4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (5) 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.
- (6) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (7) 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.
- (8) A permanent or temporary tank must have a bund wall.
- (9) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (10) Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.
- (11) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with the above ground storage tank must comply with SABS 0108.

Underground storage tank for a flammable liquid

41. 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.

Bulk storage depot for flammable substances

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

Small installations for liquefied petroleum gas

43. 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.

Bulk storage vessel for liquid petroleum gas

44. 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 SABS 087: Part 3.

Termination of the storage and use of flammable substances

45. (1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework 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 pipework, 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.
- (2) 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.

Reporting accidents

46. If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the controlling authority.

Flammable stores

47. (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
 - (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
 - (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400:—
 - (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance;
 - (b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
 - (c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and
 - (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
 - (5) When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:—
 - (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 metres above ground level, whichever is the greater;
 - (c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
 - (d) the ducting must be as short as possible and must not have sharp bends.

- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- (7) When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SABS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.
- (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters. (11) Racking or shelving erected in the flammable store must be of non-combustible material.
- (12) The flammable store must be identified by the words, "Flammable Store—Bewaarplek vir Vlambare Vloeistowwe—Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
- (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
- (14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
- (15) Sufficient fire extinguishers, as determined by the controlling authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
- (16) Any hand tool used in the flammable store must be intrinsically safe.
- (17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the controlling authority has been notified in terms of the following procedure:—
 - (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 flammable store and render it safe, and
 - (c) within 30 days of the cessation, remove all signage.
- (18) Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.

Container handling and storage

48. (1) All flammable substance containers must be kept closed when not in use.
- (2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.
- (3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
- (4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
- (5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.
- (6) An empty flammable liquid container must be placed in a flammable store.
- (7) Where a flammable store is not available for the storage of empty flammable liquid containers, the controlling authority may permit such storage in the open; provided that:—
 - (a) the storage area must be in a position and of sufficient size which in the opinion of the controlling authority, will not cause a fire hazard or other threatening danger;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence and:—
 - (i) the fence supports are of steel or reinforced concrete;
 - (ii) has an outward opening gate that is kept locked when not in use, and
 - (iii) when the floor area exceeds 10 m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
 - (c) the storage area is free of vegetation and has a non-combustible firm level base;
 - (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;
 - (e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;

- (f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186: Part 1, and
- (g) fire-fighting equipment is installed as determined by the controlling authority.

(8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

Spray rooms and booths

49. 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.

Liquid petroleum gas containers

50. (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

CHAPTER 9

TRANSPORTATION OF DANGEROUS GOODS

Dangerous goods certificate

51. (1) Notwithstanding anything contained in the National Road Traffic Act or any SABS Code, the operator of a roadworthy vehicle designed for the transportation of dangerous goods may not operate such 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 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 SABS 087: Part 4, SABS 089: Part 1, SABS 0230, SABS 1398, SABS 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 4(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 requirement 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.

CHAPTER 10

GENERAL PROVISIONS

State Bound

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

Offences and penalties

53. (1) Any person who:—

- (a) contravenes any of the provisions of this By-law or fails to comply therewith, or

- (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith, is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.
- (2) The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.
- (3) The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.

Repeal of laws and savings

54. (1) The By-laws specified in Schedule 1 are hereby repealed to the extent indicated in the third column of Schedule
- (2) In the event of any conflict between the provisions of this By-law and the provisions in any other legislation, the provisions of this By-law prevail.
- (3) A certificate that was issued, a written notice that was served or any other enforcement act done in terms of a By-law repealed in subsection (1), within six months prior to the commencement of this By-law shall be deemed to be a certificate issued, a notice served or an enforcement act done by a controlling authority in terms of this By-law.

Short title and commencement

55. This By-law is called the Community Fire Safety By-law and comes into operation on the date of publication in the Provincial Gazette.

SCHEDULE 1

Repeal of laws and savings

I. With regard to the Cape Town Municipality:—

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 217/1937	Cape Town Municipality: Amended Regulations for regulating controlling and licensing the storage, keeping or having of explosives and inflammable substances	The whole
PN 372/1949	Pinelands Municipality: Regulations to provide for the prevention and extinguishing of fires	The whole
PN 74/1953	Cape Town Municipality: Amendment to the regulations relating to explosives and inflammable substances	The whole
PN 773/1954	Cape Town Municipality: Amendments to the regulations for regulating, controlling and licensing the storage, keeping or having of explosives and inflammable substances	The whole
PN 467/1963	Pinelands Municipality: Amendment to the regulations to provide for the prevention and extinguishing of fires	The whole
PN 382/1971	Cape Town Municipality: regulations relating to places of public entertainment and recreation (repealed in terms of the Business Act 71/1991)	The whole
PN 771/1971	Cape Town Municipality: Fire Regulations	The whole
PN 233/1985	Cape Town Municipality: Amendment to the fire by-law	The whole

II. With regard to the Blaauwberg Municipality:—

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 1193/1974	Milnerton Municipality: Regulations for controlling and licensing of premises for the storage, keeping and having of liquefied petroleum gas	The whole
PN 1194/1974	Milnerton Municipality: Regulations for controlling and licensing the storage, keeping and having of inflammable substances	The whole
PN 417/1977	Milnerton Municipality: By-law relating to the growth of bushes and the accumulation and dumping of rubbish and waste material on premises	Section 2 in relation to the propagation of fires
PN 259/ 1981	Milnerton Municipality: Fire By-law	The whole
PN 686/1987	Milnerton Municipality: By-law to control the servicing, recharging and testing of portable and mobile fire extinguishing appliances	The whole

III. With regard to the Helderberg Municipality:—

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 477/1973	Somerset West Municipality: Regulations relating to the removal of vegetation from land	Section 3 in relation to the propagation of fires
PN 871/1973	Regulations relating to Public Garages	The whole
PN 965/1975	Somerset West Municipality: By-law for controlling and licensing the storage, keeping and having of liquefied petroleum gas	The whole
PN 594/1976	Somerset West Municipality: By-law relating to Petrol Pumps and tanks	The whole
PN 662/1982	Somerset West Municipality: Standard By-Law relating to Fire Brigade Services: Correction Notice	The whole
PN 396/1982	Standard By-law relating to Fire Brigade services	The whole
PN 42/1984	Somerset West Municipality: By-law for controlling and licensing the storage, keeping and possession of flammable substances	The whole
PN 406/1985	Somerset West Municipality: Amendment to the Standard By-law relating to Fire Brigade Services	The whole
PN 527/1985	Somerset West Municipality: Amendment to the Standard By-law relating to the Fire Brigade Services: Correction Notice	The whole

IV. With regard to the Oostenberg Municipality:—

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 767/1982	Kuilsriver Municipality: Standard By-law relating to Fire Brigade Services	The whole
PN 396/1982	Standard By-law relating to Fire Brigade Services	The whole
PN 10/1999	Oostenberg Municipality: By-law for preventing conditions likely to further the spread of fires	Section 2(a) and 2(b)
PN 227/2000	Oostenberg Municipality: Amendment to the By-law for preventing conditions likely to further the spread of fires	The whole

V. With regard to the South Peninsula Municipality:—

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 246/1948	Fish Hoek Municipality: Regulations for the Controlling, Licensing, Storage and Keeping of Petroleum, Petrol and Inflammable Liquids or Substances	The whole
PN 298/1961	Simonstown Municipality: Regulations for regulating, controlling and licensing the storage, keeping or having of inflammable substances	The whole
PN 1074/1970	Divisional Council of the Cape: Regulations relating to caravan parks	Section 10 and 11
PN 545/1972	Divisional Council of the Cape: Regulations relating to public places of recreation and to provide for better securing the safety of the public at cinematograph exhibitions	Section 16, 17, 19(a)(ii) and 19(b)(iii, iv)
PN 947/1972	Simonstown Municipality: Amendment to the Fire Brigade regulations	The whole
PN 501/1977	Divisional Council of the Cape: By-law for preventing conditions likely to further the spread of fires	The whole
PN 729/1981	Divisional Council of the Cape: By-law relating to inflammable substances	The whole
PN 730/1981	Divisional Council of the Cape: By-law relating to the storage and keeping of liquefied petroleum gas	The whole
PN 731/1981	Divisional Council of the Cape: Fire By-law for the local areas	The whole
PN 73/1983	Fish Hoek and Simonstown Municipality: By-law relating to parks for caravans and mobile homes	Sections 11, 12, 13 and 14
PN 396/1986	Standard By-law relating to fire brigade services	The whole
PN 589/1986	Simonstown Municipality: Standard By-law relating to fire brigade services	The whole
PN 247/1995	Fish Hoek/Noordhoek Transitional Metropolitan Substructure: Amendments of regulations for the controlling, licensing, storage and keeping of petroleum, petrol and inflammable liquids or other substances	The whole

VI. With regard to the Tygerberg Municipality:—

Provincial Notice No. and Provincial Gazette No.	Title	Extent of repeal
PN 361/1980	Goodwood Municipality: By-law relating to liquefied petroleum gas	The whole
PN 757/1982	Bellville Municipality: Standard By-law relating to Fire Brigade Services	The whole
PN 396/1982	Standard By-law relating to Fire Brigade Services	The whole
PN 142/1984	Goodwood Municipality: By-law relating to inflammable substances	The whole
MN 116/1993	Goodwood Municipality: By-law for the control of the handling of fire extinguishing appliances	The whole

SCHEDULE 2
Forms

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application
- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

A. Population Certificate Application

For official use only						CITY OF CAPE TOWN							
Permanent / Temporary (Delete which is not applicable)													
Application No. _____													
File No. _____													
Population Certificate Application Application for a Population Certificate is made in terms of Section 22 (1) of the Community Fire Safety By-law.													
Name of applicant:						Telephone No.							
						Cell No.							
Name of business:						Telephone No.							
						Cell No.							
Type of business, e.g. bar, nightclub etc:													
Erf No:													
On what floor of the building is the venue situated i.e. ground, 1 st etc?													
Street address:													
Suburb:						Code							
Details of Premises													
How many floors does the building have?								How many floors are occupied by the venue for which this application is being made?					
Square metres of usable area per floor of venue Indicate a separate square meterage for each floor occupied by the venue in the blocks below						Expected Population							
						Number of exits per floor Indicate exits per floor separately in the blocks below							
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()		
1) The controlling authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations. 2) The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate. 3) The certificate is valid only for the premises for which it is issued and is not transferable. 4) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate.													
Signature of applicant													
Print Name													
Date													
Address													
For Controlling Authority: (Signature)													
Print Name													
Date													
A certificate fee of R_____ is payable to THE CITY OF CAPE TOWN in respect of this application and the subsequent inspection.													

B. Population Certificate

For Official use only Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____						CITY OF CAPE TOWN					
Population Certificate This population certificate is issued in terms of Section 22 of the Community Fire Safety By-law.											
Name of certificated owner:						Telephone No.					
						Cell No.					
Name of certificated business:						Telephone No.					
						Cell No.					
Occupancy:											
Erf No:											
The venue is situated on the						floor of the premises (ground, 1 st , 2 nd ect)					
Street address:											
Suburb:						Code					
Details of Premises											
Number of floors in the building						Number of floors occupied by the venue					
Square metres of usable area per floor of the venue						Approved Population		Number of exits per floor			
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
						Maximum population per floor					
						Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
1) The certificate is issued in terms of Section 22 of the Community Fire Safety By-law and is valid only for the premises for which it was issued. 2) If the occupancy or ownership of the premises change, the owner or person incharge must apply for a new certificate. 3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued.											
For controlling authority (signature)											
Print name											
Date											

C. Flammable Substance Certificate Application

For official use only Application No. _____ File No. _____	CITY OF CAPE TOWN																								
Flammable Substance Application Application for the storage and use of flammable substances in terms of Section 39(1) of the Community Fire Safety By-law.																									
Name of applicant:																									
Trading as:																									
Type of business, e.g. shop:																									
ERF No.																									
Street address:																									
Suburb:																									
Manner of storage Each installation/tank or flammable store must be individually itemised	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;">Itemised quantity of products e.g. 1x23 m³ tank, 5x5x48 kg LPG manifold, contents of flammable store</th> <th style="width: 40%;">Product e.g. petrol, diesel, LPG</th> </tr> </thead> <tbody> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> <tr><td style="height: 25px;"></td><td></td></tr> </tbody> </table>	Itemised quantity of products e.g. 1x23 m ³ tank, 5x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG																						
Itemised quantity of products e.g. 1x23 m ³ tank, 5x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG																								
See reverse side for additional information																									
Remarks:																									
Signature of applicant:																									
Address:																									
Telephone No:																									
For controlling authority: (signature)																									
Print name:																									
A certificate fee of R_____ is payable to THE CITY OF CAPE TOWN in respect of this application and the subsequent inspection.																									
Controlling Authority: _____	Date: _____																								
Name of receiving official: _____	Designation : _____																								

D. Flammable Substance Certificate

[illegible]

E. Dangerous Goods Certificate Application

For official use only		CITY OF CAPE TOWN	
Application No. _____ File No. _____			
Dangerous Goods Certificate Application			
Application for a dangerous goods certificate in terms of Section 51(2) of the Community Fire Safety By-law.			
Address of operator			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
Location of vehicle			
ERF No.			
Street address:			
Suburb:		Code	
City			
Details of vehicle for which a certificate of registration is required			
Type or class of vehicle			
Registration No.			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid			
Flammable gas			
Remarks:			
Operator (signature) _____			
Address:		Print name: _____	
Telephone No: _____			
For controlling authority: (signature) _____			
<u>For official use only</u>			
A certificate fee of R _____ is payable to THE CITY OF CAPE TOWN in respect of this application and the subsequent inspection.			
Signature of receiving official _____		Date: _____	
Name of receiving official: _____		Designation: _____	

F. Dangerous Goods Certificate

For official use only Application No. _____ File No. _____		CITY OF CAPE TOWN	
Dangerous Goods Certificate Dangerous goods certificate issued in terms of Section 51(1) of the Community Fire Safety By-law.			
This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections SABS 087 part 4, SABS 089 part 1, SABS 1398 and SABS 1518 for the conveyance of flammable liquids or liquefied flammable gas in tanks each with a total capacity of _____ litres within the limits of the municipal area and subject to all applicable legislation.			
Details of Operator			
Name of Operator			
Trading as:			
Street Address			
Suburb		Code	
City			
Details of Vehicle			
Type or class of vehicle			
Registration No.			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid			
Flammable gas			
This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.			
This certificate is issued by THE CITY OF CAPE TOWN and is valid until _____			
Date of Renewal _____			
Date of Expiry _____			
Controlling Authority (Signature) _____		Date of issue _____	
Name of issuing official (Print name) _____		Designation _____	

SCHEDULE 3**Applicable legislation**

With reference to section 36(4): —

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

SCHEDULE 4**SABS Codes of Practice and Specifications**

SABS Code	Title
SABS 019	Portable metal containers for compressed gas — basic design, manufacture, use and maintenance.
SABS 087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 5001 and a combined water capacity not exceeding 30001 per installation.
SABS 087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 50001.
SABS 087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SABS 087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SABS 089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SABS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
SABS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193	Fire dampers.
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods — Inspection requirements for road vehicles.
SABS 0232: Part 1	Transportation of dangerous goods — Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0400	The application of the National Building Regulations.
SABS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SABS 1253	Fire doors and fire shutters.
SABS 1398	Road tank vehicles for flammable liquids.
SABS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518	Transportation of dangerous goods — Design requirements for road tankers.
SABS 1571	Transportable rechargeable fire extinguishers.
SABS 1573	Portable rechargeable fire extinguishers — Foam type extinguishers.

P.K. 212/2001

29 Junie 2001

VERORDENING RAKENDE GEMEENSKAPSBRANDVEILIGHEID

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Voorwoord

Die Munisipale Raad van Stad Kaapstad erken—

- Dat elkeen die grondwetlike reg het op 'n omgewing wat nie skadelik vir hulle veiligheid of welsyn is nie;
- Dat verliese as gevolg van brand en die gevolglike ekonomiese en maatskaplike gevolge vir mense, eiendom en infrastruktuur onnodige ontbering veroorsaak;
- Dat die beskerming van alle sektore van die gemeenskap teen brand 'n belangrike aspek van die ontwikkeling en handhawing van die ekonomie is;
- Dat sekere aspekte van die daaglikse bestaan op so 'n wyse beheer moet word dat die gevolge van brand vir die gemeenskap as geheel voorkom en verminder kan word;
- Dat die gemeenskap 'n deurslaggewende rol het om te speel ter verwesenliking van die oogmerke van hierdie Verordening, en
- Dat die voordele van 'n brandveilige omgewing vir almal toeganklik moet wees.

Doel en toepassingsbestek van hierdie Verordening

Die doel en toepassingsbestek van hierdie Verordening is—

- Om die verwesenliking van 'n brandveilige omgewing te bevorder tot voordeel van alle persone binne die regsgebied van die Munisipaliteit;
- Om alle bestaande tersaaklike verordeninge van die Munisipaliteit te herroep;
- Om voorsiening te maak vir prosedures, metodes en praktyke om brandveiligheid binne die regsgebied van die Munisipaliteit te reguleer.

Toepassing van hierdie Verordening

Hierdie Verordening is van toepassing op alle persone binne die regsgebied van die Munisipaliteit en sluit sowel formele as informele sektore van die gemeenskap en ekonomie in.

HOOFSTUK 1

WOORDOMSKRYWING

1. In hierdie Verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken—

“afskortingskei-element” ’n bou-element of komponent wat een area in ’n gebou van ’n ander skei en ’n brandweerstand het van minstens dié wat by die Nasionale Bouregulasies (T1), gelees met SABS 0400, vereis word;

“beheerowerheid” ’n brandweerhoof, ’n munisipale bestuurder of hulle onderskeie afgevaardigdes soos in artikels 2 en 3 van hierdie Verordening bedoel;

“bevolking” die bevolking wat ingevolge die Nasionale Bouregulasies (A21) bepaal is;

“bewaarplek vir vlambare stowwe” ’n bewaarplek wat vir die opberging van vlambare vloeistowwe gebruik word en wat voldoen aan die maatstawwe uiteengesit in artikel 46 van hierdie Verordening;

“boggrondse opgaartenk” ’n tenk wat bo die grond geleë is vir die opgaring van ’n vlambare vloeistof;

“brandbare afval” brandbare afvalmateriaal wat herwin, behou of versamel kan word as afval of vir herverwerking en kan insluit alle brandbare vesels, hooi, strooi, hare, vere, dons, houtskaafsels, afdraaisels, alle tipes papierprodukte, vuil materiaalafsnysels en -afval, rubberafsnysels en -skuursels, metaalfynggoed en enige mengsel van bogenoemde items, of enige ander herwinbare brandbare afvalmateriaal;

“brandbare materiaal” brandbare afval, brandbare vullis of enige ander materiaal wat kan ontbrand;

“brandbare vullis” brandbare vullis, vuilgoed of materiaal wat weggegooi, geweier, verwerp of as waardeloos beskou word;

“brandbeskermingstelsel” enige toestel of stelsel wat ontwerp en geïnstalleer is om—

- (a) ’n brand op te spoor, te bestry of te blus; of
- (b) okkuperders of die brandweerdienste, of albei, van ’n brand bewus te maak,

maar uitgesonderd draagbare en mobiele brandblussers;

“brandblusser” ’n draagbare of mobiele herlaaibare houer wat ’n brandblusstof bevat wat uitspuit deur die werking van interne druk met die doel om ’n brand te blus;

“branddemper” ’n outomatiese demper en sy samestel wat voldoen aan die vereistes vervat in SABS 193;

“branddeur” ’n outomatiese of selfsluitende deur of luiksamelstel wat spesiaal gebou is om die deurgang van vuur vir ’n bepaalde tydperk te voorkom;

“brandgang” die pad, roete of ander deurgang wat gebou of aangewys is om toegang vir noodvoertuie te bied;

“brandgevaar” enige situasie, proses, materiaal of toestand wat ’n brand of ontploffing kan veroorsaak of ’n geredelike brandstof toevoer kan verskaf om die verspreiding of intensiteit van die brand of ontploffing te vergroot en wat ’n bedreiging vir lewe of eiendom inhou;

“brandmuur” ’n muur wat die gevolge van brand vir ’n spesifieke tydperk kan weerstaan soos bedoel in die Nasionale Bouregulasies (T1), gelees met SABS 0400;

“brandweerhoof” die persoon in beheer van ’n diens, of die waarnemende hoof, soos in die Wet op Brandweerdienste bedoel;

“diens” ’n brandweerdienste soos in die Wet op Brandweerdienste omskryf;

“eienaar”—

- (a) met betrekking tot ’n perseel, uitgesonderd ’n gebou, ’n natuurlike of regspersoon wie se identiteit deur regswerking bepaal word;
- (b) met betrekking tot ’n gebou, ’n natuurlike of regspersoon op wie se naam die grond waarop sodanige gebou opgerig is of word of sodanige grond, na gelang van die geval, in die onderhawige aktekantoor geregistreer is;
- (c) met betrekking tot ’n installasie, ’n natuurlike of regspersoon op wie se naam ’n kontrak aangegaan is met betrekking tot die goedkeuring, oprigting en instandhouding van die installasie: Met dien verstande dat so ’n persoon nie die eienaar in (b) genoem is nie; en
- (d) indien die beheerowerheid nie in staat is om die identiteit van ’n persoon in (a), (b) en (c) bedoel te bepaal nie, enige persoon wat geregtig is op die voordeel van die gebruik van sodanige perseel, gebou of installasie of wat sodanige voordeel geniet;

“gebou”—

- (a) enige struktuur, hetsy van ’n tydelike of permanente aard en ongeag die materiaal wat by die bou daarvan gebruik is, wat opgerig is of gebruik word vir of in verband met—
 - (i) die akkommodasie of gerief van mense of diere;
 - (ii) die vervaardiging, verwerking, opberging of verkoop van enige goedere;
 - (iii) die lewering van enige diens;
 - (iv) die vernietiging of behandeling van brandbare afval of brandbare vullis;
 - (v) die kweek of verbouing van enige plant of gewas;

(b) enige muur, swembad, swemdam, reservoir of brug of enige ander struktuur wat daarmee verband hou;

(c) enige brandstofpomp of enige tenk wat in verband daarmee gebruik word;

(d) enige deel van ’n gebou, insluitende ’n gebou soos omskryf in paragraaf (a), (b) of (c);

(e) enige fasiliteite of stelsel, of ’n deel of ’n gedeelte daarvan, binne of buite maar gepaardgaande met ’n gebou, vir die voorsiening van ’n watertoever, dreinerings, riolering, stormwaterwegdoening, elektrisiteitsvoorsiening of ander soortgelyke diens ten opsigte van die gebou;

“gevaarhoudende goedere” kommoditeite, stowwe en goedere wat ’n beduidende risiko vir gesondheid en veiligheid of vir eiendom of die omgewing kan bied en in SABS 0228 gemeld word;

“grens” enige laterale of straatgrens van ’n terrein;

“hierdie Verordening” ook die bylaes wat kragtens hierdie Verordening gepubliseer is;

“keermuur” ’n stuitmuur rondom ’n bogrondse opgaartenk, wat gebou is van ’n ondeurlatende materiaal en ontwerp is om 110% van die inhoud van die tenk te bevat;

“Munisipale Bestuurder” ’n persoon aangestel ingevolge artikel 82 van die Munisipale Strukturewet;

“Munisipale Stelselswet” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);

“Munisipale Strukturewet” die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

“Munisipaliteit” die Stad Kaapstad

“Nasionale Bouregulasies” die regulasies afgekondig kragtens artikel 17(1) van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977), en beteken—

(a) Nasionale Bouregulasies (A2) die bepaling rakende die voorlegging van bouplanne en besonderhede aan die Munisipaliteit;

(b) Nasionale Bouregulasies (A20) die bepaling rakende die klassifikasie en aanwysing van okkupasies;

(c) Nasionale Bouregulasies (A21) die bepaling rakende die bevolking van ’n gebou;

(d) Nasionale Bouregulasies (T1) die bepaling rakende algemene vereistes vir brandbeskerming van ’n gebou;

(e) Nasionale Bouregulasies (T2) die bepaling rakende die misdrywe vir nie-nakoming van die Nasionale Bouregulasies (T1);

“Nasionale Padverkeerswet” die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996);

“nie-brandbaar” ’n stof of materiaal geklassifiseer as nie-brandbaar wanneer dit ooreenkomstig SABS 0177: Deel 5 getoets word;

“noodontruimingsplan” ’n plan wat spesifiek ontwerp is om te help met die ontruiming van okkuppeerders uit ’n gebou in geval van ’n brand of ander dreigende gevaar en wat verantwoordelikheid aan verskeie personeellede toewys, ontsnaproetes aandui wat gebruik moet word en voorsiening maak vir algemene gebeurlikhede vir die veilige en vinnige ontruiming van ’n gebou;

“noodroete” die deel van ’n ontsnaproete wat brandbeskerming bied aan die okkuppeerders van ’n gebou en wat na ’n ontsnapdeur lei;

“noodvoertuig” enige brandweer-, reddings- of ander voertuig wat bedoel is vir gebruik by brande en ander dreigende gevare;

“okkupasie” die bepaalde gebruik of tipe gebruik waarvoor ’n gebou of deel daarvan normaalweg aangewend word of bedoel is om aangewend te word soos in die Nasionale Bouregulasies (A20) bepaal;

“okkupasieskeidingselement” ’n bou-element of komponent wat een okkupasie in ’n gebou skei van ’n ander en wat ’n brandweerstand het van minstens dié vereis by die Nasionale Bouregulasies (T1), gelees met SABS 0400;

“okkupasie vir vermaak en openbare byeenkoms” ’n plek waar mense bymekaarkom om te eet, te drink, te dans of aan ander ontspanning deel te neem;

“ondergrondse tenk” ’n tenk gebruik word of bedoel is om gebruik te word vir die opberging van vlambare vloeistof en wat heeltemal in die grond versink is en onder die oppervlak van die grond is;

“ontsnapdeur” die deur in ’n ontsnaproete wat op grondvlak regstreeks na ’n straat of openbare plek lei, of na ’n goedgekeurde oop ruimte wat na ’n straat of openbare plek lei;

“ontsnaproete” die hele roete van die verste punt in enige kamer in ’n gebou tot by die naaste ontsnapdeur en kan dit ’n noodroete insluit;

“ontsnaproeteplan” ’n diagram wat die vloeruitleg, die okkuppeerder se huidige posisie en die roete na die naaste primêre en sekondêre ontsnaproetes in die gebou toon, asook die stappe wat gedoen moet word in die geval van ’n brand of ander dreigende gevaar;

“openbare plek” enige plein, park, ontspanningsgrond of oop terrein wat—

(a) by die Munisipaliteit berus;

(b) die publiek die reg het om te gebruik, of

(c) getoon word op ’n algemene plan van ’n dorpsgebied in ’n akteregistrasiekantoor of die kantoor van ’n landmeter-generaal en wat verskaf is vir of gereserveer is vir die gebruik van die publiek of die eienaars van erwe in sodanige dorpsgebied;

“operateur” die persoon verantwoordelik vir die gebruik van ’n motorvoertuig en wat geregistreer is as die operateur van so ’n voertuig ingevolge die Nasionale Padverkeerswet;

“opgaarhouer” ’n drukhouer soos omskryf in die regulasies vir drukhouers afgekondig kragtens die Wet op Beroepsgesondheid en Veiligheid;

“outomatiese oophoulostoestel” ’n toestel wat gebruik word om ’n branddeur oop te hou en die branddeur toemaak wanneer ’n brand bespeur word;

“perseel” enige gebou, strand, grond, terrein, pad of voertuig en kan dit ’n vaartuig, trein of vliegtuig insluit;

“persoon in beheer”—

- (a) met betrekking tot 'n perseel, 'n natuurlike of regspersoon wat permanent of tydelik verantwoordelik is vir die bestuur, instandhouding of benutting van die perseel;
- (b) met betrekking tot 'n gebou, 'n natuurlike of regspersoon wat permanent of tydelik verantwoordelik is vir die bestuur, instandhouding of benutting van die gebou;
- (c) met betrekking tot 'n installasie, 'n natuurlike of regspersoon wat permanent of tydelik verantwoordelik is vir die bestuur of benutting van die installasie: Met dien verstande dat so 'n persoon nie die persoon in (a) bedoel is nie; en
- (d) indien die beheerowerheid nie in staat is om die identiteit van 'n persoon in (a), (b) en (c) bedoel te bepaal nie, enige persoon wat na die mening van die beheerowerheid geag word in beheer van sodanige perseel, gebou of installasie te wees;

“SABS-kodes” die Suid-Afrikaanse Buro vir Standaarde se SABS-praktykkodes en Spesifikasies uitgereik ingevolge die Wet op Standaarde;

“summiere bedwinging” om 'n toestand onmiddellik te evalueer as 'n brandgevaar of ander dreigende gevaar vir lewe of eiendom en om te gelas dat sodanige toestand onmiddellik reggestel word;

“tenk”, vir die doeleindes van Hoofstuk 9 van hierdie Verordening, 'n houer wat permanent of tydelik op 'n voertuig gemonteer is of daarin ingebou is en wat so gebou is dat dit geskik is om vlambare vloeistof of gas as vrag te bevat;

“terrein” enige erf, lot, kleinhoeve, standplaas of enige ander stuk grond waarop 'n gebou opgerig is, word of gaan word;

“vlambare gas”, soos in SABS 0228 bedoel, 'n gas wat by 20°C en teen 'n standaard druk van 101,3 kilopascal—

- (a) kan ontsteek in 'n mengsel van 13% of minder (per volume) met lug, of
- (b) 'n vlambare bestek met lug van minstens 12 persentasiepunte het, ongeag die laagste vlamperk;

“vlambare stof” 'n vlambare vloeistof of 'n vlambare gas;

“vlambare vloeistof” 'n vloeistof, of mengsel van vloeistowwe, of 'n vloeistof wat vaste stowwe in oplossing of in suspensie bevat, wat 'n vlambare damp afgee by of onder 60,5°C en ook 'n vloeistof binne die volgende gevaargroepe soos in SABS 0228 bepaal:

GEVAARGROEP GEGROND OP VLAMBAARHEID

1	2	3
Gevaargroep	Geslotebakkeflitspunt	Aanvanklike kookpunt
i	—	≤35
ii	>23	>35
iii	≥23≤60,5	>35
iv	>60,5 – 100	>35

“voertuig” 'n voertuig soos omskryf in die Nasionale Padverkeerswet, en ook die volgende:

- (a) “padtenkvoertuig” 'n tenkvragmotor, tenksleepwa of 'n kombinasie van 'n voorspanmotor en 'n tenkleunwa;
- (b) “tenkleunwa” 'n voertuig met 'n tenk daarop gemonteer of gebou as 'n integrale deel daarvan en so gebou dat, wanneer die leunwa deur 'n voorspanmotor of ander sleepwa gesleep word, deur 'n vyfdewielverbinding, 'n deel van die las op die sleepvoertuig rus;
- (c) “tenksleepwa” 'n voertuig met 'n tenk daarop gemonteer of gebou as 'n integrale deel daarvan en so gebou dat wanneer die tenksleepwa deur 'n tenkvragmotor gesleep word, feitlik sy hele las op sy eie wiele rus;
- (d) “tenkvragmotor” 'n enkele, selfaangedrewe voertuig met 'n tenk daarop gemonteer;
- (e) “voorspanwa” 'n selfaangedrewe voertuig wat gebruik word om 'n tenkleunwa te sleep, en
- (f) enige ander voertuig wat na die mening van die beheerowerheid 'n voertuig is soos in Hoofstuk 9 van hierdie Verordening bedoel.

“Wet op Beroepsgesondheid en Veiligheid” die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet 85 van 1993);

“Wet op Brandweerdienste” die Wet op Brandweerdienste, 1987 (Wet 99 van 1987);

“Wet op Gevaarhoudende Stowwe” die Wet op Gevaarhoudende Stowwe, 1973 (Wet 15 van 1973);

“Wet op Standaarde” die Wet op Standaarde, 1993 (Wet 29 van 1993).

HOOFSUK 2

ADMINISTRATIEWE BEPALINGS

Administrasie en afdwinging

2. (1) Die brandweerhoof is verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.
- (2) Waar daar nie 'n brandweerhoof ingevolge die Wet op Brandweerdienste aangestel is nie, is die munisipale bestuurder verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.

- (3) Waar daar nie 'n diens in die regsgebied van die Munisipaliteit ingestel is nie, is die munisipale bestuurder verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.

Delegering

3. (1) 'n Brandweerhoof kan enige bevoegdheid wat ingevolge hierdie Verordening aan hom verleen is, delegeer in ooreenstemming met artikel 19 van die Wet op Brandweerdienste.
- (2) 'n Munisipale bestuurder kan enige bevoegdheid wat ingevolge hierdie Verordening aan hom verleen is, delegeer in ooreenstemming met die delegeringstelsel van die Munisipaliteit wat ingevolge artikel 59 van die Munisipale Stelselwet ontwikkel is.

Afdwingingsbepalings

4. (1) 'n Beheerowerheid kan, wanneer hy dit nodig of dienstig ag om dit te doen, enige perseel op enige redelike tyd betree om nakoming van hierdie Verordening te verseker.
- (2) 'n Beheerowerheid het die gesag om enige toestand wat 'n skending van enige bepaling van hierdie Verordening is en wat 'n onmiddellike brandgevaar of ander dreigende gevaar inhou, summier te bedwing.
- (3) 'n Beheerowerheid moet enige skending in subartikel (2) bedoel, regstel deur enige daad te verrig, en kan ook—
- (a) versoek dat die perseel onmiddellik ontruim word;
 - (b) gelas dat die perseel gesluit word,
- tot tyd en wyl die skending reggestel is, en
- (c) gelas dat enige aktiwiteit gestaak word;
 - (d) gelas dat die onmiddellike bedreiging verwyder word.
- (4) Enige koste van sodanige daad moet gedra word deur die persoon wat deur 'n beheerowerheid geag word vir die bestaan van sodanige toestand verantwoordelik te wees.

Gesag om te ondersoek

5. Ondanks enige andersluidende bepaling vervat in enige ander wet, het 'n beheerowerheid die gesag om die oorsaak, oorsprong en omstandighede van enige brand of ander dreigende gevaar te ondersoek.

Versuim om aan bepalinge te voldoen

6. (1) Wanneer 'n beheerowerheid bevind dat daar nie-nakoming van die bepalinge van hierdie Verordening is, uitgesonderd die situasie in artikel 4(2) bedoel, moet 'n skriftelike kennisgewing uitgereik word en dit moet die volgende insluit:
- (a) bevestiging van die bevindings;
 - (b) die bepalinge van hierdie Verordening wat oortree word;
 - (c) die regstellende stappe wat vereis word, en
 - (d) 'n datum vir nakoming.
- (2) 'n Lasgewing of kennisgewing wat ingevolge hierdie Verordening uitgereik word, moet beteken word deur persoonlike aflewering of per geregistreerde pos aan 'n persoon wat na die mening van die beheerowerheid geag word die geskikte persoon te wees.
- (3) Vir onbewaakte of verlate persele moet 'n afskrif van sodanige lasgewing of kennisgewing op 'n opvallende plek by of naby die ingang tot sodanige perseel opgeplak word en moet die lasgewing of kennisgewing per geregistreerde pos gegee word na die
- (4) laaste bekende adres van die eienaar, die persoon in beheer van die perseel of albei.

Weiering, opskorting of intrekking van 'n goedkeuring of 'n sertifikaat

7. 'n Beheerowerheid kan 'n goedkeuring of 'n sertifikaat wat by hierdie Verordening vereis word, weier, opskort of intrek vir—
- (a) versuim om aan die bepalinge van hierdie Verordening vir die uitreiking van die goedkeuring of sertifikaat te voldoen; of
 - (b) nie-nakoming van die bepalinge van die goedkeuring of sertifikaat.

Rekords benodig

8. Die veilige bewaring van alle tersaaklike rekords en dokumente is die verantwoordelikheid van die beheerowerheid.

Heffings

9. (1) Die Munisipaliteit kan die gelde bepaal wat betaalbaar is deur 'n persoon namens wie die beheerowerheid 'n diens gelewer het soos in artikel 10 van die Wet op Brandweerdienste bedoel.
- (2) Die Munisipaliteit kan gelde hef vir die verskaffing van 'n inspeksie, herinspeksie of enige ander diens asook die uitreiking van permitte, goedkeurings of sertifikate in ooreenstemming met die toepaslike plaaslike regeringswetgewing wat die hef van gelde reël.

Vrywaring

10. Die Munisipaliteit, beheerowerheid of 'n lid van 'n diens is nie aanspreeklik nie vir skade of verlies as gevolg van liggaamlike besering, lewensverlies of verlies van of skade aan eiendom of finansiële verlies wat veroorsaak is deur of voortspruit uit of in verband staan met enigiets wat te goeder trou gedoen is in die uitoefening of verrigting van 'n bevoegdheid, funksie of plig wat ingevolge hierdie Verordening verleen of opgedra is.

Aanmelding van brandgevaar en ander dreigende gevaar

11. 'n Eienaar of die persoon in beheer van die perseel moet, by ontdekking van enige bewyse van 'n brandgevaar of ander dreigende gevaar waarop hierdie Verordening betrekking het, die beheerowerheid onmiddellik in kennis stel.

HOOFSTUK 3**BRANDBESKERMING VAN GEBOUE****Algemeen**

12. Die beheerowerheid moet ingevolge artikel 4(3) of artikel 6(1) van hierdie Verordening 'n oortreding van die Nasionale Bouregulasies rakende brand en die veiligheid van geboue bedwing.

Toegang vir noodvoertuie

13. (1) Wanneer 'n perseel na die mening van die beheerowerheid nie gereedlik vanaf openbare paaie toeganklik is nie, moet dit voorsien word van toegang vir noodvoertuie en kan daar ondanks die bepalings van die Nasionale Bouregulasies (T1) vereis word dat dit aan die volgende voldoen:
- (a) 'n Toegangspad moet gebou word sodat dit die massa van die swaarste noodvoertuig kan dra wat nodig is om vir die risiko van die perseel voorsiening te maak.
 - (b) 'n Gemotoriseerde of elektronies beheerde hek moet op so 'n wyse toegegerus word dat toegang tot die perseel verkry kan word sonder die gebruik van 'n motor of enige ander elektroniese toestel.
 - (c) Brandgange moet verskaf word vir alle persele wat meer as 45 meter van 'n openbare pad is of hoër as nege meter is en meer as 15 meter van 'n openbare pad is.
 - (d) Brandgange moet minstens vier meter breed wees, en die ligging van die brandgange moet beslis word na oorleg met die beheerowerheid, en die gebied van grondvlak tot 'n hoogte van vier meter bo die brandgang moet vry van obstrukties gehou word.
 - (e) 'n Doodloopstraat wat langer as 90 meter is, moet voorsien word van 'n minimum draaisirkel aan die doodlooppunt van die straat wat groot genoeg is vir die grootste noodvoertuig wat nodig is om vir die risiko van die perseel voorsiening te maak.
- (2) Die ontwerp, merke, gebruik en instandhouding van brandgange wat nie deel van 'n openbare pad uitmaak nie, moet aan die vereistes van die beheerowerheid voldoen.
- (3) Dit is onwettig om 'n voertuig in 'n brandgang te parkeer of om 'n brandgang andersins te blokkeer.

Afskortings en okkupasieskeidingslemente

14. 'n Eienaar of persoon in beheer van 'n gebou mag nie 'n afskorting of okkupasieskeidingslement verander op 'n wyse wat dit minder doeltreffend sal maak of toelaat dat vlamme, hitte of verbrandingsprodukte na die aanliggende kompartement of struktuur deurdring nie.

Branddeure en -samestelle

15. (1) Behoudens die bepalings van SABS 1253 moet 'n branddeur en -samestel so in stand gehou word dat dit in geval van 'n brand sy integriteit, isolasie en stabiliteit sal behou vir die tydperk wat vir daardie bepaalde klas deur vereis word.
- (2) 'n Branddeur mag oop gehou word slegs wanneer dit toegegerus is met 'n outomatiese oophouloostoestel wat deur die Munisipaliteit goedgekeur is.
- (3) 'n Branddeur en -samestel mag nie minder doeltreffend gemaak word deur die volgende dade nie:
- (a) die integriteit, isolasie of stabiliteit van 'n bepaalde klas deur verander;
 - (b) die selfsluitemeganisme ontkoppel;
 - (c) die deur vaswig, blokkeer of versper sodat dit nie kan toemaak nie;
 - (d) die smeltbare skakelaansluitemeganisme van 'n deur verf;
 - (e) 'n elektriese of elektroniese ontkoppelmeganisme diskonnekteer of minder doeltreffend maak;
 - (f) enige ander daad wat 'n branddeur of -samestel minder doeltreffend maak.

Ontsnaproetes

16. (1) 'n Komponent wat deel van 'n ontsnaproete uitmaak, soos die toevoerroetes, toegangsdeure, noodroetes en ontsnapdeure, mag op geen manier versper of minder doeltreffend gemaak word wat enige persoon kan verhinder om in die geval van 'n brand of enige ander noodgeval uit die gebou te ontsnap nie.

- (2) 'n Sluittoestel wat aan 'n toegangsdeur of 'n ontsnapdeur aangebring is, moet van 'n tipe wees wat deur die Munisipaliteit goedgekeur is.
- (3) Waar die beheerowerheid dit vereis, moet 'n ontsnaproete duidelik aangedui word met tekens wat aan SABS 1186 voldoen en die rigting aandui waarin daar in die geval van 'n brand of enige ander noodgeval beweeg moet word.

Tente

- 17. (1) Voordat 'n tent opgerig en gebruik word as 'n okkupasie in die Nasionale Bouregulasies (A20) beoog, moet 'n aansoeker—
 - (a) 'n aansoek ingevolge die Nasionale Bouregulasies (A2) vir die oprigting en gebruik van die tent aan die Munisipaliteit voorlê, en
 - (b) 'n aansoek vir 'n tydelike bevolkingsertifikaat ingevolge artikel 22 van hierdie Verordening aan die beheerowerheid voorlê.
- (2) Die aansoek wat ingevolge subartikel (1)(a) voorgelê word, moet aan die volgende voldoen:
 - (a) Die tent moet minstens 4,5 meter van 'n grens, bewaarplek vir brandbare stowwe of brandbare materiaal opgerig word, en die beheerowerheid kan vereis dat hierdie afstand vergroot word indien die situasie dit vereis.
 - (b) Waar tente langs mekaar opgeslaan word, moet 'n onversperde minimum afstand van 4,5 meter tussen hulle verskaf word en waar van toepassing tussen die tentpenne en tenttoue van die naasliggende tente, ten einde toegang vir noodvoertuie te verskaf.
 - (c) Die vereistes uiteengesit in die Nasionale Bouregulasies (T1), moet nagekom word in die volgende gevalle:
 - (i) waar die bevolking van 'n tent meer as 25 mense is;
 - (ii) waar 'n tent gedurende die nag geokkupeer word;
 - (iii) vir sitplekreëlings en afmetings van gangetjies, en
 - (iv) vir die verskaffing van brandblussers.
 - (d) Die bevolkingsdigtheid van 'n tent moet aan die Nasionale Bouregulasies (A21) voldoen.
 - (e) Geen voedselbereiding mag gedoen word nie in 'n tent wat deur die publiek geokkupeer word, en as voedselbereiding gedoen moet word, moet dit geskied in 'n afsonderlike tent of in 'n gebied waartoe die publiek nie toegang het nie.
 - (f) Daar mag geen oop vuur in 'n tent gemaak word nie, en enige ander toestel wat vlamme afgee, soos 'n kers, lantern of fakkel, maar nie daartoe beperk nie, word in 'n tent toegelaat slegs na goedkeuring deur die beheerowerheid.
 - (g) Geen oop vuur of vlam word binne vyf meter van 'n tent, tentpen of tenttou toegelaat nie.
 - (h) Rook is verbode in 'n tent, en 'n "Rook Verbode"-teken moet prominent vertoon word by elke ingang en moet aan SABS 1186 voldoen.
 - (i) Verligting en bedrading wat in 'n tent geïnstalleer word, moet voldoen aan die vereistes uiteengesit in SABS 0142 op so 'n wyse dat dit nie direkte kontak maak met brandbare materiaal nie en die uitgestraalde hitte nie 'n ontbrandingsgevaar inhou nie.
- (3) Ondanks die bepalings van subartikels (1) en (2) kan die beheerowerheid die aansoeker versoek om aan bykoende vereistes vir die opslaan en gebruik van 'n tent te voldoen.

HOOFSTUK 4

BRANDVEILIGHEIDSTOERUSTING

Brandblussers

- 18. (1) Brandblussers moet verskaf en geïnstalleer word op 'n perseel soos deur die beheerowerheid vereis en in ooreenstemming met die Nasionale Bouregulasies (T1) en (T2).
- (2) Brandblussers moet streng ooreenkomstig die vereistes van die regulasies kragtens die Wet op Beroepsgesondheid en Veiligheid, SABS 1475: Deel 1, SABS 1571, SABS 1573 en SABS 0105: Deel 1 in stand gehou word.
- (3) 'n Natuurlike of regspersoon mag nie 'n brandblusser ingevolge SABS 1475: Deel 1 volmaak, hervul, vernuwe, verander, herstel, inspekteer of toets nie tensy sodanige persoon die houer is van 'n permit uitgereik deur die Suid-Afrikaanse Buro vir Standaarde of 'n bevoegdheidsertifikaat uitgereik deur die Suid-Afrikaanse Kwalifikasiesertifiseringskomitee.
- (4) Die eienaar of persoon in beheer van 'n perseel mag nie toelaat dat 'n brandblusser volgemaak, hervul, vernuwe, verander, herstel, geïnspekteer of getoets word nie deur 'n persoon wat nie in besit is nie van 'n permit of sertifikaat in subartikel (3) bedoel.
- (5) Wanneer die beheerowerheid bevind dat 'n brandblusser volgemaak, hervul, vernuwe, verander, herstel, geïnspekteer of getoets is deur 'n persoon wat nie in besit is nie van 'n permit of sertifikaat in subartikel (3) bedoel, moet die beheerowerheid die eienaar of persoon in beheer van 'n perseel gelas om die werk te laat doen deur 'n persoon wat in besit van so 'n permit of sertifikaat is.
- (6) Wanneer 'n brandblusser na die mening van die beheerowerheid onveilig of ondoeltreffend is as gevolg van agteruitgang, ontwerp of konstruksie, moet die beheerowerheid die eienaar of persoon in beheer van die perseel gelas om die toestel te laat inspekteer en toets ingevolge SABS 1475: Deel 1 en SABS 1571.
- (7) 'n Brandblusser mag nie van 'n perseel verwyder word om volgemaak, hervul, vernuwe, verander, herstel, geïnspekteer of getoets te word nie tensy die toestel tydelik vervang word deur 'n soortgelyke toestel in 'n goeie werkende toestand.

- (8) 'n Brandblusser mag nie geïnstalleer, uitmekaar gehaal, hervul, ontkoppel, versien, verander, herstel of getoets word in 'n gebied waar so 'n handeling 'n gevaar of bedreiging sal skep nie.

Toets en instandhouding van brandbeskermingstelsels

19. (1) 'n Brandbeskermingstelsel moet op 'n gereelde basis getoets en in stand gehou word en die eienaar of persoon in beheer van 'n perseel moet 'n gedetailleerde rekord van die toets en instandhouding van die stelsel hou.
- (2) 'n Persoon mag nie 'n brandbeskermingstelsel toets nie voordat hy die okkupeerders van die betrokke perseel in kennis stel van die tye vir die begin en afhandeling van die toets en, waar van toepassing, die partye wat die brandbeskermingstelsel moniteer.
- (3) 'n Brandbeskermingstelsel wat ontwerp is om 'n brand op te spoor, te bestry, te beheer en te blus, moet in stand gehou word in ooreenstemming met die Nasionale Bouregulasies (T2), gelees met 'n erkende nasionale kode of standaard, en by gebrek aan 'n nasionale kode of standaard moet 'n toepaslike internasionale kode of standaard gebruik word.
- (4) 'n Brandbeskermingstelsel mag nie geïnstalleer, uitmekaar gehaal, hervul, ontkoppel, versien, verander, herstel of getoets word in 'n gebied waar so 'n handeling 'n gevaar of bedreiging sal skep nie.
- (5) Die persoon wat die instandhouding van 'n brandbeskermingstelsel doen, moet die eienaar of persoon in beheer van 'n perseel skriftelik in kennis stel van enige gebreke wat hy ontdek het, instandhouding wat gedoen is of nog gedoen moet word, en waar die persoon in beheer sodanige kennisgewing ontvang het, moet hy die eienaar onverwyld dienoreenkomstig inlig.
- (6) Die eienaar of persoon in beheer van 'n perseel moet die beheerowerheid onmiddellik in kennis stel wanneer die brandbeskermingstelsel of 'n komponent daarvan ondiensbaar geraak het of aan diens onttrek is en moet die beheerowerheid in kennis stel sodra die stelsel herstel is.
- (7) Die eienaar of persoon in beheer van 'n perseel moet alle stappe doen wat nodig geag word deur die beheerowerheid om alternatiewe toerusting te verskaf ten einde die vlak van veiligheid in die perseel te handhaaf.

Inmenging met en toegang tot brandbeskermingstelsels en brandblussers

20. 'n Persoon word nie toegelaat om 'n brandblusser of brandbeskermingstelsel minder doeltreffend, ondiensbaar of ontoeganklik te maak of daarmee te peuter of in te meng nie, behalwe soos wat nodig is tydens noodgevalle, instandhouding, oefening of voorgeskrewe toetsing.

Brandalarms en brandkrane

21. (1) Sonder vergoeding aan die eienaar van 'n betrokke perseel kan die beheerowerheid—
- (a) 'n brandalarm;
- (b) 'n transmissie-instrument vir oproepe van brand of ander noodgevalle, of
- (c) 'n transmissie-instrument om inwoners teen 'n brand of ander noodgeval te waarsku,
- aan enige gebou, muur, heining, paal of boom laat aanbring.
- (2) Sonder vergoeding aan die eienaar van 'n betrokke perseel kan die beheerowerheid die posisie van 'n brandkraan en brandalarm laat merk aan enige gebou, muur, heining, paal, boom, pad, randsteen of brandkraandeksel met 'n bord, dekal, metaalplaat of geverfde merker of op enige ander wyse.
- (3) Die beheerowerheid kan te eniger tyd 'n brandalarm, ander transmissie-instrument in subartikel (1) bedoel, bord, dekal, metaalplaat of geverfde merker laat verwyder sonder vergoeding aan die eienaar van die betrokke perseel.
- (4) 'n Ongemagtigde persoon word verbied om 'n brandalarm, ander transmissie-instrument in subartikel (1) bedoel, bord, dekal, metaalplaat of geverfde merker te verwyder, te ontsier, te verander of te beskadig of daarmee te peuter.
- (5) 'n Persoon mag nie 'n brandkraan minder doeltreffend, ondiensbaar of ontoeganklik maak of daarmee peuter of inmeng nie.

HOOFSTUK 5

OPENBARE VEILIGHEID

Voorkoming en beheer van oorbevolking

22. (1) Voordat 'n perseel vir vermaak of openbare byeenkoms gebruik word, moet die eienaar of persoon in beheer van sodanige perseel 'n aansoek om 'n bevolkingsertifikaat aan die beheerowerheid voorlê, soos in Bylae 2 van hierdie Verordening voorgeskryf.
- (2) Die beheerowerheid kan bykomende inligting van die aansoeker versoek.
- (3) Ondanks die bepaling van subartikel (1) kan die beheerowerheid die eienaar of persoon in beheer van 'n perseel gelas om aansoek te doen om 'n tydelike of 'n permanente bevolkingsertifikaat, indien die perseel gebruik word ten opsigte van enige ander okkupasie in die Nasionale Bouregulasies (A20) beoog.
- (4) 'n Tydelike bevolkingsertifikaat is geldig vir 'n tydperk van hoogstens 30 kalenderdae.
- (5) Die beheerowerheid moet weier om die tydelike of permanente bevolkingsertifikaat uit te reik as 'n perseel nie aan die vereistes van die Nasionale Bouregulasies (T1) voldoen nie, en waar die beheerowerheid van mening is dat die nie-nakoming van 'n perseel reggestel kan word, moet hy die eienaar of persoon in beheer van sodanige perseel skriftelik gelas om alle redelike stappe te doen om die perseel veilig te maak voordat die perseel gebruik word en die tydelike of permanente bevolkingsertifikaat uitgereik word.

- (6) Indien die beheerowerheid te eniger tyd bewus word dat die gebruik van 'n perseel nie in ooreenstemming met die tydelike of permanente bevolkingsertifikaat is nie, moet hy ingevolge artikels 4(2) of 6(1) en artikel 7 van hierdie Verordening optree.
- (7) Die tydelike en permanente bevolkingsertifikaat is geldig net vir die perseel of deel van die perseel waarvoor dit uitgereik is, en wanneer veranderinge van okkupasie plaasvind of wysigings aangebring word aan die perseel waarvoor die sertifikaat uitgereik is, moet die eienaar of persoon in beheer weer om die sertifikaat aansoek doen in ooreenstemming met subartikel (1).
- (8) Die tydelike of permanente bevolkingsertifikaat moet vertoon word op 'n duidelik sigbare en opvallende plek in of op die perseel waarvoor die sertifikaat uitgereik is.
- (9) Die eienaar of persoon in beheer van 'n perseel moet oorbevolking voorkom deur die maksimum bevolking te beperk tot dit wat op die tydelike of permanente bevolkingsertifikaat vermeld word.
- (10) 'n Persoon moet 'n perseel wat oorbevolk is, ontruim wanneer hy of sy gelas word om dit te doen deur die beheerowerheid of die eienaar of persoon in beheer van die perseel.

Bywoning van 'n diens

23. (1) Wanneer die beheerowerheid van mening is dat 'n diens teenwoordig moet wees tydens 'n funksie op 'n plek wat vir vermaak of openbare byeenkoms gebruik word, kan hy in belang van openbare veiligheid en behoudens die vereistes van die diens, een of meer lede, 'n voertuig of toerusting van 'n diens verskaf om vir die duur van die funksie of 'n deel daarvan op die perseel teenwoordig te wees.
- (2) Wanneer die bywoning van 'n diens tydens 'n funksie op 'n plek wat vir vermaak of openbare byeenkoms gebruik word koste behels, kan die koste wat deur die Munisipaliteit aangegaan is, in ooreenstemming met artikel 9 van hierdie Verordening verhaal word van die persoon in beheer van die funksie.

Formulering van 'n noodontruimingsplan

24. (1) Die eienaar of persoon in beheer van 'n skool, hospitaal, residensiële instelling, hotel, gastehuis, hostel of ander soortgelyke okkupasie wat 'n bevolking van meer as 25 persone (insluitende personeel) het, moet 'n noodontruimingsplan formuleer waarin die gepaste stappe uiteengesit word wat in die geval van 'n brand of ander dreigende gevaar deur die personeel of die okkupeerders gedoen moet word.
- (2) Die beheerowerheid kan die eienaar of persoon in beheer van 'n perseel, uitgesonderd dié in subartikel (1) bedoel, gelas om 'n noodontruimingsplan te formuleer waarin die gepaste stappe uiteengesit word wat in die geval van 'n brand of ander dreigende gevaar deur die personeel of die okkupeerders gedoen moet word.
- (3) Die plan in subartikels (1) en (2) bedoel, moet hersien word as 'n aspek daarvan nie meer toepaslik is nie of as die gebou waarvoor die plan ontwerp is, verander het.
- (4) Die noodontruimingsplan moet in sy geheel getoets word met 'n minimum van sesmaandelikse tussenpose of wanneer die plan hersien is, en 'n rekord van die toetsing moet in 'n register gehou word.
- (5) Die register in subartikel (4) bedoel, moet die volgende inligting bevat:
 - (a) die datum en tyd van die toets;
 - (b) die aantal deelnemers;
 - (c) die resultaat van die toets en enige regstellende stappe wat nodig is, en
 - (d) die naam en handtekening van die persoon wat oor die toets toesig gehou het.
- (6) Die register, tesame met die noodontruimingsplan, moet op die perseel beskikbaar wees vir insae deur die beheerowerheid.
- (7) Die beheerowerheid kan die formulering en implementering van die noodontruimingsplan evalueer en kan enige aanbevelings of regstellende stappe amptelik meedeel om die plan te verbeter of foute daarin reg te stel.

Vertoon van ontsnaproeteplanne

25. (1) In 'n hospitaal, residensiële instelling, hotel, gastehuis, hostel of ander soortgelyke okkupasie wat ontwerp of bedoel is vir gebruik deur pasiënte, inwoners of persone wat 'n tyd lank vertoef, ongeag die bevolking, moet die ontsnaproeteplan op 'n opvallende plek vertoon word in enige kamer wat vir slaapdoeleindes ontwerp is.
- (2) Die vertoning van ontsnaproeteplanne vir enige ander perseel is onderhewig aan die goedkeuring van die beheerowerheid.

Versperring van leë geboue

26. Die eienaar of persoon in beheer van 'n gebou of deel daarvan wat leeg is, moet alle brandbare afval of vullis daaruit verwyder en alle vensters, deure en ander openinge in die gebou sluit, versper of andersins beveilig tot tevredenheid van die Munisipaliteit, wat die skepping van 'n brandgevaar as gevolg van die betreding deur 'n ongematigde persoon sal voorkom.

HOOFSTUK 6

HUISHOUDING

Brandbare afval en vullis

27. (1) Die eienaar of persoon in beheer van 'n perseel of 'n deel daarvan mag nie toelaat dat brandbare afval of vullis in enige gebied of op enige wyse ophoop sodat dit 'n brandgevaar of ander dreigende gevaar skep nie.
- (2) Brandbare afval en vullis moet behoorlik opgeberg of weggedoen word ten einde 'n brandgevaar of ander dreigende gevaar te voorkom soos

voorgeskrif in die toepaslike wetgewing wat oor die opberging en wegdoening van daardie spesifieke tipe brandbare afval en vullis handel, of by gebrek aan toepaslike wetgewing, soos deur die beheerowerheid bepaal.

Stof

28. Die eienaar of persoon in beheer van 'n perseel of deel daarvan mag nie toelaat dat stof ophoop in hoeveelhede wat 'n brandgevaar of ander dreigende gevaar skep nie, en moet die stof opberg of wegdoen soos voorgeskryf in die toepaslike wetgewing wat oor die opberging en wegdoening van daardie spesifieke tipe stof handel.

Brandbare of vlambare stowwe en verbindings vir vee van vloere

29. (1) Ondanks enige andersluidende bepalings in enige ander wet mag slegs goedgekeurde waterbasisoplossings of -skoonmaakmiddels, verbindings vir die vee van vloere en vetabsorbeermiddels vir skoonmaakdoeleindes gebruik word.
- (2) Die gebruik van saagsels of soortgelyke brandbare materiaal om brandbare of vlambare stowwe op te suig wat in die loop van 'n proses gestort of gemors is, is verbode.

Aanpaksels in skoorstene, rookgaskanale en -gange

30. Die eienaar of persoon in beheer van 'n perseel of 'n deel daarvan mag nie toelaat dat roet of enige ander brandbare stof in sulke hoeveelhede in skoorstene, rookgaskanale en -gange van die perseel aanpak dat dit 'n brandgevaar of ander dreigende gevaar skep nie.

Bronne van ontbranding

31. (1) Rook en die dra van vuurhoutjies, die gebruik van verwarmings- of ander toestelle wat 'n oop vlam gebruik of die gebruik van enige vonktoerusting is verbode in gebiede wat brandbare of vlambare stowwe bevat, en waar toerusting of gereedskap nodig is vir die verrigting of instandhouding van 'n bedrywigheid, moet dit intrinsiek veilig en spesifiek vir daardie doel ontwerp wees.
- (2) Warm as, sintel of smeulende kole moet in nie-brandbare houers geplaas word en die houers moet op 'n nie-brandbare oppervlak of staander geplaas word.
- (3) 'n Toereikende afstand, soos geskik geag deur die beheerowerheid, moet verskaf en gehandhaaf word tussen brandbare stowwe en verwarmings- of verligtingstoerusting of ander bronne van ontbranding.
- (4) Draagbare verwarmers moet beveilig word sodat dit nie kan omval nie, en die beheerowerheid kan die gebruik van draagbare verwarmers verbied ten opsigte van okkupasies of situasies waar sodanige gebruik of werking 'n brandgevaar of ander dreigende gevaar sal skep.

Rook

32. (1) Indien daar toestande bestaan wat rook 'n brandgevaar op 'n perseel maak, is rook verbode en moet "Rook Verbode"-tekens vertoon word soos deur die beheerowerheid gelas, en die tekens moet aan SABS 1186 voldoen.
- (2) 'n Persoon mag nie 'n "Rook Verbode"-teken verwyder nie.
- (3) 'n Persoon mag nie 'n sigaar, sigaret, pyp, tabak of ander stof aansteek of rook nie of andersins ander materiaal aan die brand steek nie of enige brandende of smeulende stof hou, besit, weggooi of plaas nie op enige plek waar dit uitdruklik verbode is om dit te doen.
- (4) Waar rook toegelaat word, moet daar voorsiening gemaak word vir die veilige wegdoening van die rookmateriaal en vuurhoutjies ten einde die skepping van 'n brandgevaar of ander dreigende gevaar te voorkom.
- (5) 'n Persoon mag nie 'n brandende vuurhoutjie, brandende sigaret of ander brandende materiaal of enige materiaal wat spontaan kan ontbrand, op 'n pad of enige ander plek weggooi, neersit of laat val nie.

Elektriese toebehore, toerusting en toestelle

33. (1) 'n Persoon mag nie 'n elektriese kragpunt laat oorlaai of toelaat dat dit oorlaai word nie.
- (2) 'n Persoon mag nie 'n elektriese toestel of verlengkoord op 'n manier wat waarskynlik 'n brandgevaar of ander dreigende gevaar kan skep, laat gebruik of toelaat dat dit so gebruik word nie.

Oopvlamtoestel

34. 'n Persoon mag nie 'n oopvlamtoestel soos 'n kers, lantern of fakkel, maar nie daartoe beperk nie, op 'n manier wat waarskynlik 'n brandgevaar of ander dreigende gevaar kan skep, laat gebruik of toelaat dat dit so gebruik word nie.

HOOFSTUK 7

BRANDGEVARE

Brandbare materiaal

35. (1) 'n Persoon mag nie enige brandbare materiaal of 'n vlambare stof, hetsy binne of buite 'n perseel, opberg, vervoer, gebruik of vertoon of veroorsaak of toelaat dat dit opgeberg, vervoer, gebruik of vertoon word nie in hoeveelhede of in 'n posisie of op 'n wyse dat dit waarskynlik 'n brandgevaar of ander dreigende gevaar sal veroorsaak of skep nie.
- (2) Die eienaar of persoon in beheer van 'n perseel mag nie toelaat dat plantegroei daarop groei of ophoop of dat ander brandbare materiaal daarop ophoop nie op 'n wyse dat dit waarskynlik 'n brandgevaar of ander dreigende gevaar sal veroorsaak nie.

Aansteek van vure en verbranding van brandbare materiaal

36. (1) Die aansteek van vure en die wegdoen van brandbare materiaal deur verbranding is verbode.
- (2) 'n Persoon mag 'n vuur aansteek of 'n oopvlamtoestel gebruik vir die doel van voedselbereiding of vir enige ander huishoudelike doel op 'n wyse wat nie 'n brandgevaar of ander dreigende gevaar sal veroorsaak nie.
- (3) Die eienaar of persoon in beheer van 'n perseel wat gebruik word ten opsigte van 'n okkupasie van vermaak of openbare byeenkoms, moet toesien dat 'n kookvuur of oopvlamtoestel in aangewese gebiede geplaas word ten einde 'n brandgevaar of ander dreigende gevaar te voorkom.
- (4) Alvorens die eienaar of persoon in beheer van 'n plaas of kleinhoewe of 'n staatsorgaan wat ongeproklameerde woongebiede beheer, brandbare materiaal kan wegdoen deur verbranding, en alvorens daar skriftelik aansoek gedoen word om goedkeuring van die beheerowerheid, moet daar vooraf goedkeuring verkry word ingevolge die toepaslike wetgewing in Bylae 3 uiteengesit.

HOOFSTUK 8**VLAMBARE STOWWE****Toepassing van hierdie Hoofstuk**

37. Ondanks die bepalings van die Wet op Gevaarhoudende Stowwe of die Wet op Beroepsgesondheid en Veiligheid reël hierdie Hoofstuk vlambare stowwe in die plaaslike regeringsfeer ten einde 'n brandgevaar of ander dreigende gevaar te voorkom en te verminder.

Opberging en gebruik van 'n vlambare stof

38. (1) Voor die konstruksie van 'n nuwe installasie of die verandering van 'n bestaande installasie, hetsy tydelik of permanent, vir die opberging van 'n vlambare stof moet die eienaar of persoon in beheer van die installasie 'n bouplan aan die Munisipaliteit voorlê in ooreenstemming met die Nasionale Bouregulasies, en 'n afskrif van die goedgekeurde plan moet beskikbaar wees op die terrein waar die installasie gebou word.
- (2) Voor die ingebruikstelling van 'n bopgrondse of ondergrondse opgaarteninstallasie, vloeibarepetroleumgasinstallasie of gepaardgaande pype moet die eienaar of persoon in beheer van die installasie verseker dat dit gedruktuets word in ooreenstemming met die bepalings van die Nasionale Bouregulasies (T1) in teenwoordigheid van die beheerowerheid.
- (3) Ondanks subartikel (2) kan die beheerowerheid vereis dat 'n bestaande bopgrondse of ondergrondse opgaarteninstallasie, vloeibarepetroleumgasinstallasie of gepaardgaande pype gedruktuets word in ooreenstemming met die bepalings van die Nasionale Bouregulasies (T1).
- (4) Die beheerowerheid moet minstens 48 uur voor die druktoets in kennis gestel word.
- (5) Voor die verandering van 'n perseel wat die brandveiligheid van 'n bestaande bopgrondse of ondergrondse opgaarteninstallasie, vloeibarepetroleumgasinstallasie of gepaardgaande pype beïnvloed, moet die eienaar of persoon in beheer van die perseel die beheerowerheid in kennis stel, wat kan vereis dat die perseel of installasie veilig gemaak moet word.
- (6) Die eienaar of persoon in beheer van 'n perseel mag nie—
- (i) 'n vlambare gas van meer as 19 kilogram, of
- (ii) 'n vlambare vloeistof van 'n gevaargroep (i), (ii) of (iii) van meer as 200 liter,
- opberg of gebruik nie tensy hy 'n sertifikaat vir vlambare stowwe van die beheerowerheid verkry het.

Sertifikaat vir vlambare stowwe

39. (1) Die eienaar of persoon in beheer van 'n perseel wat 'n sertifikaat vir vlambare stowwe benodig, in artikel 38(6) bedoel, moet 'n aansoek aan die beheerowerheid voorlê, soos in Bylae 2 van hierdie Verordening voorgeskryf.
- (2) Die beheerowerheid kan bykomende inligting van die aansoeker verlang.
- (3) Die beheerowerheid moet weier om die sertifikaat vir vlambare stowwe uit te reik indien 'n perseel nie aan die vereistes van die Nasionale Bouregulasies (T1) asook bykomende vereistes in hierdie Verordening uiteengesit, voldoen nie, en waar die beheerowerheid van mening is dat die nie-nakoming van 'n perseel reggestel kan word, moet hy die eienaar of persoon in beheer van die perseel skriftelik gelas om alle redelike stappe te doen om die perseel veilig te maak voordat die perseel in ooreenstemming met artikel 38(6) gebruik word en die sertifikaat uitgereik word.
- (4) 'n Sertifikaat vir vlambare stowwe moet jaarliks hernu word voor of op die datum op die sertifikaat vir vlambare stowwe aangedui, en telkens wanneer die hoeveelheid of klas van die vlambare stowwe verander moet word of wanneer artikel 38(5) van toepassing is.
- (5) Indien die beheerowerheid te eniger tyd bewus word dat die gebruik van 'n perseel nie in ooreenstemming met die sertifikaat vir vlambare stowwe is nie, moet hy ingevolge artikel 4(2) of 6(1) en artikel 7 van hierdie Verordening optree.
- (6) Ondanks subartikel (5), wanneer na die mening van die beheerowerheid 'n vlambare stowwe opgeberg of gebruik word vir enige proses op 'n wyse wat gevaarlik is vir lewe of eiendom, of 'n installasie ongemagtig is, kan 'n bevel uitgereik word vir die verwydering van die vlambare stowwe of installasie van die perseel.
- (7) 'n Verskaffer mag nie vlambare stowwe aan die eienaar of persoon in beheer van 'n perseel verskaf nie tensy die eienaar of persoon in beheer van die perseel in besit is van 'n geldige sertifikaat vir vlambare stowwe wat deur die beheerowerheid uitgereik is.
- (8) 'n Sertifikaat vir vlambare stowwe is geldig net—

- (a) vir die installasie waarvoor dit uitgereik is;
- (b) vir die toestand van die perseel ten tyde van uitreiking, en
- (c) vir die hoeveelhede in die sertifikaat vermeld.

(9) Die sertifikaat vir vlambare stowwe moet te alle tye op die perseel beskikbaar wees vir insae.

(10) Die beheerowerheid moet rekords hou van alle persele ten opsigte waarvan 'n sertifikaat vir vlambare stowwe uitgereik, gewysig of hernu is.

Permanente of tydelike bopgrondse opgaartenk vir 'n vlambare vloeistof

40. (1) In hierdie artikel word net 'n permanente of tydelike bopgrondse tenk wat vir die opberging van vlambare vloeistowwe gebruik word, gereguleer.

(2) 'n Tydelike bopgrondse opgaartenk, uitgesonderd by 'n massaopgaardepot, is na goeddunke van die beheerowerheid toelaatbaar volgens die meriete van die situasie, mits daar aan die volgende vereistes voldoen word:

- (a) Dit moet 'n kapasiteit van hoogstens 9 000 liter hê en mag nie vir die opberging van vlambare stowwe met 'n flitspunt onder 40 °C gebruik word nie.
- (b) Dit moet vir 'n tydperk van hoogstens ses maande op die perseel wees.
- (c) Die hele installasie moet aan SABS 0131: Deel 2 voldoen.
- (d) 'n Skriftelike aansoek tesame met 'n plan moet aan die beheerowerheid gestuur word minstens 14 dae voor die oprigting van die tenk, en skriftelike toestemming vir die oprigting van die tenk moet vooraf van die beheerowerheid verkry word.

(3) Ondanks artikel 38(1), as 'n bopgrondse opgaartenk met 'n groter kapasiteit nodig is of as die tenk 'n permanente installasie moet wees, moet 'n aanvaarbare rasionele ontwerp gebaseer op 'n tersaaklike nasionale of internasionale kode of standaard aan die Munisipaliteit voorgelê word vir goedkeuring ingevolge die Nasionale Bouregulasies (T1).

(4) Die ontwerpvereistes en konstruksie van 'n permanente tenk moet in ooreenstemming met tersaaklike nasionale of internasionale kodes wees.

(5) Die aangeslane kapasiteit van 'n permanente of tydelike tenk moet voldoende vryruimte bied om voorsiening te maak vir die uitsetting van die produk wat daarin gehou word as gevolg van 'n styging in temperatuur tydens opberging.

(6) 'n Permanente of tydelike tenk moet minstens 3,5 meter van grense, geboue en ander vlambare stowwe of brandbare materiaal opgerig word.

(7) 'n Permanente of tydelike tenk moet op stewige gelyk grond geplaas word en die grond moet sterk genoeg wees om die massa van die tenk en die inhoud daarvan te dra.

(8) 'n Permanente of tydelike tenk moet 'n keermuur hê.

(9) Voldoende voorsorgmaatreëls moet getref word om storting te voorkom wanneer 'n tenk volgemaak word.

(10) Voldoende brandblussers, soos deur die beheerowerheid bepaal, moet in weervaste kaste naby 'n tenk verskaf word.

(11) Simboliese veiligheidstekens wat "Rook verbode", "Geen kaal ligte" en "Gevaar" aandui, moet by 'n tenk verskaf word, en die tekens moet aan SABS 1186 voldoen.

(12) Die vlambare vloeistof in die tenk moet duidelik geïdentifiseer word deur gebruik te maak van die Hazchem-plakkate in SABS 0232: Deel 1 gelys.

(13) 'n Elektriese of 'n binnebrandenjinaangedrewe pomp moet verskaf word en so geplaas word dat die gevaar dat die vlambare vloeistof kan ontsteek, uitgeskakel word.

(14) Die elektriese installasie wat met die bopgrondse opgaartenk gepaard gaan, moet aan SABS 0108 voldoen.

Ondergrondse opgaartenk vir 'n vlambare vloeistof

41. Die ontwerpvereistes en konstruksie van 'n ondergrondse opgaartenk moet in ooreenstemming met die Nasionale Bouregulasies (T1) gelees met SABS 0400 wees.

Massaopgaardepot vir vlambare stowwe

42. Die hantering, opgaring en verspreiding van vlambare stowwe by grootmaatdepots moet in ooreenstemming met die Nasionale Bouregulasies (T1) gelees met SABS 089: Deel 1 wees.

Klein installasies vir vloeibare petroleumgas

43. Vloeibarepetroleumgasinstallasies wat gasopbergingshouers met 'n individuele waterkapasiteit van hoogstens 500 liter en 'n gekombineerde waterkapasiteit van hoogstens 3 000 liter per installasie behels, moet in ooreenstemming met SABS 087: Deel 1 geïnstalleer en hanteer word.

Massahouer vir vloeibare petroleumgas

44. Die uitleg, ontwerp en bedryf van installasies vir die opberging van 'n massavloeibarepetroleumhouer en verwante fasiliteite moet in ooreenstemming met die Nasionale Bouregulasies (T1) gelees met SABS 087: Deel 3 wees.

Beëindiging van die opberging en gebruik van vlambare stowwe

45. (1) As 'n bopgrondse of ondergrondse tenkinstallasie, vloeibarepetroleumgasinstallasie of verwante pype nie meer vir die opgaring of gebruik van 'n vlambare stof nodig is nie, moet die eienaar of persoon in beheer van die perseel waarop die installasie opgerig is—
- binne sewe dae na die beëindiging, die beheerowerheid skriftelik daarvan in kennis stel;
 - binne 30 dae na die beëindiging, die vlambare stowwe van die installasie verwyder en dit veilig maak;
 - binne ses maande na die beëindiging, die installasie, insluitende enige verwante pype, volledig vanaf die perseel verwyder, tensy die beheerowerheid anders gelas, en
 - 'n openbare voetpad of pad wat versteur is deur die verwydering, tot tevredeheid van die Munisipaliteit herstel binne 'n tydperk van sewe dae na afhandeling van die verwydering van die installasie.
- (2) Indien die verwydering van 'n ondergrondse tenkinstallasie die stabiliteit van 'n perseel nadelig raak, moet die eienaar of persoon in beheer van die installasie skriftelik by die beheerowerheid aansoek doen om die tenk met vloeibare sementflodder te vul.

Aanmelding van ongelukke

46. Indien 'n ongeluk plaasvind waarby 'n vlambare stof betrokke is en wat lei tot 'n brand, 'n ontploffing, storting of verlies van 'n vlambare stof, asook persoonlike blesering of dood, moet die eienaar of persoon in beheer van die perseel die beheerowerheid onmiddellik in kennis stel.

Bewaarplekke vir vlambare stowwe

47. (1) Die konstruksie van 'n bewaarplek vir vlambare stowwe moet in ooreenstemming met die Nasionale Bouregulasies (T1) gelees met SABS 0400 wees.
- Die vloer moet van betonkonstruksie of ander ondeurlatende materiaal wees en moet onder die deurvlak versink wees of 'n drumpel insluit
 - Die versinking of drumpel moet so diep of hoog wees dat dit in die geval van 'n storting die hoeveelheid vlambare vloeistof soos op die sertifikaat vir vlambare stowwe getoon en 'n bykomende 10% van die hoeveelheid in die sertifikaat vermeld, kan bevat.
 - Ondanks die Nasionale Bouregulasies (T1) gelees met SABS 0400—
 - moet die daksamestel van 'n bewaarplek vir vlambare stowwe bestaan uit 'n betonblad wat 'n brandweerstand van twee uur kan bied;
 - moet die ventilasie van 'n bewaarplek vir vlambare stowwe geskied deur die gebruik van lugstene in die buitemure in 'n verhouding van een lugsteen nominaal bokant die drumpelvlak en een lugsteen in die boonste derde van die muur per 5 m² van muuroppervlakte of deel daarvan, sodat dampe nie in die bewaarplek kan versamel nie;
 - moet die lugstene aan die binnekant en die buitekant bedek word met diggeweefde korrosiebestande draadgaas met 'n minimum maastelling van 1 100 per meter, en
 - moet die draadgaas met metaalstroke, 'n metaalraam of sement in posisie gehou word.
 - Indien die beheerowerheid dit vereis, moet die bewaarplek vir vlambare stowwe geventileer word deur 'n meganiese ventilasiesistelsel wat deur die Munisipaliteit goedgekeur is en aan die volgende vereistes voldoen:
 - Die ventilasiesistelsel moet intrinsiek veilig wees en 30 lugveranderings per uur verskaf en deurlopend funksioneer.
 - Die waaieruittrekpunt moet nominaal bokant drumpelhoogte wees en moet uitblaas deur 'n vertikale metaalkanaal wat minstens 1 meter bo dakhoogte of minstens 3,6 meter bo grondvlak eindig, wat ook al die grootste is.
 - Kanaalmateriaal wat buite die bewaarplek is maar verbind is met die res van die gebou, moet op die plek waar dit die bewaarplek verlaat, toegerus word met 'n branddemper met 'n brandweerstand van twee uur.
 - Die kanaal moet so kort as moontlik wees en mag nie skerp draaie hê nie.
 - Ondanks die Nasionale Bouregulasies (T1), gelees met SABS 0400, moet 'n bewaarplek vir vlambare stowwe se deur gemaak wees van materiaal met 'n brandweerstand van twee uur, mits alle toepaslike veiligheidsafstande nagekom word, en die deur moet na buite oopmaak.
 - Indien die beheerowerheid dit vereis, moet 'n bewaarplek vir vlambare stowwe se deur 'n D-klas branddeur wees wat aan SABS 1253 voldoen.
 - Ondanks die Nasionale Bouregulasies (T1), gelees met SABS 0400, moet kunsmatige verligting in die bewaarplek vir vlambare stowwe geskied deur elektriese ligte met dampbestande toebehore waarvan die drade deur naatlose staalleipype loop, en die skakelaars vir sodanige ligte moet buite die bewaarplek geleë wees.
 - Geen ander elektriese apparaat mag in die bewaarplek vir vlambare stowwe geïnstalleer word nie.
 - 'n Bewaarplek vir vlambare stowwe moet voorsien word van 'n skuiminlaat bestaande uit 'n snelinpaskoppeling van 65 millimeter en weekstaalpipe wat na die binnekant van die bewaarplek lei, en die skuiminlaat moet geïdentifiseer word deur middel van 'n teken met die woord "Skuiminlaat" in blokletters van 100 millimeter.
 - Rakke wat in die bewaarplek vir vlambare stowwe opgerig word, moet van nie-brandbare materiaal wees.
 - Die bewaarplek vir vlambare stowwe moet geïdentifiseer word deur die woorde "Bewaarplek vir Vlambare Stowwe—Flammable Store—Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", en die toelaatbare hoeveelheid wat in die bewaarplek vir vlambare

stowwe toegelaat word, aangedui in blokletters van 100 millimeter aan die binnekant en buitekant van alle deure wat regstreeks na die bewaarplek lei.

- (13) Die eienaar of persoon in beheer van 'n bewaarplek vir vlambare stowwe moet verseker dat die bewaarplek vir vlambare stowwe se deure gesluit gehou word wanneer die bewaarplek nie gebruik word nie.
- (14) 'n Persoon mag nie 'n bewaarplek vir vlambare stowwe binnegaan of toelaat dat dit binnegegaan word nie sonder die toestemming van die eienaar of persoon in beheer van die perseel.
- (15) Voldoende brandblussers, soos deur die beheerowerheid bepaal, moet teen die buitemuur van die bewaarplek vir vlambare stowwe gemonteer word op 'n opvallende en maklik bereikbare plek.
- (16) Enige handgereedskap wat in die bewaarplek vir vlambare stowwe gebruik word, moet intrinsiek veilig wees.
- (17) 'n Persoon mag nie 'n bewaarplek vir vlambare stowwe vir enige ander doel as die doel wat op die sertifikaat vir vlambare stowwe aangedui word, gebruik of toelaat dat dit aldus gebruik word nie, tensy die bewaarplek nie as 'n bewaarplek vir vlambare stowwe gebruik word nie en die beheerowerheid in kennis gestel is deur die volgende prosedure:
 - (a) binne sewe dae na die beëindiging, stel die beheerowerheid skriftelik in kennis daarvan;
 - (b) binne 30 dae na die beëindiging, verwyder die vlambare stowwe uit die bewaarplek vir vlambare stowwe en maak dit veilig, en
 - (c) binne 30 dae na die beëindiging, verwyder alle tekens.
- (18) Behoudens die bepalings van hierdie artikel kan die beheerowerheid bykomende vereistes stel om die brandveiligheid van 'n bewaarplek vir vlambare stowwe te verbeter.

Hantering en opberging van houers

48. (1) Alle houers vir vlambare stowwe moet toe gehou word wanneer dit nie gebruik word nie.
- (2) 'n Persoon mag nie vlambare vloeistowwe uit 'n houer met 'n kapasiteit van meer as 20 liter neem nie tensy die houer met 'n behoorlik geseëldde pomp of kraan toegerus is.
- (3) Houers vir vlambare vloeistowwe moet geëtiketteer en gemerk wees met woorde en dekals wat die vlambare stowwe daarin vervat en die gevaar van die vloeistowwe aandui.
- (4) Houers vir vlambare vloeistowwe moet deur 'n bevoegde persoon gas- of dampvry verklaar word voordat enige verandering of herstelwerk daaraan gedoen word.
- (5) Alle houers vir vlambare stowwe moet so vervaardig en in stand gehou word dat dit redelikerwys veilig is teen beskadiging en dat lekkasie van vlambare stowwe of dampe daaruit voorkom word.
- (6) 'n Leë houer vir vlambare stowwe moet in 'n bewaarplek vir vlambare stowwe geplaas word.
- (7) Waar 'n bewaarplek vir vlambare stowwe nie vir die opberging van leë houers vir vlambare stowwe beskikbaar is nie, kan die beheerowerheid sodanige opberging in die ope lug toelaat, mits—
 - (a) die opbergingsgebied in 'n posisie en so groot is dat dit na die mening van die beheerowerheid nie 'n brandgevaar of ander dreigende gevaar sal veroorsaak nie;
 - (b) die opbergingsgebied goed geventileer en omring is deur 'n draadmaasheining en—
 - (i) die heiningpale van staal of gewapende beton is;
 - (ii) 'n hek het wat na buite oopmaak en wat gesluit gehou word wanneer dit nie gebruik word nie, en
 - (iii) wanneer die vloeroppervlakte groter as 10 m² is, 'n bykomende ontsnaphek geïnstalleer is, toegerus met 'n grendel of ander soortgelyke sluittoestel wat van binne af sonder 'n sleutel oopgemaak kan word;
 - (c) die opbergingsgebied vry is van plantegroei en 'n nie-brandbare stewige gelyk basis het;
 - (d) 'n afstand van twee meter rondom die omheinde gebied vry is van gras, onkruid en soortgelyke brandbare materiaal;
 - (e) wanneer die opbergingsgebied 'n dak het, die konstruksie van die dak en steunstruktuur van nie-brandbare materiaal is;
 - (f) oop vlamme, sweiswerk, snywerk en rook verbode is in of naby die opbergingsgebied en tekens prominent vertoon word op die heining en aan SABS 1186 voldoen, en
 - (g) brandbestrydingstoerusting geïnstalleer is soos deur die beheerowerheid bepaal.
- (8) 'n Leë houer vir vlambare stowwe moet dig toe wees met 'n prop of ander geskikte stopper.

Spuitskamers of -hokkies

49. 'n Spuitkamer of -hokkie of gebied aangewys vir die toediening van 'n vlambare stof moet op so 'n wyse gebou en toegerus wees dat dit voldoen aan die Algemene Gesondheidsregulasies uitgevaardig kragtens die Wet op Beroepsgesondheid en Veiligheid.

Vloeibarepetroleumgashouers

50. (1) 'n Vloeibarepetroleumgashouer moet vervaardig, in stand gehou en getoets word in ooreenstemming met SABS 087: Deel 1 en SABS 019.
- (2) 'n Vloeibarepetroleumgashouer moet op so 'n wyse gebruik en opgeberg word dat skade of lekkasie van vloeistof of damp daaruit voorkom word.
- (3) 'n Vloeibarepetroleumgashouer met 'n kapasiteit van hoogstens nege kilogram moet in ooreenstemming met SABS 087: Deel 7 volgemaak en opgeberg word.

HOOFSTUK 9**VERVOER VAN GEVAARHOUDENDE GOEDERE****Sertifikaat vir gevaarhoudende goedere**

51. (1) Ondanks enige andersluidende bepalings in die Nasionale Padverkeerswet of enige SABS-kode mag die operateur van 'n voertuig wat vir die vervoer van gevaarhoudende goedere ontwerp is, nie sodanige voertuig bedryf nie tensy hy 'n sertifikaat vir gevaarhoudende goedere van die beheerowerheid verkry het.
- (2) 'n Operateur van 'n voertuig in subartikel (1) bedoel, moet 'n aansoek aan die beheerowerheid voorlê soos in Bylae 2 van hierdie Verordening voorgeskryf.
- (3) Die beheerowerheid kan bykomende inligting van die aansoeker aanvra.
- (4) Die beheerowerheid moet weier om die sertifikaat vir gevaarhoudende goedere uit te reik indien 'n voertuig nie voldoen nie aan die vereistes van SABS 087: Deel 4, SABS 089: Deel 1, paragraaf 4.8 of SABS 1398 en paragraaf 4.7 van SABS 1518 (wat ook al op die voertuig van toepassing is), en waar die beheerowerheid van mening is dat die nie-nakoming van 'n voertuig reggestel kan word, moet hy die operateur van 'n voertuig skriftelik gelas om alle redelike stappe te doen om die gebreke reg te stel alvorens die voertuig in ooreenstemming met subartikel (1) en die sertifikaat vir gevaarhoudende goedere gebruik word.
- (5) 'n Sertifikaat vir gevaarhoudende goedere moet jaarliks hernu word, voor of op die datum op die sertifikaat vir gevaarhoudende goedere aangedui of telkens wanneer groot instandhouding of herstelwerk aan die voertuig gedoen is.
- (6) Indien die beheerowerheid te eniger tyd bewus word dat die gebruik van 'n voertuig nie in ooreenstemming met die sertifikaat vir gevaarhoudende goedere is nie, moet hy ingevolge artikel 4(2) of 6(1) en artikel 7 van hierdie Verordening optree.
- (7) 'n Afsender mag nie 'n vlambare stof aan die operateur van 'n voertuig in subartikel (1) bedoel verskaf nie tensy die operateur in besit is van 'n geldige sertifikaat vir gevaarhoudende goedere wat deur die beheerowerheid uitgereik is.
- (8) 'n Geadresseerde mag nie 'n vlambare stof van 'n operateur van 'n voertuig in subartikel (1) bedoel, ontvang nie tensy die operateur aan die vereistes in subartikel (7) voldoen.
- (9) 'n Sertifikaat vir gevaarhoudende goedere is geldig slegs—
- vir die voertuig waarvoor dit uitgereik is;
 - vir die toestand van die voertuig ten tyde van uitreiking, en
 - vir die hoeveelhede op die sertifikaat vermeld.
- (10) Die sertifikaat vir gevaarhoudende goedere moet te alle tye vir insae beskikbaar wees in die voertuig in subartikel (1) bedoel.
- (11) Die beheerowerheid moet rekords hou van alle voertuie ten opsigte waarvan 'n sertifikaat vir gevaarhoudende goedere uitgereik, gewysig of hernu is.

HOOFSTUK 10**ALGEMENE BEPALINGS****Misdrywe en strawwe**

52. (1) Enige persoon wat—
- enige van die bepalings van hierdie Verordening oortree of versuim om daaraan te voldoen, of
 - enige bevel wat hierkragtens gemaak is of enige kennisgewing wat in verband hiermee beteken is, oortree of versuim om daaraan te voldoen,
- is skuldig aan 'n misdryf en strafbaar met 'n maksimum boete of gevangenisstraf soos in die Wet op Brandweerdienste voorgeskryf.
- (2) Die oplegging van 'n straf vir enige oortreding verskoon nie die oortreding nie en die oortreding mag ook nie toegelaat word om voort te duur nie.
- (3) Die beheerowerheid moet 'n persoon wat skuldig bevind is, gelas om die betrokke oortreding of gebrek reg te stel binne 'n tydperk deur die beheerowerheid bepaal.

Herroeping van wette en voorbehoudsbepalings

53. (1) Die verordeninge in Bylae 1 vermeld, word hierby herroep in die mate in die derde kolom van Bylae 1 aangedui.

- (2) In geval van 'n botsing tussen die bepalings van hierdie Verordening en die bepalings van enige ander wetgewing geniet die bepalings van hierdie Verordening voorrang.
- (3) 'n Sertifikaat wat uitgereik is, 'n skriftelike kennisgewing wat beteken is of enige ander afdwingingshandeling wat verrig is ingevolge 'n verordening wat by subartikel (1) herroep is binne ses maande voor die inwerkingtreding van hierdie Verordening, word geag 'n sertifikaat, kennisgewing of afdwingingshandeling te wees wat deur 'n beheerowerheid ingevolge hierdie Verordening uitgereik, beteken of verrig is.

Kort titel en inwerkingtreding

54. Hierdie Verordening heet die Verordening rakende Gemeenskapsbrandveiligheid en tree in werking op die datum van publikasie in die *Provinsiale Koerant*.

BYLAE 1

Herroeping van wette en voorbehoudsbepalings

I. Met betrekking tot Stadkaapstadse Munisipaliteit:—

Provinsiale Kennisgewing	Titel	Mate waarin herroep
PK 217/1937	Munisipaliteit Kaapstad: Gewysigde Regulasies om die stoor, die aanhou en die in besit he van spring enontvlambare stowwe te reguleer, te beheer en te lisensieer.	Die geheel
PK 372/1949	Munisipaliteit Pinelands: Regulasies om voorsiening te maak vir die voorkoming en blus van brande.	Die geheel
PK 74/1953	Munisipaliteit Kaapstad: Wysiging van die Regulasies insake spring-en ontvlambare stowwe.	Die geheel
PK 773/1954	Munisipaliteit Kaapstad: Wysiging van die regulasies om die opberging, hou en in besit he van spring- en ontvlambare stowwe te reguleer, te beheer en te lisensieer.	Die geheel
PK 467/1963	Munisipaliteit Pinelands: Wysiging van die regulasies om voorsiening te maak vir die voorkoming en blus van brande.	Die geheel
PK 382/1971	Munisipaliteit Kaapstad: Regulasies insake plekke van openbare vermaak en ontspanning.	Die geheel
PK 771/1971	Munisipaliteit Kaapstad: Brandreulasies.	Die geheel
PK 233/1985	Munisipaliteit Kaapstad: Wysiging van die brandverordening.	Die geheel

II. Met betrekking tot die Munisipaliteit Blaauwberg:—

Provinsiale Kennisgewing	Titel	Mate waarin herroep
PK 1193/1974	Munisipaliteit Milnerton: Regulasies insake toesighouding oor die lisensiering van persele vir die openberging, aanhouding en inbesithouding van vloeibare petroleumgas.	Die geheel
PK 1194/1974	Munisipaliteit Milnerton: Regulasies insake die beheer oor en lisensiering van die opberging, aanhou en besit van vlambare stowwe.	Die geheel
PK 417/1977	Munisipaliteit Milnerton: Verordening insake die groei van bosse en die ophoping en storting van vullis en afvalmateriaal op persele.	Artikel 2 met betrekking tot die verspreiding van brande
PK 259/1981	Munisipaliteit Milnerton: Brandverordening.	Die geheel
PK 686/1987	Munisipaliteit Milnerton: Verordening om die versiening, herful en toets van draagbare en mobiele brandblusapparate te beheer.	Die geheel

III. Met betrekking tot die Munisipaliteit Helderberg:—

Provinsiale Kennisgewing	Titel	Mate waarin herroep
PN 477/1973	Munisipaliteit Somerset-Wes: Regulasies insake die verwydering van plantegroei vanaf grond.	Artikel 3 met betrekking tot die verspreiding van brande
PK 871/1973	Regulasies insake openbare garages.	Die geheel
PK 965/1975	Munisipaliteit Somerset-Wes: Verordening insake toesighouding oor en die lisensiering van inbesithouding van vloeibare petroleumgas.	Die geheel
PK 594/1976	Munisipaliteit Somerset-Wes: Verordening insake petrolpompe en tenke.	Die geheel
PK 662/1982	Munisipaliteit Somerset-Wes: Brandweerdienste verbeteringskennisgewing.	Die geheel
PK 396/1982	Standaardverordening insake brandweerdienste.	Die geheel
PK 42/1984	Munisipaliteit Somerset-Wes: Verordening insake toesighouding oor en die lisensiering van die opberging, aanhou en inbesithouding van vlambare stowwe.	Die geheel
PK 406/1985	Munisipaliteit Somerset-Wes: Wysiging van die standaardverordening insake brandweerdienste.	Die geheel
PK 527/1985	Munisipaliteit Somerset-Wes: Wysiging van die standaardverordening insake brandweerdienste: verbeteringskennisgewing.	Die geheel

IV. Met betrekking tot die Munisipaliteit Oostenberg:—

Provinsiale Kennisgewing	Titel	Mate waarin herroep
PK 767/1982	Munisipaliteit Kuilsrivier: Standaard verordening brandweerdienste.	Die geheel
PK 396/1982	Standaardverordening insake brandweerdienste.	Die geheel
PK 10/1999	Munisipaliteit Oostenberg: Verordening insake die voorkoming van toestande wat die verspreiding van brande kan bevorder.	Artikel 2(a) en 2(b)
PK 227/2000	Oostenber Munisipaliteit: Wysiging van die verordening insake die voorkoming van toestande wat die verspreiding van brande kan bevorder.	Die geheel

V. Met betrekking tot die Suid-Skiereiland Munisipaliteit:—

Provinsiale Kennisgewing	Titel	Mate waarin herroep
PK 246/1948	Regulasies in sake die beheer, lisensieer, opberging en hou van petroleum, petrol en ontvlambare vloeï of ander stowwe.	Die geheel
PK 298/1961	Munisipaliteit Simonstad: Regulasies insake die reguleer, beheer en lisensieer van die opberging, bewaring of besit van vlambare stowwe.	Die geheel
PK 1074/1970	Afdelingsraad van die Kaap: regulasies insake woonwaparke.	Artikels 10 en 11
PK 545/1972	Afdelingsraad van die Kaap: Regulasies insake openbare ontspanningsplekke in om beter voorsiening te maak vir die veiligheid van die publiek tydens rolprentvertonnings.	Artikels 16, 17, 19(a)(ii), 19(b)(iii), (iv)
PK 947/1972	Munisipaliteit Simonstad: Wysiging van die brandweerregulasies.	Die geheel
PK 501/1977	Afdelingsraad van die Kaap: Verordening ter voorkoming van toestande wat waarskynlik die verspreiding van brande sal bevorder.	Die geheel
PK 729/1981	Afdelingsraad van die Kaap: Verordening insake vlambare stowwe.	Die geheel
PK 730/1981	Afdelingsraad van die Kaap: Verordening insake die opberging en aanhou van vloeibare petroleumgas.	Die geheel
PK 731/1981	Afdelingsraad van die Kaap: Brandverordening vir plaaslike gebiede.	Die geheel
PK 73/1983	Standaardverordening insake parke vir woonwaaens en mobiele wonings.	Artikels 11, 12, 13 en 14
PK 396/1986	Munisipaliteit Simonstad: Standaardverordening insake brandweerdienste.	Die geheel
PK 589/1986	Munisipaliteit Simonstad: Standaardverordening insake brandweerdienste.	Die geheel
PK 247/1995	Vishoek/Kommetjie/Noordhoek Metropolitaanse oorgangsubstruktuur: Wysiging van die regulasie insake die beheer, lisensiering, opberging en hou van petroleum, petrol en ontvlambare vloeï of ander stowwe.	Die geheel

VI. Met betrekking tot die Stad-Tygerbergse Munisipaliteit:—

Provinsiale Kennisgewing	Titel	Mate waarin herroep
PK 361/1980	Munisipaliteit Goodwood: Verordening insake vloeibare petroleumgas.	Die geheel
PK 757/1982	Munisipaliteit Bellville: Standaardverordening insake brandweerdienste.	Die geheel
PK 396/1982	Standaardverordening insake brandweerdienste.	Die geheel
PK 142/1984	Munisipaliteit Goodwood: Verordening insake vlambare stowwe.	Die geheel
PK 116/1993	Munisipaliteit Goodwood: Verordening betreffende die beheer oor die hantering van brandblusapparate.	Die geheel

BYLAE 2**Vorms**

- A. Aansoek om bevolkingssertifikaat
- B. Bevolkingssertifikaat
- C. Aansoek om sertifikaat vir vlambare stowwe
- D. Sertifikaat vir vlambare stowwe
- E. Aansoek om sertifikaat vir gevaarhoudende stowwe
- F. Sertifikaat vir gevaarhoudende stowwe

A. Aansoek om bevolkingssertifikaat

Net vir amptelike gebruik Permanent / Tydelik (Skrap wat nie van toepassing is nie) Aansoek No. _____ Lêer No. _____						STAD KAAPSTAD					
Aansoek om Bevolkingssertifikaat Aansoek om 'n bevolkingssertifikaat word gedoen ingevolge artikel 22(1) van die Verordening op Gemeenskapsbrandveiligheid.											
Naam van aansoeker:						Telefoon No.					
						Sel No.					
Naam van besigheid:						Telefoon No.					
						Sel No.					
Tipe besigheid, bv kroeg, nagklub, ens.:											
Erf No:											
Op watter vloer van die gebou is die plek? bv grond, 1 ^{ste} ens.											
Straatadres:											
Voorstad:						Kode					
Besonderhede van perseel											
Hoeveel vloere het die gebou?						Hoeveel vloere word deur die plek beslaan waarvoor hierdie aansoek gedoen word?					
Vierkante meter bruikbare oppervlakte per vloer van plek Dui 'n afsonderlike vierkante oppervlakte aan vir elke vloer wat deur die plek beslaan word in die blokkies hieronder						Verwagte bevolking		Getal uitgange per vloer Dui uitgange per vloer afsonderlik aan in die blokkies hieronder			
Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()
1) Die Beheerowerheid kan weier om die sertifikaat waarom aansoek gedoen word, uit te reik as die perseel nie aan die vereistes van die Nasionale Bouregulasies voldoen nie. 2) Die Beheerowerheid kan enige bykomende voorwaardes voorskryf wat nodig geag word om die perseel veilig te maak voordat die sertifikaat uitgereik word. 3) Die sertifikaat is geldig net vir die perseel waarvoor dit uitgereik is en is nie oordraagbaar nie. 4) As die okkupasie of eienaarskap van die perseel verander, moet die eienaar of persoon in beheer aansoek doen om 'n nuwe sertifikaat.											
Handtekening van aansoeker											
Naam in drukskrif											
Datum											
Adres											
Vir Beheerowerheid: (Handtekening)											
Naam in drukskrif											
Datum											
Sertifikaatgeld van R_____ is betaalbaar aan DIE STAD KAAPSTAD ten opsigte van hierdie aansoek en die daaropvolgende inspeksie.											

B. Bevolkingsertifikaat

Net vir Amptelike gebruik Permanent / Tydelik (Skrap wat nie van toepassing is nie) Aansoek No. _____ Lêer No. _____						STAD KAAPSTAD							
Bevolkingsertifikaat Hierdie bevolkingsertifikaat word uitgereik ingevolge artikel 22 van die Verordening op Gemeenskapsbrandveiligheid.													
Naam van gesertifiseerde eienaar:						Telefoon No.							
						Sel No.							
Naam van gesertifiseerde besigheid:						Telefoon No.							
						Sel No.							
Okkupasie:													
Erf No:													
Die plek is geleë op die _____ vloer van die perseel (grond, 1 ^{ste} , 2 ^{de} ens.)													
Straatadres:													
Voorstad:						Kode							
Besonderhede van Perseel													
Getal vloere in die gebou								Getal vloere deur die plek beslaan					
Vierkante meter bruikbare oppervlakte per vloer van die plek						Goedgekeurde bevolking							
						Getal uitgange per vloer							
Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()	Vloer ()		
						Maksimum bevolking per vloer Vloer () Vloer () Vloer () Vloer () Vloer () Vloer ()							
1) Die sertifikaat word uitgereik ingevolge artikel 22 van die Verordening op Gemeenskapsbrandveiligheid en is geldig net vir die perseel waarvoor dit uitgereik is. 2) Indien die okkupasie of eienaarskap van die perseel verander, moet die eienaar of persoon in beheer aansoek doen om 'n nuwe sertifikaat. 3) Die sertifikaat moet op 'n duidelik sigbare en opvallende plek vertoon word in die perseel waarvoor dit uitgereik is.													
Vir Beheerowerheid (Handtekening)													
Naam in drukskrif													
Datum													

C. Aansoek om sertifikaat vir vlambare stowwe

[illegible]

D. Sertifikaat vir vlambare stowwe

[illegible]

E. Aansoek om sertifikaat vir gevaarhoudende stowwe

Net vir amptelike gebruik		Stad Kaapstad	
Aansoek No. _____	Lêer No. _____		
Aansoek om Sertifikaat vir Gevaarlike Goedere			
Aansoek om 'n sertifikaat vir gevaarlike goedere ingevolge artikel 51(2) van die Verordening op Gemeenskapsbrandveiligheid			
Adres van operateur			
Naam van operateur:			
Handeldrywend as:			
ERF No.			
Straatadres:			
Voorstad:		Kode	
Stad			
Ligging van voertuig			
ERF No.			
Straatadres:			
Voorstad:		Kode	
Stad			
Besonderhede van voertuig waarvoor 'n registrasiesertifikaat vereis word			
Tipe of klas voertuig			
Registrasienommer			
Tarra			
Vrag			
Fabrikaat			
Getal tenks			
Kapasiteit van tenks			
Jaar van vervaardiging van tenk			
Enjinnommer (indien van toepassing)			
Onderstelnummer.			
Hoeveelheid vlambare stof wat vervoer gaan word			
Vlambare vloeistof			
Vlambare gas			
Opmerkings:			
Operateur (handtekening)			
Adres:		Naam in drukskrif:	
Telefoon No:			
Vir Beheerowerheid: (handtekening)			
Net vir amptelike gebruik			
Sertifikaatgeld van R_____ is betaalbaar aan DIE STAD KAAPSTAD ten opsigte van hierdie aansoek en die daaropvolgende inspeksie.			
Handtekening van ontvangende beampte _____		Datum: _____	
Naam van ontvangende beampte: _____		Ampsbetaling: _____	

F. Sertifikaat vir gevaarhoudende stowwe

Net vir amptelike gebruik Aansoek No. _____ Lêer No. _____		Stad Kaapstad	
Sertifikaat vir Gevaarlike Goedere Sertifikaat vir gevaarlike goedere uitgereik kragtens artikel 51(1) van die Verordening op Gemeenskapsbrandveiligheid.			
Hierby word gesertifiseer dat die voertuig waarvan besonderhede hieronder verstrek word, ondersoek is en dat daar bevind is dat dit voldoen aan die toepaslike dele van SABS 087 deel 4, SABS 089 deel 1, SABS 1398 en SABS 1518 vir die vervoer van vlambare vloeistowwe of vloeibare vlambare gas in tenks elk met 'n totale kapasiteit van _____ liter binne die grense van die munisipale gebied en behoudens alle toepaslike wetgewing.			
Besonderhede van Operateur			
Naam van Operateur			
Handeldrywend as:			
Straatadres			
Voorstad		Kode	
Stad			
Besonderhede van Voertuig			
Tipe of klas voertuig			
Registrasienommer			
Tarra			
Vrag			
Fabrikaat			
Getal tenks			
Kapasiteit van tenks			
Jaar van vervaardiging			
Enjinnommer (indien van toepassing)			
Onderstelnummer			
Hoeveelheid vlambare stof wat vervoer moet word			
Vlambare vloeistof			
Vlambare gas			
Hierdie registrasiesertifikaat is nie 'n waarborg van geskiktheid van die voertuig wat hierin beskryf word nie en enige operateur, bestuurder of ander belanghebbende persoon moet hulself vergewis van die padwaardigheid, konstruksie en toestand van voormelde voertuig.			
Hierdie sertifikaat word uitgereik deur DIE STAD KAAPSTAD en is geldig tot _____			
Hernuwingsdatum _____			
Vervaldatum _____			
Beheerowerheid (handtekening) _____ Datum van uitreiking _____			
Naam van uitreikende beampte (naam in drukskrif) _____			
Ampsbenaming. _____			

BYLAE 3

Toepaslike wetgewing

Met verwysing na artikel 36(4)—

Titel	No.
Wet op Voorkoming van Lugbesoedeling, 1965	Wet 45 van 1965
Wet op die Bewaring van Landbouhulpbronne, 1983	Wet 43 van 1983
Boswet, 1984	Wet 122 van 1984
Nasionale Wet op Bosse, 1998	Wet 84 van 1998
Nasionale Wet op Veld- en Bosbrande, 1998	Wet 101 van 1998
Nasionale Waterwet, 1998	Wet 36 van 1998

BYLAE 4

SABS-praktykkodes en Spesifikasies

SABS-kode	Titel
SABS 019	Verplaasbare metaalhousers vir saamgeperste gas: Basiese ontwerpmaatstawwe vervaardiging, gebruik en instandhouding
SABS 087: Deel 1	Die hantering, bewaring en distribusie van vloeibare petroleumgas in huishoudelike, kommersiële en nywerheidsinstallasies. Deel 1: Installasies vir vloeibare petroleumgas met housers vir die bewaring van vloeibare petroleumgas met waterinhoudsvermoë van hoogstens 500l en 'n gekombineerde waterinhoudsvermoë van hoogstens 3 000l per installasie
SABS 087: Deel 3	Die hantering, bewaring en distribusie van vloeibare petroleumgas in huishoudelike, kommersiële en nywerheidsinstallasies. Deel 3: Installasies vir vloeibare petroleumgas met bewarhousers met individuele waterinhoudsvermoë van meer as 5 000l
SABS 087: Deel 4	Die hantering, bewaring en distribusie van vloeibare petroleumgas in huishoudelike, kommersiële en nywerheidsinstallasies Deel 4: Grootmaatpadvervoer van vloeibare petroleumgas.
SABS 087: Deel 7	Die hantering, bewaring en distribusie van vloeibare petroleumgas in huishoudelike, kommersiële en nywerheidsinstallasies Deel 7: Bewaar- en vulterreine vir hervulbare housers van vloeibare petroleumgas (VPG) met 'n inhoudsvermoë van hoogstens 9 kg
SABS 089: Deel 1	Die petroleumnywerheid Deel 1: Die massahantering, bewaring en distribusie van petroleumprodukte in bogronde installasies
SABS 0105: Deel 1	Die klassifikasie, gebruik en kontrole van brandbestrydingstoerusting Deel 1: Draagbare brandblussers
SABS 0108	Die klassifikasie van gevaarlike gebiede en die kies van apparaat vir gebruik in sulke gebiede
SABS 0131: Deel 2	Die bewaring en hantering van vloeibare brandstof Deel 2: Groot verbruikersinstallasies
SABS 0142	Die bedrading van persele
SABS 0177: Deel 5	Brandtoetse op materiaal, komponente en elemente wat in geboue gebruik word Deel 5: Nie-brandbaarheid by 750°C van boumateriaal
SABS 193	Branddempers
SABS 0228	Die identifisering en klassifikasie van gevaarlike stowwe en goedere
SABS 0230	Vervoer van gevaarlike goedere—inspeksievereistes vir padvoertuie.
SABS 0232: Deel 1	Vervoer van gevaarlike goedere—Boodinligtingstelsels Deel 1: Noodinligtingstelsels vir padvervoer
SABS 0400	Die toepassing van die Nasionale Bouregulasies
SABS 1186: Deel 1	Simboliese veiligheidstekens Deel 1: Standaardtekens en algemene vereistes
SABS 1253	Branddeure en brandluik
SABS 1398	Padtenkwaens vir vlambare vloeistof.
SABS 1475: Deel 1	Die produksie van vernude brandbestrydingstoerusting Deel 1: Draagbare hervulbare brandblussers
SABS 1518	Vervoer van gevaarlike goedere—Ontwerpvereistes vir padtenkwaens
SABS 1571	Vervoerbare hervulbare brandblussers
SABS 1573	Draagbare hervulbare brandblussers—Skuimtype brandblussers

P.N. 212/2001

29 June 2001

YOMMISELO ONXULUMENE NOKHUSELEKO LOLUNTU JIKELELE EMLILWENI

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Imbulambethe

IBhunga likaMasipala wesiXeko saseKapa* uqaphele oku kulandelayo:—

- ukuba wonke umntu ngokomgaqo-siseko unelungelo lokuhlala kwindawo engenabungozi kukhuseleko lwabo okanye kwindlela yabo yokuphila;
- ukuba ilahleko eyenzeke ngenxa yomlilo kunye nempembelelo elandela oku kwezoqoqosho nasentlalweni, ebantwini, kwimihlaba nezakhiwo kunye nezibonelelo zokusebenza okanye izixhobo ezifunekayo (infrastructure), kuthi kube ngunobangela wobunzima obungafunekiyo;
- ukuba ukhuseleko lwamacandelo ewonke eluntwini kwimililo kuyeyona nyewe ebalulekileyo kuphuhliso kwakunye nokugcinwa koqoqosho;
- ukuba imiba ethile ethi ivele yonke imihla ifuna ukuba ilawulwe ngendlela eyakuthi ikhusele iphinde inciphise okudalwa yimililo kuluntu jikelele lulonke;
- ukuba uluntu jikelele lunendima ebaluleke kakhulu ekufuneka luyidlalile ekuphumezeni zonke iinjongo eziphambili zalo Mmiselo, kwakunye
- ukuba okuthi kufumaneka njengenzuzo kwindawo ekhuselekileyo emlilweni kufuneka kufumaneka emntwini wonke.

Injongo kunye nesiqulatho salo Mmiselo

Injongo kunye nesiqulatho salo Mmiselo:—

- ukunyusa umgangatho wokuphunyezwa kwendawo ekhuselekileyo emlilweni njengenzuzo kumntu wonke kulo mmandla wolawulo lukaMasipala;
- ukurhoxisa yonke imimiselo ekhoyo nefanelekileyo kaMasipala;
- ukunikezela iinkqubo, iindlela kunye nokunokuthi kusetyenziswe ekumiseleni ukhuseleko lomlilo kulo mmandla wolawulo lukamasipala.

Ukusetyenziswa kwalo Mmiselo

Lo Mmiselo usebenza kubo bonke abantu kulo mmandla kaMasipala kwaye ukwaquka amacandelo omabini aseburhulumenteni nangekho burhulumenteni kwimimandla yoluntu jikelele kunye noqoqosho.

ISIAHLUKO 1

INKCAZELO

1. Kulo Mmiselo, amagama athe asetyenziswa ngokwemo yesiduna okanye ngokwemo yobudoda akwaquka nababhinqileyo, isinye sona siquka isininzi ngexa isininzi siquka nesinye, amagama esiNgesi abakho ikakhulu kwimeko apho kukho ukungangqinelani phakathi kwamagama awohlukeneyo ngaphandle kokuba imeko ibonisa ngolunye uhlobo:—

“itanki lokugcina elingaphezu komhlaba” lithetha itanki elime ngaphezu komhlaba nelithi ligcine zonke izinto ezingamanzi ezisenokutsha;

“isixhobo esithi sibambe uvuleko ngokuzenzekelayo” sithetha isixhobo esithi sivule ze sibambe icango lomlilo siphinde sisebenze ekufumanekeni komlilo ukuze sivale ucango lomlilo;

"umda" uthetha naliphina icala okanye umda wesitalato kwisiza;

"isakhiwo" sithetha:—

- (a) nasiphina isakhiwo, nokuba sisakhiwo sethutyana okanye isakhiwo esisigxina ngaphandle kokujonga okusetyenzisiweyo kolu lwakhiwo, ukumiswa kwaso okanye okusetyenzisiweyo kuso ngokunxulumene noku:—
 - (i) ukuhlaliswa okanye ukuba luncedo kuluntu jikelele okanye kwizilwanyana;
 - (ii) umenzi, ukwenziwa ukuba kungabikho monakalo, ukugcinwa okanye ukuthengiswa kwayo nayiphina into eluncedo;
 - (iii) unikezelo lwazo naziphina iinkonzo;
 - (iv) ukutshatyalaliswa okanye ukuphathwa kwenkunkuma enokutsha okanye naziphina izinto ezinokutsha;
 - (v) ukulinywa okanye ukukhuliswa kwaso nasiphina isityalo okanye isilimo;

(b) naluphina udonga, iqula lokudada, idama okanye ibhulorho okanye nasiphina esinye isakhiwo esidibene nesi;

(c) nayiphina impompo yamafutha okanye naliphina itanki elisetyenziswayo elidibene kwalapha;

(d) nayiphina inxenye yesakhiwo, ukuquka isakhiwo njengoko kuchaziwe kumhlaathi (a), (b) okanye (c);

(e) nayiphina enye into esetyenziswayo okanye inkqubo, okanye inxenye okanye candelo elithile, ngaphakathi okanye ngaphandle kodwa elithi lihambelane nesi sakhiwo, kumalungiselelo onikezelo lwamanzi, ukuhanjiswa kwamanzi amdaka, uthungelwano lwemijelo phantsi komhlaba (sewerage), ukulahlwa kwamanzi eziphango, unikezelo lombane okanye ezinye iinkonzo ezifana nezi ezinxulumene nesakhiwo;

"olunye uhlobo lodonga (bund wall)" luthetha udonga olusisiqukatho nolujikeleze itanki lokugcina elingaphezu komhlaba, olwakhiwe ngohlobo oluthile olungena kungenwa nto (impervious material) noluyilwe ukuba luqulathe malunga nekhulu elineshumi ekhulwini (110%) kokuqulathwe litanki elo;

"igosa eliyintloko lomlilo" lithetha umntu ophethe inkonzo okanye igosa eliyintloko elibambeleleyo, njengoko kuchaziwe kumthetho obizwa ngokuba yi-Fire Brigade Services Act;

"izinto ezinokutsha" zithetha nayiphina into enokuthi itshe, inkunkuma enokutsha okanye nayiphina into enako ukulumeka umlilo;

"inkunkuma enokutsha" ithetha nabuphina ubuvuvu okanye inkunkuma enokutsha, yonke into engcolisayo okanye izinto ezilahliweyo, ezingafunwayo, ezingahoywanga okanye ezibonwa zingenaxabiso okanye zingaxabisekanga;

"ubuvuvu obunokutsha" buthetha nayiphina into eyinkunkuma enokutsha nesindiswe kwilahleko, egciniweyo okanye eqokelelwe kwizinto ezilahliweyo okanye enokuthi yenziwe ngokutsha iphinde iquke zonke izinto ezinokutsha, ifula, iindiza, inwele, iintsiba, imbuphu yezinto, inkunkuma eyenziwe zinkuni, inkunkumana ephuma xa kusenziwa isilingi, zonke iindidi zemveliso yamaphepha, amalaphu asikiweyo amancinci nacuthiweyo, ukusikwa kwerabha nesikhumba senkomo, iinkcencana zesinyithi, nawo nawuphina umxube wezi zinto zichazwe ngasentla, okanye nayiphina enye into eyinkunkuma enokutsha nesindiswe kwilahleko yokuthile;

"umgaqo-siseko" uthetha uMgaqo-Siseko weRiphabliki yoMzantsi Afrika 1996 (UMthetho 108 ka 1996);

"ulawulo lwamagunya" luthetha nokuba ligosa eliyintloko lomlilo, umanejala kamasipala okanye iqela elithile labathunywa njengoko kuchazwe kumacandelo 2 no-3 alo Mmiselo;

"izinto ezinobungozi" zithetha iimpahla zorhwebo (commodities), izinto ezithile ezinako ukuvelisa ubungozi kwimpilo kunye nokhuseleko okanye kwimihlaba nezakhiwo okanye kwindawo esingqongileyo nezithe zabhalwa kuluhlu lwe-SABS 0228;

"isixhobo esohlula isakhiwo" sithetha indawo ethile kwisakhiwo okanye isixa esithile esithi sohlule ummandla komnye kwesi sakhiwo kwaye siyakwazi ukumelana nomlilo ongekho ngaphantsi koko kufunwa yi-National Building Regulations (TI) ehambelana ne-SABS 0400;

"isicwangciso semfunduko ngexesha likaxakeka" sithetha isicwangciso esiyilwe ngokukodwa ekuncedeni ukufudusa abantu abangaphakathi kwisakhiwo xa kunokuthi kuqhambuke umlilo okanye nasiphina isoyikiso esiyingozi nesinika uxanduva kubasebenzi abohlukeneyo, nesithi sibonise iindlela zokuphuma ngokukhawuleza ezinokuthi zisetyenziswe nezinikeza ukuthandabuzeka jikelele kwento enokwehla ukuze kubekho indlela yokuphuma ekhuselekileyo nekhawulezayo kwisakhiwo;

"indlela yokuphuma ngexesha likaxakeka" ithetha inxenye yendlela yokuphuma nethi inikeze ukhuseleko emlilweni kubantu abangaphakathi kuso nasiphina isakhiwo nekwathi ikhokhelele kumnyango wokuphuma;

"isithuthi sexesha likaxakeka" sithetha nasiphina isithuthi somlilo, sokusindisa okanye nasiphina esinye isithuthi esibekelwe ukuba sisetyenziswe ngexesha lokuqhambuka komlilo kunye nezinye izoyikiso eziyingozi;

"indawo yokuzonwabisa nekudibana kuyo uluntu lonke jikelele" ithetha indawo apho kudibana khona abantu bezokutya, ukusela, ukudanisa okanye nayiphina enye indlela yokuzonwabisa;

"indlela yokufuduka" ithetha indlela iyonke yokuhamba ukusuka kweyona ndawo ikude kakhulu kwisakhiwo ukuya kowona mnyango wokuphuma ukufutshane kwaye ingaquka nendlela yokuphuma ngexesha likaxakeka;

"isicwangciso sendlela yokufuduka" sithetha umzobo obonisa ulwakhiwo lulonke lomgangatho, indawo abakuyo abantu abangaphakathi ngalo mzuzu kunye nendlela yokuhamba ukusuka kwindawo yokuqala ukuya kweyesibini kwiindlela zokuphuma kwisakhiwo, kwakunye nenyathelo ekufuneka lithathiwe xa kunokuqhambuka umlilo okanye nasiphina esinye isoyikiso esiyingozi;

"umnyango wokufuduka" uthetha umnyango kwindlela yokufuduka nethi kumgangatho osezantsi ikhokhelele ngokuthe ngqo kwisitalato okanye kwindawo kawonke-wonke okanye nayiphina indawo eyamkelekileyo evuniweyo;

"I-Fire Brigade Services Act" ithetha i-Fire Brigade Services Act, 1987 (uMthetho 99 ka-1987);

"umatshini wokudambisa umlilo" uthetha umatshini osisidambisi esizenzekelayo nezixhobo zawo nothi uthobelane neemfuneko eziqulathwe yi-SABS 193;

"umnyango owenzelwe xa kukho umlilo" uthetha umnyango ozenzela yonke into okanye othi uzivale ngokwawo okanye onezixhobo ezisisivalo ingakumbi owakhiwe ukukhusela indlela yomlilo kangangexesha elithile;

"isitshizi sokucima umlilo" sithetha isikhongozeli esiphathekayo okanye esinokushukunyiswa nesitshajekayo esinesitshizi sokucima umlilo nesithi sinyanzelise linyathelo loxinzelelo lwangaphakathi ngenjongo zokucima umlilo;

"ingozi yomlilo" ithetha nabuphina ubume, inkqubo, nayiphina into okanye imeko enokuthi yenze ukuba kuqhambuke umlilo okanye uqhushumbo okanye inikeze amafutha asele elungile ekunyuseni ukusasazeka okanye ukwanda komlilo okanye uqhushumbo noluthi luvulise isoyikiso kubomi babantu okanye kwimihlaba nezakhiwo;

"iindlelana zomlilo" zithetha indlela, indawo evulekileyo okanye nayiphina enye indlela eyakhiwe okanye eyilwe ukuba ivumele iinqwelo zexesha likaxakeka ukuba zingene;

"inkqubo yokhuseleko emlilweni" ithetha nasiphina isixhobo okanye inkqubo ethe yayilwa yaze yafakwa ukuze—

(a) kufunyanwe, kulawulwe okanye kucinywe umlilo, okanye

(b) ilumkise abantu abangaphakathi ngomlilo okanye inkonzo yomlilo, okanye zombini, kodwa ngaphandle kwezitshizi zokucima umlilo eziphathekayo nezinokushukunyiswa;

"udonga lomlilo" luthetha udonga elikwaziyo ukunyamezela konke okwenziwa ngumlilo kangangexesha elithile njengoko kuchaziwe kwi-National Building Regulations (T1) xa ifundwa ne-SABS 0400;

"irhasi enokutsha" njengoko kuchaziwe kwi-SABS 0228, ithetha irhasi ekuthi kwiqondo elingama-20 oC kwakunye noxinzelelo olusemgangathweni olungama-101, 3 kilopascals:—

(a) ibe nokutsha xa ifakwe kumxube olishumi elinesithathu ekhulwini (13%) okanye ngaphantsi (ngokomqulu) kumoya, okanye

(b) enoluhlu olunokutsha nomoya omalunga ubuncinane neshumi elinesibini epesenti kumanqaku, ngaphandle komda omncinci onokutsha;

"izinto ezingamanzi ezinokutsha" zithetha into engamanzi, okanye umxube wezinto ezingamanzi, okanye izinto eziqinileyo ezinamanzi ezidityanisiweyo okanye ezingadibaniyo nezithi zinike okanye zikhuphe umphunga onokutsha kwiqondo elimalunga okanye elingaphantsi kwamashumi amathandathu anesiqingatha (60,5°C) nezikwaquka izinto ezingamanzi kula maqela alandelayo anobungozi njengoko echaziwe yi-SABS 0228:—

IQELA ELINOBUGOZI NELISEKELWE EKUBENI LINGATSHA

1	2	3
Iqela elinobungozi	Iqondo ledangatywa elivalekileyo	Iqondo lokubila
i	—	≤35
ii	>23	>35
iii	≥23≤60,5	>35
iv	>60,5 – 100	>35

"izinto ezinokutsha" zithetha izinto ezingamanzi ezinokutsha okanye irhasi enokutsha;

"indawo ekugcinwa kuyo izinto enokutsha" ithetha indawo yokugcina nethi isetyenziswe ekugcineni zonke izinto ezingamanzi ezinokutsha kwaye ikwathobelana nemiqathango ebekwe kwicandelo 46 lalo Mmiselo;

"I-Hazardous Substances Act" ithetha i-Hazardous Substances Act, 1973 (uMthetho 15 ka-1973);

"uMasipala" uthetha (IGAMA LIKAMASIPALA)*;

"uManejala kaMasipala" uthetha umntu oqeshwe ngokwecandelo 82 le-Municipal Structures Act;

"I-Municipal Structures Act" ithetha i-Local Government: Municipal Structures Act, 1998 (uMthetho 117 ka-1998);

"I-Municipal Systems Act" ithetha i-Local Government: Municipal Systems Act, 2000 (uMthetho 32 ka-2000);

"I-National Building Regulations" ithetha imimiselo eyaziswe ngokwecandelo 17(1) le-National Building Regulations and Building Standards Act, 1977 (uMthetho 103 ka-1977), kunye:—

(a) I-National Building Regulations (A2) ithetha amalungiselelo amiselwe ukugqithiswa kwezicwangciso zolwakhiwo kunye neenkukacha kuMasipala;

(b) I-National Building Regulations (A20) ithetha amalungiselelo amiselwe ukwahlulwa-hlulwa kunye nolwabiwo lweendawo ebantwini;

(c) I-National Building Regulations (A21) ithetha amalungiselelo amiselwe inani labemi ngaphakathi kwisakhiwo;

(d) I-National Building Regulations (T1) ithetha amalungiselelo amiselwe iimfuneko jikelele zokhuselo lomlilo kwisakhiwo, kunye

(e) I-National Building Regulations (T2) ithetha amalungiselelo amiselwe amatyala okungathobelani ne-National Building Regulations (T1);

"I-National Road Traffic Act" ithetha i-National Road Traffic Act, 1996 (uMthetho 93 ka-1996);

"izinto ezingenakutsha" zithetha into ethile okanye nayiphina into ekudidi lwezinto ezingatshiyo xa ithe yavavanywa ngokuhambelana ne-SABS 0177: iSahlulo 5;

"ixesha lokuhlala" lithetha ukusetyenziswa okukodwa okanye uhlobo lokusetyenziswa apho isakhiwo okanye inxenye yaso ithe yafakwa ngokwesiqhelo okanye kucingwa ukuba ifakwe njengoko kuchazwe njalo kwi-National Building Regulations (A20);

"isixhobo esohlula indawo yokuhlala" sithetha indawo ethile kwisakhiwo nethi yohlule indawo enye yesakhiwo kwenye ize ibe nendawo ekhuseleke emlilweni ongekho ngaphantsi kwalowo ofunwa yi-National Building Regulations (T1) read with the SABS 0400;

"I-Occupational Health and Safety Act" ithetha i-Occupational Health and Safety Act, 1993 (uMthetho 85 ka-1993);

"umntu osebenzi into ethile" uthetha umntu onoxanduva lokusebenzisa inqwelo okanye isithuthi nothe wabhaliswa njengomsebenzisi wenqwelo enjalo njengoko kuchaziwe kwi-National Road Traffic Act;

"umnini" uthetha:—

- (a) ngokunxulumene namaziko ingesiso isakhiwo, okanye umntu nje wesiqhelo okanye umntu wezobulungisa nobunguye obuchazwe ngendlela osebenza ngayo umthetho;
- (b) ngokunxulumene nesakhiwo, umntu nokuba ngubani okanye umqondisi womthetho nalapho igama lakhe libhaliswe kulo mhlaba kwakakhiwe kuso okanye kwakhiwe kusi sakhiwo okanye umhlaba onjalo uthe wabhaliswa kwi-ofisi yezigqibo (deeds office) ekuthethwa ngayo;
- (c) ngokunxulumene nokufakelwa, umntu nokuba ngubani okanye umqondisi womthetho nalapho igama lakhe lifakwe kwisivumelwano malunga nokwamkelwa koku, ukwakhiwa kunye nokugcinwa kolu fakelo, ngaphandle kokuba umntu onjalo asingomnini ochazwe ku-(b), kwaye
- (d) xa abalawuli abagunyazisiweyo bengakwazi ukuchaza iinkcukacha zomntu ochazwe ku-(a), (b) no-(c), nawuphina umntu onelungelo lokusebenzisa amaziko anjalo, isakhiwo okanye ufakelo okanye oyonwabelayo le nzuzo;

"umntu ophetheyo" uthetha:—

- (a) ngokunxulumene namaziko, umntu nokuba ngubani okanye umqondisi womthetho onoxanduva olusisigxina okanye uxanduva lwexeshana lokulawula, ukugcina okanye ukusebenzisa lo maziko;
- (b) ngokunxulumene nesakhiwo, umntu nokuba ngubani okanye umqondisi womthetho onoxanduva olusisigxina okanye uxanduva lwexeshana lokulawula, ukugcina okanye ukusebenzisa eso sakhiwo;
- (c) ngokunxulumene nofakelo, umntu nokuba ngubani okanye umqondisi womthetho onoxanduva olusisigxina okanye uxanduva lwexeshana lokulawula, ukugcina okanye ukusebenzisa olu fakelo; ngaphandle kokuba umntu onjalo akanguye umntu ochazwe ngasentla ku-(a),
- (d) xa abalawuli abagunyazisiweyo bengakwazi ukuchaza iinkcukacha zomntu ochazwe ku-(a), (b) no-(c), nawuphina umntu onoluvo lokuba phantsi kwabalawuli abagunyazisiweyo nekucingelwa ukuba nguye ophetheyo kumaziko anjalo, isakhiwo okanye ufakelo;

"inani labemi" lithetha inani labemi elichazwe ngokuhambelana ne-National Building Regulations (A21);

"amaziko" athetha nasiphina isakhiwo, ulwandle, umhlaba, umhlaba othile (terrain), indlela, isithuthi kwaye kungaquka inqanawa, uloliwe okanye inqwelo-moya;

"indawo yoluntu jikelele" ithetha naliphina ibala okanye isikwere, ipaki, ibala lokuzonwabisa okanye nayiphina indawo evulekileyo nethetha:—

- (a) yagunyaziswa kuMasipala;
- (b) uluntu lonke jikelele lunelungelo lokuyisebenzisa, okanye
- (c) iboniswe kwisicwangciso jikelele sehlophu nesigcinwe kwifayile ekwirejista yezigqibo (deeds registry) okanye kwi-ofisi kaNocanda Jikelele (Surveyor-General) kwaye inikezelwa okanye igcinelwe ukuba ingasetyenziswa luluntu lonke jikelele okanye abanini bemihlaba kulo mahlomela edolophu;

"Indlela kawonke wonke" ithetha nayiphina indlela, isitrato okanye ecanda phakathi kwezindlu okanye nayiphina indawo (nokuba iyaphumela okanye hayi) esetyenziswa nguwonke wonke okanye icandelo lalo ndawo okanye nayiphina anokuthi uwonke wonke abe nelungelo lokudlula kuyo, oku kubandakanya oku kulandelayo:

- (a) umqolo wayo nayiphina le ndlela, isitrato okanye indlela ecanda phakathi kwezindlu
- (b) nayiphina ibhulorho, isisezi esinqumla kuloo ndlela, isitrato okanye indlela ecanda phakathi kwezindlu kunye
- (c) nawuphina omnye umsebenzi okanye into eyinxenye okanye edityanisiweyo okanye ekuloo ndlela, isitrato okanye indlela ecanda phakathi kwezindlu

"iKhowudi ze-SABS" zithetha i-South African Bureau of Standards SABS Codes of Practice and Specifications negqithiswe ngokwemigaqo ye-Standards Act;

"inkonzo" ithetha inkonzo yomlilo njengoko ichaziwe kwi-Fire Brigade Services Act;

"isiza" sithetha nasiphina isiza, icandelo lomhlaba, iplothi, isitandi okanye nayiphina indawana enomhlaba apho kukho khona isakhiwo okanye besikho khona okanye sisaza kwakhiwa;

"I-Standards Act" sithetha uMthetho obizwa ngokuba si-Standards Act, 1993 (uMthetho 29 ka-1993);

"Umbuso" uthetha—

- (a) ndiphina isebe lombuso okanye lolawulo kurhulumente kazwelonke, wephondo okanye kumba kamasipala okanye
- (b) nantoni na eyeyolawulo okanye iziko—
 - (i) esebenzisa igunya lolawulo okanye eyenza iqhuba umsebenzi phantsi koMgaqo-siseko kaZwelonke okanye komgaqo-siseko wephondo, okanye
 - (ii) esebenzisa igunya likawonke-wonke okanye umsebenzi olungelene nowonke wonke phantsi kwawo nawuphina umthetho kodwa ungabandakanyi igosa lenkundla okanye lezenkundla ephezulu.

"indawo yogcino" ithetha indawo yogcino loxinzelelo njengoko ichaziwe kwimimiselo yendawo yogcino ecaciswe kumthetho obizwa ngokuba yi-Occupational Health and Safety Act;

"isishwankathelo sokudanjiswa" sithetha xa uthe ngokukhawuleza waqonda imeko ukuba ingayi ngozi yomlilo ingeyiyo into eyakuthi ibe sisoyikiso esiyingozi kubomi okanye kwimihlaba nezakhiwo, kuze ngokukhawuleza okukhulu kufunwe indlela yokulungisa imieko enjalo;

"itanki" ngeenjongo zesahluko se-9 salo Mmiselo, lithetha isikhongozeli esilayishwe ngokusisigxina okanye okwethutyana okanye esingumthwalo kwisithuthi nesenziwe ngendlela ethile nefanelekileyo ukuze sikwazi ukuqulatha izinto ezingamanzi ezinokutsha — okanye irhasi ekwesithuthi;

"lo Mmiselo" uquka uludwe lweenkqubo elipapashwe ngokwalo Mmiselo;

"itanki eliphantsi komhlaba" lithetha itanki elisetyenzisiweyo okanye ekujongwe ukuba lisetyenziswe ekugcineni izinto ezingamanzi ezinokutsha ezingaphantsi okanye ezingaphezulu komhlaba;

"isithuthi" sithetha isithuthi njengoko sichazwe kwi-National Road Traffic Act kwaye siwkaquka oku kulandelayo:—

- (a) "inqwelo enetanki lendlela" ithetha itanki elikwitrakhi, isikhoji setanki, okanye itrektha yetanki kunye nesikhojana zidityanisiwe;
- (b) "isikhojana setanki" sithetha isithuthi esinetanki elilayishiweyo kuso okanye elakhiwe njengeyona nxenye engaphakathi kuso, nesikwakhiwe ngendlela yokuba isikhojana siyakwazi ukutsalwa sisikhoji setrektha okanye nasiphina esinye, ngendlela yokufakela ivili lesihlanu kwinxenye yomthwalo kwesi sithuthi sitsalayo;
- (c) "isikhoji setanki" sithetha isithuthi esinetanki elifakiweyo kuso okanye elakhiwe njengeyona nxenye engaphakathi yaso, nesikwakhiwe ngendlela yokuba isikhojana siyakwazi ukutsalwa sisikhoji setanki malunga nawo uwonke umthwalo njengoko uxhomekeke kumavili esithuthi eso sawo;
- (d) "itrakhi yetanki" ithetha isithuthi esinye, esiziqhuba ngokwaso nesilayishwe itanki;
- (e) "itrektha yetrakhi" ithetha isithuthi esiziqhuba ngokwaso nesithi sisetyenziswe ekutsaleni isikhojana setanki, kunye
- (f) nasiphina esinye isithuthi, nesithi ngokwezimvo zomphathi ogunyazisiweyo, sisithuthi esichazwe kwisihluko se-9 salo Mmiselo.

ISAHLUKO 2

AMALUNGISELELO OLAWULO

ULawulo namagunya

- 2. (1) Igosa lomlilo eliyintloko linoxanduva lolawulo kunye nokugunyaziswa kwalo Mmiselo.
- (2) Apho kungekho gosa lomlilo eliqeshiweyo ngokomthetho obizwa ngokuba yi-Fire Brigade Services Act, umanejala kamasipala unoxanduva lolawulo kunye nokugunyaziswa kwalo Mmiselo.
- (3) Xa kungekho nkonzo esekiweyo kummandla wobulungisa bukaMasipala, umanejala kamasipala unoxanduva lolawulo kunye nokugunyaziswa kwalo Mmiselo.

Ubumeli

- 3. (1) Igosa lomlilo eliyintloko lingaqithisa nawaphina amagunya elinikezelwe ona ngokwalo Mmiselo nangokuhambelana necandelo 19 lomthetho obizwa ngokuba yi-Fire Brigade Services Act.
- (2) Umanejala kamasipala angaqithisa nawaphina amagunya anikezelwe ona ngokwalo Mmiselo nangokuhambelana necandelo 59 lomthetho obizwa ngokuba yi-Municipal Systems Act.

Amalungiselelo ogunyaziso

- 4. (1) Umlawuli ogunyazisiweyo ngalo nangaliphina ixesha acinga ukuba lifanelekile okanye ikwaluncedo ukwenza njalo, angene kulo naliphina iziko, ngalo naliphina ixesha acinga ukuba lifanelekile, aqinisekise ukuba lo Mmiselo uyathotyelwa.
- (2) Umlawuli ogunyazisiweyo unegunya lokushwankathela aphelise nayiphina imeko nethi iphazamisane okanye iphikise nakuphina okulungiselelwe lo Mmiselo nokuthi kumele ingozi yomlilo ekhawulezileyo okanye nayiphina enye ingozi esisoyikiso.
- (3) Umlawuli ogunyazisiweyo kufuneka enze ulungiso kuyo nayiphina impikiswano echazwe kwicandelwana (2), ngokwenza nasiphina isenzo, kwaye angenza noku:—

- (a) axelele abantu ukuba baphume ngokukhawuleza kwizakhiwo;
- (b) ayalele ukuba amaziko lawo avalwe, de kufike ixesha lolungiso lwalo mpikiswano;
- (c) ayalele ukuyekwa kwawo nawuphina umsebenzi;
- (d) ayalele ukususwa kweso soyikiso sikhoyo.

(2) Naliphina ixabiso lenyathelo elinjalo kufuneka lijongwe ngumntu obekwe ngumlawuli ogunyazisiweyo ukuba abe noxanduva lokuvela kwemeko enjalo.

Igunya lokuphanda

5. Ngaphandle kokuphikisana nayo nayiphina into equlathwe kuwo nawuphina umthetho ongomnye, umlawuli ogunyazisiweyo unegunya lokuphanda unobangela, imvelaphi kunye neemeko zawo nawuphina umlilo okanye isoyikiso esiyingozi.

Ukungaphumeleli ekuthobeleni amalungiselelo

6. (1) Xa umlawuli ogunyazisiweyo efananise ukuba kukho ukungathobeleni namalungiselelo alo Mmiselo, ngaphandle kwemeko echazwe kwicandelo 4(2), inotisi ebhaliweyo kufuneka igqithiswe kwaye kufuneka iqulathe oku kulandelayo:—
- (a) isiqinisekiso sokuthe kwafunyanwa;
 - (b) amalungiselelo alo Mmiselo athe achaswa;
 - (c) inyathelo lolungiso elifunekayo, kunye
 - (d) nexesha elibekiweyo lokuthobela.
- (2) Umyalelo okanye inotisi egqithiswe phantsi kwalo Mmiselo kufuneka igqithiswe ngqo ngesandla okanye ngeposi yerejista kumntu othe, ngokwezimvo zomlawuli ogunyazisiweyo, ayinge ukuba ngumntu ofanelekileyo.
- (3) Kumaziko angahlali mntu okanye ayekiweyo, ikopi yomyalelo onjalo okanye yenotisi kufuneka ithunyelwe ngeposi kumaziko endaweni esekuhlani okanye ebonakalayo kwisango lokungena okanye kufutshane nesango lalo maziko kwaye lo myalelo okanye inotisi kufuneka ithunyelwe ngerejista yeposi kwidilesi yokugqibela eyaziwayo yomntu, umntu ophethe la maziko okanye zombini.

Ukuphika, ukupheliswa okanye ukurhoxiswa kwemvume okanye isiqinisekiso

7. Umlawuli ogunyazisiweyo angaphika, aphelise okanye arhoxise imvume okanye isiqinisekiso esifunwa ngulo Mmiselo:—
- (a) ukungaphumeleli ekuhlangebeni amalungiselelo alo Mmiselo kunikezelo lwemvume okanye isiqinisekiso, okanye
 - (b) ukungathobeli amalungiselelo emvume okanye isiqinisekiso.

Ingxelo efunekayo

8. Ukugcina ngendlela ekhuselekileyo kwayo yonke ingxelo ebalulekileyo kunye namaxwebhu luxanduva lomlawuli ogunyazisiweyo.

Izohlwayo

9. (1) UMasipala angachaza umrhumo ekufuneka ubhatalwe ngumntu athe umlawuli ogunyazisiweyo egameni lakhe, wanikezela inkonzo njengoko kuchaziwe kwicandelo 10 lomthetho obizwa ngokuba yi-Fire Brigade Services Act.
- (2) UMasipala angabiza umrhumo wamalungiselelo okuhlola, ukuhlola ngokutsha okanye nayiphina enye inkonzo engenye kwakunye nokugqithiswa iphepha-mvume, imvume okanye isiqinisekiso ngokuhambelana nowiso-mthetho olusebenzayo ngelo xesha lukarhulumente olumiswe ukubizwa kwale mirhumo.

Ukhuselo

10. UMasipala, umlawuli ogunyazisiweyo okanye ilungu lenkonzo ethile alinatyalala ngomonakalo okanye ilahleko eyenzeke ngenxa yokwenzakala ngokwasemzimbeni, ukulahleka kobomi okanye ilahleko okanye umonakalo kwimihlaba nezakhiwo okanye ilahleko ngokwezimali, neyenziwa okanye evuswa okanye enxulumene nayo nayiphina into eyenzekileyo okanye eyenziwe ngentliziyo entle xa kusenziwa okanye kugqithiso lwamagunya, umsebenzi okanye ekufuneka kwenziwe okuxoxwe nokuboniswe kulo Mmiselo.

Ukunika ingxelo yomlilo onobungozi kunye nezinye izoyikiso eziyingozi

11. Umnini okanye umntu olawula kumaziko, xa ethe wafumana nabuphina ubungqina malunga nomlilo onobungozi okanye nasiphina isoyikiso esiyingozi esinxulumene nalo Mmiselo, kufuneka ngokukhawuleza axelele umlawuli ogunyazisiweyo.

ISAHLUKO 3

UKHUSELEKO LWEZAKHIWO EMLILWENI

Izinto jikelele

12. Umlawuli ogunyazisiweyo ngokwecandelo 4(3) okanye icandelo 6(1) lalo Mmiselo kufuneka aphelise impikiswano okanye ukuchaswa kwe-National Building Regulations ngokunxulumene nomlilo kunye nokhuseleko lwezakhiwo.

Imvume kwiinqwelo okanye izithuthi zexesha likaxakeka

13. (1) Xa, ngokwezimvo zomlawuli ogunyazisiweyo, iziko alikalungeli ukuba kungangenwa kulo ukusuka kwiindlela zikawonke-wonke, kufuneka linikezwe imvume yezithuthi ngexesha likaxakeka kwaye, ngaphandle kwamalungiselelo e-National Building Regulations (T1), angafunwa ekuthobeleni oku kulandelayo:—
- Indlela yokungena kufuneka yenziwe ukuze ikwazi ukuxhasa umthwalo onzima kakhulu wezithuthi zexesha likaxakeka ekufuneka wenzelwe ukulungiselela ingozi kumaziko.
 - Isango elilungiselelwe izithuthi okanye igeyithi esebenza ngombane kufuneka ixhotyiswe ngendlela apha eyakuthi yenze ukuba ukungena kula masango kungenzeka ngaphandle kokusebenzisa nasiphina isixhobo sombane esiye sisetyenziswe.
 - Kufuneka kubekho iindlelana zomlilo kuwo onke amaziko nezithe zenziwa malunga neemitha ezingama-45 ukusuka kwindlela kawonke-wonke okanye yodlule iimitha ezilithoba ubude kwaye ziphinde zibekwe ngaphezu kweemitha ezili-15 ukusuka kwindlela kawonke-wonke.
 - Iindlelana zomlilo kufuneka zibe malunga ubuncinane neemitha ezine ububanzi, indawo ekufuneka kwenziwe isigqibo ngayo emva kokucebisana nomlawuli ogunyazisiweyo, kwakunye nendawo esuka kumlinganiselo womgangatho ukuya kubude obucacileyo obumalunga neemitha ezine ngaphezu kwendlela yomlilo nekufuneka ihlale ingasithwanga nto.
 - Isiphelo sendlela esibizwa ngokuba yi-cul-de-sac ngaphezu kweemitha ezingamashumi alithoba (90m) ubude, kufuneka zinikezwe kunye nesangqa sokujika kwindawo apho indlela iphela khona neyakuthi ikwazi ukuba luncedo kwesona sithuthi sikhulu sexesha likaxakeka nekufuneka sancedise kwingozi ekumaziko.
- (2) Uyilo, ukwenziwa kweempawu, ukusetyenziswa kunye nokugcinwa kweendlelana zomlilo ezingeyo nxenye yendlela kawonke-wonke kufuneka zithobelane neemfuno zomlawuli ogunyazisiweyo.
- (3) Akukho semthethweni xa umntu ethe wapaka imoto yakhe kwindawo eneendlelana zomlilo okanye kwindawo eyakuthi ivale ezi ndlelana zomlilo.

Ukwahlulwa kunye nezinto ezohlula indawo ehlala abantu nekhusele umlilo

14. Umnini okanye umntu ophetheyo kwisakhiwo akufunekanga atshintshe ukwahlulwa okanye izinto ezohlula indawo ehlala abantu nekhusele umlilo ngayo nayiphina indlela enokuthi yenze ukuba ingasebenzi ngendlela efanelekileyo okanye ivumele umlilo, ubushushu okanye izinto ezinokutsha ukuba zingene kwesinye isakhiwo esibucala.

Iingcango zomlilo kunye nezixhobo ezithile

15. (1) Ngokuxhomekeke kumalungiselelo e-SABS 1253, ucango lomlilo kunye nesixhobo esithile kufuneka zigcinwe ngendlela eyakuthi yenze ukuba xa kuthe kwavela umlilo, ziya kugcina ekufuneka zikufezile, ukugcina ubushushu bungangeni kunye nozinzo kangangexesha elifunekayo kolo didi olulodwa locango.
- (2) Ucango lomlilo lingagcinwa livulekile kuphela xa lixhotyiswe ngesixhobo esizivulayo siphinde sizivale okanye sigcine kuvulekile nesamkelwe nguMasipala.
- (3) Ucango lomlilo kunye nesixhobo esithile akufunekanga zisetyenziswe ngendlela engafanelekanga phantsi kwala manyathelo alandelayo:—
- ukutshintsha ekufuneka zikufezile, ukugcina ubushushu bungangeni kunye nozinzo kolo didi olulodwa locango;
 - ukukhulula iintambo zendlela elizivala ngokwalo;
 - ukuverha, ukubloka okanye ukuvala ucango ukuze lingakwazi ukuvala;
 - ukupeyinta uthungelwano olunyibilikisiweyo oluqhuba ucango;
 - ukukhulula iintambo okanye ukusetyenziswa ngendlela engafanelekanga kombane okanye isixhobo esikhulula ucango sombane, okanye
 - naliphina inyathelo elenza ukuba ucango lomlilo okanye isixhobo salo lilenze lingasebenzi ngendlela efanelekileyo.

Iindlela zokufuduka

16. (1) Nayiphina into eyenza inxenye yendlela yokufuduka ezinjengeendlela ezingena kowona mqaqo mkhulu wezithuthi (feeder routes), iingcango zokungena, iindlela zexesha likaxakeka neendlela zokufuduka akufunekanga zivalwe okanye zenziwe ukuba zingasebenzi ngendlela efanelekileyo ngayo nayiphina indlela enokuthi ithintele okanye ikhusele ukufuduka kwakhe nawuphina umntu kwisakhiwo xa kuthe kwaqhambuka umlilo okanye nayiphina imeko edala ukuxakeka okukhulu.
- (2) Isixhobo sokutshixa esifakwe kwindawo yokungena okanye kucango lokufuduka kwindlela yokufuduka kufuneka senziwe ngendlela eyamkelwe nguMasipala.
- (3) Xa umlawuli ogunyazisiweyo efuna njalo, indlela yokufuduka kufuneka iboniswe ngokucacileyo ngeempawu ezithile, nezithobelana ne-SABS 1186, ebonisa indlela yokuhamba xa kuthe kwaqhambuka umlilo okanye nayiphina imeko edala ukuxakeka okukhulu.

IiNtente

17. (1) Phambi kokuba kwakhiwe kuphinde kusetyenziswe iintente njengendawo yokuhlala njengoko kuchazwe kwi-National Building Regulations (A20), umntu owenza isicelo kufuneka:—
- agqithise isicelo njengoko kuchazwe kwi-National Building Regulations (A2) kuMasipala kulwakhiwo kunye nokusetyenziswa kwentente, aphinde

- (b) agqithise isicelo njengoko kuchazwe kwicandelo 22 lalo Mmiselo kumlawuli ogunyazisiweyo ukuze afumane isiqinisekiso sethutyana sabemi.
- (2) Isicelo esigqithisiweyo njengoko kuchazwe kwicandelwana (1)(a) kufuneka sithobelane noku kulandelayo:—
- Intente kufuneka yakhiwe ibe malunga neemitha ezine ezinesiqingatha ubuncinane (4,5 m) ukusuka phantsi, nakude kwizinto ezinokutsha kwaye umlawuli ogunyazisiweyo angafuna ukuba lo mgama wandiswe xa iimeko zifuna njalo.
 - Xa iintente zakhiwe enye ecaleni kwenye, umgama ongavalelekanga omalunga neemitha ezine ezinesiqingatha (4,5 m) uyafuneka phakathi kwazo nalapho kufanelekileyo, phakathi kwezibonda kunye nezikhokhelo zeentente ezikufutshane, ukuze kuqinisekise ngendlela evulekileyo kwizithuthi zexesha likaxakeka.
 - Iimfuno ezichazwe kwi-National Building Regulations (T1) kufuneka zithotyelwe kula mabakala alandelayo:—
 - xa inani labemi ebangaphakathi ententeni lingaphezulu kwabantu abangama-25;
 - xa intende kukho abantu kuyo ngeexesha leeyure zobumnyama;
 - xa kusenziwa amalungiselelo okuhlala kunye nomlinganiselo wendlela ephakathi kwezitulo okanye eyohlula elinye icala kwelinye, kunye
 - namalungiselelo ezitshizi zokucima umlilo.
 - Ubuninzi babantu kwintente kufuneka kuthobelane ne-National Building Regulations (A21).
 - Akufunekanga kuphekwe ngaphakathi kwintente enabantu nalapho kufuneka kuphekiwe, kufuneka kuphekwe ngaphandle kwenye intende okanye kwindawo apho uluntu jikelele olungasayi kufikelela khona.
 - Akukho mililo evulekileyo eyakuthi ivunyelwe ngaphakathi kwintente okanye nasiphina isixhobo esikhupha umlilo, esinjengekhandlela, ilanteni okanye ithotshi, nangona zinako ukuvunyelwa kuphela ngaphakathi kwintente xa zivunyelwe ngumlawuli ogunyazisiweyo.
 - Akukho mililo evulekileyo okanye idangatye elivunyelweyo kwiimitha ezintlanu kufutshane nentente, izibonda okanye izikhokhelo zentente.
 - Ukutshaya akuvumelekanga ngaphakathi kwintente kwaye uphawu olubhalwe "Akutshaywa" kufuneka luhlale rhoqo lubonisiwe kulo naliphina isango kwaye lithobelane ne-SABS 1186: Icandelo 1
 - Ukulayitwa kunye nokufakelwa kweengcingo kwintente kufuneka kuthobelane neemfuno ezichazwe kwi-SABS 0142 ngendlela ecacisa ukuba ukudibana ngqo akwenzeki kunye nezinto ezinokutsha kwaye nobushushu obuphumayo abudali bungozi.
- (3) Ngaphandle kwamalungiselelo awenziwe kumacandelwana (1) no-(2), umlawuli ogunyazisiweyo angacela umenzi wesicelo ukuba afezekise iimfuno ezongeziweyo zokumiswa kunye nokusetyenziswa kwentente.

ISAHLUKO 4

IZIXHOBO ZOKUKHUSELA UMLILO

Izitshizi zokucima umlilo

18. (1) Izitshizi zokucima umlilo kufuneka zinikezwe, zifakwe kuwo onke amaziko njengoko kufunwa njalo ngumlawuli ogunyazisiweyo kwakunye nokuhambelana ne-National Building Regulations (T1) no-(T2).
- Izitshizi zokucima umlilo kufuneka zigcinwe ngqongqo ngokuhambelana neemfuno ze-Occupational Health and Safety Regulations, SABS 1475: Isahlulo 1, SABS 1571, SABS 1573 ne-SABS 0105: Isahlulo 1.
 - Umqondisi wezomthetho okanye nawuphina umntu akanalungelo lokugcwalisa, atshaje ngokutsha, ukulawula kwakhona, ukwethisa, ukulungisa, ukuhlola okanye ukuvavanya isitshizi sokucima umlilo ngokwe-SABS 1475: Isahlulo 1, ngaphandle kokuba umntu onjalo unemvume enikezwe yi-South African Bureau of Standards okanye unesiqinisekiso sempumelelo esikhutshwe yikomiti ebizwa ngokuba yi-South African Qualifications Certification Committee.
 - Umnini okanye umntu ophetheyo kwiziko angangavumeli ukuba kugcwaliswe isitshizi sokucima umlilo, kutshajwe ngokutsha, ukulawula kwakhona, ukwethisa, ukulungisa, ukuhlola okanye ukuvavanya isitshizi sokucima umlilo ngumntu ongenamvume yokwenza njalo okanye isiqinisekiso esichazwe kwicandelwana (3).
 - Xa umlawuli ogunyazisiweyo efananise ukuba isitshizi sokucima umlilo siye satshajwa ngokutsha, ukulawula kwakhona, ukwethisa, ukulungisa, ukuhlola okanye ukuvavanya isitshizi sokucima umlilo ngumntu ongenamvume echazwe kwicandelwana (3), umlawuli ogunyazisiweyo kufuneka ayalele umnini okanye umntu ophetheyo kulo maziko ukuba umsebenzi onjalo kufuneka wenziwe ngumntu onemvume enjalo okanye isiqinisekiso esivunyiweyo.
 - Xa, ngokweembono zomlawuli ogunyazisiweyo, isitshizi sokucima umlilo singakhuselekanga okanye singasebenzi ngendlela efanelekileyo mhlawumbi imeko yaso imandundu, uyilo okanye isakhiwo saso, umlawuli ogunyazisiweyo kufuneka ayalele umnini okanye umntu ophetheyo kulo maziko ukuba asithathe esi sixhobo asise ngaphambili ukuze sihlolwe siphinde sivavanywe ngokwe-SABS 1475: Isahlulo 1 ne-SABS 1571.
 - Isitshizi sokucima umlilo akufuneka sisuswe kumaziko ukuze sitshajwe ngokutsha, ukulawula kwakhona, ukwethisa, ukulungisa, ukuhlola okanye ukuvavanya isitshizi sokucima umlilo ngaphandle kokuba esi sixhobo kufakwe esinye endaweni yaso ngokungesosigxina nesisebenza ngendlela efanelekileyo.

- (8) Isitshizi sokucima umlilo asinakufakwa, kukhululwa, sitshajwe ngokutsha, ukulawula kwakhona, ukwethisa, ukulungisa, ukuhlola okanye ukuvavanya isitshizi sokucima umlilo kwindawo apho isenzo esinjalo sinokudala ingozi.

Uvavanyo nogcino lweenkqubo zokukhusela umlilo

19. (1) Inkqubo yokukhusela umlilo kufuneka ivavanywe iphinde igcinwe ngamaxesha onke kwaye umnini okanye umntu ophetheyo kumaziko kufuneka agcine ingxelo eneenkcukacha malunga novavanyo kunye nogcino lwale nkqubo.
- (2) Umntu akanako ukuvavanya inkqubo yokhuseleko emlilweni phambi kokuba azise abantu abahlala kumaziko lawo malunga namaxesha okuqaliswa kunye nokugqitywa kovavanyo, kunye, naxa kufanelekile, namaqela ajonga le nkqubo yokhuseleko emlilweni.
- (3) Inkqubo yokhuseleko emlilweni eyilwe ngohlobo lokufumana, ukulwa, ukuphatha kunye nokucima umlilo kufuneka igcinwe ngokuhambelana ne-National Building Regulations (T2) efundwa ngokuhambelana nekhawudi okanye umgangatho owaziwayo kuzwelonke, kwaye xa kungekho ikhowudi kazwelonke kunye nomgangatho, ikhowudi yezizwe ngezizwe efanelekileyo okanye esemgangathweni kufuneka isetyenziswe.
- (4) Inkqubo yokhuseleko lomlilo akufunekanga ifakwe, ikhululwe, itshajwe ngokutsha, ilungiswe, iguqulwe, ilungiswe xa yonakele okanye ivavanywe kuwo nawuphina ummandla okanye indawo apho isenzo esinjalo singadala ubungozi okanye ifake abanye abantu engozini.
- (5) Umntu ojongene nokugcina kakuhle inkqubo yokhuseleko emlilweni kufuneka azise umnini okanye umntu ophetheyo kulo maziko ngeleta ebhaliweyo malunga ngaso nasiphina isiphene esithe safunyanwa, indlela egcinwa ngayo okanye okungekenziwa, naxa umntu ophetheyo ethe wafumana inotisi enjalo, kufuneka ngaphandle kokulibaziseka, axelele umnini malunga nento enjalo.
- (6) Umnini okanye umntu ophetheyo kulo maziko kufuneka ngokukhawuleza axelele umlawuli ogunyazisiweyo xa ithe inkqubo yokhuseleko emlilweni okanye okunye kule nkqubo, kuthe akwasebenza ngendlela efanelekileyo okanye ithe yathathwa apho ilungiswa khona, kufuneka axelele umlawuli ogunyazisiweyo ngokukhawuleza emva kokuba le nkqubo ithe yagcinwa.
- (7) Umnini okanye umntu ophetheyo kulo maziko kufuneka athathe onke amanyathelo afanelekileyo nacinga ukuba alungile umlawuli ogunyazisiweyo ekunikezeleni izixhobo ezingezinye ukuze agcine umgangatho wokhuseleko kulo maziko.

Ukuphazamiseka kunye nemvume kwiinkqubo zokhuselo lomlilo kunye nezitshizi zokucima umlilo

20. Umntu akavumelekanga ukuba anikezele inkonzo engasebenzi kakuhle, engafanelekanga, engavumelekanga, okanye ebhucabhucana ekwaphazamisana nezitshizi zokucima umlilo okanye inkqubo yokhuselo lomlilo, ngaphandle kwaxa kufanelekile ngexesha likaxakeka, ugcino, izilumkiso okanye uvavanyo olunikezelwayo.

Izilumkiso zomlilo kunye nemibhobho yamanzi esetyenziswa xa kuqhambuke umlilo

21. (1) Ngaphandle kwembuyekiso kumnini weziko elo kusetyenzwa kulo, umlawuli ogunyazisiweyo angenza:—
- (a) isilumkiso somlilo okanye i-alam yomlilo;
- (b) isilumkiso esichazela abantu malunga nomlilo okanye nayiphina enye yexesha likaxakeka, okanye
- (c) isixhobo esilumkisa abahlali malunga nomlilo okanye nayiphina enye into yexesha likaxakeka ekufuneka ifakelwe kuso nasiphina isakhiwo, udonga, ucingo, ipali okanye umthi.
- (2) Ngaphandle kwembuyekiso kumnini weziko elo kusetyenzwa kulo, umlawuli ogunyazisiweyo angenza ukuba indawo enemibhobho yamanzi esetyenziswa xa kuqhambuke umlilo kunye naziphina izilumkiso zomlilo ukuba ziphawulwe kuso nasiphina isakhiwo, udonga, ucingo, ipali, umthi, indlela, indlela ehamba abantu abahamba ngeenyawo okanye ukogquma imibhobho yamanzi esetyenziswa xa kusitsha, ipleyiti yesinyithi okanye into yokuphawula epeyintiweyo okanye ngayo nayiphina indlela.
- (3) Umlawuli ogunyazisiweyo angathi nangaliphina ixesha enze ukuba kukhale isilumkiso somlilo, nasiphina isixhobo esichazwe kwicandelwana (1), ibhodi, ipleyiti yesinyithi okanye into yokuphawula epeyintiweyo ukuba isuswe ngaphandle kokuvumelana nomnini walo maziko achazwayo.
- (4) Umntu ongagunyaziswanga akavumelekanga ukuba asuse, aguqule, atshintshe, aqhaqhe okanye onakalise isilumkiso somlilo, kunye nasiphina isixhobo esichazwe kwicandelwana (1), ibhodi, ipleyiti yesinyithi okanye uphawu olufakwe ipleyiti.
- (5) Umntu akavumelekanga ukuba anikezele inkonzo engasebenzi kakuhle, engafanelekanga, engavumelekanga, okanye ebhucabhucana ekwaphazamisana nemibhobho yamanzi esetyenziswa xa kuqhambuke umlilo.

ISIAHLUKO 5

UKHUSELEKO LOLUNTU JIKELELE

Ukhuselo nolawulo lwabantu abaninzi

22. (1) Phambi kokuba kusetyenziswe amaziko ngenjongo yokonwabisa abantu okanye iintlangano zoluntu jikelele, umnini okanye umntu ophetheyo kufuneka agqithise isicelo sokufumana isiqinisekiso senani labemi kumlawuli ogunyazisiweyo, njengoko kuchaziwe kuLudwe lweNkqubo 2 kulo Mmiselo.
- (2) Umlawuli ogunyazisiweyo angacela ulwazi olungolunye kumntu owenze isicelo.
- (3) Ngaphandle kwamalungiselelo eli candelwana (1), umlawuli ogunyazisiweyo angayalela umnini okanye umntu ophetheyo kulo maziko ukuba enze isicelo nokuba sesisiqinisekiso esisigxina senani labemi okanye esethutyana, xa kuthe kwenzeka ukuba amaziko lawo asetyenziswe ngaphandle kwako konke okuchazwe kwi-National Building Regulations (A20).
- (4) Isiqinisekiso senani labemi sethutyana sihlala sisebenza kangangexesha elingekho ngaphezulu kweentsuku zekhalenda ezingama-30.

- (5) Umlawuli ogunyazisiweyo kufuneka angavumi ukunikeza isiqinisekiso sethutyana senani labemi nokuba sisigxina xa iziko elo lingathobelani neemfuno ze-National Building Regulations (T1), naxa umlawuli ogunyazisiweyo ecinga ukuba ukungathotyelwa kwamaziko kungalungiswa, kufuneka ayalele umnini okanye umntu ophetheyo kulo maziko ngeleta ukuba athathe onke amanyathelo afanelekileyo ukuba anikeze amaziko lawo ukhuseleko kuqala phambi kokuba kusetyenziswe lo maziko kunye nokunikezwa kwesiqinisekiso sethutyana okanye esisigxina senani labemi.
- (6) Ukuba ngalo naliphina ixesha, umlawuli ogunyazisiweyo ethe wafumanisa ukuba ukusetyenziswa kwamaziko athile akuhambelani nesiqinisekiso sethutyana okanye esisigxina senani labemi, kufuneka athathe amanyathelo njengoko kuchaziwe kumacandelo 4(2) okanye 6(1) kunye necandelo 7 lalo Mmiselo.
- (7) Isiqinisekiso sethutyana okanye esisigxina senani labemi sisebenza kuphela kumaziko okanye kwinxenye yeziko esasinikezelwe lona, kwakunye naxa kuthe kwenzeka iinguqulelo kubantu abahlala ngaphakathi okanye iinguqulelo ziyenziwa kulo maziko sasikhutshwe kuwo isiqinisekiso, umnini okanye umntu ophetheyo kufuneka enze isicelo ngokutsha sesi siqinisekiso ngokuhambelana necandelwana (1).
- (8) Isiqinisekiso sethutyana okanye sesigxina senani labemi kufuneka sibekwe ekuhlени kwindawo ebonakala ngokucacileyo kwakunye nendawo ebonakalayo ngaphakathi kumaziko apho isiqinisekiso eso sasikhutshwe khona.
- (9) Umnini okanye umntu ophetheyo kulo maziko kufuneka akhusele ukuphithizela okanye ukuxinana kwabantu ngokuthi anciphise inani labemi afike kwelo elichazwe kwisiqinisekiso sethutyana okanye sesigxina senani labemi.
- (10) Umntu kufuneka aphume kumaziko axineneyo okanye anabantu abaninzi xa ethe wayalelwa ukuba enze njalo ngumlawuli ogunyazisiweyo, umnini okanye umntu ophetheyo kulo maziko.

Ukwenziwa kwenkonzo

23. (1) Xa umlawuli ogunyazisiweyo ecinga ukuba kufuneka inkonzo ethile nekufuneka yenziwe xa kukho itheko elithile kwindawo esetyenziswa luluntu jikelele xa luzonwabisa okanye apho abantu badibana khona, anganikeza, xa uluntu jikelele lunqwenela njalo kwakunye nokuxhomekeka kwiintswelo (exigencies) zalo nkonzo, ilungu elinye okanye angaphezulu kwesinye, isithuthi okanye isixhobo kule nkonzo eza kwenziwa kulo maziko ngexesha lelo theko okanye kungenjalo inxenye yalo.
- (2) Xa ukwenziwa kwenkonzo ngexesha letheko elithile kwindawo esetyenziselwa ukuzonwabisa okanye kwiindibano zoluntu jikelele iquka ixabiso elithile, elo xabiso lifunwe nguMasipala lingafunyanwa kulo mntu ophetheyo kwelo theko okanye ngokuhambelana necandelo 9 lalo Mmiselo.

Ukusekwa kwesicwangciso sokufuduka ngexesha likaxakeka

24. (1) Umnini okanye umntu ophetheyo esikoweni, kwisibhedlela, kwindawo yokuhlala yeziko elithile, ihotele, indlu yabahambi (guest house), ihostele okanye iindawo ezinjalo zokuhlala ezinenani labemi okanye abantu abangaphezulu kwama-25 (ukuquka nabasebenzi) kufuneka aseke isicwangciso sokufuduka ngexesha likaxakeka esinika iinkcukacha ezifanelekileyo ekufuneka zithathiwe ngabasebenzi okanye ngabahlali xa kunokuthi kuqhambuke umlilo okanye nasiphina isoyikiso esiyingozi.
- (2) Umlawuli ogunyazisiweyo angayalela umnini okanye umntu ophetheyo kumaziko, ngaphandle kwako konke okuchazwe kwicandelwana (1), ukuba aseke isicwangciso sokufuduka ngexesha likaxakeka esinika iinkcukacha ezifanelekileyo ekufuneka zithathiwe ngabasebenzi okanye ngabahlali xa kunokuthi kuqhambuke umlilo okanye nasiphina isoyikiso esiyingozi.
- (3) Esi sicwangciso sichazwe kumacandelwana (1) no-(2) kufuneka senziwe ngokutsha xa umba othile ungasasebenzi okanye xa isakhiwo apho kwakwenziwe okanye kwakuyilwe khona isicwangciso eso sithe satshintsha.
- (4) Isicwangciso sokufuduka ngexesha likaxakeka kufuneka sivavanywe sisonke rhoqo kwiinyanga ezintandathu ubuncinane okanye xa sithe esi sicwangciso sahlaziywa ngokutsha kwaye ingxelo yolu vavanyo kufuneka igcinwe kwiirejista.
- (5) Le rejista ichazwe kwicandelwana (4) kufuneka iqulathe olu lwazi lulandelayo:—
 - (a) umhla kunye nexesha lolu vavanyo;
 - (b) inani labathathi-nxaxheba;
 - (c) iziphumo zolu vavanyo kwakunye naliphina inyathelo lolungiso elifunekayo, kunye
 - (d) negama kunye nomsayino womntu owongamele olu vavanyo.
- (6) Irejista, kwakunye nesicwangciso sokufuduka ngexesha likaxakeka kufuneka zifumanekwe rhoqo kumaziko ukuze zihlolwe ngumlawuli ogunyazisiweyo.
- (7) Umlawuli ogunyazisiweyo angavavanya, aseke aphinde azalisekise isicwangciso sokufuduka ngexesha likaxakeka kwaye angathetha ngokuseburhulumenteni malunga ngazo naziphina izimvo okanye amanyathelo olungiso ekuphuculeni okanye ekulungiseni iimpazamo kwesi sicwangciso.

Ukubekwa ekuhlени kwezicwangciso zeendlela zokufuduka

25. (1) Kwisibhedlele, kwiziko lokuhlala, kwihotele, kwindlu yeendwendwe, kwihotele okanye nayiphina indawo eyilelwe okanye ekukho iinjongo zokuba isetyenziswe zizigulane, abahlali okanye abantu abadlulayo, ngaphandle kwenani labemi, isicwangciso sendlela yokufuduka kufuneka ibesekuhlени kwindawo ebonakalayo kulo naliphina igumbi eliyilwe ngeenjongo zokuba ibe yindawo yokulala.
- (2) Ukubekwa ekuhlени kwezicwangciso zendlela yokufuduka kulo naliphina iziko kuxhomekeke ekwamkelweni kwazo ngumlawuli ogunyazisiweyo.

Isithintelo esakhiwe endleleni kwizakhiwo ezingenabantu

26. Umnini okanye umntu ophetheyo kwisakhiwo okanye inxenye yaso nesingahlali bantu kufuneka asuse yonke into esenokutsha okanye inkunkuma

aze atshixhe, okanye agcine ngendlela ekhuselekileyo zonke iifestile, iingcango kunye nezinye iindawo ezivulekayo kwisakhiwo ngendlela efunwa nguMasipala neyakuthi ikhusele ukudaleka kweengozi zomlilo ezenziwa kukungena komntu ongagunyaziswanga.

ISIAHLUKO 6

UKHUSELEKO LWEZINDLU

Izinto ezinokutsha kunye nenkunkuma

27. (1) Umnini okanye umntu ophetheyo kumaziko okanye inxenywe yawo kufuneka angavumeli izinto ezinokutsha okanye inkunkuma ukuba yande kuyo nayiphina indawo okanye nangayiphina indlela enokuthi yenze kudaleke iingozi zomlilo okanye ezinye izoyikiso eziyingozi.
- (2) Izinto ezinokutsha kunye nenkunkuma kufuneka zigcinwe ngendlela efanelekileyo okanye zilahlwe ngendlela yokukhusela ingozi yomlilo okanye nasiphina isoyikiso esiyingozi njengoko zichaziwe kuwiso-mthetho olusebenzayo, olujongene nokugcinwa kunye nokulahlwa kodidi olulodwa lwezinto ezinokutsha kunye nenkunkuma okanye xa kungekho luwiso-mthetho olukhoyo njengoko kuchaziwe ngumlawuli ogunyazisiweyo.

Uthuli

28. Umnini okanye umntu ophetheyo kumaziko okanye inxenywe yawo akufuneka avumele inkunkuma eyandayo kangangobuninzi obunokuthi budale umlilo okanye nasiphina esinye isoyikiso esiyingozi, kwaye kufuneka agcine okanye alahle uthuli njengoko kuchaziwe kuwiso-mthetho olusebenzayo nolujongene nokugcinwa kunye nokulahlwa kohlobo olulodwa lothuli.

Izinto ezitshisekayo okanye ezinokutsha kunye nemixube yokucoca

29. (1) Ngaphandle kokuphikisana nayiphina enye into equlathwe kuwo nawuphina omnye umthetho, yimixube engamanzi evunyiweyo kuphela okanye iisepha, imixube yokutshayela imigangatho kunye nezifunxi zamafutha ekufuneka zisetyenzisiwe xa kucocwa.
- (2) Ukusetyenziswa kwembuphu yesarha okanye ezinye izinto ezifana nayo ezinokutsha ekufakeni izinto ezitshisekayo okanye ezinokutsha eziphuma okanye zilahlwe xa kusenziwa into ethile akuvumelekanga.

Ukwanda kwiitshimini, imibhobho ehambisa umsi kunye nemibhobho yokuhambisa ulwelo okanye umoya

30. Umnini okanye umntu ophetheyo kumaziko okanye inxenywe yawo akufuneka avumele ukuba umle okanye nayiphina enye into enokutsha yande kwiitshimini, imibhobho ehambisa umsi kunye nemibhobho yokuhambisa ulwelo okanye umoya kumazikongobukhulu bawo okanye ngendlela enokuthi idale umlilo okanye naziphina izoyikiso ezinjalo.

Intsusa yokuphembeka komlilo

31. (1) Ukutshaya, ukuphatha iimatshisi, ukusetyenziswa kwezinto ezenza ubushushu okanye izixhobo ezikhupha idangatya, okanye ukusetyenziswa kwaso nasiphina isixhobo esivelisa iintlantsi asivumelekanga kwiindawo ezinezinto ezinokutsha, kwaye nalapho izixhobo zifuneka khona ekwenzeni okanye ekugcineni umsebenzi othile, kufuneka ibe yeyona ndawo ikhuselekileyo nekwasekwe ngokukodwa ekwenzeni umsebenzi onjalo.
- (2) Uthuthu olushushu, amalahlwe okanye amalahlwe atsha kancinci engenadangatya (smouldering coals) kufuneka abekwe kwisikhongozeli esingenako ukutsha kwaye esi sikhongozeli kufuneka sibekwe kwindawo okanye kuqilima olungatshiyi.
- (3) Umgama ofanelekileyo, njengoko uchazwe njalo ngumlawuli ogunyazisiweyo, kufuneka kuqinisekiswa ukuba ugcinwe ngendlela efanelekileyo phakathi kwezinto ezinokutsha nezenza ubushushu okanye izixhobo zokulayita okanye nakuyiphina into enokuba yintsusa yokuphembeka komlilo.
- (4) Izifudumezi (heaters) eziphathekayo okanye ezincinci kufuneka zigcinwe ngendlela efanelekileyo ukuze ingadali umlilo, kwaye umlawuli ogunyazisiweyo angakuphelisa ukusetyenziswa kwezi zifudumezi ziphathekayo ngendlela yokuhlonipha abanye abantu okanye kwiimeko apho oku kusetyenziswa kwazo kungadala ingozi yomlilo okanye nasiphina esinye isoyikiso.

Ukutshaya

32. (1) Xa kukho apho iimeko zokutshaya zingathi zidale ingozi yomlilo kumaziko, ukutshaya kulo maziko kungapheliswa kwaye uphawu oluthi "Akutshaywa" kufuneka libekwe ekuhlaleni njengoko etsho njalo umlawuli ogunyazisiweyo, kwaye ezi mpawu kufuneka zithobelane ne-SABS 1186: Icandelo 1
- (2) Umntu akufuneka asuse uphawu oluthi "Akutshaywa".
- (3) Umntu akufuneka alayite okanye atshaye isiga, isigarethi, inqawe, icuba okanye nayiphina enye into okanye alumeke okanye aphembe umlilo kwezinye izinto, okanye abambe, abange, agibisele okanye alahle nayiphina into etsha kancinci enganadangatye kwindawo ekungavumelekanga ukuba umntu enze njalo.
- (4) Apho kuvumelekileyo ukuba umntu angatshaya, kufuneka kwenziwe amalungiselelo okulahlwa okukhuselekileyo kwezi zinto zisetyenziswa xa kutshaywa kunye neemathisi ukukhusela ukudaleka kweengozi yomlilo okanye nayiphina enye into esisoyikiso esiyingozi.
- (5) Umntu akuvumelekanga ukuba ajwile, abeke phantsi okanye alahle umcinga osavuthayo, iisigarethi ezivuthayo, okanye nayiphina enye into esavuthayo okanye nayiphina into enako ukwenza umlilo okhawulezileyo okanye enokwazi ukuzivuthisa ngokwayo endleleni okanye nayiphina enye indawo.

Ukufakelwa kombane, izixhobo kunye nezinto ezisetyenziswa kuzo

33. (1) Umntu akuvumelekanga ukuba enze okanye avumele nayiphina into esebenzisa umbane ukuba igcwaliswe ngendlela engafanelekanga.
- (2) Umntu akuvumelekanga ukuba enze okanye avumele nasiphina isixhobo esisebenzisa umbane okanye intambo yombane ukuba isetyenziswe ngendlela enokudala ingozi yomlilo okanye nayiphina enye into esisoyikiso esiyingozi.

Isixhobo esikhupha idangatya

34. Umntu akavumelekanga okanye akanako ukwenza ukuba isixhobo esikhupha idangaty, esinjengekhandlela, ilentene okanye ithotshi, zisetyenziswe ngendlela enokudala ingozi yomlilo okanye nayiphina enye into esisoyikiso esiyingozi.

ISIAHLUKO 7**IINGOZI ZOMLILO****Izinto ezinokutsha**

35. Umntu akavumelekanga ukuba agcine, ahambise, asebenzise okanye abeke ekuhlени okanye enze okanye avumele ukuba kugcinwe, kuhanjise, kusetyenziswe okanye kubekwe ekuhlени, noba kuphandle okanye kungaphakathi kwamaziko nayiphina into enokutsha okanye nayiphina into enokudala idangatya okanye ngendlela enokuthi idale ingozi yomlilo okanye nasiphina isoyikiso somlilo.

Ukulayitwa kweemililo kunye nokutshiswa kwezinto ezinokutsha

36. (1) Ukulayitwa kweemililo kunye nokulahlwa kwezinto ezinokutsha ngendlela yokuzitshisa ayivunyelwanga.
- (2) Umntu angalayita umlilo okanye asebenzise nasiphina isixhobo esinokwenza okanye esikhupha idangatya ngenjongo yokwenza amalungiselelo okupheka okanye nayiphina enye into esetyenziswa ekhaya ngendlela engasayi kuthi idale ingozi yomlilo okanye nasiphina isoyikiso esiyingozi.
- (3) Umnini okanye umntu ophetheyo kumaziko asetyenziswa ngabantu njengendawo yokuzonwabisa okanye indawo yokuhlalana yoluntu jikelele kufuneka aqinisekise ukuba umlilo wokupheka okanye isixhobo esikhupha umlilo sibekwe kwindawo ezenzelwe oko ukuze kukhuseleke ingozi yomlilo okanye nasiphina isoyikiso esiyingozi.
- (4) Phambi kokuba umntu okanye umntu ophetheyo kwifama okanye indawana yokuhlala encinci, okanye umbutho karhulumente olawula imimandla ehlala abantu engaziswa, angalahla izinto ezinokutsha ngokuzitshisa, kwaye naphambi kokuba enze isicelo esibhaliweyo ukuba samkelwe ngumlawuli ogunyazisiweyo, phambi kokuba sivunye kufuneka sifunyanwe ngokuhambelana nowiso-mthetho olusebenzayo noluchazwe kuLudwe lweeNkqubo 3.

ISIAHLUKO 8**IZINTO EZINOKUTSHA****Ukusetyenziswa kwesi Sahluko**

37. Ngaphandle kokungathatheli ngqalelo amalungiselelo omthetho obizwa ngokuba yi-Hazardous Substances Act okanye i-Occupational Health and Safety Act, esi Sahluko silawula izinto ezinokutsha kwimigangatho karhulumente weedolophu ngendlela yokukhusela nokunciphisa iingozi zomlilo okanye naziphina ezinye izoyikiso eziyingozi.

Ukugcina kunye nokusetyenziswa kwezinto ezinokutsha

38. (1) Phambi kwesiseko sofakelo olutsha okanye utshintsho lofakelo esele lukhona, nokuba lolwethutyana okanye lusisigxina kugcino lwezinto ezinokutsha, umntu okanye umntu ophetheyo kolu fakelo kufuneka agqithise isicwangciso solu lwakhiwo kuMasipala, ngokuhambelana ne-National Building Regulations, ize ikopi evunyiweyo yesi sicwangciso ihlale ifumaneka rhoqo kwisiza apho kwenziwa khona olu fakelo.
- (2) Phambi kokugunyaziswa kofakelo lwetanki olungaphezu komhlaba okanye itanki lokugcina elingaphantsi komhlaba, irhasi engamanzi yepetroleum, okanye imibhobho enxulumene noku, umntu okanye umntu ophetheyo kolu fakelo kufuneka aqinisekise uxinzelelo luvavanyiwe ngokuhambelana namalungiselelo e-National Building Regulations (T1) umlawuli ogunyazisiweyo ekhona.
- (3) Nangona ngokwecandelwana (2), umlawuli ogunyazisiweyo engafuna ufakelo lwetanki olungaphezu komhlaba okanye itanki lokugcina elingaphantsi komhlaba, irhasi engamanzi yepetroleum, okanye imibhobho enxulumene noku ukuba uxinzelelo luvavanyiwe ngokuhambelana namalungiselelo e-National Building Regulations (T1).
- (4) Umlawuli ogunyazisiweyo kufuneka aziswe kwi-yure ezingama-48 ubuncinane phambi kovavanyo loxinzelelo.
- (5) Phambi kotshintsho kumaziko olungqubana nokhuselo emlilweni kwitanki esele likhona elingaphezu komhlaba okanye itanki lokugcina elingaphantsi komhlaba, irhasi engamanzi yepetroleum, okanye imibhobho enxulumene noku, umntu okanye umntu ophetheyo kulo maziko kufuneka azise umlawuli ogunyazisiweyo, noyakuthi achaze ukuba kula maziko, olu fakelo kufuneka lwenziwe ngendlela ekhuselekileyo.
- (6) Umnini okanye umntu ophetheyo kumaziko akufunekanga agcine okanye asebenzise:—
- (i) irhasi enokutsha egqithileyo kwi-19 kilogram, okanye
- (ii) izinto ezingamanzi ezinokutsha ezikwiqela elinobungozi (i), (ii), okanye (iii) ezigqithe ama-200 litres, ngaphandle kokuba ufumene isiqinisekiso sezinto ezinokutsha kumlawuli ogunyazisiweyo.

Isiqinisekiso sezinto ezinokutsha

39. (1) Umnini okanye umntu ophetheyo kumaziko ofuna isiqinisekiso sezinto ezinokutsha, esichazwe kwicandelo =38(6), kufuneka agqithise isicelo kumlawuli ogunyazisiweyo, njengoko kuchaziwe kuLudwe lweeNkqubo 2 lalo Mmiselo.
- (2) Umlawuli ogunyazisiweyo angacela ulwazi olungeziweyo kumntu lowo wesicelo.
- (3) Umlawuli ogunyazisiweyo kufuneka angavumi ukunikeza isiqinisekiso sezinto ezinokutsha ukuba ngaba amaziko awathobelani neemfuno ze-National Building Regulations (T1) kwakunye neemfuno ezongeziweyo ezichazwe apha kulo Mmiselo, nalapho umlawuli ogunyazisiweyo ecinga ukuba ukungathobeli kwamaziko kunokuthi kulungiswe, kufuneka axelele umntu okanye umntu ophetheyo kula maziko ngencwadi ebhaliweyo ukuba kufuneka athathe onke amanyathelo afanelekileyo ukuba anikeze amaziko ukhuseleko olufanelekileyo phambi kokuba asetyenziswe, ngokuhambelana necandelo 38(6) kwakunye nokunikezwa kwesiqinisekiso.

- (4) Isiqinisekiso sezinto ezinokutsha kufuneka sihlaziye rhoqo ngonyaka, ngaphambi komhla ochazwe kwisiqinisekiso sezinto ezinokutsha, kwaye naninina ubungakanani okanye udidi lwento enokutsha kufuneka lithintshiwe okanye kufuneka kusetyenziswe icandelo 38(5).
- (5) Xa, ngalo naliphina ixesha, umlawuli ogunyazisiweyo ethe waqaphela ukuba ukusetyenziswa kwamaziko ukuba akuhambelani nesiqinisekiso sezinto ezinokutsha, kufuneka athathe amanyathelo ngokwamacandelo 4(2) okanye 6(1) kunye necandelo 7 lalo Mmiselo.
- (6) Nangona icandelwana (5), xa, ngokwezimvo zomlawuli ogunyazisiweyo, izinto ezinokutsha zigcinwe okanye zisetyenziswe kuyo nayiphina inkqubo ngendlela enobungozi kubomi babantu okanye kwimihlaba nezakhiwo, okanye ufakelo alugunyaziswanga, umyalelo ungagqithiswa wokususwa kwezi zinto zinokutsha okanye ufakelo kula maziko.
- (7) Umxhobisi okanye umboneleli (supplier) anganganikezeli ngezinto ezinokutsha kumnini okanye umntu ophetheyo kumaziko, ngaphandle kokuba umnini okanye umntu ophetheyo kula maziko unesiqinisekiso esisebenzayo sezinto ezinokutsha nesinikezwe ngumlawuli ogunyazisiweyo.
- (8) Isiqinisekiso sezinto ezinokutsha sisebenza kuphela:—
 - (a) kufakelo nalapho sasigqithisiwe;
 - (b) kwimo yamaziko ngexesha yogqithiso, kunye
 - (c) nobungakanani obuchazwe kwisiqinisekiso.
- (9) Isiqinisekiso sezinto ezinokutsha kufuneka sihlale sifumaneka kumaziko ngamaxesha onke ukuze sihlolwe.
- (10) Umlawuli ogunyazisiweyo kufuneka agcine ingxelo yamaziko onke nalapho isiqinisekiso sezinto ezinokutsha sithe sagqithiswa, salungiswa saze saphinda sahlaziywa ngokutsha.

Amatanki okugcina izinto ezinokutsha asisigxina okanye awethutyana angaphezu komhlaba

40. (1) Kweli candelo, kuphela ngamatanki ethutyana okanye asisigxina aphezu komhlaba asetyenziswa ekugcineni izinto ezinokutsha okulawulwayo.
- (2) Itanki lethutyana lokugcina izinto ezinokutsha elingaphezu komhlaba, ngaphandle kwelo likhulu kakhulu ligcinwe kwidepho elivumelekileyo, ngokwengqiqo yomlawuli ogunyazisiweyo, ngokwemfanelo yemeko enjalo, ngaphandle kokuba ezi mfuno zilandelayo zithotyelwe:—
 - (a) ukuba ngaba inobunzima obungekho ngaphezulu kweelitha ezingama-9000 kwaye alisetyenziselwa ukugcinwa kwezinto ezinokutsha nezineqondo ledangatya elingaphantsi kwama-40°C;
 - (b) ikumaziko kangangexesha elingekho ngaphezulu kweenyanga ezintandathu;
 - (c) olu fakelo lulonke luthobelana ne-SABS 0131: iSahlulo 2, kunye
 - (d) isicelo esibhaliweyo esihamba nesicwangciso kufuneka zigqithiswe kumlawuli ogunyazisiweyo kwiintsuku ezili-14 ubuncinane phambi kolwakhiwo lwetanki kwaye, phambi koku, imvume ebhaliweyo kufuneka ifunyenwe kumlawuli ogunyazisiweyo kulwakhiwo lweli tanki.
- (3) Nangona kwicandelo 38(1), xa kufuneka indawo enkulwana kwitanki lokugcina elingaphezu komhlaba okanye itanki liza kufakwa ngokusisigxina, uyilo olwamkelweyo nolusekelwe kwikhowudi efanelekileyo kazwelonke neyezizwe ngezizwe okanye umgangatho kufuneka ugqithiswe kuMasipala ukuba wamkelwe ngokwe-National Building Regulations (T1).
- (4) Imfuno zolu yilo kunye nolwakhiwo lwetanki elisisigxina kufuneka zihambelane neekhowudi ezifanelekileyo zikazwelonke nezezizwe ngezizwe ezifanelekileyo.
- (5) Ubungakanani obulinganisiweyo betanki elisisigxina okanye elethutyana kufuneka bunikeze isithuba esoneleyo esivumela ukwanda kwale mveliso engaphakathi ngenxa yesizathu sokwenyuka kwezinga lobushushu ngexesha logcino.
- (6) Itanki elisisigxina okanye elethutyana kufuneka lwakhiwe kangangeemitha ezingama-3,5 ukusuka kwimida, izakhiwo kunye nezinye izinto ezinokutsha okanye izinto ezitshayo.
- (7) Itanki elisisigxina okanye elethutyana kufuneka libekwe kumhlaba ogangathekileyo nozinzileyo kwaye umhlaba kufuneka ube namandla awoneleyo ukuxhasa ubunzima betanki kunye nokuqulathwe litanki.
- (8) Itanki elisisigxina okanye elethutyana kufuneka libe nodonga olomelelyo olibizwa ngokuba yi-bund wall.
- (9) Izilumkiso ezoneleyo kufuneka zithatyathwe ngendlela yokukhusela ukuchitheka ngexesha lokwathiwa kwetanki.
- (10) Izitshizi zokucima umlilo ezoneleyo, njengoko zichaziwe ngumlawuli ogunyazisiweyo, kufuneka zinikezwe kwiibhokisi ezingaphazanyiswayo yimozulu xa zikufutshane netanki.
- (11) Impawu zokhuseleko ezibhaliweyo nezithi "Akutshaywa", "Akukho ziKhanyisi ezize" kunye no-"Ingozi" kufuneka zibekwe kufutshane netaki, kwaye ezi mpawu kufuneka zithobelane ne-SABS 1186: Icandelo 1
- (12) Izinto ezingamanzi ezinokutsha ngaphakathi etankini kufuneka zichazwe ngendlela ecacileyo, ngokusebenzisa i-Hazchem placards ezidweliswe kwi-SABS 0232: iSahlulo
- (13) Impompo yombane okanye yokuvutha kwangaphakathi kufuneka ixhotyiswe ize ibekwe ukuze iphelise ingozi yamanzi anokutsha xa enokuthi aqhambukise umlilo.
- (14) Ufakelo lombane olunxulumene netanki lokugcina elingaphezu komhlaba kufuneka luthobelane ne-SABS 0108.

Itanki lokugcina izinto ezingamanzi ezinokutsha elingaphantsi komhlaba

41. Iimfuno zoyilo kunye nolwakhiwo lwetanki logcino olungaphantsi komhlaba kufuneka zihambelane ne-National Building Regulations (T1) nefundwa ngokudibene ne-SABS 0400.

Idephe yocino olukhulu lwezinto ezinokutsha

42. Ukuphathwa, ukugcinwa kunye nokusasazwa kwezinto ezinokutsha kwiidephe ezinkulu kufuneka kuhambelane ne-National Building Regulations (T1) nefundwa ngokudibene ne-SABS 089: iSahlulo 1.

Ufakelo oluncinci kwirhasi yepetroleum

43. Ufakelo lwerhasi yepetroleum oluquka ukugcinwa kwezikhongozeli zerhasi kumanzi angekho ngaphezulu kweelitha ezingama-5000 kunye nobungakanani obudityanisiweyo beelitha ezingama-3 000 kufakelo ngalunye, kufuneka lufakelwe ze luphathwe ngokuhambelana ne-SABS 087: iSahlulo 1.

Ugcino olukhulu lwerhasi engamanzi yepetroleum

44. Uyilo lulonke kunye nokusebenza kofakelo kugcino olukhulu lwerhasi engamanzi yepetroleum kunye nezinto ezihambelana noku kufuneka zizonke zihambelane ne-National Building Regulations (T1) nefundwa ngokudibene ne-SABS 087: iSahlulo 3.

Ukupheliswa kgcino kunye nokusetyenziswa kwezinto ezinokutsha

45. (1) Ukuba ngaba ufakele lwetanki elingaphezu komhlaba okanye elingaphantsi komhlaba, ufakelo lwerhasi engamanzi yepetroleum okanye imibhobho enxulumene noku ayisafuneki kugcino okanye ukusetyenziswa kwezinto ezinokutsha, umnini okanye umntu ophetheyo kumaziko apho olu lwakhiwo lwalenziwe khona kufuneka:—
- zingaphelanga iintsuku ezisixhenxe zolu pheliso, axelele umlawuli ogunyazisiweyo ngokubhala ileta;
 - zingaphelanga iintsuku ezingama-30 zolu pheliso, asuse izinto ezinokutsha kolu fakelo, ayenze ikhuseleke;
 - zingaphelanga iinyanga ezintandathu zolu pheliso, asuse olu fakelo ukuquka nayiphina imibhobho ehamba nalo kula maziko ewonke, ngaphandle kokuba umlawuli ogunyazisiweyo uyalele ngolunye uhlobo, aphinde
 - agcine indlela kawonke-wonke okanye indlelana ebitha yaphazamiseka ngenxa yoku kususwa, ngokonelisa uMasipala zingaphelanga iintsuku ezisixhenxe zokugqitywa kokususwa kolu fakelo.
- (2) Ukuba ngaba ukususwa kofakelo lwetanki langaphantsi komhlaba luchaphazela ngokonakalisayo uzinzo lwamaziko, umnini okanye umntu ophetheyo kolu fakelo kufuneka enze isicelo esibhaliweyo kumlawuli ogunyazisiweyo ukuba agcwalise itanki ngodaka lwesamente olungamanzi.

Ukwenza ingxelo yeengozi

46. Ukuba ngaba kwenzake ingozi equka izinto ezinokutshayaze iziphumo yaba ngumlilo, isiqhushumbo, ukuchitheka okanye ilahleko kwinto enokutsha, kwakunye nokwenzakala kwabantu okanye ukufa, umnini okanye umntu ophetheyo kumaziko kufuneka ngokukhawuleza axelele umlawuli ogunyazisiweyo.

Izitoro okanye iindawo zokugcina ezinokutsha

47. (1) Ulwakhiwo lwendawo yokugcina enokutsha kufuneka ihambelane ne-National Building Regulations (T1) nefundwa ngokudibene ne-SABS 0400.
- (2) Umgangatho kufuneka wenziwe ngesamente okanye nayiphina into engena kungenwa nto kwaye kufuneka kufakwe ingontsi ngezantsi kocango okanye kufakwe ithala eliphantsi kwefestile.
- (3) Le ngontsi okanye ithala kufuneka lenziwe ubunzulu okanye ubude ukuze xa kunokuchitheka nto, likwazi ukugcina la manzi anokutsha, njengoko kuchaziwe kwisiqinisekiso sezinto ezitshayo kunye nesongezo seshumi ekhulwini (10%) sobungakanani obuchazwe kwisiqinisekiso. Nangona i-National Building Regulations (T1) nefundwa ngokudibene ne-SABS 0400:
- uphahla lwesitoro esinokutsha kufuneka sakhiwe ngesixwexwe sesamente esikwaziyo ukunikeza ukuxhathisa emlilweni kangangeeyure ezimbini;
 - iindawo engenisa nekhupha umoya kwisitoro kufuneka siphunyezwe ngokusebenzisa izitena zomoya nezingaphandle kweendonga kumlinganiselo wesitena esinye somoya engaphezu komgangatho wethala kwakunye nesitena somoya esinye esisemantla esithathu sodonga (top third) kwi-5 m² yodonga okanye inxenywe, ukuze umphunga ungahlali ngaphakathi kwisitoro;
 - izitena zomoya kufuneka zogqunywe ngaphakathi nangaphandle ngoyasuyasu locingo (wire gauze) olungadlekiyo olumalunga ne-1100 meshes kwimitha nganye, kunye
 - olu cingo luyasuyasu kufuneka lubanjwe kakuhle yimicu yesinyithi, ifreyim yesinyithi kunye nesamente.
- (5) Xa umlawuli ogunyazisiweyo efuna njalo, isitoro esinokutsha kufuneka ukungena nokuphuma komoya kwenziwe ngenkqubo yomatshini eyamkelwe nguMasipala kwaye ithobelane nezi mfuno zilandelayo:—
- inkqubo yokungena nokuphuma komoya kufuneka ikhuseleke, inikeze ukutshintsha komoya ngamaxesha angama-30 kwiyure nganye kwaye kufuneka isebenzi ingayeki;
 - iqondo lokutsala kweqondo lephiko elihamba ngombane lokuphozisa (fan) kufuneka libengentla komgangatho wethala kwaye kufuneka uphume kumbhobho wesinyathi obucala ophelisa ilitha enye ubuncinane ngaphezu kobude bophahla okanye iimitha ezinga-3,6 ngaphezu komgangatho womhlaba, noba yeyiphina enkulu kunenye;

- (c) umbhobho wokukhupha umoya ongaphandle kwisitoro, kodwa oqhagamshelana nentshiyekela yesakhiwo kufuneka ufakwe isidambisi somlilo esinikeza ukuxhathisa emlilweni kangangeeyure ezimbini kwindawo yokuphuma kwisitoro esinokutsha, uze uphinde
- (d) umbhobho wokukhupha umoya kufuneka ube mfutshane kangangoko kwaye ungabina kugobeka obukukhali.
- (6) Nangona i-National Building Regulations (T1) nefundwa ngokudibene ne-SABS 0400, ucango lwesitoro esinokutsha kufuneka lakhiwe ngesixhobo esinikeza ukuxhathisa emlilweni kangangeeyure ezimbini, ngaphandle kokuba kuthotyelwe yonke imigama yokhuseleko olufanelekileyo kwaye nocango luvulekela ngaphandle.
- (7) Xa kufuna umlawuli ogunyazisiweyo, ucango lwesitoro esinokutsha kufuneka ibeludidi olubizwa ngokuba yi-D-class fire door, nelithobelana ne-SABS 1253.
- (8) Nangona i-National Building Regulations (T1) nefundwa ngokudibene ne-SABS 0400, ukulayita kwisitoro esinokutsha kufuneka kusetyenziswe isibane sombane esingangeni umphunga nesifakwe iingcingo kwisinyithi kwakunye neendawo zokucofa esi sibane kufuneka zibekwe ngaphandle kwesitoro.
- (9) Akukho nasinye isixhobo sombane ekufuneka sifakwe kwisitoro esinokutsha.
- (10) Isitoro esinokutsha kufuneka sinikezwe ugwebu olufakelweyo olunamalunga nama-65 millimetre lwephanyazo kunye nemibhobho yesinyithi esiphakathi nesikhokhelela ngaphakathi kwaye ugwebu olungenayo kufuneka luphawulwe ngophawu olubonakalisa amagama athi "ugwebu olufakelweyo" ngonobumba abakhulu abamalunga ne-100 millimetre.
- (11) Amanqwanqwa okanye ukwenziwa kweeshelfu kwisitoro esinokutsha kufuneka kwenziwe ngeplanga elingenako ukutsha.
- (12) Isitoro esinokutsha kufuneka siphawulwe ngala magama alandelayo, "Flammable Store—Bewaarplek Vir Vlambare Vloeistowwe—Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", kwakunye nobungakanani obuvumelekileyo kwisitoro esinokutsha obubhalwe ngonobumba abakhulu abamalunga ne-100 millimetre ngaphakathi nangaphandle kweengcango eziqhagamshelana ngqo nesitoro.
- (13) Umnini okanye umntu ophetheyo kwisitoro esinokutsha kufuneka aqinisekise ukuba iingcango zesitoro esinokutsha zihlala zitshixiwe rhoqo xa isitoro singasetyenziswa.
- (14) Umntu akuvumelekanga ukuba angene kwisitoro esinokutsha okanye enze okanye avumele ukuba kungenwe ngaphandle kwemvume yomnini okanye umntu ophetheyo kumaziko.
- (15) Izitshizi zokucima umlilo ezoneleyo, njengoko echaze njalo umlawuli ogunyazisiweyo, kufuneka zixhonywe kudonga olungaphandle lwesitoro esinokutsha ngendlela ecacileyo nekulula ukufikelela kuzo.
- (16) Nasiphina isixhobo sesandla esithe sasetyenziswa kwisitoro esinokutsha kufuneka sikhuseleke ngokunokwaso.
- (17) Umntu akavumelekanga ukuba asebenzise okanye avumele ukuba isitoro esinokutsha sisetyenziswe kuyo nayiphina into ngaphandle kwaleyo ikwisiqinisekiso sezinto ezinokutsha, ngaphandle kokuba isitoro eso asisebenzi njengesitoro esinokutsha kwaye nomlawuli ogunyazisiweyo uthe waxelelwa ngokwale migaqo ilandelayo:—
 - (a) zingaphelanga iintsuku ezisixhenxe zokuyeka, xeleda umlawuli ogunyazisiweyo ngeleta ebhaliweyo;
 - (b) zingaphelanga iintsuku ezingama-30 zokuyeka, susa izinto ezinokutsha kwisitoro esinokutsha uze usigcine sikhuselekile;
 - (c) zingaphelanga iintsuku ezingama-30 zokuyeka, susa yonke imiqondiso.
- (18) Ngokuxhomekeka kumalungiselelo eli candelo, umlawuli ogunyazisiweyo angabiza iimfuno ezongeziweyo ekuphuculeni ukhuseleko emlilweni kwisitoro esinokutsha.

Ukuphathwa kwezikhongozeli nokugcinwa kwazo

- 48. (1) Zonke izikhongozeli zezinto ezinokutsha kufuneka zigcinwe zivaliwe rhoqo xa zingasetyenziswa.
- (2) Umntu akavunyelwanga ukuba atsale izinto ezingamanzi ezinokutsha kwisikhongozeli esingaphezulu kweelitha ezingama-20, ngaphandle kokuba isikhongozeli sifakwe impompo evalwe ngokwaneleyo okanye itephu.
- (3) Izikhongozeli zezinto ezingamanzi ezinokutsha kufuneka zibhalwe ziphinde ziphawulwe ngamagama abonisa izikhongozeli zezinto ezingamanzi ezinokutsha ezingaphakathi kwakunye nobungozi bala manzi.
- (4) Izikhongozeli zezinto ezingamanzi ezinokutsha kufuneka zichazwe njengerhasi okanye ukungabinamphunga kwazo ngumntu owaziyo ngazo ngaphambi kwako nakuphina ukulungiswa okunokwenziwa.
- (5) Zonke izikhongozeli zezinto ezingamanzi ezinokutsha kufuneka zenziwe ziphinde zigcinwe zikwimeko ekhuseleke ngendlela efanelekileyo kwakunye nokukhusela ukuvuza kwezi zinto ezinokutsha okanye umphunga.
- (6) Isikhongozeli sezinto ezingamanzi ezinokutsha esingenanto kufuneka sigcinwe kwisitoro esinokutsha.
- (7) Apho isitoro esinokutsha singekhoyo ekugcineni izikhongozeli zezinto ezingamanzi ezinokutsha ezingenanto, umlawuli ogunyazisiweyo angavumela ugcino olunjalo kwindawo evulekileyo; xa:—
 - (a) indawo yokugcina kufuneka ibe kwindawo kwakunye nobukhulu, ngokweembono zomlawuli ogunyazisiweyo, engenakwenza ingozi yomlilo okanye nasiphina esinye isoyikiso somlilo;
 - (b) indawo yokugcina ingena ikwaphuma umoya ngendlela efanelekileyo yaze yavalwa ngocingo olubizwa ngokuba yi-wire mesh fence kunye:—

- (i) izixhasi zocingo zenziwe ngesinyithi okanye ufakelo lwesamente;
 - (ii) inesango elivulekela ngaphandle nehla itshixiwe xa ingasetyenziswa, kunye
 - (iii) nendawo yomgangatho ingaphezulu kwe-10 m² kwaze kwafakelwa isango elongezelelweyo lokufuduka, elifakwe ibholithi etshebelezo okanye esinye isixhobo esifanayo sokutshixa esinako ukuvulwa ngaphakathi ngaphandle kokusetyenziswa kwesitshixo;
 - (a) indawo yokugcina engenazityalo kwaye inomgangatho owomeleleyo nongenako ukutsha;
 - (b) umgama ongangeemitha ezimbini ojikeleze le ndawo ibiyiweyo nengenanga, ukhula kunye nezinto ezikwanjalo ezinokutsha;
 - (c) xa indawo yokugcina inophahla, ulwakhiwo lophahla kunye nokunye okuxhasayo kufuneka kwenziwe ngezinto ezingenako ukutsha;
 - (d) imililo evulekileyo engaphandle, ukudityaniswa kwezinto (welding), imisebenzi yokusika kunye nokutshaya akuvumelekanga kwindawo okanye kwiindawo ezikufutshane nendawo yokugcina kwaye neempawu okanye imiqondiso ihlala ixhonyiwe kucingo kwaye ithobelana ne-SABS 1186; Icandelo 1 kunye
 - (e) nezixhobo zokulwa umlilo zifakelwe njengoko echaze njalo umlawuli ogunyazisiweyo.
- (8) Isikhongozeli sezinto ezingamanzi ezinokutsha esingenanto kufuneka sivalwe ngendlela ekhuselekileyo ngesivingco okanye isiciko esifanelekileyo.

Amagumi ezitshizi kunye neendlwana ezakhiwe ngamaplanga (booths)

49. Igumbi lezitshizi, indlwana eyakhiwe ngamaplanga okanye indawo eyenzelwe ukusetyenziswa kwezinto ezingamanzi ezinokutsha kufuneka yakhiwe kwaye ixhotyiswe ngendlela apha ethobelana neMimiselo yoKhuseleko Jikelele (General Safety Regulations) echazwe ngokoMthetho obizwa ngokuba yi-Occupational Health and Safety Act.

Izikhongozeli zerhasi engamanzi yepetroleum

50. (1) Izikhongozeli zerhasi engamanzi yepetroleum kufuneka zenziwe, zigcinwe ziphinde zivavanywe ngokuhambelana ne-SABS 087: iSahlulo 1 ne-SABS 019.
- (2) Isikhongozeli serhasi engamanzi yepetroleum kufuneka sisetyenziswe siphinde sigcinwe ngendlela eyakuthi ikhusele umonakalo okanye ukuvuza kwamanzi okanye umphunga.
- (3) Isikhongozeli serhasi engamanzi yepetroleum enomphakathi ongekho ngaphezulu kweekilogram ezilithoba kufuneka igcwaliswe ize igcinwe ngokuhambelana ne-SABS 087: iSahlulo 7.

ISAHLUKO 9

UKUHANJISWA KWEZINTO EZINOBUNGOZI

Isiqinisekiso sezinto ezinobungozi

51. (1) Ngaphandle kokunganaki nenye into equlathwe kuMthetho obizwa ngokuba yi-National Road Traffic Act okanye nayiphina ikhowudi yakwa-SABS, umqhubi wemoto esemgangathweni esekelwe ukuthutha okanye ukuhambisa izinto ezinobungozi angangasisebenzisi eso sithuthi, ngaphandle kokuba ufumene isiqinisekiso sezinto ezinobungozi kumlawuli ogunyazisiweyo.
- (2) Umqhubi wesithuthi esichazwe kwicandelwana (1), kufuneka agqithise isicelo kumlawuli ogunyazisiweyo njengoko kuchaziwe kuLudwe lweNkqubo 2 lalo Mmiselo.
- (3) Umlawuli ogunyazisiweyo angacela ulwazi olongeziweyo kumenzi wesicelo.
- (4) Umlawuli ogunyazisiweyo kufuneka angavumi ukunikezela isiqinisekiso sezinto ezinobungozi ukuba isithuthi asithobelani kunye (nayiphina efanelekileyo kwisithuthi) neemfuno ze-SABS 087: iSahlulo 4, SABS 089: iSahlulo 1, umhlathi 4.8 we-SABS 1398 kunye nomhlathi 4.7 we-SABS 1518, nalapho umlawuli ogunyazisiweyo acinga ukuba ukungathobelani kwesithuthi kungalungiswa, kufuneka ayalele umqhubi wesithuthi ukuba abhale phantsi ukuba kufuneka ethathe onke amanyathelo afanelekileyo ekulungiseni zonke iziphene phambi kokuba asebenzise isithuthi eso ngokuhambelana necandelwana (1) kwakunye nesiqinisekiso sezinto ezinobungozi.
- (5) Isiqinisekiso sezinto ezinobungozi kufuneka sihlaziye rhoqo ngonyaka, phambi komhla ochazwe kwisiqinisekiso sezinto ezinobungozi okanye nanini na xa kukho ugcino okanye ulungiso olukhulu ekufuneka lwenziwe kwesi sithuthi.
- (6) Xa, ngalo naliphina ixesha, umlawuli ogunyazisiweyo ethe waqaphela ukuba ukusetyenziswa kwesi sithuthi akuhambelani nesiqinisekiso sezinto ezinobungozi, kufuneka athathe amanyathelo ngokwecandelo 4(2) okanye 6(1) kunye necandelo 7 lalo Mmiselo.
- (7) Umthumeli anganganikezi izinto ezinokutsha kumqhubi wesithuthi esichazwe kwicandelwana (1), ngaphandle kokuba umqhubi unesiqinisekiso sezinto ezinobungozi esisebenzayo nesinikezwe ngumlawuli ogunyazisiweyo.
- (8) Umthunywa angangafumani izinto ezinobungozi kumqhubi wesithuthi esichazwe kwicandelwana (1), ngaphandle kokuba umqhubi uyafikelela kwiimfuno ezichazwe kwicandelwanan (7).
- (9) Isiqinisekiso sezinto ezinobungozi sisebenza kuphela:—
- (a) kwisithuthi esasikhutshelwe sona;
 - (b) kwimeko yesithuthi ngexesha logqithiso, kunye
 - (c) nobungakanani obuchazwe kwisiqinisekiso.

- (10) Isiqinisekiso sezinto ezinobungozi kufuneka sifumaneka kwisithuthi esichazwe kwicandelwana (1) xa kufuneka sihloliwe ngamaxesha onke.
- (11) Umlawuli ogunyazisiweyo kufuneka agcine ingxelo yezithuthi zonke nekuthe kwagqithiswa isiqinisekiso sezinto ezinobungozi, salungiswa saphinda sahlaziywa.

ISAHLUKO 10

AMALUNGISELELO JIKELELE

Okubandakanya urhulumente

52. Lo Mmiselo ubophelela uRhulumente nabanina okwinkonzo yasebuRhulumenteni.

Amatyala nezohlwayo

53. (1) Nawuphina umntu:—

- (a) ochasana nalo neliphina kula malungiselelo alo Mmiselo okanye ongaphumeleliyo ukuthobelana nawo, okanye
- (b) ochasana okanye angaphumeleli ukuthobela nawo nawuphina umyalelo owenziweyo okanye nayiphina inotisi esetyenziswa ngkudibene noku, ufunyanwa enetyala kwaye angafumana isigwebo okanye ukuhlala entolongweni njengoko kuchaziwe kuMthetho obizwa ngokuba yi-Fire Brigade Services Act.
- (2) Ukubekwa kwesohlwayo kuyo nayiphina impikiswano okanye ukuchasana akusayi kuba sisizathu sokuzigwebela kule nkcaso okanye kufuneka le mpikiswano ivunyelwe ukuba iqhubekke.
- (3) Umlawuli ogunyazisiweyo kufuneka ayalele umntu othe wafunyanwa enetyala ukuba alungise le mpikiswano okanye inkcaso okanye isiphene eso lingaphelanga ixesha elichazwe ngumlawuli ogunyazisiweyo.

Ukurhoxiswa kwemithetho kunye nohlangulo

53. (1) IMimiselo echazwe kuLudwe lweeNkqubo 1 ke ngoko luyarhoxiswa kangangexesha elichazwe kuluhlu lwesithathu loLudwe lweeNkqubo
- (2) Xa kunokubakho nayiphina ingxabano phakathi kwamalungiselelo alo Mmiselo kunye namalungiselelo kulo naluphina olunye uwiso-mthetho, amalungiselelo alo Mmiselo asetyenziswa jikelele.
- (3) Isiqinisekiso esasigqithisiwe, inotisi ebhaliweyo eyanikezelwayo okanye naluphina olunye inyathelo logunyaziso olwenziwe kulo Mmiselo nelirhoxiswe kwicandelwana (1), zingaphelanga iinyanga ezintandathu phambi kokuqalisa ukusebenza kwalo Mmiselo kuya kucingwa njengonikezelo lesiqinisekiso, inotisi esetyenzisiweyo okanye ugunyaziso olwenziweyo ngumlawuli ogunyazisiweyo ngokwalo Mmiselo.

Itayitile okanye isihloko esifutshane kunye noqaliso

54. Lo Mmiselo ubizwa ngokuba nguMmiselo woKhuseleko loLuntu eMlilweni kwanye uyakuqala ukusebenza ngomhla wopapasho kwiGazethi yePhondo.

ULUDWE LWEENKQUBO 1

Ukurhoxiswa kwemithetho kunye nohlangulo

iKapa		
FN 217/1937	Cape Town Municipality: Amended Regulations for regulating controlling and licensing the storage, keeping or having of explosives and inflammable substances	Iyonke
FN 372/1949	Pinelands Municipality: Regulations to provide for the prevention and extinguishing of fires	Iyonke
FN 74/1953	Cape Town Municipality: Amendment to the regulations relating to explosives and inflammable substances	Iyonke
FN 773/1954	Cape Town Municipality: Amendments to the regulations for regulating, controlling and licensing the storage, keeping or having of explosives and inflammable substances	Iyonke
PN 467/1963	Pinelands Municipality: Amendment to the regulations to provide for the prevention and extinguishing of fires	Iyonke
PN 771/1971	Cape Town Municipality: Fire Regulations	Iyonke
PN 233/1985	Cape Town Municipality: Amendment to the fire by-law	Iyonke
iBlaauwberg		
FN 1193/1974	Milnerton Municipality: regulations for controlling and licensing of premises for the storage, keeping and having of liquefied petroleum gas	Iyonke
PN 1194/1974	Milnerton Municipality: Regulations for controlling and licensing the storage, keeping and having of inflammable substances	Iyonke
PN 417/1977	Milnerton Municipality: By-law relating to the growth of bushes and the accumulation and dumping of rubbish and waste material on premises	ICandelo ngokunxulumene nokwandiswa kwemililo
FN 259/1981	Milnerton Municipality: Fire By-law	Iyonke
PN 686/1987	Milnerton Municipality: By-law to control the servicing, recharging and testing of portable and mobile fire extinguishing appliances	
iHelderberg		
PN 792/1972	Regulations relating the cleanliness of premises	Asiwurhoxisi lo Mmiselo
PN 477/1973	Somerset West Municipality: Regulations relating to the removal of vegetation from land	ICandelo ngokunxulumene nokwandiswa kwemililo
PN 871/1973	Regulations relating to Public Garages	Andiqinisekanga ukuba ndirhoxise icandelo 4 okanye hayi.
PN 965/1975	Somerset West Municipality: By-law for controlling and licensing the storage, keeping and having of liquefied petroleum gas	Iyonke
PN 594/1976	Somerset West Municipality: By-law relating to Petrol Pumps and tanks	
PN 956/1977	Strand Municipality: By-law relating to the cleanliness of premises	Asiwurhoxisi lo Mmiselo
PN 662/1982	Somerset West Municipality: Standard By-Law relating to Fire Brigade Services: Correction Notice	Iyonke
PN 396/1982	Standard By-law relating to Fire Brigade services	Iyonke
PN 42/1984	Somerset West Municipality: By-law for controlling and licensing the storage, keeping and possession of flammable substances	Iyonke
PN 406/1985	Somerset West Municipality: Amendment to the Standard By-law relating to Fire Brigade Services	Iyonke
PN 527/1985	Somerset West Municipality: Amendment to the Standard By-law relating to the Fire Brigade Services: Correction Notice	Iyonke
iOostenberg		
PN 767/1982	Kuilsriver Municipality: Standard By-law relating to Fire Brigade Services	Iyonke
PN 396/1982	Standard By-law relating to Fire Brigade Services	Iyonke
PN 10/1999	Oostenberg Municipality: By-law for preventing conditions likely to further the spread of fires	ICandelo 2(a) no-2(b)
PN 226/2000	Oostenberg Municipality: Amendment to the By-law for preventing conditions likely to further the spread of fires	Iyonke

USingasiqithi oseMazantsi (South Peninsula)		
PN 246/1948	Fish Hoek Municipality: Regulations for the Controlling, Licensing, Storage and Keeping of Petroleum, Petrol and Inflammable Liquids or Substances	Iyonke
PN 298/1961	Simonstown Municipality : Regulations for regulating, controlling and licensing the storage, keeping or having of inflammable substances	Iyonke
PN 1074/1970	Divisional Council of the Cape: Regulations relating to caravan parks	ICandelo 10 no-11
PN 545/1972	Divisional Council of the Cape: Regulations relating to public places of recreation and to provide for better securing the safety of the public at cinematograph exhibitions	ICandelo 16, 17, 19(a)(ii) 19(b)(iii, iv)
PN 947/1972	Simonstown Municipality: Amendment to the Fire Brigade regulations	Iyonke
PN 501/1977	Divisional Council of the Cape: By-law for preventing conditions likely to further the spread of fires	Iyonke
PN 729/1981	Divisional Council of the Cape: By-law relating to inflammable substances	Iyonke
PN 730/1981	Divisional Council of the Cape: By-law relating to the storage and keeping of liquefied petroleum gas	Iyonke
PN 731/1981	Divisional Council of the Cape: Fire By-law for the local areas	Iyonke
PN 73/1983	Fish Hoek and Simonstown Municipality: By-law relating to parks for caravans and mobile homes	ICandelo 11, 12, 13 no-14
PN 396/1986	Standard By-law relating to fire brigade services	Iyonke
PN 589/1986	Simonstown Municipality: Standard By-law relating to fire brigade services	Iyonke
PN 247/1995	Fish Hoek/Noordhoek Transitional Metropolitan Substructure: Amendments of regulations for the controlling, licensing, storage and keeping of petroleum, petrol and inflammable liquids or other substances	Iyonke
iTygerberg		
PN 361/1980	Goodwood Municipality: By-law relating to liquefied petroleum gas	Iyonke
PN 757/1982	Bellville Municipality: Standard By-law relating to Fire Brigade Services	Iyonke
PN 396/1982	Standard By-law relating to Fire Brigade Services	Iyonke
PN 142/1984	Goodwood Municipality: By-law relating to inflammable substances	Iyonke
MN 116/1993	Goodwood Municipality: By-law for the control of the handling of fire extinguishing appliances	Iyonke

ULUDWE LWEENKQUBO 2

Iindlela

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application
- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

A. Population Certificate Application

For official use only Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____		CITY OF CAPE TOWN	
Population Certificate Application Application for a Population Certificate is made in terms of Section 22 (1) of the Community Fire Safety By-law.			
Name of applicant:		Telephone No.	
		Cell No.	
Name of business:		Telephone No.	
		Cell No.	
Type of business, e.g. bar, nightclub etc:			
Erf No:			
On what floor of the building is the venue situated i.e. ground, 1 st etc?			
Street address:			
Suburb:		Code	
Details of Premises			
How many floors does the building have?		How many floors are occupied by the venue for which this application is being made?	
Square metres of usable area per floor of venue Indicate a separate square meterage for each floor occupied by the venue in the blocks below		Expected Population	Number of exits per floor Indicate exits per floor separately in the blocks below
Floor ()	Floor ()	Floor ()	Floor ()
Floor ()	Floor ()	Floor ()	Floor ()
Floor ()	Floor ()	Floor ()	Floor ()
Floor ()	Floor ()	Floor ()	Floor ()
Floor ()	Floor ()	Floor ()	Floor ()
Floor ()	Floor ()	Floor ()	Floor ()
1) The controlling authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations. 2) The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate. 3) The certificate is valid only for the premises for which it is issued and is not transferable. 4) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate.			
Signature of applicant			
Print Name			
Date			
Address			
For Controlling Authority: (Signature)			
Print Name			
Date			
A certificate fee of R_____ is payable to THE CITY OF CAPE TOWN in respect of this application and the subsequent inspection.			

B. Population Certificate

For Official use only Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____						CITY OF CAPE TOWN					
Population Certificate This population certificate is issued in terms of Section 22 of the Community Fire Safety By-law.											
Name of certificated owner:						Telephone No.					
						Cell No.					
Name of certificated business:						Telephone No.					
						Cell No.					
Occupancy:											
Erf No:											
The venue is situated on the						floor of the premises (ground, 1 st , 2 nd ect)					
Street address:											
Suburb:						Code					
Details of Premises											
Number of floors in the building						Number of floors occupied by the venue					
Square metres of usable area per floor of the venue						Approved Population					
						Number of exits per floor					
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
						Maximum population per floor					
						Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
1) The certificate is issued in terms of Section 22 of the Community Fire Safety By-law and is valid only for the premises for which it was issued. 2) If the occupancy or ownership of the premises change, the owner or person incharge must apply for a new certificate. 3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued.											
For controlling authority (signature)											
Print name											
Date											

[illegible]

For official use only Application No. _____ File No. _____ Certificate No. _____	CITY OF CAPE TOWN
Flammable Substance Certificate Permission for the storage and use of flammable substances in terms of Section 38(6) of the Community Fire Safety By-law	
Name of applicant:	
Trading as:	
Type of business, e.g. shop:	
ERF No.	
Street address:	
Suburb:	 Code
In terms of Section 38(6) of the Community Fire Safety By-law the above-mentioned premises are certified to store and/or use the following flammable substances	
Manner of storage Each installation/tank or flammable store must be individually itemised	Itemised quantity of products e.g. 1x23 m ³ tank, 5x5x48 kg LPG manifold, contents of flammable store
See reverse side for additional information	
This certificate is issued by THE CITY OF CAPE TOWN and is valid until _____	
Date of Renewal _____	
Date of Expiry _____	
For controlling authority (signature) _____ Date of issue _____	
Name of issuing official (Print Name) _____ Designation _____	

[illegible]

E. Dangerous Goods Certificate Application

For official use only Application No. _____ File No. _____		CITY OF CAPE TOWN	
Dangerous Goods Certificate Application Application for a dangerous goods certificate in terms of Section 51(2) of the Community Fire Safety By-law.			
Address of operator			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
Location of vehicle			
ERF No.			
Street address:			
Suburb:		Code	
City			
Details of vehicle for which a certificate of registration is required			
Type or class of vehicle			
Registration No.			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid			
Flammable gas			
Remarks:			
Operator (signature)			
Address:		Print name:	
Telephone No:			
For controlling authority: (signature)			
<u>For official use only</u>			
A certificate fee of R_____ is payable to THE CITY OF CAPE TOWN in respect of this application and the subsequent inspection.			
Signature of receiving official _____		Date: _____	
Name of receiving official: _____		Designation: _____	

F. Dangerous Goods Certificate

For official use only Application No. _____ File No. _____		CITY OF CAPE TOWN	
Dangerous Goods Certificate Dangerous goods certificate issued in terms of Section 51(1) of the Community Fire Safety By-law.			
This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections SABS 087 part 4, SABS 089 part 1, SABS 1398 and SABS 1518 for the conveyance of flammable liquids or liquefied flammable gas in tanks each with a total capacity of _____ litres within the limits of the municipal area and subject to all applicable legislation.			
Details of Operator			
Name of Operator			
Trading as:			
Street Address			
Suburb		Code	
City			
Details of Vehicle			
Type or class of vehicle			
Registration No.			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid			
Flammable gas			
This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.			
This certificate is issued by THE CITY OF CAPE TOWN and is valid until _____			
Date of Renewal _____			
Date of Expiry _____			
Controlling Authority (Signature) _____		Date of issue _____	
Name of issuing official (Print name) _____		Designation _____	

ULUDWE LWEENKUQUBO 3

Uwiso-mthetho olusebenzayo

With reference to section 36(4): —

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

ULUDWE LWEENKUQUBO 4

IMigaqo yokusebenza kunye nezinto ezizodwa ze-SABS

SABS Code	Title
SABS 019	Portable metal containers for compressed gas —basic design, manufacture, use and maintenance.
SABS 087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation.
SABS 087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000l.
SABS 087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SABS 087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SABS 089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SABS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
SABS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193	Fire dampers.
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods — Inspection requirements for road vehicles.
SABS 0232: Part 1	Transportation of dangerous goods — Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0400	The application of the National Building Regulations.
SABS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SABS 1253	Fire doors and fire shutters.
SABS 1398	Road tank vehicles for flammable liquids.
SABS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518	Transportation of dangerous goods — Design requirements for road tankers.
SABS 1571	Transportable rechargeable fire extinguishers.
SABS 1573	Portable rechargeable fire extinguishers — Foam type extinguishers.

SOUTH AFRICA FIRST –
BUY SOUTH AFRICAN
MANUFACTURED GOODS

SUID-AFRIKA EERSTE –
KOOP SUID-AFRIKAANS
VERVAARDIGDE GOEDERE

WESTERN CAPE PROVINCIAL
GOVERNMENT
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

WESTERN CAPE PROVINCIAL
GOVERNMENT
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT