

Kannaland, South Africa

Community Fire Safety

Legislation as at 1 March 2024

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Kannaland South Africa

Community Fire Safety By-law, 2024

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The Municipal Council of Kannaland Municipality recognizes that:

- Everyone has the constitutional right to an environment that is not harmful to their safety or well-being;
- Losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship;
- The protection of all sectors of the community against fire is an important aspect in the development and sustainability of the economy;
- 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;
- The community has a vital role to play in achieving the objectives of this by-law; and
- The benefits of a fire-safe environment should be accessible to all.

Definitions, purpose, scope

1. Definitions

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 any inconsistency between the different texts and unless the context otherwise indicates:

"**building**" means—

- (1) 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:
 - the accommodation or convenience of human beings or animals;
 - the manufacture, processing, storage or sale of any goods;
 - the rendering of any service;
 - the destruction or treatment of combustible refuse or combustible waste; and
 - the cultivation or growing of any plant or crop;
- (2) any wall, swimming pool, reservoir, bridge or any other structure connected therewith;
- (3) any fuel pump or any tank used in connection therewith;
- (4) any part of a building, including a building as defined in paragraph (a), (b) or (c); and
- (5) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm-water disposal, electricity supply or other similar service in respect of the building;

"National Building Regulations" means the regulations promulgated in terms of 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);

"Chief Fire Officer" means the person in charge of a service, or the Acting Chief Officer, as contemplated in the Fire Brigade Services Act, Act 99 of 1987;

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

"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;

"fire control zone" may include any premises or area that is in close proximity to an area or premises of high fire risk or sensitive land use;

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

"Municipal Manager" means a person appointed in terms of section 82 of the Municipal Structures Act, 1998 (Act 117 of 1998);

2. Purpose, scope and application of this by-law

- (1) The purpose and scope of the by-law is—
 - (a) to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;
 - (b) to repeal all existing relevant by-laws of the Municipality; and
 - (c) to provide for procedures, methods and practices to regulate fire safety within the jurisdiction of the Municipality.
- (2) This by-law is applicable to all persons within the jurisdiction of the Municipality and includes both formal and informal sectors of the community and economy.
- (3) If any provision in this by-law vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81(2) of the Municipal Systems Act (Act 32 of 2000) or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

Administrative provisions

3. Administration and enforcement

- (1) The Chief Fire Officer is responsible for the administration and enforcement of this by-law.

- (2) Where no Chief Fire Officer has been appointed in terms of the Fire Brigade Services Act, Act 99 of 1987, 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.

4. Delegation

- (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.

5. Interference with the service

- (a) No person may interfere with, prevent, obstruct or hinder the Chief Fire Officer, the Municipal Manager or any member in the execution of his or her duties as contemplated in the Act and this by-law.
- (b) Any person who contravenes subsection (1) commits an offence.

6. Furnishing of false information

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

7. Charges

- (1) The Municipality may determine the fees payable by a person on whose behalf the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade 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.

8. Reporting a fire hazard and other threatening danger

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

9. Escape routes

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

Veldfire prevention through firebreaks

10. Requirements for firebreaks

An owner or occupier who is obliged to prepare and maintain a firebreak must ensure that, with due regard to the weather, climate, terrain and vegetation of the area—

- (1) it is wide enough and long enough to have a reasonable chance of preventing a field fire from spreading to or from neighbouring land;
- (2) it does not cause soil erosion; and
- (3) it is reasonably free of inflammable material capable of carrying a field fire across it.

11. Additional requirements

The National Veld and Forest Fire Act, Act 101 of 1998, Chapter 4, places a duty on owners or occupiers to prepare and maintain firebreaks. The requirement of Chapter 4 must be complied with as applicable, in addition to the requirements of this by-law.

Public safety

12. Safety requirements for informal settlement areas

In the event of the establishment of any informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:

- (a) a safety distance of 3 metres between structures shall be maintained; and
- (b) the settlement must be divided into blocks of not more than 20 structures per block, with a minimum distance of 6 metres between blocks; and
- (c) a safety height of 4 metres from normal ground level free from any overhead obstructions shall be maintained.

Declaration of fire control zones

13. Declaration of fire control zones

- a. Where the Chief Fire Officer is of the opinion that a fire control zone should be declared in the area or that a fire control zone should be disestablished, he or she must, after consultation with the Fire Protection Association for its jurisdiction, cause such intention to be published in terms of the Municipality's public participation policy.
- b. If the Municipality is of the opinion that any objection or comment should be investigated, it may decide to hold a public enquiry.
- c. If the Municipality decides to hold a public enquiry, it must—
 - i. appoint a suitably qualified person or panel of persons to hold such enquiry; and
 - ii. determine the procedure for the public enquiry, which may include a public hearing.
- d. The person or panel of persons appointed to hold such enquiry must conduct the enquiry in accordance with the procedure prescribed and compile a written report to the relevant portfolio committee on the enquiry and give reasons for any administrative action recommended.

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

Fire hazards

14. Fireworks

- a. Any person who wishes to use or discharge any fireworks may only do so if he or she is in possession of a permit authorizing such use, issued by an inspector in the manner prescribed by the Explosives Act, Act 15 of 2003 and must make application for permission for a fireworks display as set out in Schedule 1(1).
- b. The Municipality may designate:
 - i. any public open space; or
 - ii. on the application of the owner or lawful occupier, any private open space as defined in the Zoning Regulations of the Kannaland Municipality or its legal predecessors as the only place at which fireworks may be discharged, and further the Municipality may impose conditions as to the dates on which and/or periods of time and/or hours when such discharge may take place and further may impose conditions as to the manner of discharge.
- c. No person may discharge any firework outside an area designated by the Municipality.

15. Designated areas

The Municipality may, by annually publishing notices in at least 3 newspapers circulating in its area of jurisdiction, designate places as places where legally permitted fireworks as defined in the Explosives Act, Act 15 of 2003, and the regulations framed thereunder, may be discharged.

16. Offences and penalties

- a. Any person who:
 - i. contravenes any of the provisions of this by-law or fails to comply therewith; or
 - ii. 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.
- b. The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.
- c. 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.
- d. Notwithstanding the penalties as prescribed in the Fire Brigade Services Act, a controlling authority may also impose an admission of guilt fine to anyone who contravenes this by-law.

17. Repeal of laws and savings

- a. The provisions of any by-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as

they relate to matters provided for in this by-law, and insofar as it has been made applicable to the Municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

- b. In the event of any conflict between the provisions of this by-law and the provisions in any other by-law, the provisions of this by-law shall prevail.
- c. 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 commencements 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.

18. Short title and commencement

This by-law is called the Kannaland Municipality: Community Fire Safety By-law and comes into operation on the date of publication in the *Provincial Gazette*.